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The Significance of Colson's Plea

Part 6/5/74

When Charles W. Colson's lawyers two weeks ago suddenly and unexpectedly entered into secret plea bargaining which led to Monday's stunning guilty plea, they were opening yet another front against President Nixon's desperate fight for survival.

Colson, though a senior White House aide under Mr. Nixon, was only a peripheral figure in the Watergate conspiracy and the Ellsberg burglary. But his plea demonstrates the badly tattered national security argument used as a defense in the Ellsberg case by John D. Ehrlichman. It, therefore, provides Special Prosecutor Jaworski with new leverage to begin plea bargaining with Ehrlichman.

Mr. Nixon for a solid year has linked his own fate with Ehrlichman's so that a guilty plea by Ehrlichman would further undermine the beleaguered President. But just a guilty plea in itself would not be adequate to grant Ehrlichman leniency. Since the prosecutors regard him as a central figure in the conspiracy, he would have to become a chief government witness—with conceivable ill effects for Mr. Nixon.

Until some two weeks ago, Colson seemed a dependable stonewall. But months of Watergate pressure were telling on Colson — widely publicized in his recent religious conversion — as it did not seem to affect either Ehrlichman or Haldeman. "Unlike the Dutchmen," a former White House colleague told us, "Chuck Colson is a real human being

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with red blood in his veins." His friends report he was hurt and shocked by the contempt shown him by the President, Ehrlichman and Haldeman in the edited White House transcripts.

More to the point, Jaworski had a strong though limited case against Colson in both the Watergate and Ellsberg trials. Published reports that the case was paper-thin and that Jaworski would settle for a one-count misdemeanor plea came not from the special prosecutor but from the Colson camp. Nor did Colson's counsel and law partner, David Shapiro, take all that seriously; the threats by Judge Gerhard Gesell of dismissing charges against Colson and Ehrlichman unless the President released subpoenaed tapes.

Consequently, feelers from Colson reached Jaworski's office two weeks ago, and a one-count felony plea was agreed to last week. Although indictments against Colson in the main Watergate case are now dropped, Colson is by no means excused from testifying on his

alleged conversations with Mr. Nixon over clemency for the Watergate seven. Besides, the Supreme Court is now considering Jaworski's subpoenas for those tapes.

However, the prosecutors do not expect Colson to become another John Dean, cascading incriminations against everybody from Mr. Nixon on down. Even though Colson helped publicize himself as the master of Nixonian dirty tricks, Jaworski's investigators had come to believe he was not a central conspirator. But his very plea does help the prosecutors immediately.

While denying prior knowledge of the 1971 burglary of the Beverly Hills, Calif., office of Dr. Lewis Fielding, Colson in his guilty plea confessed seeking "confidential and derogatory information . . . from (Ellsberg's) psychiatric files . . . for the purpose of publicly disseminating said information." That is viewed by the prosecutors as a major weapon against Ehrlichman's argument that the break in was justified on grounds of national security.

Colson's plea therefore will be used to force serious plea bargaining with Ehrlichman — considered a real possibility since John J. Wilson and Frank Strickler officially withdrew as Ehrlichman's attorneys May 24 (though they still represent Haldeman). When a deal was offered Ehrlichman early this year, Strickler immediately asked what was being offered Haldeman. At that point, Jaworski let the matter rest.

Should Ehrlichman plead guilty in the Ellsberg case, Mr. Nixon's own reasons for failing to report the break-in when he first heard of it would be undercut. But the greater danger to the President would stem from what Ehrlichman would have to say to get off with a one-count plea.

Jaworski would expect a great deal more from him than from Colson. To get rid of a grand total of two conspiracy, one obstruction of justice, and seven perjury indictments, Ehrlichman would have to talk long and hard. At the White House, the unlikely prospect of a broken Ehrlichman stonewall has always been considered the point of maximum peril for the President.

Colson's plea of guilty, therefore, could become the most significant development in the Watergate case since last summer's revelation of the secret tape recordings. The irony is that the Chuck Colson who so loudly proclaimed the virtues of loyalty above all else in politics could conceivably—even if indirectly—be his chief's undoing.

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