

Colson Won't Reply To Watergate Quiz

9/20/73 By Lawrence Meyer
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Former special presidential counsel Charles W. Colson invoked the Fifth Amendment in refusing to answer questions yesterday at an emotional closed session of the Senate select Watergate committee.

Colson, described by a source at the meeting as being "very torn by this thing," invoked his constitutional protection against self-incrimination after his lawyer, David Shapiro, was unsuccessful in persuading the committee to postpone the session until after the second federal Watergate grand jury had returned indictments.

Colson, once one of President Nixon's closest advisers and well-known in Washington for his toughness, was described by a participant in the session as being subdued and "contrite" yesterday during his appearance before the committee.

The grand jury, which is in-

vestigating the September, 1971, break-in at the offices of Daniel Ellsberg's psychiatrist and other matters, has reportedly informed Colson that he is a target of its investigation. Shapiro reportedly told the committee that an indictment would be returned within five to 10 days, that the evidence against Colson is "flimsy" and that after the indictment is returned Colson would be free to testify if he were not indicted.

After extensive discussion by the committee, with Sens. Howard H. Baker Jr. (R-Tenn.) and Edward J. Gurney (R-Fla.) reportedly urging that Colson be granted a 10-day delay, the committee voted to compel Colson's testimony.

Shapiro, according to sources, had told the committee that if Colson were forced to testify, he would have to in-

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voke the Fifth Amendment under existing circumstances. Shapiro reportedly argued that a stigma would attach itself to Colson if he were forced to invoke his constitutional privilege. The committee rejected the plea for a delay and Shapiro's request for limited immunity from prosecution for Colson's testimony, sources said.

The committee rejected the immunity request after chief committee counsel Samuel Dash reportedly told members that nothing in a 65-page statement prepared by Colson warranted granting him immunity.

After being sworn, Colson was asked two questions by Dash. When asked the first question, one source said, Colson remained silent for several seconds before telling the committee, "I hate to make this decision more than any one I ever had to make." Colson then refused to answer the question. Dash asked a second question, which Colson also refused to answer. Committee Chairman Sam J. Ervin (D-N.C.) then reportedly asked Colson a question designed to establish that he would invoke the Fifth Amendment in response to all questions. Colson reportedly replied that he would.

The questions which Colson declined to answer were described as "standard" and not particularly significant by themselves. Because of court rulings regarding invocation of the Fifth Amendment, witnesses who exercise their privilege customarily refuse to an-

swer all questions in order to avoid waiving the privilege.

Ervin told reporters after the 2½-hour session that Colson would not be called to testify when the hearings resume next Monday. Ervin told reporters that Colson insisted that "he was innocent of any wrongdoing." Ervin observed, "As a lawyer, I must note that a man is entitled to plead the Fifth Amendment even if he is not guilty of any offense."

Colson declined to speak to reporters after the session.

Prior to the recess of the hearings Aug. 7, Colson whose name had figured prominently in the hearings, had been more than eager to testify. As the committee prepared to resume the hearings two weeks ago, Colson still was apparently eager. Sept. 11, the day before the committee met to organize its second round of hearings, Shapiro reportedly met with Dash to tell him that Colson had been informed he was a grand jury target and to request a delay in Colson's testimony.

The three national television networks announced last night that they will resume their live coverage of the hearings on a rotating basis Monday with the testimony of convicted Watergate conspirator E. Howard Hunt Jr.

The agreement covers only the first three days of the hearings, with ABC-TV (WMAL-TV, Channel 7) carrying the hearings on Monday, NBC-TV (WRC-TV, Channel 4) carrying them on Tuesday and CBS-TV (WTOP-TV, Channel 9) on Wednesday. The hearings are scheduled to begin at 10 a.m.