

WXP Post JUL 16 1974

Colson Ties Nixon to Report

Newsman Probed in '71

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Charles W. Colson told the House Judiciary Committee yesterday that President Nixon knew in advance that the White House was putting out an untrue report about the 1971 FBI investigation of CBS television correspondent Daniel Schorr.

Schorr had reported several stories in the field of education and poverty which angered the White House to the point that John W. Dean III put Schorr high on the list of White House "enemies" to be harassed. When reports were printed that friends of Schorr said they had been questioned about him by the FBI, the White House said Schorr was being considered for a government job. This seemed unlikely and never occurred.

Committee members said Colson, then special counsel to the President, told the impeachment inquiry that he had told Mr. Nixon of the cover story in advance and that the President did nothing to stop it. The President apparently did not affirmatively order the cover story, members said. But Colson said it would not have happened had the President disapproved it.

Colson did not say whether the President knew in advance of the FBI investigation.

Colson was involved in several of the events that have served as the basis for

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Panel Eyes 'Pattern'

By Lou Cannon
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An accusation that President Nixon showed by a persistent pattern of conduct that he was deeply involved in a conspiracy to obstruct justice in the Watergate cover-up has emerged within the House Judiciary Committee as the leading proposed article of impeachment.

Senior Democratic members of the committee believe that this article, more than any other, has the chance to attract Republican support when the showdown vote on impeachment occurs later this month.

Confirmation that this wide-ranging Watergate cover-up article may prove most attractive to undecided Republicans came yesterday from a key GOP member, Rep. Tom Railsback of Illinois.

"If there's something that's going to sell, it would probably be a series of acts relating to the Watergate cover-up that, taken together, amount to obstruction of justice," Railsback said.

Railsback emphasized that he was undecided on whether he would support any article of impeachment. But he said he would vote against a "catch-all" general article of impeachment that did not specify any charges and he added that he believed all 17 Republicans on the 38-member committee also would oppose such an article.

Staff members presently are working on the proposed articles, a copy of which

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allegations that Mr. Nixon should be impeached and removed from office. He was a White House insider during the first four Nixon years, reportedly involved in a number of "dirty tricks." In 1972 he said he would "walk over" his grandmother to assure Mr. Nixon's re-election.

This year he had a religious conversion. He began serving a prison term last week for his admitted efforts to smear Daniel Ellsberg, for release of the Pentagon Papers.

Colson recruited E. Howard Hunt into the White House for work that included the break-in at Ellsberg's psychiatrist's office. After leaving the White House Hunt helped supervise the Watergate break-in.

Colson was also White House liaison with the dairy industry and was on a committee Mr. Nixon created to keep track of Richard G. Kleindienst's confirmation hearings to be Attorney General in the spring of 1972.

In these capacities, Colson might have known whether the President raised milk price supports in exchange for a \$2 million campaign pledge, and whether the President knew that Kleindienst testified untruthfully to the Senate Judiciary Committee about the President's involvement in the International Telephone and Telegraph Corp. antitrust suit.

But staff lawyers questioned Colson all day yesterday without getting to the milk or ITT matters.

Members disagreed as to

whether Colson implicated Mr. Nixon directly in the plan to burglarize the office of Ellsberg's psychiatrist, Lewis Fielding. Part of the difficulty may have been caused by the fact that members said Colson rarely gave clear direct answers to questions.

"He seems to be trying to be candid," said Rep. M. Caldwell Butler (R-Va.), "but he hasn't had much experience in that area."

One member said he understood Colson to say he had been told by former top White House aide John D. Ehrlichman that the President told Assistant Attorney General Henry E. Petersen that he (the President) had approved the "operation." Ehrlichman was convicted last week for involvement in the break in. The committee member under-

stood that the operation was the break-in.

But other members thought that Colson meant only that Mr. Nixon knew in advance of an effort to get information to turn public opinion against Ellsberg. Mr. Nixon acknowledged that he ordered creation of a group, known as the "Plumbers," to plug security leaks. The Ellsberg break-in was the work of the "Plumbers."

White House press secretary Ronald L. Ziegler, when asked about reports that Colson said Mr. Nixon had ordered the break-in, said, "Here we go again."

"Unsubstantiated, confused testimony comes out of a committee and we go through 12 hours of news reports," Ziegler commented. "The fact is that the tapes clearly show the President learned about the break in on March 17, 1973, and said it was a stupid act."

Colson told newsmen when the committee recessed for dinner at 7 p.m. that he had only repeated to the committee the words that Ehrlichman had stated to him. He said Ehrlichman used the word "operation" and that was all Colson knew about the matter.

There was more partisan bickering on the committee yesterday as Republicans complained that drafts they have seen indicate that the inquiry staff, in drafting possible articles of impeachment the committee may wish to consider, is not listing supporting evidence in behalf of the President as well as against.

