

# Colson Says Smear Idea Was Nixon's

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Former White House special counsel Charles W. Colson testified yesterday in the Ellsberg break-in trial that Secretary of State Henry Kissinger, as well as President Nixon, had asked him to disseminate derogatory information about Pentagon Papers codefendant Daniel Ellsberg.

"It was the President's desire and Dr. Kissinger's desire and the desire of others to get out everything available . . . to counter public views he (Ellsberg) was expressing," Colson testified. Colson pleaded guilty to obstructing justice in the Pentagon Papers trial by disseminating such information.

At the time of his sentencing on that charge last month, he had said the dissemination had been done at the President's request. Yesterday was the first time Colson stated publicly under oath that the President and Dr. Kissinger had given similar directions.

A State Department spokesman said yesterday that although Kissinger was abroad and could not be reached immediately for comment, "it wouldn't serve any purpose to answer charges such as these on an ad hoc basis."

Kissinger has asked that the Senate Foreign Relations Committee reopen his confirmation hearings. He has disputed news reports drawn from documents obtained from the House Judiciary Committee that he directly ordered wiretapping of his aides or former associates on the National Security Council. During his earlier confirmation hearings, Kissinger denied specifically that he directed the wiretap activities.

Colson's testimony came on the sixth day of a trial in U.S. District Court before Judge Gerhard A. Gesell here against former top Nixon adviser John D. Ehrlichman, G. Gordon Liddy, Eugenio Martinez and Bernard L. Barker. After a July 4 holiday, the government is expected to end its case early Friday morning.

The four men are charged with conspiring to violate the civil rights of Dr. Lewis Fielding, who was Ellsberg's psychiatrist, by planning to break into his office to obtain psychiatric records that Fielding would not turn over to FBI agents. Ehrlichman also is charged with four counts of lying to federal investigators probing the Sept. 3, 1971,

break-in.

Colson, appearing as a Watergate prosecution witness for the first time since his guilty plea, was one of three major witnesses yesterday as the government neared the end of what has been a surprisingly short prosecution case. Former White House plumbers chief Egil (Bud) Krogh had finished his testimony earlier, and Gen. Robert E. Cushman Jr., commandant of the Marine Corps, testified later in the day.

Colson appeared relaxed from the moment he took the witness stand yesterday morning, calmly replying that he was "at this moment, unemployed" when Special Prosecutor William Mer-

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rill asked him his occupation.

The former lawyer is scheduled to begin a one-to-three-year prison sentence Monday on his guilty plea of obstructing justice in the Pentagon Papers trial of Ellsberg.

He recounted how he had recommended that fellow Brown University alumnus E. Howard Hunt be hired for research into the Pentagon Papers disclosure in July, 1971, and that he later told Hunt specifically that he had been assigned to the newly formed plumbers unit under the direction of Egil (Bud) Krogh.

Colson said a memorandum prepared by Hunt concerning Ellsberg's lawyer, Leonard Boudin, was released to a Detroit News reporter after Ehrlichman described the memo in a note to Colson as being useful in relation to a "recent request that we get something out on Ellsberg."

"Who was that recent request referred to in the Aug. 24 (1971) memorandum from?" Merrill asked.

"I think specifically in this instance it was the President," Colson replied. He added, "It was the President's desire and Dr. Kissinger's desire and the desire of others to get out everything available. . . ."

U.S. District Judge Gerhard Gesell asked: "What kind of information?"

Colson answered: "Any information that would bear on Dr. Ellsberg's motives on what had been done, those with whom he might have been active, an effort to counter public views he was expressing. I think derogatory is a fair characterization (of the information) . . . damaging to him, yes."

Colson then detailed how he

had obtained financing for the plumbers operation to gain access to Ellsberg's psychiatric files, maintaining at the same time he never knew the nature of the project in advance.

He said that former National Security Council aide David R. Young, codirector of the plumbers unit, met him in a hallway and made some reference to needing funds for an operation that had been approved by Mr. Ehrlichman."

Colson said he then called Ehrlichman, either in late August or early in September. The Ellsberg break-in occurred on Sept. 3, 1971.

"Mr. Ehrlichman said Mr. Krogh needed \$5,000 and could I obtain it . . . Ehrlichman said Mr. Krogh needed it right away . . . and said I should check with Bob Haldeman (former White House chief of staff H.R. Haldeman), Colson added.

Colson said he called Haldeman as Ehrlichman suggested. The substance of that call could not be related by Colson to the jury, since Haldeman is not a defendant in this case, but Haldeman apparently rejected Colson's request.

"I then called an individual in D.C. that I thought had money that could be used," Colson continued. That person was identified as Joseph Baroody, whom Colson said he later repaid with money obtained from a milk producers' lobbying organization.

Baroody, who said he was a Washington public affairs consultant, testified later in the day that Colson had called him around the first of September with an "immediate need for \$5,000. I understood it to be for a project for the White House."

