

Ruth Criticizes Timing and Terms of Nixon Pardon

By JOHN M. CWDSON
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WASHINGTON, Oct. 19—Henry S. Ruth, the former special Watergate prosecutor, strongly criticized today the timing and the unconditional terms of the pardon for any criminal activities granted former President Richard M. Nixon last year by President Ford.

Mr. Ruth, who resigned from the special prosecutor's post last week, said he considered "atrocious" Mr. Ford's decision to pardon the former President less than a month before some of Mr. Nixon's top White House and campaign aides were scheduled to go on trial in the Watergate cover-up case.

But he conceded that the controversial action by Mr. Ford had not affected the outcome of the cover-up trial, in which the four principal defendants, H. R. Haldeman, John D. Ehrlichman, John N. Mitchell and Robert C. Mardian, were found guilty.

Testimony by Nixon

Mr. Ruth added that he had hoped that such a pardon, which he had concluded from Mr. Ford's public statements was "inevitable," would have been "conditioned on an admission of some kind of guilt" by Mr. Nixon over his alleged role in the Watergate cover-up.

In an interview on the CBS television program "Face the Nation," Mr. Ruth, the third lawyer to hold the special prosecutor's position since the office was created in May, 1973, declined to characterize directly the grand jury testimony



United Press International

Henry S. Ruth Jr. discussing Watergate and its aftermath on "Face the Nation" yesterday.

that Mr. Nixon gave under oath last June concerning various aspects of the Watergate Scandal.

But he did point out what that in the period since the testimony was taken, on a visit by Watergate prosecutors and grand jurors to Mr. Nixon's San Clemente, Calif., estate, "there have not been major indictments" handed up in connection with the Watergate case.

The special prosecutor's office, now under the direction of Charles F. Ruff, will remain in operation as an independent arm of the Justice Department for the time being, but chiefly to handle appeals arising from

previous Watergate convictions.

A report issued last week on the first 28 months of the office's investigation noted that "a few cases" in the area of campaign financing remained to be compared, but that several others of major interest had been abandoned after decisions were made to bring no charges.

Erasure and Hughes Money

They included inquiries into an apparently deliberate erasure of part of a key recorded conversation between Mr. Nixon and Mr. B3lzman, and the circumstances surrounding a \$100,000 cash payment from Howard R. Hughes to Charles G. Rebozo, Mr. Nixon's close friend.

Mr. Ruth dismissed the suggestion that he might personally be at fault for the failure to unravel those and other Watergate-related mysteries, but he said he had realized when he took the special prosecutor's job last year that "anybody around when investigations had to be closed was going to be blamed for not solving them."

"My goodness," he continued, "our staff labored long and hard at these investigations. As you know, in a lot of situations, people just don't talk. It wasn't as though we had a lot of cooperating witnesses in any of these matters walking into our office asking to be questioned."

Mr. Ruth also disclosed that the Watergate prosecutors had been unable to establish a single motive for the June 17, 1972, break-in at the Democratic National Committee's headquarters in the Watergate complex here. The early-morn-

ing capture there by the police of five burglars who carried bugging equipment and funds supplied by Mr. Nixon's re-election organization touched off the Watergate scandals.

Among the burglars and others who conceded foreknowledge of the break-in, Mr. Ruth said, the prosecutors had found that "people have different reasons for what they thought they were looking for in the Democrats' offices). I don't think there was one reason. I think there were a number of reasons."

Prior knowledge that higher-ups in the Nixon Administration and re-election campaign had about the break-in was not chosen as a target for prosecution, he said, after "it became clear that a cover-up" of the responsibility for the break-in "was going on that involved a great number of people." The prosecutors decided the cover-up represented the "best base" for obtaining convictions, he said.

Part of the cover-up investigation, he disclosed, involved the withholding by officials of the Central Intelligence Agency of relevant information about some of those involved in planning and executing the Watergate break-in who had served as C.I.A. operators or employees.

There have been some calls in Congress for the creation of a permanent special prosecution to investigate wrongdoing by high Government officials, but Mr. Ruth and President Ford have expressed firm opposition to that idea and it is not likely that such legislation could be enacted without the support of the Administration. FINIS2