

Ruth Says Federal Laws Bar Nixon Testimony Disclosure

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Special Watergate Prosecutor Henry S. Ruth Jr. said yesterday that he will not seek to make public former President Nixon's testimony last month to two grand jurors, citing "federal laws about the non-availability of grand jury testimony."

After testifying before a closed House Judiciary subcommittee, Ruth also confirmed that his office is still investigating issues involving the 18½-minute gap on a White House tape recording and matters surrounding Nixon's involvement with his friend Charles (Bebe) Rebozo.

He said he will meet Monday with Attorney General Edward H. Levi to discuss the future of the special prosecutor's office and what should go into the team's final report.

However, Ruth said the report would cover only policies of the office and what it did, not raw data on his investigation.

"We can't release a lot of raw evidence," he said. "I have a special responsibility to adhere to the rules of due process."

Ruth was called before the Judiciary Subcommittee on Criminal Justice to give a status report on remaining Watergate investigations.

He said the testimony Nixon gave on June 23 to two members of the now-defunct Watergate grand jury, himself and several other members of his staff will remain secret, at least for the foreseeable future.

"We took testimony as prosecutors and we ought to act like prosecutors and we will," Ruth said. "I don't know why I should violate the normal rules of law. It's not as though

we're some kind of magic people."

His decision not to seek the release of Nixon's testimony or to include raw data in the final report was criticized by Rep. Elizabeth Holtzman (D-N.Y.), who said such information would have "the kind of credibility no other report would have."

In a related development, U.S. District Judge John J. Sirica declined to order the

Nixon grand jury testimony turned over to lawyers for former Attorney General John N. Mitchell, who is appealing his conviction in the Watergate cover-up trial.

Mitchell's lawyer, William G. Hundley, asked Sirica to look through the testimony for anything applying to his client's appeal.

Sirica said the Mitchell lawyer should take his request to the U.S. Court of Appeals.