

Judge Calls Decision Difficult

Ex-Nixon Aide Gets 4 Months in Jail In Back-dating of '70 Documents Gift

By Timothy S. Robinson
Washington Post Staff Writer

Edward L. Morgan, the attorney who illegally backdated former President Nixon's 1970 gift of public papers to the government, was sentenced yesterday to four months in prison.

U.S. District Court Judge George L. Hart Jr. called the sentencing the most difficult task he had performed in his 17 years on the bench, saying Morgan was a man "whose condition and circumstances cry out for mercy and leniency."

Hart said the attorney was

"universally admired" but made "one terrible mistake in an effort to serve with misplaced loyalty a superior who held the highest office in this land."

However, Hart added, Morgan also was an attorney who on that occasion "willfully betrayed his trust to the law and the public," and "such an act cannot depart this court unflogged."

Morgan pleaded guilty last month to one count of conspiring to impede, defeat and obstruct the lawful functions of the Internal Revenue Service by back-dating the Nixon

deed. No one else has been charged in that conspiracy and the Watergate special prosecutor's office said the investigation is continuing.

President Ford has already pardoned Nixon for any crimes committed while in office, so he could not be prosecuted.

Morgan told Hart before the sentencing, "I did something I should not have done and it was wrong. I'm prepared to accept the judgment of the court."

His attorney, Richard Van Dussen, said Morgan signed the deed "knowing that if he refused to do so, at a minimum . . . the President might be exposed to great public embarrassment."

Morgan was a White House aide in the spring of 1970 when he was asked to sign a deed dated 1969 in connection with a Nixon gift of vice presidential papers the previous year, according to information filed by prosecutors and interviews with others familiar with the case.

Morgan at first refused, according to sources familiar with the case but later agreed. The back-dating allowed the Nixons to claim \$95,000 as the first installment of a planned \$576,000 deduction for a gift of his vice presidential papers.

Last year, the Internal Revenue Service ruled against the deduction for the papers, and ordered the Nixons to pay nearly \$500,000 in back taxes.

Morgan, who later became an assistant secretary of the Treasury in the Nixon administration, could have been sentenced to five years in jail and fined \$10,000 for his plea to the one felony count.

Prosecutors did not ask for a specific sentence for Morgan, but took the unusual action of pointing out to the judge that Morgan had attempted to cover up his crime for several months "by a series of serious premeditated acts" before deciding to enter his plea and admit his guilt.

Hart imposed a two-year sentence on Morgan, but then said only four months of that time will actually have to be spent in jail. Morgan will be on probation for the remaining 20 months.

Hart gave Morgan until Jan. 6 at 1 p.m. to report to a federal prison at Lompoc, Calif. Morgan had no comment after sentencing.