

Watergate Prosecutors

Withdraw

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The three original prosecutors in the Watergate scandal—Earl J. Silbert, Seymour Glanzer and Donald E. Campbell—withdraw from the investigation yesterday.

They said they were bowing out reluctantly, but felt it best to give Watergate special prosecutor Archibald Cox a completely free hand, without any ties to the initial investigation, which was impeded by a "massive obstruction of justice designed to prevent the discovery of the truth."

The local prosecutors added in five-page letter to Cox that they might be "needed as witnesses concerning events which occurred since April, 1973."

Cox, who was sworn in May 26, called their help in pursuing the case thus far "invaluable," and indicated that he wished they would have stayed longer. But he told them in a one-page letter that he could not refuse their request, which was presented to him earlier in the afternoon.

Strongly defending their conduct of the investigation and prosecution of the original Watergate defendants before Cox took over, the three said they would return to their normal duties at U.S. Attorney Harold Titus' office here next week.

They left Cox with a "comprehensive status report," along with "out recommendations as to the future steps to be taken to complete the investigation."

Cox said their departure "may slow us down somewhat," but not enough to insist on their staying against their wishes.

"This case is very much a part of us," Silbert told reporters last evening. "We've worked long and hard on it. But we've concluded we should no longer continue . . . because we were part of

the government, we were part of the investigation."

It has been directed since May 29 by Cox's special assistant, James F. Neal, with Silbert, Glanzer and Campbell consigned to a subordinate role. The three had considered sticking with the case until the expected indictments concerning high-level White House involvement in the cover-up had

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been returned, but they were said to have become increasingly restive and frustrated at having the direction of the investigation taken out of their hands.

The Watergate grand jurors who have been sifting the evidence since shortly after the break-in at Democratic National Headquarters here June 17, 1972, were told of the changeover earlier in the day in a session with Silbert, Glanzer, Campbell, Neal and associate special Watergate prosecutor Philip B. Heymann who will work with Neal temporarily.

Heymann has been heading the task force Cox assigned to investigate the covert activities of the "White House plumbers" and their 1971 break-in at the offices of Daniel Ellsberg's psychiatrist during the secret probe that President Nixon ordered following the leak of the Pentagon Papers.

In their letter of resignation, Silbert, Glanzer and Campbell said that they realized it might prompt speculation that they were quitting under fire, but called any such talk "wholly unwarranted."

"Furthermore, we emphatically reject any allegations of impropriety or lack of diligence which have been or might be made," they said. "At the very minimum, we plan to submit a

written response to any such criticism."

Turning to their expectation of being called as witnesses in developments since April, Silbert told reporters it was based primarily on their questioning and bargaining with former White House counsel John W. Dean III and Jeb Stuart Magruder, former deputy director of

Mr. Nixon's 1972 campaign—both of whom are expected to be indicted.

The prosecutors, who said they stood ready to testify before the Senate Watergate Committee as well as any court proceedings, said it would be difficult to remain on the case as "both investigators and potential witnesses."

The three also denied ever being subjected to any official intimidation or heat from the White House to limit their original prosecution to the seven Watergate conspirators convicted in January. And, in their letter to Cox, they implied that they ought to be credited with "the critical breakthrough" which they said took place in mid-April.

Last year, by contrast, they said, "as the evidence now shows, many government officials and others who, unbeknownst to us, had critical evidence, either withheld it or made false statements to the grand jury, thus, whether innocently or not, aiding and abetting the cover-up. Indeed, not until

after the successful prosecution of the seven defendants did a single witness step forward with material information except for one bookkeeper with limited knowledge."

They said they tried to enlist the help of Watergate spy James McCord last October with "an extremely generous" offer to let him plead guilty to a single felony count, but McCord, who began talking after his conviction, rejected it.

"We've often said we gave him an offer he couldn't refuse—and he refused," Glanzer said.

They said they felt their fallback strategy of winning convictions first and then granting limited immunity for grand jury testimony "concerning the involvement of others" was consequently the best course to follow.

Among the results of the April "breakthrough," they said, were Magruder's agreement to plead guilty to a felony count in return for turning government witness, the discovery of the Ellsberg burglary during the Pentagon Papers trial, and Nixon campaign strategist Fred LaRue's guilty plea earlier this week to conspiring to ob-

struct justice. LaRue has also agreed to testify for the government; Silbert, Glanzer and Campbell reminded Cox that they had "strongly urged" acceptance of his plea in their status report,

which was said to be an 87-page document.

The three prosecutors have been criticized for not seeing through Magruder's admitted perjured testimony before the grand jury last August in light of warning signals from Nixon campaign treasurer Hugh Sloan. They have also been scored for permitting both White House aides and chief Nixon fund-raiser Maurice Stans to give their sworn statements in interrogations at the Justice Department, away from the grand jury.