

SUNDAY,

'My Whole Life, Practically,'

Titus Recalls 23 Years in U.S.

By Donald P. Baker
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"No prosecutor's office in the history of the U.S. ever had imposed on it a case with such ramifications," said Harold H. Titus Jr. yesterday, recalling his introduction to Watergate.

At midnight Monday, Titus, the U.S. attorney for the District of Columbia, will put that all behind him, retiring from an office that has been "my whole life, practically."

Titus became an assistant in the U.S. attorney's office here in September, 1950, upon the recommendation of his next-door neighbor, former Supreme Court Justice Tom Clark. He was confirmed as U.S. attorney on Feb. 17, 1972, following his nomination by President Nixon.

While Watergate has overshadowed its recent activities, the U.S. attorney's office here, along with that of the Southern District of New York, is among the nation's busiest prosecution forces.

Titus' 140 lawyers have faced 12,000 angry war protesters, implemented the controversial preventive detention provision of the D.C. Crime Act and

prosecuted hundreds of felons in U.S. District Court.

His decision to quit, Titus insisted during an interview in his bachelor apartment yesterday, has "nothing to do with" Watergate, but rather with "this damned stomach."

Titus "just started waking up every morning with nausea," which his physician attributes to a hiatal hernia and a capped ulcer. "Life is too short," Titus said, in explaining his sudden decision to retire, at age 51, from his prestigious position.

No successor has been named, but it is clear that Titus' choice would be Earl J. Silbert, his chief assistant and the first Watergate prosecutor.

Stages of the Watergate investigation—Silbert's achievements in the early "will some day be very clear," Titus said. "I've never known a young lawyer to have done a more perfect job than Silbert, and his team of Seymour Glanzer and Donald E. Campbell," Titus said.

The three local prosecutors withdrew from the Watergate inquiry last

June 24, less than one month after the selection of Special Prosecutor Archibald Cox.

Titus concedes that "because the public clamor demanded it," a special prosecutor had to be named, but he clearly believes his three assistants should have remained on the case. "If they had continued, because they were sufficiently into the investigation, outside people (Cox' staff) would not have been needed," Titus said.

Many people "may ask how you can investigate your own executive branch, but it was being done," Titus said. "There was not even so much as a phone call of pressure on me," he continued, "although many expected that, because I am a Republican and an Eisenhower man." Titus said he has never spoken to President Nixon about Watergate.

Titus was asked about Mayday, the Vietnam war protest in May, 1971, that resulted in the arrests of about 12,000 demonstrators, nearly all of whom were later released without prosecution. (Titus was named acting U.S. at-

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torney on Jan. 20, 1971, replacing Thomas A. Flannery, who became a District judge.)

"You mean the riot?" Titus responded. "Those mass arrests were not wanted, certainly not wanted by the police. Wilson (D.C. Police Chief Jerry V. Wilson) had no alternative. I would have done the same thing in his place.

"Our courts are not equipped to deal with mass demonstrations, however. If the public ever decided to use demonstrations as a nationwide, continuing tactic, the courts would tumble. They would beat us."

Titus said that although "civil rights should always be protected, it may be necessary to violate one or two of them to save the system.

"That's not legal, or appropriate, but if protesters are allowed to take over the streets, what would be next—the courthouse, the Congress. Look what happened at the Bureau of Indian Affairs."

Titus chides "the liberal press" for exaggerating concerns about some de-

fendants' liberties, while paying little attention to the rights of victims.

Preventive detention, for example, raised "fears and criticisms that were unwarranted," Titus said. Under the D.C. Crime Act of 1970, certain defendants can be jailed without bond, if a judge can be convinced that the defendant probably committed the crime and that pretrial release would pose a danger to the community.

"We have used it very sparingly," Titus said. "It was never designed as a tool for prosecutors to automatically detain masses of defendants. But it is a useful mechanism in isolated instances.

"We could have used it in 1,000 cases, but it probably hasn't been used 20 times. I think we proved our critics wrong," he said.

Twenty-three years as a prosecutor have led Titus to recognize "a need for a better prison system. Our prisons turn out worse people than they take in—especially the youth centers."

Titus blames U.S. Court of Appeals decisions for "the scandal that is called the Youth Corrections Act."

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HAROLD H. TITUS JR.

... "this damned stomach"

Prosecutor Reviews 23 Years

TITUS, From B1

Trial judges are "required to prove that defendants under 22 would not benefit" from the lighter provisions of the act before sentencing them as adults.

"This results in placing hardened criminals, age 21 or so, in the same facility with 16-year-olds who stole a bike," Titus said. "It's turning kids into beautiful felons."

More than a score of years of criminal prosecution also left Titus "totally satisfied" with the adversary system of justice, "although professional expertise is demanded on both sides. I'd rather face a totally professional defense attorney than have the Court of Appeals turn a criminal loose because he didn't have competent counsel."

Titus has no future plans except to "take off some time, maybe a year, get some sun in the Caribbean and calm my nerves," and then "look around."

Except for military service during World War II, Titus' only job aside from that as a prosecutor was a nine-month stint in the claims section of the Justice Department after his graduation from Georgetown Law School.

When Titus accepted the job of assistant prosecutor, at an annual salary of \$3,925 a year, he had to cancel a \$10,000 position he had accepted from

the Bendum-Trees Oil Co. in Pittsburgh.

Justice Clark was a "close friend," who lived in the same apartment building, at 2101 Connecticut Ave. NW as the Titus family. The senior Titus, also a lawyer by training, served as legislative analyst in the executive office of the White House for Presidents from Hoover through Eisenhower.

Titus will not follow his friend and predecessor, Flannery, to the bench. "I'd rather do time in jail," Titus said, by way of tribute. "Not if they offered me the entire Supreme Court," he added. "There is very little time for one's self on the bench. It's continuous pressure."

Titus also believes that "you should not use an appointive job (U.S. attorney) as a stepping stone. You must be absolutely free and not give a damn (about harming your future)."

After prosecuting as many as 10 cases a day, in his early years as an assistant, Titus also said, "I don't know that I'm mentally attuned to be a defense lawyer."

But the courtroom is "the only part of the law I could ever be happy with. I'm a complete ham, and I found my audience (the jury) at my first trial."

The news of his resignation already has brought "several flattering offers," but he plans no decision for some time.

One of the first persons to be told of his decision was Mamie Eisenhower, the wife of "my greatest personal hero."

On a bookcase in Titus' apartment at Summer Village are what Titus believes are "the last two paintings" done by the former President.

In a letter describing them, Eisenhower wrote from Indio, Calif., to "My Dear President Titus: Overpowered by your negotiating ability, I am promptly proceeding to my easel to produce something which you may call 'The Desert,' but which everyone else will probably call a dirty blob... As ever, DDE."

Titus shares a new two-bedroom apartment in suburban Maryland with his nephew, Douglas Titus Jr., a second-year student at Georgetown Law School, and a male servant.

Leaving the Courthouse at 4th Street and John Marshall Place NW is, for Titus, "like leaving my family. It's going to be traumatic."

He will, he admits, have more time "to enjoy life." A lifelong bachelor, Titus plans to travel and spend time with friends. One "dear friend" is Rose Mary Woods, the President's personal secretary.

Has he asked her about the gap in the tape? "Of course not," Titus said, and then laughing, added, "We've both been very busy lately."