

The Weather

Today—Mostly sunny, high near 80, low near 60. The chance of rain is near zero through tonight. Wednesday—Fair, high in the 80s. Temperature range: Yesterday, 77-60; Today, 81-60. Details on Page C2.

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TUESDAY,

Colson Pleads

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Guilty to Felony

Admits Justice Obstruction in Ellsberg Trial

By Timothy S. Robinson
Washington Post Staff Writer

Charles W. Colson, for many years an intimate adviser to President Nixon, pleaded guilty yesterday to a felony charge of obstructing justice for devising a White House scheme to influence the outcome of the trial of Pentagon Papers defendant Daniel Ellsberg by defaming Ellsberg and destroying his public image.

Colson, whose unexpected plea drew audible gasps of shock from a crowded courtroom, is the highest ranking former White House aide and the 10th Nixon administration official to be convicted of crimes stemming from the Watergate scandal.

Although Colson left his job as special counsel to President Nixon in March, 1973, he continued to see Mr. Nixon and advise him on administration matters until early this year.

Colson, now a lawyer in private practice, could be sentenced to five years in jail, fined \$5,000, or both. U. S. District Judge Gerhard A. Gesell, who accepted the plea from the quiet-spoken Colson at 9:30 a.m., scheduled sentencing for June 21, and released Colson until that date.

By agreeing to plead guilty, Colson obtained from the Watergate special prosecutor the dismissal of all other charges against him in the Ellsberg and Watergate cover-up cases. Colson also agreed to testify in any other investigations or trials against former White House colleagues.

The two pending indictments that were dismissed carried heavier maximum penalties than the charge to which Colson pleaded guilty.

The plea bargain was spelled out in a letter from Special Watergate Prosecutor Leon Jaworski to Colson's attorney, David I. Shapiro. Colson "will immediately provide statements under oath and will produce all relevant documents . . . He may be required to testify as a witness" in future Watergate-related cases, the letter said.

Although such arrangements are not legally binding on a defendant who pleads guilty, a point that Judge Gesell stressed while accepting the plea, sources in the Watergate special prosecutor's office said they "fully expect" Colson to cooperate completely with their future investigations and trials.

Although Colson had been indicted by the Watergate special prosecutor for his alleged roles in the Watergate cover-up and the Ellsberg break-in by members of the White House investigative unit known as the "plumbers," his surprise plea yesterday morning was to a crime with which he had not previously been charged.

That crime, according to Assistant Watergate Special Prosecutor William H. Merrill, was to "influence, obstruct and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg."

Colson, the 42-year old ex-marine who gained notoriety as a tough-talking, Nixon loyalist with a reputation for eagerly accepting unsavory assignments, stood quietly before Gesell at the completion of the prosecution's

presentation. Colson, who recently became a highly publicized convert to Christianity, told Judge Gesell:

"I want the court to know that I am guilty of the crime charged."

Colson also faces disbarment from law practice as a result of his plea to the felony charge. If he had entered

See COLSON, A6, Col. 1

COLSON, From A1

a plea to a misdemeanor charge, disbarment would not have been automatic here.

Merrill described Colson in court as the person in the White House who was responsible for devising a scheme for obtaining derogatory information concerning Ellsberg and disseminating it "to destroy his public credibility." The assertion was contained in a formal information setting forth Colson's activities.

The scheme began shortly after Ellsberg was indicted in June 28, 1971, on charges of leaking the then-classified Pentagon Papers to the media, Merrill said.

Colson "told another person that he wanted Ellsberg convicted and . . . wanted him tried in the newspapers," the special prosecutor said. The special prosecutor's office said later that none of the other anonymous persons mentioned by Merrill in court would be identified by name at this time.

Another person "raised a question about the ethics of such an operation," Merrill said, but Colson proceeded anyway.

Merrill said part of the scheme included obtaining psychiatric records on Ellsberg, a suggestion that "led directly to the break-in" at the office of Ellsberg's Los Angeles psychiatrist, Dr. Lewis Fielding. Colson had been one of six men indicted on civil rights conspiracy

charges in connection with that break-in.

Also, said Merrill, Colson prepared a memorandum about Ellsberg's attorney that "can only be described as a scurrilous and libelous memorandum" and planted that memorandum for publication in the press.

