

## 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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## Index

140 Pages  
5 Sections

Amusements	B 6	Metro	D 1
Classified	D 4	Obituaries	D 4
Comics	E56	Real Estate	E 1
Editorials	A18	Sports	C 1
Fed. Diary	E57	Style	B 1
Financial	C 8	TV-Radio	B 5

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# 3-Year Term

Accuses President  
Of Pressing for  
Smear of Ellsberg

# Says Both Did Same Thing

By Timothy S. Robinson  
Washington Post Staff Writer

President Nixon "on numerous occasions urged me to disseminate damaging information about Daniel Ellsberg," former presidential aide Charles W. Colson declared yesterday at his U.S. District Court sentencing on an obstruction of justice charge.

Colson thus, in effect, accused the President of the same offense for which Colson was convicted and sentenced: trying to defame Ellsberg at the time he was awaiting trial on charges of theft and conspiracy in the Pentagon Paper case.

In his prepared courtroom statement, Colson said the damaging information the President wanted disseminated included "information about Ellsberg's attorney (Leonard Boudin, who had represented Communists and accused subversives in court) and others with whom Ellsberg had been in close contact."

Colson added that he was "convinced" that Mr. Nixon "believed he was acting in the national interest. I know I did. Daniel Ellsberg was viewed as a serious threat to the security of the United States..."

Lawyers who are familiar with various Watergate investigations and the impeachment proceedings under way on Capitol Hill said later that Colson's statement probably will have an immediate impact for the President in those inquiries.

The White House press office, meanwhile, said Mr. Nixon would not issue an official comment in the claim. However, White House communications director Kenneth W. Clawson, in continuing his attacks on news leaks, said Colson was sent to prison "for committing the same felony that has been standard practice of members and staff of the Senate Watergate committee for more than a year, and the same felony being

committed daily by some partisan members of the House Judiciary Committee.

"I wish the special Watergate prosecutor would pursue these felons with the same ardor with which he investigated Mr. Colson," Clawson said.

The White House has

See ROLE, A8, Col. 1

## ROLE, From A1

maintained that the leaks from those committees have been prejudiced and distorted against the President, and contain damaging information only. That was essentially the type of activity indulged in by Colson that resulted in his guilty plea.

Vice President Gerald Ford said in Los Angeles that Colson should be brought before an open televised hearing of the House Judiciary Committee to repeat his allegations about Mr. Nixon.

In response to reporters' questions, according to United Press International, Ford said at one point: "There's a big difference between telling Charles Col-

son to smear and actually ordering a break-in (of Ellsberg's psychiatrist's office.)"

Colson has continued to maintain his innocence of the break-in charges and they have been dropped, but his plea solely was to a crime of "smearing" Ellsberg.

While Colson pleaded guilty to a crime for his activities and has accused the President of ordering those activities, several legal sources close to the Watergate case have expressed doubts that distributing damaging information against a criminal defendant is a criminal offense.

Colson's attorney, David I. Shapiro, in his court statement yesterday seemed to share this view, describing

Colson's plea as one to a "first-time offense."

Shapiro quoted a letter from Special Watergate Prosecutor Leon Jaworski in which he said Colson's plea was "of great national significance in helping to insure the sanctity of the judicial process with respect to cases involving controversial defendants" and that the principle could not have been established without that plea.

Members of the special prosecutor's staff have been known to privately express their concerns over the difficulty of proving a charge such as the one to which Colson pleaded, since the obstruction statute requires proof that such a crime was

committed with a "willful intent" specifically to damage a prosecution.

In addition to the legal question over the enforcement of such a charge, the House Judiciary Committee studying impeachment would also have to fight criticism such as that from Clawson yesterday that the committee has been guilty of the same crime because of leaks containing damaging information about the President.

Colson has said that he will testify willingly before the Judiciary Committee or any other legal investigating body that calls him, and that he will testify fully and "let the chips fall where they may."

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