

## The Weather

Today—Rain, high in the 80s, low in the 60s. Chance of rain is 60 per cent today, 50 per cent tonight. Sunday—Cloudy, high in the 70s. Temperature range: Today, 85-66; Yesterday, 89-71. Details are on D4.

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# Colson Gets 1- to

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# 3-Year Term

Accuses President  
Of Pressing for  
Smear of Ellsberg

## Calls Sentence 'Lord's Will'

By Timothy S. Robinson  
Washington Post Staff Writer

Former White House special counsel Charles W. Colson, who described his three-year year role in the White House as "to get done what the President wanted done," was sentence yesterday to one to three years in jail and fined \$5,000 for obstructing justice in the prosecution of Pentagon Papers codefendant Daniel Ellsberg.

Colson, who was given until July 8 to report to a federal penitentiary to begin serving a minimum of one year in jail, said afterwards that the sentence was "The Lord's will and the court'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 had stood erect, facing the judge, as the sentence was imposed.

The sentence by U. S. District Judge Gerhard A. Gesell was the stiffest given in original Watergate burglars.

Colson, who was an intimate adviser to the President and one of the most powerful figures in the White House during the first Nixon administration until he left the White House early last year to enter private law practice here, is the highest ranking former Nixon aide to be sentenced for a Watergate-related crime.

Gesell said that he felt "that the integrity of the public service requires the sentence here, particularly if (as Colson's lawyer had claimed), it has become a national pastime to interfere with the rights of defendants on trial."

Colson continued yesterday to maintain vigorously his innocence of any charges in connection with the Watergate cover-up and the White House authorized break-in at the office of Ellsberg's psychiatrist, Dr. Lewis Fielding. Colson's at-

torney, David I. Shapiro, said the cases brought by the Watergate special prosecutor in connection with those events were "woefully weak." Those charges against Colson have been dropped.

Colson's surprising June 6 plea was to a crime with

See SENTENCE, A9, Col. 1

### SENTENCE, From A1

which he had not been charged: obstructing justice by disseminating derogatory information in an attempt to publicly discredit Ellsberg and his attorney. It carried a maximum penalty of five years in jail, a \$5,000 fine or both.

In a statement to the judge yesterday, Colson said that "the President on numerous occasions urged me to disseminate damaging information" about Ellsberg and his attorneys and close friends.

"I endeavored to do so—and willingly. I don't mean to shift my responsibility to the President. I believed what I was doing was right. The President, I am convinced, believed he was acting in the national interest.

I know I did," Colson said.

Colson, who gained a reputation in the White House for accepting unsavory assignments and once said he would "walk over my own grandmother" for President Nixon, said in court yesterday that image of him was inaccurate. The one-time tough-talking ex-marine presented a totally different image in Judge Gesell's courtroom yesterday. Upon entering the court eight minutes before the sentencing procedures began, he shook hands and kissed several friends and coworkers who had filled at least four rows of the packed courtroom.

Immediately after the sentence was pronounced, he bear-hugged former U.S. Sen. Harold Hughes (D-Iowa) who has been his men-

tor during Colson's recent reaffirmation of faith in Christ. Mrs. Colson strode to her husband's side at the front of the room when court was adjourned.

Outside the courthouse, Colson, who was with his wife and Hughes, told reporters: "I did it because in my own heart I felt I could perhaps help protect other defendants against their individual rights being abused when they are defendants in trials. What's going on in this country now in terms of interfering with a defendant's right to a fair trial has got to be stopped.

"If my plea and my sentence will serve as a symbol that will stop it and stop people's individual rights being abused, I hope it will have served a worthy cause."

About 15 people were in line outside Gesell's courtroom as early as 8:30 a.m. to get in to watch Colson's sentencing and the spectator section of the courtroom had been filled by his friends, aides, press, courthouse employees and a visiting high school class by the time Colson entered at 9:23 a.m. with several of his lawyers.

Colson and Shapiro were called forward by the judge after he took the bench at 9:31 and Colson began reading an eight-page prepared statement in which he expressed his contriteness.

He read the statement—a combination of his personal philosophy on life, a description of life as a member of Ricard Nixon's White House inner circle and his view of the democratic system of government—in a fast, soft voice as he leaned with both hands upon the lectern.

His plea, said Colson was "right as a matter of law and right as a matter of conscience." He said that to have fought the charges against him for the next several years "would have been spent in self-centered activity with no ultimate value to myself or to society."