Special Counsel John Doar announced a month ago that the staff was preparing arti-

cles of impeachment simply to have something to put before the committee when it debates and votes next week.

Doar is also preparing documents called the "theory of the case." This lists evidence that could support specific articles of impeachment. Rep. Edward Hutchinson (R-Mich.), senior committee Republican, said drafts he has seen do not include evidence that would support clearing the President of allegations. He said he has instructed Sam Garrison, deputy minority counsel, to work up such arguments.

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has been transmitted to committee Chairman Peter W. Rodino Jr. (D-N.J.) The staff has centered on four articles, which are similar in form to six suggested proposals drawn up last week and circulated privately by Rep. Jack Brooks of Texas, the committee's third-ranking Democrat.

Three of the proposed articles—charges centering on the Watergate cover-up, an "abuse of office" in the misuse of government agencies, and another charge relating to the direction of political espionage from the White House—are believed to have some attraction to the half-dozen Republican members of the committee regarded as undecided. The fourth is a charge stemming from Mr. Nixon's effort to obtain a tax deduction for his vice presidential papers and from his alleged misuse of campaign funds.

This charge is thought to have significantly less chance for bipartisan support.

Another catch-all charge that the President failed to carry out his constitutional oath "to take care that laws be faithfully executed" may be included among the proposed articles of impeachment but is believed to have less backing than any of the other charges.

The emergence of the charge that Mr. Nixon tried to persistently obstruct justice during the Watergate cover-up is a refinement of a Democratic strategy that seeks to make the broadest possible case against the President.

The countervailing Republican strategy, of which Rep. Charles E. Wiggins of California is the prime advocate, is to insist on narrowly drawn and highly specific articles of impeachment.

Wiggins, for instance, would reduce the obstruction-of-justice issue to the question of whether Mr. Nixon actually approved payments of money to Watergate conspirator E. Howard Hunt.

The White House theory of this case, presented to the committee by Nixon lawyer James D. St. Clair, is that then-White House Counsel John W. Dean III directed the payoffs and that they already were underway at the time Dean discussed them with the President on March 21 and 22, 1973.

But the Democrats on the committee, or most of them, do not accept the premise of St. Clair's reasoning. They believe that a chain of events, not just the conversations of

March 21-22, shows participation by Mr. Nixon in the cover-up conspiracy. Furthermore, they say, the conversations show that Mr. Nixon

agreed to the conspiracy to buy Hunt's silence and in this way participated in it, even if he did not set it in motion.

"We're not going to walk into Mr. St. Clair's trap," said Rep. Don Edwards of California, the committee's fifth-ranking Democrat. "The issues are broader than that."

Wiggins believes that the issues, as defined by the would-be impeachers, are entirely too broad. In his view the committee should vote separately on narrowly drawn specific charges and only on those that allege "personal presidential involvement in serious criminal misconduct."

The lumping of a number of charges together to make one larger charge could in Wiggins' view, enable the Democrats to combine "floating minorities" into one single, decisive majority.

Wiggins suggests that different Republican members are disturbed about different aspects of the purported cover-up. A series of votes, he said, might show one Republican voting with the Democrats on one issue and another Republican voting with the majority on another charge.

"If you put them all together in a single pattern of conduct, you give the Democrats an opportunity to put their minorities together," Wiggins said.

Committee members and staff sources emphasized that the ultimate decision on all of these issues has yet to be hammered out in the closed give-and-take sessions that are expected later this week before the committee goes into open session next Monday. Some Democrats expressed the view that it may be impossible to achieve a consensus on procedure behind closed doors and that a party-line fight may erupt next week on whether the committee should seek a broad charge of "presidential misconduct."

The argument for such a charge, even if it were approved only on a party-line vote, is that it would make the case against Mr. Nixon considerably easier to try in the Senate, where the broad charge presumably would permit the introduction of any new evidence that turns up between now and the trial.

Another lengthy argument is expected over a proposed article of impeachment contained in the Brooks recommendations which links vari-

ous charges relating to Mr. Nixon's purported financial abuses of his office.

Some Democrats believe this charge could be based on Article II, Chapter 6, of the U.S. Constitution, which forbids the President to receive "any other emolument" than his salary during his term in office.

This charge presumably would include an allegation of purported tax irregularity, stemming from Mr. Nixon's unsuccessful attempts to claim a \$576,000 deduction on a gift of a portion of his vice presidential papers. This allegation also would include the spending of \$50,000 on Mr. Nixon's Key Biscayne home by his friend, C.G. (Bebe) Rebozo.

It has been alleged that this money actually came from campaign funds donated to the President by billionaire Howard Hughes. Bank records show that \$4,600 in campaign funds were used to purchase diamond earrings for Mrs. Nixon.