

# Ruth Quits as Special Prosecutor; Levi Defines Successor's Role

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Attorney General Edward H. Levi says he soon will name a replacement for departing Watergate Special Prosecutor Henry S. Ruth Jr. and that the new incumbent will have "the same charter" as his predecessors.

The Attorney General's intention, which he announced Thursday to members of the

House subcommittee on criminal justice administration came as no surprise since Levi had said previously that the special prosecutor's office should be kept functioning. However, his remarks did shed some light on the future role the administration envisions for the prosecutor's office.

Levi said that whoever takes the job will have to work with a substantially reduced staff.

But, he added, the new incumbent's mandate will not be limited to mopping-up chores such as disposition of appeals from past Watergate-related convictions. Instead, Levi said, the new special prosecutor will have the same powers as his predecessors.

As defined by Congress, when it created the office, the special prosecutor has the power to investigate any allegations of illegal activities connected to the 1972 presidential election. Levi's comments thus indicated that the the new prosecutor theoretically would be free to reopen old investigations, begin new ones, and seek additional indictments.

The legislation governing the prosecutor's office specifies that it should continue to function until the special prosecutor and the Attorney General agree that its work is completed. However, this point had led to a difference of opinion between Ruth and Levi. The Attorney General wants to continue the office

and, according to some sources, possibly turn it into a permanent agency to probe government wrongdoing.

Ruth, who took over the office last October, has said that a permanent independent prosecutor, free of restraints, might create more abuses of power than remedies. He had wanted to phase out his office sometime this fall after completion of a final report on its investigations.

Such a report is being prepared by Ruth's staff. But, reliable sources said yesterday, it is not yet clear whether the report will be completed and released this fall or held in abeyance for a decision by Ruth's successor.

The sources said Ruth is expected to leave the prosecutor's office around Oct. 10. The Urban Institute, a nongovernmental research organization dealing with the problems of metropolitan areas, announced yesterday that Ruth will join its staff Nov. 3 as director of research in criminal justice.