

Nixon Aide Backs Stand On Ellsberg

By Tim O'Brien

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White House counsel Leonard Garment yesterday downplayed allegations that President Nixon personally ordered a 1971 campaign to discredit Pentagon Papers defendant Daniel Ellsberg.

While neither confirming nor denying the recent charges, Garment said there apparently was nothing illegal about such a directive, and he stressed "the concern on the part of the President and his national security advisers that Mr. Ellsberg not be considered a hero . . ."

Garment's statement was the first public response from the White House following a charge by former presidential counsel Charles Colson that Mr. Nixon told him to "disseminate damaging information" about Ellsberg.

"What was done in the way of carrying out the feeling or urgings—as Mr. Colson put it—of the President, is a matter that remains to be determined on the basis of evidence that's presented to the Judiciary Committee or to other forums," Garment said.

"But at best, at this point," he continued, "there certainly does not seem to me to be anything that constitutes a violation of law."

Garment said "many things that take place in Washington" are contrary to what some people think is fit and proper, but that the

See POLITICS, A3, Col. 2

POLITICS, From A1

"circumstances under which Presidents act are quite different from the circumstances under which we conduct our own business."

He described the White House atmosphere in 1971 as "one of very great concern and very great anger at the enormous amount of very sensitive national security information—namely the Pentagon Papers—that had been leaked as a result of Mr. Ellsberg's unilateral determination that these should be made public."

"There was concern at that time that if Mr. Ellsberg became a hero in the eyes of the American public for making this unilateral determination that he was above the law, that this practice would be encouraged and that negotiations of the most delicate character—with the People's Republic of China and with the North Vietnamese—would be seriously imperiled," he explained. "Our credibility—our negotiating credibility, our ability to maintain secret discussions—would have been seriously impaired."

"In that setting, I think one can understand the concern on the part of the President and his national security advisers that Mr. Ellsberg not be considered a hero, that this practice stop."

Two members of the House Judiciary Committee, Rep. David W. Dennis (R-Ind.) and Rep. William L. Hungate (D-Mo.) said yesterday they would like to see Colson appear before the impeachment panel as a witness.

Another committee member, Rep. John R. Conyers Jr. (D-Mich.) said Colson's court statement last Friday "raises the question of whether the President of the United States may subsequently be considered a co-conspirator in the participation of a felony, which could be separate and apart from the impeachment proceeding."

The Judiciary Committee meets today to begin work on the second phase of its impeachment inquiry. The panel will consider which witnesses to call and whether their testimony will be open to the public. Also on the agenda will be a move to subpoena additional white House tapes involving the so-called milk fund and the controversial ITT antitrust settlement.

Dennis, a strong supporter of the President, said recent leaks from some committee members may influence him to vote against the subpoena.

Conyers said the committee will also discuss this week whether to release "our version of the tape transcripts, which is a different story from the laundered versions of Mr. Nixon."

Hungate and Dennis openly disagreed over whether the committee has heard evidence strong enough to warrant impeachment. Hungate said "it's at least a prima facie case" against the President, but Dennis said he does not think "a terrifically strong case against the President has been made." Both want to hear rebuttal arguments from presidential lawyer James D. St. Clair.

Hungate and Dennis ap-