

White House Rebuffs Colson On His Plea for Clemency

By Jules Witcover
Washington Post Staff Writer

The White House reported yesterday it had sent back former White House special counsel Charles W. Colson's request for a presidential pardon or commutation of sentence, thus dimming Colson's chances for any speedy release from federal prison.

In a letter from Philip W. Buchen, the White House counsel, to Charles H. Morin, Colson's lawyer, Buchen advised that "the President has decided that all applications for executive clemency should be submitted through the appropriate procedures of the Department of Justice" and suggested that Morin send Colson's request there.

The re-routing indicated there would be no special presidential intervention, which would be needed in Col-

son's case, since department procedures require an applicant for a pardon to have completed his sentence and have returned to civil life for three years.

Morin's office last night had no comment on the letter. The Justice Department's pardon attorney, Lawrence Traylor, said he had received no application from Colson. Without a waiver of the three-year requirement, he said, no pardon would be possible. If there were no such eligibility requirement or if it were waived, Traylor said, he thought Colson, because of his background and lack of a previous criminal record, "would be a good candidate" for executive clemency. Morin's letter to President Ford asked for a pardon or commutation of Colson's one- to three-year sentence.

Attorney General William B. Saxbe confirmed Traylor's statement that special instructions from Mr. Ford would be required for a Colson pardon. The application "does not fit our regular patterns for pardons," he said.

The President can grant a pardon at will, but normally he acts on the basis of a recommendation from the Attorney General, made only after the three-year waiting period.

Traylor said yesterday the limit is imposed in order to enable the Justice Department to examine how the applicant

has rehabilitated himself. An FBI field investigation usually is undertaken, he said.

A pardon is a forgiveness of the offense by the President, Traylor said. The Justice Department also considers commutation—reducing the sentence to allow release or parole eligibility—when the sentence is judged excessive in terms of comparable cases or if the applicant has a terminal illness, he said.

Colson, once former President Nixon's chief political adviser in the White House, is the first major Watergate figure to seek a presidential pardon since Mr. Ford granted one on Sept. 8 to Mr. Nixon. The White House since then has said all pardons will be considered on an individual basis.

After extensive plea-bargaining with the office of Watergate Special Prosecutor Leon Jaworski, Colson in June pleaded guilty to obstruction of justice in spreading derogatory information about Daniel Ellsberg in 1971 after Ellsberg had leaked the Pentagon Papers.

Colson was sentenced to one to three years in federal prison, and Jaworski agreed to drop other charges against him in the White House "plumbers" and Watergate cover-up prosecutions. Colson has been imprisoned at Maxwell Air Force Base, Montgomery, Ala., since Sept. 17. The Justice Department said yesterday.