

# COLSON REPORTS URGING BY NIXON; GETS 1 TO 3 YEARS

*Says He Regrets Disseminating  
Derogatory Data on Ellsberg  
—House Unit May Call Him*

By SEYMOUR M. HERSH

Special to The New York Times

WASHINGTON, June 21— Charles W. Colson was sentenced today to one to three years in prison and fined \$5,000 after telling a Federal judge that President Nixon had urged him "on numerous occasions" to commit the acts for which he was being jailed.

Mr. Colson's allegation against the President came as he expressed regret and contrition to Judge Gerhard A. Gesell in United States District Court for his role in disseminating derogatory material about Dr. Daniel Ellsberg and his attorneys in 1971. In a surprise move, he pleaded guilty June 3 to a felony count of obstruction of justice.

"As to the specific offense charged," said Mr. Colson, a former White House special counsel, "the President on numerous occasions urged me to disseminate damaging information about Daniel Ellsberg, including information about Ellsberg's attorneys and others with whom Ellsberg had been in close contact."

#### National Interest Cited

"The President, I am convinced," he added, "believed he was acting in the national interest. I know I did." Nonetheless, he said, he failed the President because "I never really questioned whether what he wanted done was right or proper."

The White House deputy press secretary, Gerald L. Warren, said that he had no comment. President Nixon was reported to be at Camp David, Md.

Members of the House Judiciary Committee said that Mr. Colson's statement made it imperative to call him as a witness at impeachment hear-

ings. [Page 15.]

Meanwhile, the special Watergate prosecutor decided that at least 26 persons, ranging from President Nixon to the original burglars, had conspired to cover up the Watergate break-in, according to well-placed sources. He gave defense lawyers the names of 19 unindicted co-conspirators to use in preparing for trial. [Page 14.]

Sources close to Mr. Colson said after his sentencing this morning that he had provided the Watergate prosecutors with documents that backed up his courtroom assertions. Mr. Colson is "well aware," one source said, of the significance of his statement.

In a statement after he pleaded guilty three weeks ago, Mr. Colson said that he had done so because "I want to be free to contribute . . . no matter who it may help or hurt—me or others."

The one-to-three-year prison term was the stiffest handed out yet to a high-level White House official in the Watergate scandal. It seemed to surprise the 42-year-old Mr. Colson, who quickly embraced his wife, Patricia.

#### Courtroom Is Crowded

Later, Mr. Colson, a recent convert to evangelical Christianity, told newsmen:

"I have committed my life to Jesus Christ. I can work for the Lord in prison or out of prison, and that's how I want to spend my life. What happened today is the Lord's will and the court's will, and, of course, I accept that fully."

The courtroom was crowded today long before the proceed-

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others from interfering with any individual's right to a fair trial."

In a statement issued later today, Ken W. Clawson, the White House Director of Communications, charged that Mr. Colson had been sentenced to jail "for committing the same felony that has been the 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 just wish the special Watergate prosecutor would pursue these felons with the same ardor with which he investigated Mr. Colson," he said.

In accepting Mr. Colson's plea, the Watergate prosecutors dropped two other charges against him that stemmed from his role in the Watergate cover-up and the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist in September, 1971. That burglary was committed by members of the White House "plumbers" unit, a special group set up in July, 1971, by President Nixon and authorized to investigate Dr. Ellsberg fully.

Dr. Ellsberg, a former Defense Department and Rand Corporation official, has said that he provided the press with copies of the Pentagon papers, a top-secret history of the Vietnam war.

Mr. Colson's guilty plea centered on two specific accusations: That he sought to release derogatory information about Leonard B. Boudin, one of Dr. Ellsberg's attorneys, and that he attempted to "obtain, receive and release" damaging information on Dr. Ellsberg, including materials from his personnel psychiatric files.

In his courtroom statement today, Mr. Colson said that after being asked by the President to commit such offenses, "I endeavored to do so—and willingly."

#### 'A' Serious Threat

"I don't mean to shift my responsibility to the President," he told Judge Gesell. "I believed what I was doing was right."

"Daniel Ellsberg was viewed as a serious threat to the security of the United States in that he had had access to very sensitive information which it was feared he might disclose,"

Mr. Colson said. In addition, he said, "I saw Ellsberg as a martyr who might rally public support against policies the President believed right for the country."

"In fairness to the President," he went on, "it should be remembered that this Government was engaged at the time in the most sensitive and closely guarded policy negotiations."

I suppose on reflection that I would have done almost anything I was asked to do without regard for the legal consequences if I believed it was justified as part of an effort to end the war in Vietnam."

Although he had studied constitutional law at college and law school, the former White House counsel said, he referred to it only to help to prepare arguments "over such matters as the nomination of Supreme Court Justices."

"I never once even remotely thought that my conduct might trespass upon the Constitution or anyone's right under it," he said.

"During the time I served in the White House, I rarely questioned a Presidential order," Mr. Colson said. "Infrequently did I question the President's judgement."

#### Individual Responsibility

Before announcing sentence, Judge Gesell said that "the Court recognizes that men of ambition, affected by blind, impulsive loyalty, react to the atmosphere in which they work and which they helped create."

"But this does not change the individual responsibility of each public servant," he added. "Morality is a higher force than expediency."

The judge gave Mr. Colson until July 8 to begin his prison sentence which will probably be served at a minimum security Federal prison.

The sentence was imposed despite a plea for probation made by David L. Shapiro, Mr. Colson's attorney and former law partner.

Mr. Shapiro argued that his client had been victimized by a series of "deliberate leaks" that created "the most pernicious kind of publicity linking Colson's name to every conceivable criminal act and dirty tricks."

If the judge sentenced Mr. Colson to jail "because of the 'public expectancies' built up in this case," Mr. Shapiro added, "that would be for some a most popular disposition. It

would also be—I most respectfully suggest—a terribly shortsighted one."

At this point, Judge Gesell, visibly agitated, broke in. "You're barking up the wrong tree, Mr. Shapiro," he said. "I'm not about to do what I'm going to do because of public expectancies. You're beating a dead horse."

#### Examples Are Given

Mr. Shapiro cited numerous examples of what he depicted as leaked or planted stories derogatory to his client. In one case, dealing with published reports that Mr. Colson was the "mastermind" of the Watergate bugging and the burglary of the Democratic National Committee offices in June, 1972, Mr. Shapiro cited a statement by the Watergate special prosecutor's office that it had no evidence to support such reports.

For Mr. Colson, the self-styled "hatchet man" of the first Nixon Administration, today's court appearance seemed at times to be an act of repentance.

"I have thought a lot about what happened to me in the White House, what may have happened to others and why," he told Judge Gesell. "It troubles me, because I now realize how easy it is for even strong and well-disciplined men to lose their perspective under pressure."

"I had one rule—to get done that which the President wanted done," he added. He said that at one time—after attending law school at night—he believed he had great sensitivity to the law. But he added:

"As a member of the White House staff, however, sensitivity gave way to expediency. I adopted all the political catchwords that seemed to have appeal to the Middle American we viewed as our constituency. I, for one, and others as well, I suspect, became so preoccupied with Richard Nixon's electoral fortunes, that we sometimes lost sight of the deeper purpose for which his re-election was to tenaciously pursued—to govern wisely and well for the good of all the people."

While in the White House, Mr. Colson was deemed responsible for encouraging the President's pursuit of the so-called silent majority, those nominally Democratic middle-class working people who so overwhelmingly voted Republican in 1972.



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Charles W. Colson, right, leaves court after sentencing with Senator Harold E. Hughes of his prayer group.