Colson said he would be



cooperating with the Watergate Special Prosecutor's Office and the House Judiciary Committee in its impeachment probe, but that he did not bargain with anyone over the value of such testimony.

As to his years in the White House, Colson said he worked day and night and "was proud to have" been asked to serve the President of the United States." Colson said he thought he was making a "great personal sacrifice for my country."

But during his time at the White House, Colson said, "I rarely questioned a presidential order. Infrequently did I question the President's judgment." That, Colson said yesterday, was wrong.

"One's loyalty should go beyond the man he serves to the institutions and people that have reposed that trust in him," Colson said. He said his loyalty to the President also extended to complete support of the President's policy in Vietnam "even though as a private citizen in the mid-1960s I was personally opposed to the policy decision to intervene in Vietnam."

Colson's voice wavered as he ended his statement: "I regret what I have done and will spend a lifetime trying to be a better man as a result."

Colson's attorney then pleaded with the judge to place the former White House aide on probation. He said no purpose would be served by placing Colson in jail.

"This country has had enough of vengeance, it has had enough of hate, and it has no need to punish Colson any further. It does have a need—a crying need—for compassion, particularly in its courts—and that need is required the most when political passions are at their peak," said Shapiro.

He stressed his belief that Colson was not guilty of the specific crimes with which he had been charged previously by the Special Prosecutor. He said that jail time

should not be imposed on Colson just because he has a bad public image or because the public expected him to go to jail.

"If—because of the public expectancies built up in this case your honor were to sentence Colson to jail, that would be for some a most popular disposition. It would also be—I must respectfully suggest—a terribly shortsighted one," Shapiro said.

When Shapiro sought to claim that Colson's public image was distorted because of "pernicious publicity . . . created as a result of deliberate leaks from governmental bodies," Gesell interrupted, saying "You're barking up the wrong tree. Public expectation play no part in the sentence. You're beating a dead horse." He then permitted Shapiro to continue.

Shapiro listed nine allegations against Colson that he said came as a result of leaks from the government. He singled out the Senate Watergate committee as being the source of many inaccurate, misleading leaks.

He said the leaks by governmental agencies bore "similarity to the conduct" for which Colson pleaded guilty.

"Let us make no mistake here. Colson is no St. Francis. The crime to which he pleaded guilty was a serious one, and I, for one, do not seek to minimize it," Shapiro told the judge.

"But, up till now—'smearing' controversial defendants and their lawyers has been a national pastime—engaged in by the FBI, prosecutors, senators and even presidents," Shapiro said.

For example, Shapiro singled out a highly-publicized allegation that he said was leaked "by some member of the Senate Watergate committee staff" that Colson urged a firebombing of the Brookings Institution in order to create a commotion during which federal officials could retrieve stolen documents.

"Colson has no more recollection of what he told (former White House undercover espionage agent John J.) Caulfield on that occasion than I have about what I had for lunch six months ago," Shipiro said. He said that Colson says now that if he told Caulfield that, "it was a typical Colson overstatement born of frustration and nobody . . . could have taken me literally."

He described the Colson case as having "not only a first time offender, but a first time offense."

"All I can see is the tragedy involved in the wreck of a brilliant legal career, the everlasting disgrace and the pain and suffering that has been caused his family and his friends," he added.

Gesell said he recognizes that Colson's public image is "somewhat distorted," but that Colson's "fully documented . . . deliberate misconduct" required a sentence in prison.

"The offense, by one holding such a position of high public trust, is in the court's view one of utmost seriousness," Gesell said.

"The court recognizes that men of ambition affected by blind, impulsive loyalty, react to the atmosphere in which they worked and which they helped to create, but this does not change the individual responsibility of each public servant," Judge Gesell said. He continued:

"The responsibility does not shift, no matter how many others may be involved. Morality is a higher force than expediency."

In imposing the sentence, Gesell also said he had been guided by reviewing judicial records of fiscal year 1973 sentences imposed across the country in federal obstruction of justice cases.

He did not say in which penitentiary the term will have to be served. It is likely that it will be either in Allenwood, Pa., the closest federal minimum security facility to Washington, or Danbury, Conn., which is nearest to Massachusetts, where Colson was reared.

Colson, 42, of McLean, is a lawyer in Washington. However, his guilty plea to a felony will result in automatic disbarment.