

Ellsberg Prompts
Senators To
Request Richardson

MAY 23 1973

3 Prosecutors Nearly Quit

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The New York Times

WASHINGTON, May 22—The three Federal prosecutors in the Watergate affair were on the verge of resigning from the case today, Justice Department sources said. They delayed their decision until a meeting tomorrow — their first — with Archibald Cox, the former Solicitor General who has been designated special prosecutor to supervise the case.

The three Assistant United States Attorneys, Earl J. Silbert, Seymour Glanzer and Donald E. Campbell, believe that they have, in effect, solved the complex case, according to the sources, and resent the fact that neither Elliot L. Richardson, the Attorney General-designate, nor Mr. Cox has had any dealings with them since the scandal erupted last month.

Mr. Richardson, now the Secretary of Defense, was nominated by President Nixon for the Attorney General's post on April 30, and Mr. Cox's selection was announced last

Continued on Page 29, Column 1

Continued From Page 1, Col. 4 the Ellsberg case to be dismissed.

week. About noon today, the three prosecutors scheduled a news conference for 2:30 P.M., apparently to announce their decision to leave the case. But their immediate superior, Harold H. Titus Jr., the United States Attorney, showed up instead and announced to newsmen that Mr. Cox had telephoned to invite the prosecuting team to meet with him tomorrow.

Reason Not Discussed

Neither Mr. Titus nor the three prosecutors would discuss the reason for the news conference in subsequent conversations.

But other Justice Department sources said that the three prosecutors, who have been directing a renewed grand jury investigation for more than two months, believe that they have finally established the full scope of the events concerning the initial bugging of the Democratic National Committee headquarters in the Watergate complex and the subsequent cover-up of the case.

The prosecutors have told high Justice Department officials, sources said, that they expect to complete their investigation within two months and now believe that they can indict most of the major targets of their inquiry solely on the testimony of White House and campaign committee officials who were not directly implicated in the crimes.

"They have their prosecutor's case," one Justice Department official said. "They know what the story is and they know how to put it together."

The official did not elaborate, but last week the attorney for John D. Ehrlichman and H. R. Haldeman, two former key White House aides, filed a court affidavit noting that his clients were subject to possible indictment because of their role in Watergate.

At least 10 other former officials, either at the White House or the Committee for the Re-election of the President, are expected to be indicted in the Watergate case, sources said.

Last month, Mr. Silbert, who is director of the Watergate prosecution team, decided to forward an affidavit about the burglary at the office of Dr. Daniel Ellsberg's former psychiatrist to Dr. Ellsberg's trial in Los Angeles. The affidavit, which reportedly was sent only after President Nixon withdrew objections, led to further disclosures that eventually forced

the Ellsberg case to be dismissed.

The prosecutors have been a repeated target of criticism — most recently from Senator Sam J. Ervin Jr., Democrat of North Carolina and chairman of the Senate Watergate Committee — because they did not learn during their investigations last year that many high-level Nixon Administration aides had been involved in both the bugging and the cover-up.

One Justice Department official, asked about the prosecutors' discontent, noted that "everybody's overreacting about this because everybody's fearful for their own reputation." He said that the prosecutors "obviously resented the appointment of a special prosecutor."

"Well," he added, "so do I. Unfortunately, I think it's necessary because the public has lost faith in the Justice Department. It's a fact, and I'm afraid we'll all just have to live with it."

It was subsequently learned that the prosecutors had sent Mr. Richardson a letter within the last two weeks outlining their progress in the Watergate investigation and requesting a meeting. As of last weekend, one reliable source said, the letter had not been answered. Mr. Richardson could not be reached today for comment.

Petersen to Join Session

One source close to Mr. Cox, who is a professor of law at Harvard, said that the former Solicitor General had made no decision about his plans for conducting the investigation.

The source said that Mr. Cox fully intended to give the three prosecutors a chance to outline their theory of the case and to report on their progress during the meeting tomorrow. The session will include Henry E. Petersen, the Assistant Attorney General who was personally placed in sole charge of the Watergate inquiry in late March by President Nixon.

Mr. Cox "recognizes that they're [the prosecutors] are in a tight spot and doesn't have any intention of kicking anybody around," the Cox associate said. He added that Mr. Cox had decided to telephone the prosecutors even before learning today of their plans to hold a news conference.

It was further learned that Mr. Cox had chosen a Harvard Law School colleague, Prof. Phillip B. Heymann, to serve as an informal deputy, at least during the early stages of the inquiry. Mr. Heymann served as a State Department official in the Johnson Administration.