

Silbert Kept 'Diary' On Watergate Case, Eyed Writing Book

By Jack Nelson
Los Angeles Times

Unknown to his superiors, the former chief prosecutor in the Watergate case, Earl J. Silbert, kept secret records of the investigation and made contacts about writing a book based on the records.

The Justice Department confirmed Tuesday that Silbert, chief assistant U.S. attorney here, had apparently kept the records.

Neither Watergate Special Prosecutor Archibald Cox nor Justice Department officials have seen the records. Neither has the Senate Watergate committee, but some of its staff members have interviewed Silbert about the matter.

The fact that Silbert had kept such records was reported by Lesley Stahl of



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CBS, who quoted an unnamed source as saying the records would reflect the depth to which some persons had gone to mislead and deceive the original Watergate prosecutors.

Silbert declined to comment on the matter. But after conferring with Silbert, Horace Webb, a Justice Department information official, confirmed that Silbert had kept the records and had discussed the possibility of writing a book.

Webb said he contacted Silbert after a reporter inquired about the CBS report. Webb said he cautioned Silbert that department regulations would bar him from publishing information gained in his official duties. Silbert was not familiar with the regulations, he said.

One regulation, entitled, "Improper Use of Official Information," provides:

"No employee shall use for financial gain for himself or for another person or make any other improper use of . . . information which comes to the employee by reason of his status as the Department of Justice employee, and which has not become part of the body of public information."

Silbert began keeping his personal account of the prosecution's experiences about a month after the June 17, 1972, break-in of Democratic headquarters at the Watergate, Webb said.

He said Silbert had turned over all official records of the prosecution to Cox, the special prosecutor, but had not turned over what he considered to be his own personal files.

Webb said Silbert acknowledged initiating contacts with friends, attorneys and others, including a New York literary agent, "with respect to the general subject of writing a book concerning his experiences."

Webb quoted Silbert as saying he had found little interest in the book proposal and in view of the department regulations would not pursue the matter.

It is not known whether the records, which a Senate Watergate committee staff member called a "diary," would reflect political pressures and other controversial aspects of the Watergate investigation.

The Senate committee apparently learned of Silbert's

records after he began making contacts about writing a book. He was interviewed about the matter on Aug. 6 by Samuel Dash, chief committee counsel, and several other committee staffers.

Dash said he has not seen the records, but has not "closed the door" to asking to inspect them.

Cox, apparently nettled that Silbert would consider writing a book based on the records, said, "Mr. Silbert should be well aware of the departmental regulations and professional standards imposing restrictions on federal prosecutors communicating information about a case with which he has been associated."

Cox said Silbert had cooperated fully in the continuing Watergate investigation. He said he is sure he can have access to Silbert's records if he decides to ask to see them.

Silbert and assistant U.S. attorneys Seymour Glanzer and Donald Campbell conducted the original Watergate probe in 1972 and led a renewed grand jury investigation in early 1973 amid demands for a special prosecutor and widespread questioning of their performance.

They continued to work on the case after Cox assumed control of the investigation last May. In a letter resigning from the prosecution team on June 29, they wrote Cox that they had vigorously pursued the investigation. They rejected "any allegations of impropriety or lack of diligence."