

Dean, Magruder, Kalmbach Freed

Sentences Cut Short By Sirica

By Timothy S. Robinson
Washington Post Staff Writer

John W. Dean III, Herbert W. Kalmbach and Jeb Stuart Magruder — three close aides of former President Nixon who pleaded guilty to Watergate-related crimes and testified for the prosecution during the Watergate cover-up trial — were released from prison yesterday months before their sentences were scheduled to end.

The unexpected order by U.S. District Court Judge John J. Sirica came on the basis of routine motions filed over the past four months by attorneys for the three men seeking their early release from jail.

Dean had served four months of a 1-to-4-year sentence. Kalmbach had served six months of a 6-to-18-month sentence. Magruder had served seven months of a 10-month-to-4-year sentence. Prison officials said all three men were free to leave prison yesterday afternoon.

A spokesman for the Watergate special prosecutor's office, which had taken no position on the requests for early release, said there would be no official comment on Judge Sirica's ruling. Dean and Kalmbach are continuing to cooperate with the special prosecutor's office in ongoing investigations, the spokesman

said, while the need for Magruder's cooperation seems to have ended.

Several veteran prosecutors said, however, that it was highly unusual for a judge to grant a motion for reduction of sentence in a criminal case and specifically questioned the timing of Sirica's order.

The cover-up trial ended only eight days ago, and the motions had been pending before Sirica while the men had been on the witness stand. He had said he would not act on the motions while the trial was going on.

Judge Sirica refused to explain or further amplify the terse orders releasing the three men after they were issued around noon yesterday.

"The orders speak for themselves," Sirica said. "I will have no further comment."

Some attorneys familiar with the Watergate prosecutions speculated the orders were an indication that Judge Sirica would not impose long prison sentences on the four men who were convicted in the Watergate cover-up trial that just ended.

In most criminal cases, however, persons who cooperate with the government are given lighter sentences than those defendants in the same case who decide to go to trial, the attorneys added.

Kalmbach was the only one of the three released men to issue a statement yesterday. He said he felt "no bitterness toward anyone" and expressed his "renewed appreciation and confidence in the essential fairness of American justice."

See WATERGATE, A4, Col. 1

WATERGATE, From A1

Reaction varied from other persons connected at various times with the Watergate affair.

William G. Hundley, the attorney for former Attorney General John N. Mitchell, said, "I'm always glad to see anybody get out of the slammer. I wish them well . . . I can't read anything into it, I just can't."

David G. Bress, the attorney for former Assistant Attorney General Robert C. Mardian, said, "My reaction's good. I'm interested in it because I think it may reflect a disposition on the part of the court in treating those who have not yet been sentenced."

Martha Mitchell, the estranged wife of Mitchell, told Washington Post reporter Donnie Radcliffe that "I think Dean always should have gone free," but she was less charitable about Magruder and Kalmbach.

She called Magruder "a lying SOB" and said he and Kalmbach were "darn lucky" to be released.

"I'm glad for Dean," she said, "but those other two should go to jail and stay there the rest of their lives."

Magruder was the first of the three men to plead guilty to the Watergate cover-up, a plea arrangement that was worked out while the case was still being handled by federal prosecutors Earl J. Silbert, Seymour Glanzer and Donald Campbell.

Magruder entered his plea in August, 1973, to helping plan the bugging of Democratic National Committee headquarters and then conspiring to cover-up the ensuing scandal.

The former White House aide and deputy director of President Nixon's 1972 re-election committee was not

sentenced until May 21, 1974, and was given until June 4 to report to the federal prison farm at Allenwood, Pa.

In his request for release from prison filed on Sept. 18, 1974, Magruder's attorneys claimed that "to the extent

that his prison sentence was intended to punish, defendant has been punished. He has been taken from his wife, his family and his home under circumstances and amid publicity that have greatly exacerbated his already substantial feelings of guilt and humiliation."

Kalmbach was former President Nixon's personal lawyer and handled numerous fund-raising chores during Mr. Nixon's various guests for public office.

He pleaded guilty in February, 1974, to secretly raising millions of dollars and peddling an ambassadorship in an illicit 1970 fund-raising operation organized by the White House.

He was sentenced on June 17, and given until July 1 to re-

port to prison.

Kalmbach's attorneys filed a request for release from prison on Oct. 9 in which they emphasized his cooperation with prosecutors and the punishment involved in his suspension from law practice.

They also said that he had raised the funds in question "under the direction and control of superiors in the White House . . . whose high offices and public trust and confidence" misled him into thinking his acts were lawful.

Dean, who bartered long and hard with both local prosecutors and the special prosecutor's office before finally entering a plea to one count of conspiracy to obstruct justice in the Watergate scandal, entered that plea in October, 1973.

He was sentenced in August, 1974, and given until Sept. 3 to put his affairs in order and report to prison in Lompoc, Calif.

Actually, he and Kalmbach have been housed for much of their terms in a "safe house"

operated for government witnesses by U.S. marshals at Ft. Holabird, Md.

Dean's attorneys filed a motion on Dec. 2 asking that their client be released from jail, a request that included a lengthy supporting letter from Senate Watergate committee chief counsel Samuel Dash.

Dean's attorneys cited what they called Dean's "unprecedented cooperation"

with the special prosecutor's office as well as the pardon of former President Nixon as justification for Dean's early release from prison.

A request for reduction of sentence must be filed within 120 days of final action in a defendant's individual case, but the judge can act on it at any time.

None of the defendants nor their attorneys were in court yesterday, and Judge Sirica merely released the orders through court channels.

Dean's wife, Maureen, who accompanied him during his



By Gerald Martineau—The Washington Post

Herbert W. Kalmbach, left, and his attorney, Charles A. McNelis, talk with reporters on Kalmbach's release.

testimony before the Senate Watergate committee, said she felt her husband was released by Judge Sirica to reward him for helping to expose the Watergate conspiracy.

"He deserved it. He has been sufficiently punished," Mrs. Dean told reporters in California, where the Deans own a home.

Sen. Lowell P. Weicker Jr. (R-Conn.), a member of the Senate Watergate committee who had also supported Dean's release, said in a statement after hearing of Sirica's orders: "There is no doubt in my mind that the former President and his intimates did everything possible to destroy this man, his family and associates."

At least two prosecutors who have worked directly on the Watergate case said that they felt Dean got off too easily with four months in jail for

his major role in the cover-up, despite his later cooperation.

"The cover-up could not have existed without Dean," one prosecutor said. "He was the one who held it together, although it was on the direction of higher-ups."

Chief Watergate cover-up prosecutor James F. Neal said in a telephone interview from Nashville that he was unaware of Sirica's plans to release the three men.

"My only comment is that Judge Sirica is an extremely honorable man . . . unswerving

in his devotion to what he deems right and just. This is his decision," said Neal, who is now in private practice.

Some members of the special prosecutor's staff were known to be fearful for Dean's safety if he were moved to a regular prison, where government witnesses in general are not readily accepted by other inmates. They described him as "a classic government witness" who might be endangered in a prison atmosphere.

There are other motions for reduction of sentence by

Watergate-related defendants pending before federal judges, including one by former White House special counsel Charles W. Colson. Colson has served more than six months of a one-to-four-year prison sentence for his plea to obstruction of justice in the prosecution of Pentagon Papers co-defendant Daniel Ellsberg.

Contributing to this report were Washington Post staff writers Lawrence Meyer, Donnie Radcliffe and Austin Scott.