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'Legalistic Distinction'

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Ford Discusses Colson

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Vice President Gerald R. Ford, in commenting on the sentencing of former White House aide Charles Colson, said yesterday there is a "big difference" between using smear tactics and engaging in illegal acts.

Ford made the statement while taping a television interview on a local station (KTTV) here.

After the taping, he would not answer newsmen's questions concerning his statement.

But on Air Force Two, several hours later, Ford's press secretary, Paul Miltich, told newsmen the vice president was attempting to make a "legalistic distinction" between smear tactics and illegal acts.

Miltich said Ford did not condone either, and will clarify his position at a

press conference in Monterey today.

During the taping a reporter asked about Colson's statement made in a Washington court that President Nixon had ordered Colson to spread damaging information about Daniel Ellsberg, who allegedly gave the Pentagon Papers to the news media.

The question was: "If the man who committed the action was involved and sen-

tenced, what does that say about the man who ordered this action?"

Ford replied: "I think you have to differentiate between the action, if it is true, that the President ordered certain people to undertake the operation, and what you told me Chuck Colson said at the time he was before the judge.

"There is a big difference between telling Chuck Colson to smear Ellsberg and ordering, allegedly ordering, a break-in (of the Los Angeles office of Ellsberg's psychiatrist, Dr. Lewis J. Fielding).

"If my recollection is correct, Bud Krogh, who also pleaded guilty, never implicated the President, as a person actually ordering the break-in. I think Bud Krogh said, if my memory is right, that others told him to go ahead and he did so. But Krogh never said the President told him to. And I don't gather from what you said Chuck Colson said that Colson got orders from the President to actually carry out the break-in.

Colson pleaded guilty to smearing Ellsberg. Charges against Colson relating to the break-in at the office of Ellsberg's Los Angeles psychiatrist were dropped as were charges against him stemming from the Watergate coverup.

After the taping, the Vice President came to a third-floor lounge at the station where the traveling and local press had monitored the program.

Miltich said Ford was not holding a press conference and had come to the lounge "to shake hands with the local press."

But one reporter said, "Can we ask you just one question, sir, about your comments on the Colson case?"

Ford replied: "I assume he will be testifying under oath (before the House Judiciary Committee and the Watergate special prosecutor). Until then, I will have no comment."

When other reporters protested, "But you've already commented," Miltich repeated it was not a press conference and the session ended.

The vice president's swing through California yesterday included a luncheon with the "Los Angeles Boosters," a fund raising group for Republican congressional candidates.

Among the 75 guests were big GOP money men Justin Dart and Holmes Tuttle, long-time supporters of Governor Ronald Reagan, a potential opponent of Ford's for the 1976 Republican presidential nomination.

Ford's remarks to the

group were closed to the press.

During the taping, Ford was asked if he felt he was capable of becoming president should that occur.

"I've gone through the process of preparing myself for higher responsibility," he answered. He noted his 25 years in the House of Representatives, nine of them as minority leader, and his time on the job as Vice President.

While insisting he will not be a candidate in 1976, Ford did say, "I'm ready for whatever contingency takes place. I have no lack of confidence."