Colson was asked by Judge Gesell if he accepted the description of his crime as outlined by Merrill.

"Yes sir, I do," Colson replied.

When Gesell made it clear that as a result of his plea, Colson was being freed of all other Watergate charges, including those in connection with the cover-up, several spectators gasped.

Colson leaned with both hands on a lectern in front of the judge as he quietly read a short statement acknowledging his guilt and giving his motive for scheming against Ellsberg.

"My motive—my purpose—in seeking to disseminate derogatory and adverse information about Dr. Ellsberg and his lawyer was to neutralize Dr. Ellsberg as an antiwar spokesman in order to further the President's aims for ending the Vietnam war," Colson said.

He said it "did not matter" to him that Ellsberg was facing serious criminal charges. "It was this attitude of 'not caring,' this callousness to the rights of a defendant under a criminal indictment, that gave rise to the crime to which I am now pleading," Colson said.

Now, said Colson, "I know what it is like to be a de-

fendant in a celebrated criminal case. I have come to believe—in the very depths of my being—that official threats to (defendants') rights such as those charged in this information—must be stopped, and, by this plea, I am prepared to take whatever consequences I must to help in stopping them."

Colson, who had attended at least one day of pretrial hearings in the Ellsberg break-in case, also said that the judge's remarks during those hearings had prompted his decision to enter his plea.

"Your honor's words from the bench during pretrial hearings—that if this is to be a government of laws and not of men, then those men entrusted with enforcing the law, whatever their motives, must be held to have intended the natural and probable consequences of their acts—have had a profound effect on me," Colson told the judge.

Colson expanded on his motivations for the plea in a four-page statement he read to reporters outside the U. S. Courthouse here, apparently alluding to the impeachment inquiry underway in the House. He said the Watergate scandal is "one of the most divisive and bitter controversies in our history. The prompt and just resolution of other proceedings, far more important than my trial, is vital to our democratic process."

"I want to be free to contribute to that resolution no matter who it may help or

hurt—me or others. . . . That is the dictate of my conscience."

Colson, with his wife standing nearby, added: "We cannot accept the principle that men in high government office can act in disregard of the rights of even one individual citizen. . . . Every individual . . . is entitled to a fair trial and anyone who attempts to interfere with that right must suffer the consequences."

In an era of investigative reporting and news leaks, Colson's plea-bargaining came as a complete surprise to spectators who had filled Judge Gesell's courtroom to hear expected arguments on attempts by Colson and former White House top aide John D. Ehrlichman to gain access to their White House files.

Instead, prosecutor Merrill stepped forward and said that he would like to present an information—a charge drawn by a prosecutor instead of a grand jury—charging Colson with obstruction of justice in the Ellsberg case.

Colson was called forward and Gesell asked him if he wanted to enter a plea to the charge.

"I plead guilty, your honor," Colson answered.

Although Colson entered the plea to obstructing justice in connection with the Ellsberg trial, he continued to maintain his innocence concerning the Watergate cover-up and the Fielding break-in. He said that fighting those charges "might

well have resulted in any eventual exoneration."

However, after hearing Judge Gesell's statements about the seriousness of violating constitutional rights, Colson decided to enter a plea to the obstruction charge, according to persons familiar with the case.

The bargaining with the special prosecutor's office took "about a week," said those persons, and did not include any detailed discussions concerning the extent of Colson's possible future cooperation.

Colson had been indicted in the Watergate cover-up case with one count of conspiracy and another count of obstruction of justice. Conspiracy carries a possible maximum sentence of five years and a \$10,000 fine, and the obstruction of justice carries a possible term of five years and a \$5,000 fine.

The civil rights charge against Colson in the Ellsberg break-in case, which is now also dropped, carried a possible jail term of 10 years and a fine of \$10,000.

Colson's plea leaves four of the original six Ellsberg break-in defendants, including Ehrlichman, proclaiming their innocence.

Judge Gesell had already thrown out charges against Miami Felipe De Diego, on the basis that it would have been "impractical" to determine if his prosecution had been tainted by his previous immunity grants in Watergate-related cases.

4/3/74

TV News: said Colson refused to plead guilty to a misdemeanor of a trial. This plea—charge—cover-up and the Fielding break-in. He said that fighting those charges "might well have resulted in any eventual exoneration."

He's very careful. Just let son hear they