

# I Have Not Been Able To Testify Fully: Colson

*President Nixon's former special counsel, Charles W. Colson, pleaded guilty yesterday to charges of obstruction of justice for his activities against Pentagon paper defendant Daniel Ellsberg. After entering his plea, Colson released a statement setting forth his views of his own conduct:*

I have pleaded guilty today to the information filed by the special prosecutor in the District Court. The charges in the information are not those contained in the two indictments previously returned against me—that is the Watergate cover-up and the Ellsberg break-in.

I pleaded not guilty to those charges; I can in complete conscience, however, plead guilty to the particular charges of this information.

I have taken this action for reasons which are very important to me:

1. To have fought the two indictments might well have resulted in my eventual exoneration. As a defendant, I would have been necessarily concerned with protecting my position in the trials. That would have limited my ability to tell everything I know about the Watergate and Watergate related matters.

I have told the truth from the beginning but I have not been able to testify fully; for example, because of a threatened indictment I could not appear at the Ervin committee.

I have watched with a heavy heart the country I love being torn apart these past months by 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 the resolution no matter who it may help or hurt—me or others. That, at least is the way I see my duty; that is the dictate of my conscience.

2. During the pre-trial motions, I listened very intently to many of the arguments related to the national security justification of the Ellsberg break-in. Judge Gesell's words from the bench—to the effect that if this is to be a government of laws and not of men, then those men entrusted with enforcing the law must be held to account for the natural consequences of their own actions—had a profound effect on me. Whether at the time certain actions seemed totally justified and indeed essential to the national interest is not the issue. If the overriding national interest requires extraordinary action, then every possible legal sanction must be observed, every right to individual due process respected. We cannot accept the principle that men in high government office can act in disregard of the rights of even one individual citizen.

My plea acknowledges that I endeavored to disseminate derogatory information about Dr. Ellsberg and his attorney at a time when he was under indictment by the

same government which I was an officer. Judge Gesell's words had particular impact upon me because I have either been under indictment or been the target of serious accusations for the past two years. I know what it feels like—what it must have felt like to Dr. Ellsberg—to have the government which is prosecuting me also try me in the public press. I know how it feels to be subjected to repeated and in some cases deliberate leaks from various congressional committees. In fact, there are records showing that the CIA deliberately planted stories with several major news organizations accusing me of involvement in criminal activities.

I regret what I attempted to do to Dr. Ellsberg. It is wrong whether it is done to him, to me or to others. Not only is it morally right therefore that I plead to this charge but I fervently hope that this case will serve to prevent similar abuses in the future. Government officials must know that under our system of government, every individual—whether a potential or actual criminal defendant—is entitled to a fair trial and that anyone who attempts to interfere with that right must suffer the consequences.

I will not answer questions today, but I will make three observations which may satisfy some of your questions:

First, my counsel has requested the court to proceed as swiftly as possible with sentencing. I will, as I have from the beginning, tell the truth; but I want there to be no reason for anyone to even question whether my testimony might be affected—even subconsciously,—by the impact it might have on the court.

Second, it is a widely held belief that in plea bargaining the defendant offers in advance testimony against others or at the very least negotiates on the basis that his testimony will be "useful" against others. I do not know about any other case, but I can say that this was not done in my case.

Third, as a result of this action today there may be speculation about my future testimony. I regret that. I can only say that I hope that my testimony will be of value to the country and will contribute in some small way to bringing to an end one of the most painful periods in our history.

I truly believe that out of all the agonies of Watergate, it is possible to bring about important changes in our political process and to strengthen our institutions in such a way that they are better protected against those who would abuse the political process or abuse their public trust.

All of us who have been involved in this unhappy chapter of history, along with all of those who occupy public office today, have an overriding obligation to do everything in our power to help restore the confidence of the American people in this government.

May 31, 1974

David I. Shapiro, Esq.  
Dickstein, Shapiro & Morin  
1735 New York Avenue, N.W.  
Washington, D. C. 20006

Dear Mr. Shapiro:

On the understandings specified below, the United States will accept a guilty plea from your client, Charles W. Colson, to a one-count information charging him with obstructing justice in connection with the criminal prosecution of Daniel Ellsberg, in violation of Title 18, United States Code, Section 1503. This will dispose of all pending charges in the cases of United States v. Ehrlichman, et al., Criminal No. 74-116, and United States v. Mitchell, et al., Criminal No. 74-110. It will also dispose of all potential charges against your client which might otherwise arise out of those matters which are or have been under active investigation by the Watergate Special Prosecution Force.

This disposition is predicated on the understanding that the United States will move for leave to file a dismissal of all pending charges against Mr. Colson as set forth in the indictment filed March 1, 1974, Criminal No. 74-110, charging Mr. Colson, among others, with conspiracy and obstructing justice, and the indictment filed March 7, 1974, Criminal No. 74-116, charging Mr. Colson, among others, with conspiracy against rights of citizens. This disposition will not bar prosecution for any false or misleading testimony given hereafter.

This understanding is also predicated upon the fact that Mr. Colson will immediately provide statements under oath and will produce all relevant documents in his possession upon the request of the Watergate Special Prosecution Force. He may be required to testify as a witness for the United States in any and all cases with respect to which he may have relevant information.

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The United States will make no recommendation concerning Mr. Colson's sentencing but will bring to the attention of the probation authorities and the Court information concerning Mr. Colson relating to those cases in which Mr. Colson is presently charged. The United States will join with you in urging that Mr. Colson be permitted to remain on recognizance pending sentencing. The United States, if requested, will provide to any investigative, disciplinary or fact-finding body information concerning Mr. Colson.

Sincerely,

LEON JAWORSKI  
Special Prosecutor

A letter from special prosecutor to Charles W. Colson's lawyer spells out details of the plea bargain worked out between David Shapiro and Leon Jaworski.