

W Post
3/15/74

Silbert Defends His Conduct Of 1st Watergate Investigation

By Timothy S. Robinson
Washington Post Staff Writer

Acting U.S. Attorney Earl J. Silbert, who prosecuted the original Watergate case, has filed a detailed memorandum with the Senate Judiciary Committee defending his role in that case.

Silbert, who has been nominated to become U.S. attorney here, wrote the memorandum at the request of the committee, which must act on his nomination. The committee is expected to hold public hearings on the nomination, but no date has been set.

The memorandum is in the form of a response to a report written by attorney Charles Morgan Jr., director of the Washington office of the American Civil Liberties Union. The report was highly critical of Silbert's performance in the Watergate probe and accused him of cooperating with the Nixon administration in a Watergate cover-up.

Silbert rejects that contention in the 31-page memorandum, his first detailed explanation of the prosecution role in the investigation. While there is little new information in the report, it is the only detailed public description of that probe from the prosecutor's standpoint.

It is known that Silbert and the other two original Watergate prosecutors, Seymour Glazer and Donald Campbell, have filed such memorandums with the Justice Department and the Watergate special prosecutor's office in the past in direct response to specific critical articles and publications.

—However, those have not



EARL J. SILBERT

... answers ACLU charges

been released since they refer directly to grand jury testimony or have been considered internal memorandums, Silbert said in the report released yesterday. The report to the Senate Committee omits such references and memorandums.

In the memorandum, released by the Senate committee, Silbert said the public record "of the accomplishments of our investigation is both meager and distorted" because so much of it was done in secret grand jury sessions.

He said his memorandum should not be viewed as "defensive in nature" despite its being a point-by-point response to a critical report.

Without being critical of the Watergate special prosecutor's office, Silbert pointed out that much of that office's public work has been a result of the

original prosecutors' secret work.

"... The formulation of a comprehensive prosecutive theory, the development of a tactical and strategic approach to the further development of the case, the discovery and disclosure of the Ellsberg burglary and its relationship to the Watergate cover-up... these and other accomplishments of our investigation not part of the public record," Silbert said.

Silbert, Glazer and Campbell withdrew from the case last June at their own initiative about five weeks after Archibald Cox was appointed special prosecutor. A letter from Cox to Silbert thanking him for "invaluable help" in the Watergate probe was attached to Silbert's memorandum.

Morgan, the author of the ACLU report, said last night he would not have any comment on Silbert's response at this time, adding that he wanted to read it in detail before deciding whether such comment would be made.