

Key Figure in Watergate Conspiracy To Testify Against

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An unidentified member of the criminal conspiracy to cover up the Watergate affair has agreed to plead guilty without being granted immunity and will testify against others involved, U. S. Attorney Harold Titus Jr. announced yesterday.

Titus said a "comprehensive indictment" is anticipated in the Watergate case within 60 to 90 days, focusing on obstruction of justice after the burglary and wiretapping at Democratic Party headquarters last June 17. The indictment also will include criminal activities beginning in 1971 that "motivated the massive obstruction" after the break-in, Titus said.

Justice Department sources and several attorneys involved in the case said they assumed Titus was referring to former Nixon campaign deputy director Jeb Stuart Magruder as the person who would testify. Magruder's attorney, James J. Bierbower, declined to discuss whether the reference was to his client.

Titus took the unusual step of discussing upcoming indictments in a statement announcing that the local prosecutors in the U.S. attorney's office would continue to conduct the grand jury investigation of the Watergate affair at the request of special Watergate prosecutor Archibald Cox.

Titus' statement followed speculation that the local prosecutors would either be dropped or resign from prosecution of the Watergate case. It was followed by a

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statement from Cox in which he said he was familiarizing himself with "all that has been done" and at a later date "we can see what is most appropriate for the future."

In his statement, Titus also said negotiations are in progress toward getting others involved in the Watergate cover-up to plead guilty and testify without being granted immunity. Titus would not say with whom the prosecutors are negotiating.

The role of the three local prosecutors who have been handling the case for the last 11 months has been unclear for the past three days, and the grand jury probe has been at a standstill. Yesterday's statement cleared the way for the grand jury to be called back to hear more testimony.

Titus said yesterday that the local prosecution staff

was ready to withdraw from the probe Tuesday, for two basic reasons:

- It felt Cox should have "freedom-of-choice in his selection of staff after being brought into such a complex situation.

- The uncertainty of witnesses, potential defendants and their respective attorneys, as well as the prosecutors, concerning the authority of the U.S. attorney's office to make decisions in the case.

Titus said the local prosecutors—Earl J. Silbert, Seymour Glanzer and Donald Campbell—were planning to turn over to Cox all files, records, transcripts and other documents about Watergate. The prosecutors would then "be available at (Cox's) request to consult with and assist

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him in the understanding and comprehension of the many complex and intricate issues involved in this highly publicized case," Titus said.

The decision to withdraw was postponed after Cox asked to meet with the prosecutors when Titus informed the special prosecutor of "our firm intention to proceed with the announcement" of the resignations, Titus said.

They met with Cox at the Justice Department on Wednesday, Titus said, and "he urged us, in view of the important work we are doing, that it was in the public interest we carry on the development of the case."

Titus said yesterday in his statement that the development of the case is following a "strategy (the prosecutors) formulated prior to the return of the first indictment in this case and the trial of the defendants.

"The prosecutors have developed and outlined before the grand jury a comprehensive and coherent theory of prosecution," Titus said.

It is this "theory of prosecution" that Titus and the three prosecutors are believed to have conveyed to Cox during the 2½-hour meeting at the Justice Department.

According to a source close to the prosecution, the "massive obstruction" that followed the Watergate arrest involved at least 15 to 20 persons who were not among the seven original Watergate conspirators.

Although there is sufficient evidence to indict virtually all of those persons, according to the source, only six to 10 persons probably will be charged criminally in the "comprehensive indictment" mentioned by Titus yesterday.

Some will be named as unindicted coconspirators, the source said, while others—generally involved in lower levels of the conspiracy—will be prosecution witnesses at the trial.

Some of the unindicted coconspirators and potential witnesses not named in the indictment will be granted immunity from prosecution to assure their testimony, the source said.

"The way to try this case is to stick with the top people" in drawing the indictment, according to the source. Indicting more than 10 persons, he said, would court a "prospective disaster" because the indicted conspirators might successfully petition for severance of their cases into individual trials.

Several court sources have pointed out that the withdrawal of the three prosecutors from the case after 11 months of investigation could seriously delay indictments. Titus yesterday refused to characterize his conversation with Cox, even to say if he expressed an opinion to the special prosecutor as to whether or not the three local prosecutors should remain in the case.

The portion of yesterday's statement dealing with the investigation itself was presented by Titus as representing the three local prosecutors' "assessment of the current status of their investigation."

Titus's report included praise of the work done by his staff as well as telling of the advanced stage of the probe.

"The major breakthrough in the investigation reported in the news media a little over a month ago was directly attributable to the continuing efforts of these prosecutors," Titus said.

It is believed that Titus is referring to a Saturday, April 14, meeting between the prosecutors and former Nixon campaign deputy director Magruder. That meeting came three days before President Nixon went on national television to announce that he had been informed of "major developments" in the Watergate case.

The statement by Titus yesterday also indicated that some "important witnesses and potential target defendants" have not yet appeared before the grand jury, but that most of those persons have been interviewed one or more times by local prosecutors.

Less than two hours after Titus made his statement at the U.S. Courthouse, the Justice Department released the text of a letter to Titus from Cox. Without referring to Titus's statement, the letter written yesterday by Cox began by saying the special prosecutor thought "it was important to record the exact terms of the request" that the U.S. attorney's office continue in the case.

Those terms, according to Cox's letter, were based on this statement:

"It is of great importance that there be no break or delay in the investigation. The public interest requires you as honorable and responsible public officials to carry on while I am familiarizing myself with all that has been done; and at that time we can see what is most appropriate in the future."

Contacted by telephone, Silbert said he felt Titus's statement followed those terms precisely. Silbert pointed out that Titus's statement did not set any time limits on how long the local prosecutors would continue in the case, but just that "we will continue."

The Justice Department press office said there would be no comment on why the letter was made public or why Cox thought a letter should be written following Titus' statement.