Baroody said he had that much money in his possession and delivered it to the White House at Colson's request the next day. He said he was repaid about two weeks later, and that it was the only time he had ever loaned money to the White House.

Colson said he had raised money in this way "on a number of occasions . . . for incorporating certain groups." He identified these groups as the "Silent Majority," various support efforts for an antiballistic missile system, the Committee for a New Prosperity to support the President, for polls, special advertising efforts and so forth.

He said his "understanding" from the Ehrlichman telephone call was that the money for the plumbers operation was to be raised in cash.

Colson said he next talked

to Ehrlichman after the operation had taken place, and that Ehrlichman "told me there had been an attempt to obtain Dr. Ellsberg's psychiatric records—something to the effect of 'the boys tried to obtain the records and they failed.'"

He said Ehrlichman further said that the matter was not to be discussed outside of his office.

Attorney Andrew Hall questioned Colson on cross-examination in Ehrlichman's behalf. He asked Colson to describe the organizational structure of the White House at the time, and Colson identified Halde-man as "the senior assistant in the White House."

Hall emphasized in his questioning that Colson had approved the hiring of Hunt and had recommended him for the Pentagon Papers project.

"You didn't know the exact nature of that project, (when you asked for money to finance it), did you?" asked Hall.

"That's correct," Colson replied.

When Ehrlichman talked to Colson on the phone about the money "he didn't discuss what the project was, did he?" Hall continued.

"That's correct," Colson answered again.

Krogh was the first witness yesterday, continuing his testimony against Ehrlichman for the prosecution.

Prosecutor Merrill introduced a letter of resignation from Krogh to the President at the time Krogh left the government, in which Krogh said the Ellsberg operation "was my responsibility, a step taken in excess of instructions, and without knowledge or permission of any superior."

Over objections by Ehrlichman's attorneys, Krogh said:

"I felt at that time that it was necessary for me to affirm what I felt was my responsibility regardless of what other individuals may or may

not have been responsible for "I was not attempting to speak for others or describe what role others might have had," Krogh continued.

Ehrlichman's attorneys, however, used the letter to attempt to show that Krogh himself had taken responsibility for the act alone. They then moved to an Aug. 5 meeting between Ehrlichman, Young, and Krogh during which Krogh had testified he had told Ehrlichman the plumbers would have to become "operational" to obtain files held by Ellsberg's psychiatrist because the analyst had not been cooperative in giving information about Ellsberg to the FBI.

"Was the word entry used in that discussion?" defense attorney William S. Frates asked.

"I don't recall it being used," Krogh testified.

Next, Frates asked Krogh about a telephone call he and Young made to Ehrlichman on Aug. 30 or 31. Krogh testified earlier that he "believed he had authority" for the entry operation after that telephone call.

"Did you tell Mr. Ehrlichman (during that call) that the unit was going to enter Dr. Fielding's office?" Frates asked.

"No," Krogh said.

Under redirect examination by Merrill, Krogh said he didn't discuss details of the plan with Ehrlichman during that call because it "was an open telephone line. I wanted to convey . . . that the conditions had been met" that the operation would not be traceable.

Krogh said that although the word "entry" was never mentioned to Ehrlichman, they used terms as "operation," "effort," and "covert."

"Did you authorize an entry (into Fielding's office)?" Merrill asked Krogh.

"Yes," Krogh replied, adding that he based that authority on his Aug. 5 discussion with Ehrlichman, an Aug. 11 memorandum in which Ehrlichman approved a covert operation to examine the files, and the Aug. 30 telephone call.

Gen. Cushman told the jury how he had received a telephone call from Ehrlichman on July 7, 1971, requesting that the CIA assist Hunt in his activities, and about a meeting with Hunt on July 22, 1971.

Cushman testified he had provided CIA cooperation with Hunt at first, but later became "worried" by Hunt's increasing demands and asked Ehrlichman to restrain him. Testimony in the trial has shown that CIA equipment was used in the Ellsberg break-in.

"Mr. Ehrlichman indicated he would call a halt to this," Cushman said, referring to a phone call he had with Ehrlichman in late August, 1971. "I indicated Hunt was becoming a pain the neck," Cushman said in a memo to the files written Aug. 31, 1971, concerning that telephone call.

He said Ehrlichman called him in December, 1972, concerning the Hunt call, when prosecutors "were particularly looking into the connection between the CIA and Watergate (break-in) participants."

"Ehrlichman stated he could not recollect making a telephone call preceding Hunt's visit to me," Cushman said. "I was certainly shaken in my memory," Cushman added, saying he felt Ehrlichman had made such a call, but did not then have his secretary's notes to back up that belief.

He said Ehrlichman called him again in the first part of January and said Cushman should write a memorandum setting out, his recollection of the call.