

# Jury Target Colson Asks Hill Quiz Delay

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Former special counsel to the President Charles W. Colson is a target of a federal grand jury investigation here and therefore has requested through his lawyer that his appearance before the Senate select Watergate committee be delayed, chief committee counsel Samuel Dash reportedly told the committee yesterday.

Meeting for the first time since the hearings recessed Aug. 7, the committee voted to resume its hearings on Sept. 24 with public sessions three days a week and a projected completion date of Nov. 1.

Although Colson's name was mentioned frequently by witnesses in relation to the Watergate affair during the first three months of commit-

tee hearings, yesterday's statement by Dash to the committee was the first indication that Colson stood in jeopardy of being indicted. Colson is at least the 10th former Nixon White House aide to be under investigation for alleged wrongdoing while serving in the executive branch.

Colson had been expected to be the first witness to be heard by the committee when it resumed its hearings. Dash, according to sources close to the committee, told the committee that Colson's lawyer, David Shapiro, told him Tuesday that Colson had been notified that he was under investigation by a federal grand jury.

The sources said that Dash

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told the committee that Shapiro asked that Colson's appearance be held in abeyance pending action by the grand jury, which is probing the September, 1971, break-in at the offices of Daniel Ellsberg's psychiatrist and other matters. Dash reportedly told the committee that Colson would refuse to testify to the committee before the grand jury has acted. Shapiro refused to comment yesterday on his conversation with Dash.

Following Dash's report, sources said, the committee decided after brief discussion that it would be inappropriate to call Colson if he would refuse to answer questions.

The federal grand jury investigating the Ellsberg break-in—a separate grand jury from the panel that has been investigating the Watergate break-in and cover-up since June, 1972—is expected to return indictments this week or next in connection with the Ellsberg incident.

A state grand jury in Los Angeles last week returned indictments against former White House aides John D. Ehrlichman, Egil M. (Bud) Krogh Jr., David R. Young Jr. and G. Gordon Liddy charg-

ing them with conspiracy and burglary in connection with the Ellsberg break-in.

Ehrlichman also was indicted for perjury. Liddy was convicted last January, along with six other men, on charges of conspiracy, burglary and illegal wiretapping and eavesdropping in connection with the break-in at the Democratic National Committee's headquarters June 17, 1972.

Ehrlichman, according to his own lawyers, also is a target of the federal grand jury investigation here into the Ellsberg break-in. Ehrlichman appeared before that grand jury Tuesday and is expected to be recalled.

Although Shapiro declined to comment when asked if Colson was a target of the federal grand jury, Shapiro told Washington Post reporter George Lardner Jr. that Colson had testified before the panel for four or five days during the past two weeks. Shapiro said Colson had not invoked his Fifth Amendment privilege against self-incrimination, but the attorney declined to discuss Colson's testimony further.

Committee sources said that Shapiro had discussed hypothetically with the committee staff limited immunity for

Colson. Shapiro said yesterday that he had not sought immunity for Colson to testify. Committee sources said that Shapiro also had discussed hypothetically Colson's invoking the Fifth Amendment.

Although the exact nature of the federal grand jury's investigation of Colson was not clear, speculation within the committee focused on the Ellsberg break-in and Colson's involvement with it.

One of the areas being looked into in connection with Colson and the West Coast break-in is the money that was used to finance the trip.

A memo from the Watergate special prosecutor's office, a copy of which was obtained by The Washington Post, states that Colson obtained a \$5,000 loan that was used for the Ellsberg break-in.

The previously unreported memo, dated Aug. 8, states that Washington tax attorney George D. Webster "was involved in the \$5,000 loan to Colson for the Ellsberg break-in," but lists no other specifics. Shapiro refused comment on the memo.

Several phone messages were left for Webster in recent days, but he did not return the calls. His office reported him out of town yesterday.

Webster, who headed Lawyers for Nixon committees in 1968 and 1972, was reportedly in line for a presidential appointment as commissioner of the Internal Revenue Service

earlier this year, but then withdrew from consideration.

In an affidavit by Krogh that was made public during Ellsberg's trial last May, Krogh said that he recalled receiving \$2,000 from Colson for expenses for the break-in, but that Colson did not know what the money was to be used for.

Colson, in a May 8 interview with the FBI that was made public in the Ellsberg trial, said he knew the "plumbers" were going the West Coast, but that he had no advance knowledge of the burglary.

The FBI report also quoted Colson as saying he did not recall Krogh asking him for money for the trip to California.

Colson, according to the FBI report, also stated that he at some unknown time learned of the break-in, but did not recall from whom. He

said that he later was ordered three times—twice by Ehrlichman and once by presidential counsel John W. Dean III—to keep quiet about the break-in.

In a transcript of a July 1, 1971, telephone conversation that was obtained by various newspapers last week, Colson told Hunt that "the resources are there" to make the Pentagon Papers' prosecution "into a major public case against Ellsberg and coconspirators."

Colson, in the conversation he recorded, sounded out E. Howard Hunt Jr. on the possibility of "nailing" Ellsberg and told Hunt that "... this case won't be tried in the court, it will be tried in the newspapers."

After the committee's executive session yesterday, chairman Sen. Sam J. Ervin Jr. (D-N.C.) and vice chairman Sen. Howard H. Baker Jr. (R-Tenn.) told reporters that resumption of the hearings had been put off for one week to give the staff time to do more investigation.

The committee still has several witnesses to hear to conclude its first phase on the Watergate affair before looking into espionage and sabotage—so-called "dirty tricks"—and campaign financing during the 1972 presidential campaign.

The Los Angeles indictments against Krogh and Young apparently have all but eliminated the possibility that either will testify before the committee. Similarly, if Colson were indicted, his appearance before the committee would be doubtful unless he appeared voluntarily, according to sources.

Convicted Watergate conspirator Hunt still is expected to testify when the committee resumes hearings, according to sources.

Ervin told reporters that Nov. 1 is "the goal for which the whole committee is shooting" as the conclusion date for the hearings.

Baker said that the week's delay in resuming the hearings, originally expected to resume Sept. 18, will "help us expedite the hearings rather than delay the hearings" by giving the staff an opportunity to organize its witness list better.

One source reported that Dash, in making a status report on the staff's investigation for the final two phases

of the hearings, had little to tell the committee because the staff had more work to do despite several weeks of hard work since the hearings recessed Aug. 7. The staff still is analyzing the evidence it has obtained and still has investigators in the field, the source said.

Asked if the committee would block television coverage of the hearings when they resume, Baker said that Senate rules do not permit exclusion of such coverage. "If they decide not to cover it, I sure won't be disappointed," Baker added. Spokesmen for the three commercial networks said they had not made final plans for coverage.