

J. J. Kilpatrick

Sirica Should Free Six of the Watergate Crew

Washington

IN A STATEMENT issued this month, Judge John J. Sirica emphasized that the crushing sentences he imposed on the Watergate defendants last spring were not intended to be final sentences. When he does fix final sentences, those will be "in accord with a sense of justice and in accord with the relevant principles of law."



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"And it will be perfectly apparent at that time," Judge Sirica added, "if that time comes, that such disposition was predicated as it should be, upon fairness, compassion, understanding and justice."

What in the world, one is minded to ask, did Sirica mean by "if that time comes"? The Watergate defendants now are languishing in prison under sentences of 35 to 40 years.

The sentences were imposed in March, though several of the defendants had been in jail since early January. It is customary in the federal trial courts of the District to impose the "max" at the conclusion of a trial in which defendants have pleaded guilty or have been found guilty, but after an investigation by probation officers, such sentences routinely are reduced within 90 to 120 days. When, one must inquire, will the time come for such reductions here?

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IF SIRICA means what he says about "fairness, compassion, understanding and justice," he will discharge six of the seven Watergate defendants from further custody—all but G. Gordon Liddy—at the earliest possible moment.

Such a humane decision would be fully supported by the law, the evidence, the character of the defendants, by their conduct in recent months, and by the record of sentences in other burglary cases.

Viewed simply as a matter of law, with every political consideration set aside, the Watergate burglary was a humdrum crime. No one was hurt. No person was put in terror of his life. No money or other intrinsically valuable property was stolen. Not even a lock or a door was damaged.

The defendants at first gave aliases, but they made no attempt to flee or to resist arrest. In terms of the seriousness of the crime, this burglary would rank toward the bottom of the 2.3 million burglaries reported by police every year.

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THE EVIDENCE demonstrated convincingly, especially as to the four men recruited from Miami, that criminal motivation was altogether lacking. Virgilio Gonzalez testified that he had been told that "we are solving the Cuban situation." Frank Sturgis had the same understanding: "When it comes to Cuba and the Communist conspiracy involving the United States, I will do anything to protect this country."

Sturgis had the reputation of a "soldier of fortune," whatever that means, but the others had no visible taint. E. Howard Hunt and James McCord had served long and honorably with the CIA; Bernard Barker was in real estate; Eugenio Martinez and Sturgis were his associates; Gonzalez was a locksmith. For purposes of probation or parole, all of them, so far as is publicly known, would be classed as "first offenders."

Judge Sirica's requirement was that these defendants "cooperate." With the exception of Liddy, they have. The six men have done everything that conceivably could be asked of them toward clearing up the Watergate mystery.

It would take a heart of stone not to be touched by the plight of Hunt. He has been abandoned by the White House that commissioned him. His wife is dead in a plane crash; his children are orphans. How is justice served by keeping him — and the others — in prison?

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FINALLY, the sentences ought to be kept in perspective. The last fiscal year saw 254 burglary cases disposed of in the federal courts. These involved 215 defendants with verdicts of guilty. Of these, 91 were put on probation; 124 were put under sentence.

The Watergate defendants appear in a classification of "other burglaries," after bank jobs and postal thefts have been accounted for. This group embraced 120 defendants. Only 54 of them were sentenced to prison at all, and only eight of them — including the Watergate Seven — received sentences of more than five years.

If Judge Sirica were now to fix final sentences of a year and a day, which is what 14 of the "other burglars" received, he would be acting precisely in accord with the courts' traditional "sense of justice and the relevant principles of law."

And these six non-criminals would be free to patch up their broken lives.

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