

Dean, Magruder and Kalmbach
Released -- Jail Terms are Over
SfChronicle JAN 9 1975

Surprise

Order By Judge

Washington

U.S. District Judge John J. Sirica ordered three major Watergate figures freed yesterday, reducing the sentences of John W. Dean III, Herbert W. Kalmbach and Jeb S. Magruder to the time they have already served.

Judge Sirica's orders, which meant immediate release for the three, apparently came as a complete surprise to them, their lawyers and the Watergate special prosecutor's office.

The brief, formal orders "amending judgment as to commitment" gave no reason beyond citing motions previously filed by lawyers for the three men asking for reduction of their sentences. But it was generally believed that their cooperation with the prosecution and in the recently completed Watergate coverup trial, at which they were the major government witnesses, strongly influenced Judge Sirica's decision.

The 35-year-old Dean, whose April, 1973, decision to talk to prosecutors signaled the collapse of the Watergate conspiracy, has served five months of the one-to-four years sentence he received after pleading guilty to conspiring to obstruct justice and defraud the United States.

Magruder, 39, the former deputy director of the Committee for the Re-Election of the President, has served seven months of the ten-month to - four - year sentence he received on pleading guilty to the same charges.

Kalmbach, 52, the former personal attorney for former President Nixon who served as the principal hush-money raiser for the Watergate burglars on Dean's orders, has served six months of his

six-to-10-month term. He pleaded guilty to violating the federal corrupt practices

Back Page Col. 2

From Page 1

act, and also to a misdemeanor, selling an ambassadorship. Judge Sirica's order did not exempt him from paying the \$10,000 fine which was part of the sentence.

Dean was the key prosecution witness at the Watergate coverup trial, which ended January 1 with the conviction of John N. Mitchell, H. R. Haldeman, John D. Ehrlichman and Robert C. Mardian. As President Nixon's counsel, he was the coordinator of the coverup.

acting both on his own and on orders from Mitchell, Haldeman and Ehrlichman, and giving orders to others, including Kalmbach.

Magruder admitted having destroyed records during his part in the coverup and to having committed perjury. Kalmbach served as the principal raiser of money paid to the Watergate burglars, on White House orders. Their testimony, too, was vital to the government's case during the lengthy coverup trial.

Kalmbach was apparently the first of the three men to hear of his new freedom, according to his Washington attorney, Charles A. McNelis.

McNelis said that Kalmbach, escorted to his office for a routine discussion by a U.S. marshal from Fort Holabird, Md., where the three men have been incarcerated, "sort of welled up and swelled up. He got tears in his eyes."

Kalmbach then went to a scheduled appointment at the Watergate special prosecutor's office, and later in the day held a brief news conference.

At the suburban Maryland home of Magruder, who with Dean was the first of the coverup participants to cooperate with the Watergate investigation, a bare cherry tree in the front yard as festooned with yellow crepe

- paper ribbons.

This was done at the request of Magruder's wife, Gail, in reference to a popular song about a man returning from prison who tells his girl friend to "tie a yellow ribbon round the old oak tree" if she still loves him.

Dean's whereabouts was uncertain. He was rumored to be flying to his California home last night to join his wife, Maureen.

His attorney, Charles Shaffer, said, "I'm very pleased for my client. I'm very pleased with Judge Sirica's good judgment. I think it's a good step toward ultimate justice in the situation, and I'm very, very happy."

In asking for a reduction he had claimed "clear and compelling evidence" that his client had tried to persuade Mr. Nixon "to end the coverup even if it meant jail for Dean rather than from a motive of self - help to avoid jail."

New York Times