

A White House Reaction to Colson

Washington

White House counsel Leonard Garment said yesterday that even if President Nixon did order a campaign to defame Daniel Ellsberg, as charged in court by former aide Charles W. Colson, it was not necessarily an illegal act.

Garment, a top presidential Assistant and member of Mr. Nixon's Watergate defense team, provided the first public reaction by the White House to Colson's statement that the President urged him to disseminate damaging information about the Pentagon Papers defendant while he was awaiting trial in 1971.

Colson made his charges before U.S. District Judge Gerhard A. Gesell Friday as he was being sentenced to one to three years in jail and fined \$5000 for obstructing justice in the Ellsberg case.

Garment said that the atmosphere at the White House at the time of the Ellsberg case was "one of very great concern and very great anger." He said that Mr. Nixon and his aides were worried that Ellsberg might become a "hero in the eyes of the American public."

"What was done in the way of carrying out the feelings or the urgings, as Mr. Colson put it, of the president is a matter that remains to be determined on the basis of evidence that's presented to the House Judiciary Committee or other forums," Garment said.

"But at this point, there certainly does not seem to be anything that constitutes a violation of law (by the President)."

Garment was interviewed on CBS' "Face the Nation."

Some members of the House Judiciary Committee

said that Colson's statement may mean that Mr. Nixon could be held criminally liable for the actions Colson took.

On another subject, Garment rebutted Attorney General William B. Saxbe's criticism of the President for having discussed information about grand jury proceedings with former White House assistants H. R. Haldeman and John D. Ehrlichman.

The grand jury information was presented to Mr. Nixon by Assistant Attorney General Henry E. Petersen.

"I think he had the discretion to do that at that time," Garment said, adding that Mr. Nixon was then suffering "considerable anguish" because Haldeman and Ehrlichman were his two top aides and close friends. The two aides later were indicted by the grand jury.

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