

# Prosecutors Upset

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News that the White House may abandon the nomination of Earl J. Silbert as U.S. attorney for the District was greeted with amazement, sorrow and, in some cases, bitterness by a sampling of prosecutors, judges and others in the legal community here.

"It's a shame and a disappointment . . . it would be very unfortunate for the city to lose him, D.C. Superior Court Judge Nicholas Nunzio said when informed of a report in the Star-News concerning White House intentions.

The controversy over Silbert's nomination was renewed this week when administration sources said the nomination might be abandoned because of

opposition on the Senate Judiciary Committee. The White House denied the report but refused to say whether Silbert's name will be resubmitted to the next Congress if he fails to be confirmed this term.

**IN HALLWAYS** and other congregating places in the U.S. attorney's offices at both D.C. Superior Court and the federal courthouse, prosecutors gathered in small knots, some shaking their heads in disbelief that Silbert's days as their leader might be numbered.

"It's those stupid, politics-playing ★+!'s in Congress that are responsible for this . . . They don't give a damn about anything but their political images and how they look to the folks back home," one tight-lipped assistant U.S. Attorney said.

## That Silbert May Not

A source highly placed in the Ford administration told the Star-News Tuesday that even though Silbert's name has been resubmitted for nomination to the Judiciary Committee, it is expected that the lame-duck Congress will take no action this year and when the new Congress convenes in January another nominee will be submitted. No new nominee has been selected yet, the source said.

A White House press spokesman yesterday denied that the President intends to abandon Silbert's nomination. He said the White House hopes the Senate Judiciary Committee will act before the end of this term.

**SOURCES** in the committee, however, said it is almost certain that no action

will be taken by the present Congress and the nomination will, in that case, die when the term ends in December.

The White House spokesman would not say yesterday whether the President intends to resubmit Silbert's nomination to the new Congress. "I'm not saying he will and I'm not saying he won't," the spokesman said.

Silbert's nomination, pending for nearly a year now, ran into trouble when hearings on his confirmation bogged down over his role in the Watergate investigation. Silbert led a team of prosecutors during the initial investigation and some critics have charged that he payed too little attention to the role of Nixon and other administration officials in the scandal.

Silbert, 39, a Harvard graduate, has

## Be Kept

been serving as acting U.S. attorney for more than a year. He declined to comment on the matter of his confirmation yesterday, nor would he say what he intended to do if his nomination were withdrawn.

When it was learned two weeks ago that the White House intended to resubmit Silbert's nomination, Sen. John Tunney, D-Calif., a member of the Judiciary Committee and a strong critic of Silbert, said he was "amazed" that the White House would send Silbert's name for confirmation again.

**PROSECUTORS** in Silbert's office were unanimous in his defense when they heard the news yesterday.

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# SILBERT

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"It's a rotten shame and I hope the report is untrue," said Warren King, one of Silbert's chief deputies.

Seymour Glanzer, one of the two prosecutors who worked with Silbert on the original Watergate investigation, said it would be "tragic" if Silbert's nomination were withdrawn.

"Only terribly ignorant people would suggest that Earl didn't do everything that could have been done in the Watergate case . . . Anyone saying he didn't, doesn't know the facts, said Glanzer, who is now in private law practice.

**ASST. U.S. Attorney Donald Campbell**, the other prosecutor involved with Silbert in the Watergate probe, said in a choked voice:

"That group on the Hill is playing a little game of politics rather than considering it (the nomination) on its merits. I'd like to take that status report (prepared by Silbert for Special Prosecutor Archibald Cox when he took over the investigation) and read it to Tunney — all 90 pages of it!"

"I can think of no one, no one, who is

better qualified to be the U.S. attorney in the District," Campbell said.

Superior Court Chief Judge Harold H. Greene agreed that Silbert was a good prosecutor.

**"IT'S TOO BAD**, but I guess if you were touched by Watergate, well . . ." Greene said.

Superior Court Judge Donald Smith, who served with Silbert before his appointment to the bench, called Silbert "one of the finest lawyers and one of the finest public servants I know."

Nunzio, who also served once as an assistant U.S. attorney, called Silbert "a rare example of a prosecutor who worked himself up through the ranks of the office."

"I was delighted when his name was submitted and I would be disappointed if it were withdrawn. I admire and respect Earl Silbert; besides, he's young — that job would kill an older man," Nunzio said.

Former Police Chief Jerry V. Wilson said "It would be a shame if the nomination were withdrawn . . . He is an able lawyer and fine prosecutor but I guess his problems are the realities of political life," Wilson said.