

Watergate panel gives report

WASHINGTON (AP) — The Watergate Special Prosecution Force said in its final report Wednesday that before the county is faced with another scandal like Watergate, Congress should decide if an incumbent president is vulnerable to criminal indictment.

"The worst time to answer such questions is when they arise," the report said. "Perhaps, the best time is the present while the memory of recent events is fresh."

The report said once it became clear that former President Richard M. Nixon took part in the Watergate cover-up, one of the toughest decisions faced by the prosecutor's office was whether to indict him along with his senior aides.

Former Special Prosecutor Leon Jaworski concluded in the winter of 1974 that a Nixon indictment would be rejected by the Supreme Court, and would prolong and interfere with the House Judiciary Committee's impeachment inquiry, the report said.

Instead, the prosecutors sent their evidence to the committee which later voted to recommend Nixon's impeachment. A Watergate grand jury also named Nixon as an unindicted co-conspirator.

Tucked between blue cardboard covers, the 277-page final report contained no surprises and few previously unknown facts about the scandals which led to creation of the office 28 months ago. Nor were there suggestions for major institutional reform.

"I have tried to make it plain for 10 months now that it would not be an evidentiary report," Special Prosecutor Henry S. Ruth Jr. said in an interview timed to coincide with the report's release.

He was asked if the pardon granted Nixon on Sept. 8, 1974, would justify the release of White House documents and tapes of further wrongdoing.

"People seem to argue in a vacuum that there is all this evidence around about Nixon that could be released which somehow doesn't touch other people," Ruth said. "Evidence is what people say to each other and what they write to each other, so evidence about Nixon is Nixon talking to other people."

Ruth, who resigned Thursday to head the Urban Institute, a private research organization, said he thinks the demands for additional evidence of wrongdoing stem from fears that Nixon will re-emerge as a major public figure.

"That's what everybody is worried about, isn't it, a second coming ... Somehow people think this gentleman, Mr. Nixon, is going to pop up again. Somehow the record is going to disappear. It's really up to people to analyze the record that's already there and make up their minds for themselves."

The report, a largely historical account, disclosed that as early as the summer of 1973, the first Watergate Special Prosecutor, Archibald Cox, ordered his staff to begin seriously considering Nixon's possible criminal involvement in Watergate.

After Cox was fired in the so-called Saturday night massacre on Oct. 20, 1973, Nixon turned over seven White House tapes, one of which showed the President agreed in March 1973 that the original Watergate defendants should receive high money payments.

By January, 1974, Cox' successor, Jaworski, ordered a study of whether the Constitution permitted indictment of an incumbent President.

Some task force lawyers believed that no one, including a president, is above the law. Not to indict Nixon "would be all the more severe because the President was the very man in whom the Constitution reposes the final obligation to ensure that the law is obeyed and enforced and because his action appeared to have been designed to place himself and other individuals beyond the reach of the law," they argued, according to the report.

But Jaworski concluded that the House impeachment inquiry should take precedence over any criminal prosecution of Nixon while he remained in the Oval Office.

After Nixon resigned, Jaworski decided against including Nixon with five coverup defendants whose trial began Oct. 1, 1974.

Nixon's lawyer Herbert J. Miller argued during several meetings with

Jaworski that the "former President should not be indicted because the massive publicity resulting from both the impeachment proceedings and his resignation would make it impossible to select an impartial jury," the report said.

Jaworski concluded that any prosecution of Nixon would have to wait nine months to a year to allow for the effects of pretrial publicity to wear off.

After the Nixon pardon was announced, Jaworski studied possible legal challenges to the pardon, but concluded that Ford had the authority to bar prosecution of Nixon for any crimes committed while in the White House.

Ruth, who was sworn in as special prosecutor on Oct. 26, 1974, is to be replaced by Charles Ruff, a former Justice Department lawyer and law professor at Georgetown University. Ruff will be sworn in Friday.

Ruff will handle the job parttime. The handful of lawyers still assigned to the special prosecutor's office are investigating three or four illegal campaign contributions. They include allegations that former New Hampshire Rep. Louis C. Wyman promised an ambassadorship in exchange for a campaign contribution, and reports that convicted Watergate conspirator E. Howard Hunt once was ordered to murder columnist Jack Anderson.