

COLSON RELEASED AFTER 7 MONTHS

Former Nixon Counsel Has Sentence Shortened for 'Family Difficulties'

By LINDA CHARLTON
Special to The New York Times

WASHINGTON, Jan. 31 — Charles W. Colson, a former special counsel to President Nixon, was released from prison today on the ground of "serious family difficulties."

The order for the 43-year-old Mr. Colson's release was issued by Federal District Judge Gerhard A. Gesell late this afternoon. He noted that a motion to reduce Mr. Colson's sentence "has been under consideration for some time."

Mr. Colson was also fined, \$5,000; the judge's order did not affect this part of his sentence, which he began serving on July 8, 1974.

In the application for reduction of sentence, Mr. Colson's lawyer cited the death of his father, which the application said had left "his 73-year-old mother wholly dependent emotionally on the defendant, her only child."

Mr. Colson had been in detention at Fort Holabird, Md. His lawyer said that Mr. Colson would return there this evening for his belongings.

Mr. Colson was sentenced to one to three years by Judge Gesell on June 21 after pleading guilty to obstruction of justice for his role in disseminating damaging information about Dr. Daniel Ellsberg. He has served seven months and, under usual circumstances, would have become eligible for parole next July.

Dr. Ellsberg has said that it was he who made public the secret Government study of the United States role in Vietnam known as the Pentagon papers.

Judge Gesell, in ordering that Mr. Colson's sentence "shall be and hereby is reduced to time already served," said only that the motion was being granted "by reason of the defendant's serious family difficulties, which have greatly aggravated the severity of the sentence imposed."

Wife Is Ailing

It is known that Mr. Colson's wife, Patricia, has not been in good health, and that his 18-year-old son Christian, was arrested in South Carolina, where he attends colleg, for the possession of marijuana.

The order required that Mr. Colson be released immediately. His lawyer, David I. Shapiro, said that he and Mr. Colson learned of the order "around five o'clock this afternoon."

The Associated Press quoted Mr. Colson as saying he was "very grateful to the Lord that this could happen." as he returned to his home. He said that he might write of his spiritual conversion and also that he wanted to spend as much time as he could in religious work. Mrs. Colson could only stammer her reaction to her husband's sudden release: "I can't tell you . . . it's just too marvelous."

A friend described Mr. Colson as looking "fabulous — thinner, back to Marine trim."

Mr. Colson, in pleading guilty, said that "the President on numerous occasions urged me to disseminate damaging information about Daniel Ellsberg." He said that he "never really questioned" whether what he had done "was right or proper."

Mr. Colson, who has converted to evangelical Christianity, is known to have given information to both the Watergate special prosecutor and to Federal grand juries. He also testified before the House Judiciary Committee during its impeachment inquiry last summer.

Mr. Colson, a lawyer in Virginia since 1958, was disbarred early last month by the state's Supreme Court, which upheld the disbarment decision of the state bar association, on the ground that Mr. Colson had demonstrated "a reckless disregard" of the "integrity of the legal profession and the judicial system."

He twice applied to the Ford Administration for some form of executive clemency, asking in September for a Presidential pardon or a commutation of his sentence, and requesting a pardon again in December.

Former Governor Sentenced

WASHINGTON, Jan. 31 (AP) —Former Gov. Tim M. Babcock of Montana was sentenced today to serve four months in jail and fined \$1,000 for concealing the source of a \$54,000 contribution to the 1972 reelection campaign of President Nixon.

The money was contributed by a wealthy oil man, Armand Hammer, who remains under investigation by the Watergate special prosecutor's office.

The chief United States District Court judge, George L. Hart Jr., sentenced Mr. Babcock to the full one-year maximum, but said the former governor must spend only four months in prison. Judge Hart said that Mr. Babcock would then be on probation for two years.

Oil Company Official

Mr. Babcock pleaded guilty Dec. 10, 1974, to a charge that he had listed five persons, including himself as the donors, instead of Mr. Hammer, chairman of the Occidental Petroleum Corporation.

The others are Jerome Anderson, Elmer G. Balsam, Gordon L. Doering and William L. Hol-

ter. Mr. Holter is owner of a Helena, Mont., radio station, KBLI. Mr. Anderson, Mr. Balsam and Mr. Doering were not identified. No legal action was taken against any of the four.

Mr. Babcock, Republican Governor of Montana from 1962 to 1969, was a Washington vice president of Occidental Petroleum at the time the contribution was made in the fall of 1972.

United States District Judge George L. Hart Jr. said before sentencing, "Mr. Babcock, in your case it was not some untutored underling who had to dance to the tune of a boss."

Judge Hart noted that Mr. Babcock, 55 years old, was independently wealthy and said, "You could have told Mr. Hammer you had no intention of assisting him in breaking the law."

Mr. Babcock pleaded guilty under an agreement that requires him to testify freely in any future legal proceeding stemming from the Hammer contribution.

The criminal information to which he pleaded said he "did aid and abet Armand Hammer in the commission of the offense."

Barring an appeal on the sentence, Judge Hart ordered Mr. Babcock to the Federal minimum security prison in Lompoc, Calif., on March 3. The judge said he would permit an appeal because of an ambiguity in the sentencing portion of the campaign finance law. The law sets out limits of one year in jail and a \$1,000 fine.

Mr. Babcock's lawyers have interpreted another section to mean that no jail sentences are permitted under the statute.

Raymond Larroca, a lawyer, told Judge Hart that he would discuss a possible appeal with Mr. Babcock before deciding whether to ask the United States Court of Appeals to nullify the jail term.

Agreement at 3M

MINNEAPOLIS, Jan. 31 (AP) —Two top officials and a retired executive of the 3M Company will pay \$425,000 to the corporation to repay alleged illegal campaign contributions under an agreement approved by a Federal judge.

In addition, District Court Judge Earl Larson yesterday or-

dered Minnesota Mining and Manufacturing to inform all of its stockholders of the activities of the three officers and their involvement in the contributions.

Ordered to make payment to 3M were Harry Heltzer, chairman of the board and chief executive officer; Irwin Hansen, retired treasurer; and Bert Cross, former president and chairman of the board and now a director on the board.

Judge Larson's approval gives court recognition to an out-of-court settlement between the three officers and stockholders.

Judith Bonderman, of Washington, D.C., a stockholder, brought suit against the officers on behalf of other shareholders, alleging that the top officials had illegally diverted corporate funds into various election campaigns.

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