

Conflict on Prosecutors Stalls Grand Jury Probe

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A dispute over whether three local prosecutors should continue to direct the federal grand jury investigating the Watergate affair has developed between their boss, U.S. Attorney Harold H. Titus, and the Justice Department's special Watergate prosecutor Archibald Cox, according to highly reliable court sources.

The disagreement has caused an indefinite delay in prosecution of the case and no more witnesses currently are scheduled to appear before the grand jury, the sources said.

Court sources confirmed the conflict yesterday after Titus prepared to announce that prosecutors from his office were withdrawing from the Watergate investigation at the request of Cox.

Instead, Titus announced only that he and Watergate prosecutors Earl Silbert Jr., Seymour Glanzer and Donald Campbell would be meeting here today with Cox.

Titus would not say what aspect of the Watergate case would be discussed at that meeting, but sources close to the U.S. attorney's office said he would make a last-ditch attempt to keep that office involved in the prosecution and in charge of the day-to-day presentation of the case to the grand jury.

Cox denied yesterday afternoon in a telephone interview that he had asked the U.S. attorney's office here to step out of the Watergate investigation. He said he still

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had an "open mind" on whether the three local prosecutors should continue to present information to the grand jury here.

Titus refused to comment on any possible withdrawal of his staff from the probe.

In any event, sources in the U.S. attorney's office said the grand jury probe is at a standstill until Cox reviews previous testimony and decides whether to continue having Silbert, Glanzer and Campbell present further evidence.

The sources said that if Cox decides to appoint a new staff to present the case to the grand jury, any possible indictments would be delayed indefinitely.

The sources said it could be more than a month before the grand jury began hearing any more Watergate testimony if Cox names a new staff, since it would take that long for new prosecutors to become familiar with the evidence that has been presented so far.

Silbert, Glanzer and Campbell conducted the Watergate investigation that ended with wiretapping and burglary charges being brought against seven defendants who were tried here last January. They have also been conducting the investigation into the alleged cover-up by higher

government officials of other alleged improprieties in the 1972 Nixon campaign.

The three prosecutors and the U.S. attorney's office have been criticized for not vigorously pursuing the possibility of a cover-up at the time of the first probe and trial. The critics have pointed to several occasions during the trial in which Judge John J. Sirica pressed lines of questioning further than did the prosecutors.

Government sources said two weeks ago that the Senate's select committee on the Watergate is actively investigating the handling of the Watergate prosecution by the Justice Department. Those sources said the prosecutors received evidence last year—before the Watergate trial—indicating there was a cover-up of high-level involvement in the bugging of Democratic headquarters.

The prosecutors failed to adequately pursue the leads provided by the evidence, the sources said.

However, other prosecutors and lawyers have defended Silbert, Glanzer and Campbell as "dedicated and sincere" prosecutors who were dealing with possible perjury by highly placed government officials, including their former superiors. One prosecutor yesterday also pointed to the complex sequence of mysterious phone calls and secret meet-

ings recently disclosed in Senate committee testimony as an example of the problems that the prosecutors faced.

"You can't break a white-collar conspiracy unless one of the conspirators talks," the prosecutor said.

It is known that Titus has vigorously defended the handling of the case by the three prosecutors and his office to Cox, and has pointed out the possible harm and delay to the investigation of his staff bows out at this time. One court source described the situation as a "power struggle," but Cox said he did not see it as such.

"I just am not familiar enough with the investigation to make a firm commitment at this time" on whether the U.S. attorney's office here will continue to handle the case, Cox said.

A spokesman for Titus told the press yesterday morning that he would have a statement at 2:30 p.m. He did not disclose the topic of the statement, but several court sources said it would concern the withdrawal of the U.S. attorney's office from the probe.

The statement also would point out that the prosecutors had been asked to "be available" for consultation and advice as the new staff became familiar with the probe, the source said.

The sources also said that

the special prosecutor's staff would move into the U.S. Courthouse here to conduct the probe.

The normal procedure for Titus to follow in an announced press conference is to read from a prepared statement and for the statement to then be handed out to the press. Court sources said yesterday that such a statement had been prepared and mimeographed for distribution, and that several assistant U.S. attorneys were aware of it.

Instead, Titus called the press into his office at 2:15 p.m. and read a three-sentence statement from handwritten notes. The statement said Cox had called Titus, and that Titus and the three Watergate prosecutors would meet with the special prosecutor today in Washington.

Titus would not comment further or answer questions, other than to say at one point: "I told you what I wanted you to use and I hope you use it."

After being told that Titus had announced during his press conference only that he would meet with Cox, persons who were aware with his earlier prepared statement expressed surprise.

Several said they saw the change in statements as a temporary victory for keeping the investigation in the U.S. attorney's office.