

HOUSE COMMITTEE MAY CALL COLSON

Some Members Assert His Statement Makes It Vital to Have Him as Witness

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WASHINGTON, June 21—Members of the House Judiciary Committee said today that Charles W. Colson's courtroom statement implicating President Nixon in possible obstruction of justice made it imperative to call Mr. Colson as a witness at impeachment hearings.

Mr. Colson, a former White House special counsel, told United States District Judge Gerhard A. Gesell that the President had repeatedly "urged" him to disseminate information that might discredit Dr. Daniel Ellsberg while Dr. Ellsberg was a defendant in the Pentagon papers conspiracy trial.

Committee members said that if Mr. Colson's statement was correct, Mr. Nixon might be legally accountable as a party to obstruction of justice, the charge to which Mr. Colson pleaded guilty.

Members Surprised

Albert E. Jenner Jr., the panel's chief Republican counsel on impeachment, said that staff interviews with Mr. Colson, which began a week ago, had not been completed. This suggested that Mr. Colson would be asked to give a more complete accounting of Mr. Nixon's alleged role in the attempt to discredit Dr. Ellsberg.

Mr. Colson's courtroom remarks surprised committee members and, in the case of

some Republicans, caused chagrin.

Informed by reporters of the statement, the committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, rushed to the panel's senior Republican, Representative Edward Hutchinson of Michigan, to relay the information.

Mr. Rodino told reporters that "serious questions" about the President's conduct had been raised by Mr. Colson's statement.

The White House has contended that Mr. Nixon could be

impeached only on evidence showing that he had committed serious criminal violations. Under the law, an individual who encourages or abets another in the commission of a crime is equally accountable for prosecution for the offense.

"If there is a direct connection of the President" to Mr. Colson's actions, "it would be an important consideration," Representative Walter Flowers, Democrat of Alabama, told newsmen.

Two Republicans, Representative Charles E. Wiggins of California and David W. Dennis of Indiana, said, however, that they were uncertain that the acts for which Mr. Colson was sentenced today to one to three years in prison were illegal in the first place.

Mr. Wiggins said that it was "kind of a novel theory" that dissemination of damaging information was an obstruction of justice. If so, he added, judicial Committee members who had leaked damaging evidence about Mr. Nixon might be subject to prosecution.

Most committee members agreed with the view of Representative John F. Seiberling, Democrat of Ohio. He said that he would "have to know a lot more about the extent of the President's conversations with Colson," but that they could conceivably make Mr. Nixon a principal in the commission of a felony.

The committee will decide next week whether to call Mr. Colson and others as witnesses at the impeachment hearings.

"There is a big difference between telling Chuch Colson to smear Ellsberg and ordering — or allegedly ordering — a break-in," Mr. Ford said in a television interview here.

His views came in response to a question only hours after Mr. Colson had told a Federal judge in Washington that the President "on numerous occasions urged me to disseminate damaging information about Daniel Ellsberg, including information about Ellsberg's attorney and others with whom Ellsberg had been in contact."

"What does that say about the man who ordered the [smear] action?" the Vice President was asked in the interview over KTTV's Metro News.

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

Later, Mr. Ford said that he had not meant to condone either smear tactics or break-ins. He said that he had merely tried to "make a legalistic distinction" between smear tactics and illegal entry.

He also said that Egil Krogh Jr., another White House aide

who pleaded guilty to a charge growing out of the break-in of the office of Dr. Ellsberg's former psychiatrist, "never implicated the President as a person who actually ordered the break-in."

"I think Bud Krogh said, if my memory is right, that others told him to go ahead, and he did so," Mr. Ford said. "But Krogh never said the President told him to. And I don't gather from what you've said that Chuck Colson said that Colson got orders from the President to actually carry out the break-in."

Mr. Ford said that he felt that Mr. Colson — along with other former White House aides — should be called before the House Judiciary Committee to testify publicly in the committee's inquiry into possible impeachment of Mr. Nixon.

In the television interview, Mr. Ford also said that he was convinced that many Republican candidates for office this year "will be darned glad" to have Mr. Nixon campaign for them.

He also defended Secretary of State Kissinger against allegations that he had ordered surveillance of some of his national security aides and newsmen.