

Judge Frees Colson After 7 Months

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Former White House special counsel Charles W. Colson was ordered released from prison yesterday after having served seven months of a one-to-three year prison term.

U.S. District Judge Gerhard A. Gesell signed the brief order late yesterday afternoon that reduced Colson's prison sentence to the amount of time he had already spent in jail.

"This action is taken by reason of defendant's serious family difficulties which have greatly aggravated the severity of the sentence imposed," Judge Gesell said in the order.

He did not amplify about the difficulties, although attorneys familiar with the Colson family situation confirmed generally that there were severe domestic problems in the Colson family.

Colson, for many years an intimate adviser of President Nixon, was sentenced June 21 after pleading guilty to obstructing justice in the prose-

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Former Montana Gov. Babcock sentenced in '72 campaign violation. A4.

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cution of Pentagon Papers co-defendant Daniel Ellsberg. Colson said at the time of his sentence that President Nixon had urged him on in the smear attempt on Ellsberg's attorney that was cited as the basic for his plea.

Colson had characterized the sentence, one of the stiffest given in a Watergate-related case, "the Lord's will; I can work for the Lord in prison or out of prison and that's how I want to spend my life."

He becomes the fourth Watergate-related defendant to be released from prison before serving out his sentence.

Three weeks ago, U.S. District Judge John J. Sirica released without explanation John W. Dean III, Herbert W. Kalmbach and Jeb Stuart Magruder. The three former Nixon aides who pleaded guilty to Watergate-related crimes had served three, six and seven months, respectively.

These defendants were serving terms ranging up to four years.

Judge Gesell, as did Judge Sirica, acted on a motion that is filed as a matter of routine by defense attorneys in criminal cases. Such motions must be filed within 120 days of sentencing or other final action on a case, and can be acted on at any time.

The Colson motion, filed by attorneys David I. Shapiro and Kenneth L. Adams, cited four main reasons for an early release of their client from prison:

- The death of his father while Colson was in prison, which left his 73-year-old

mother "wholly dependent emotionally on the defendant, her only child."

- Evidence presented in the Ellsberg break-in case before Judge Gesell, which Colson's attorneys said supported their client's claim that he was not guilty of charges brought against him in connection with the break-in. Those charges were dropped by the government when Colson entered his plea to obstruction of justice, as were charges against Colson in the Watergate cover-up case.

- An analysis of fiscal year 1973 sentences in obstruction of justice cases, which they said showed errors in a similar analysis prepared for Judge Gesell's use in imposing sentence on Colson. They were attempting to prove that Gesell had relied on erroneous data in sentencing Colson.

- The pardon of former President Nixon, "extending to all actions by Mr. Nixon while in office including the offense to which Mr. Colson pled guilty." The attorneys said the pardon of Nixon raised the "problem of even-handed justice."