

Dean, Kalmbach, Magruder Freed From Prison by Sirica

By LINDA CHARLTON

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WASHINGTON, Jan. 8 — Judge John J. Sirica today ordered freed three major Watergate figures — John W. Dean 3d, Herbert W. Kalmbach and Jeb Stuart Magruder—after reducing their sentences to the time they had already served.

Judge Sirica's orders, which meant immediate release for the three men, were issued this morning. The move apparently came as a 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 cover-up trial, at which they were the major Government witnesses, strongly influenced Judge Sirica's decision.

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

Mr. Magruder, 39, the former deputy director of the Committee for the Re-election of the President, has served seven months. He was sentenced to 10 months to four years after pleading guilty to the same charges.

Mr. Kalmbach, the 52-year-old former personal attorney for former President Nixon, was the principal money raiser for the Watergate burglars on Mr. Dean's orders. He has served six months of his six-to-18-month term. He pleaded guilty to violating the Federal Corrupt Practices Act and also to an unrelated misdemeanor, selling an ambassadorship.

He received a six-month sentence for the misdemeanor, to be served concurrently. Judge Sirica's order today did not exempt him from paying the \$10,000 fine that was part of the major sentence.

Mr. Dean was the key prose-

cution witness at the Watergate cover-up trial which ended Jan. 1 with the conviction of John N. Mitchell, H. R. Haldeman, John D. Ehrlichman and Robert C. Mardian.

As President Nixon's White House counsel, Mr. Dean was the coordinator of the cover-up.

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

Mr. Magruder admitted having destroyed records and having committed perjury. Mr. Kalmbach, between June, 1972, and the autumn of that year, was the principal raiser of money paid to the Watergate burglars on White House Orders. Their testimony, too, was vital to the Government's case in the long cover-up trial.

Mr. Kalmbach was apparently the first of the three men to hear of Judge Sirica's order. According to his Washington attorney, Charles A. McNelis of the firm of Welch & Morgan, he was sitting in a green leather armchair in Mr. McNelis's office late this morning when the word came in a telephone call from James H. O'Connor, Mr. Kalmbach's principal attorney, in Phoenix.

Mr. McNelis said that Mr. Kalmbach, escorted to his office for a routine discussion by a United States marshal from Fort Holabird, Md., where the three men have been incarcerated in recent months, "sort of welled up and swelled up: he got tears in his eyes."

Mr. 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 which he read a short statement but answered no substantive questions.

Looking healthy and prosperous in a three-piece suit and gleaming wingtip shoes, Mr. Kalmbach said that his reaction to Judge Sirica's decision was "one of profound gratitude for the compassion" of the judge "and renewed appreciation and confidence in the essential fairness of American justice."

He described Watergate as "of course a most unfortunate episode in our nation's history." He said that he felt "no

bitterness toward anyone, and hope that my actions have served to strengthen the pillars of justice."

Later, he said that he planned to fly back to his family in California tomorrow morning and hoped to be reinstated as a lawyer. At present, he is suspended from the practice of law, and a hearing on the matter is scheduled for March.

Ribbons Tied on Tree

At the suburban Maryland home of Mr. Magruder, a bare cherry tree in the front yard was festooned with yellow crepe-paper ribbons. This was done at the request of Mr. Ma-

gruder's wife, Gail, in reference to a ballad about a man returning from prison who tells his girlfriend to "tie a yellow ribbon round the old oak tree" if she still loves him.

Mr. Magruder, neighbors said, tried to call his wife in the early afternoon, but she was out shopping. However, word was relayed to her through the Rev. Louis Evans of the National Presbyterian Church. Women members of a church group gathered at the Magruder home, hanging a "Welcome Home, Mr. Magruder" banner as Mrs. Magruder drove to Baltimore to bring her husband home.

Earlier, Mr. Magruder's attorney James J. Bierbower of Bierbower & Rockefeller, said that he was "very happy and pleased, and so is Magruder." He said that he believed that Judge Sirica did not want to rule on the motions to reduce sentence during the cover-up trial, and when it ended "made it the first order of business to release these fellows."

The immediate whereabouts of Mr. Dean was unknown. He was rumored to be flying back to his California home to join his wife. His attorney, Charles Shaffer, said:

"I'm very pleased for my client. I'm very, very happy."

In asking for a reduction of Mr. Dean's sentence, Mr. Shaffer said that there was "clear and compelling evidence" that his client has tried to persuade Mr. Nixon "to end the cover-up even if it meant jail for Dean rather than from a motive of self-help to avoid jail."

Mr. Magruder's lawyer, in his motion, said that there were ineluctable pressures upon him to take the steps he took in keeping the truth from coming to light.

Mr. Kalmbach's motion to

have his sentence commuted said that he had "no intention of violating the law, and his misconduct was the result of misplaced trust and reliance upon superiors in whom he had every reason to have confidence."

Judge Sirica, who also presided over the Watergate cover-up trial, had sentenced all three men.

In all, 24 former Nixon Administration or Nixon re-election committee aides have been convicted or have pleaded guilty to Watergate-related offenses. Some have completed their sentences, others were

given suspended sentences, and still others are free pending the outcome of appeals.

Mr. Ehrlichman filed a motion today asking for a new trial or for the verdict to be overturned.

The appeal contended that he was "deprived of a fair trial due to members of the prosecution staff expressing "disbelief during testimony favorable to Ehrlichman by their gestures or side comments within hearing of the jury."

Mr. Haldeman filed a motion for a new trial last Friday, in which Mr. Ehrlichman joined.

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