

# Ruckelshaus Against Inquiry

By David S. Broder  
Washington Post Staff Writer

The new No. 2 man in the Justice Department yesterday backed President Nixon's plea that the Watergate case to be left to the courts.

Deputy Attorney General-designate William D. Ruckelshaus said the possibility of successful prosecution of those involved in the break-in and cover-up is "unquestionably hurt" every day the Senate Watergate hearings continue.

Ruckelshaus, the former Environmental Protection Agency chief and more recently acting head of the Federal Bureau of Investigation, said he "certainly sympathized" with Mr. Nixon's hope, expressed in his Wednesday television speech, that national attention turn back to other subjects.

But he also renewed the argument, originally made by Watergate Special Prosecutor Archibald Cox, that the Senate hearings jeopardize future prosecutions "because the defense can argue that the public has been so prejudiced by the publicity that defendants cannot get a fair trial."

In a meeting with reporters, Ruckelshaus conceded that it is "a very close question" whether the educational and legislative value of the hearings offsets the possible jeopardy to prosecutions, but said, "as a representative of the Justice Department, I have to side with Mr. Cox."

Ruckelshaus declined to comment on specific charges raised in the Watergate hearings, but said he thought the President was justified in not furnishing a point-by-point rebuttal in his Wednesday speech. He said Mr. Nixon would "have to go on for several days if he answered every specific charge."

He called it a "strong speech," but said, "It won't satisfy his critics because it was not specific enough. I think the President realizes he isn't going to be able to regain trust by constantly discussing Watergate. There's nothing he can say that will satisfy his critics. The only way to regain confidence is through performance."

Ruckelshaus also entered a strong denial of charges that federal prosecutors have been the source of

news leaks concerning allegations that Vice President Spiro T. Agnew received payments from Maryland contractors, and defended the propriety of Attorney General Elliot L. Richardson's meeting with Agnew on the case.

Asked about the complaint from the American Civil Liberties Union that Agnew's rights had been violated by press leaks from the Baltimore investigation of alleged kickbacks, Ruckelshaus said:

"They assume the leaks have come from the federal prosecutors and I do not agree that assumption is correct . . . I know of no one who has done this. It is certainly not in the interests of the prosecutors, the Justice Department or the process of justice itself.

"When the papers refer to sources close to the investigation," Ruckelshaus said, "they could be talking about people on either side. How do you know they're not people against whom charges have been made? To the extent that anyone is benefited by these leaks, it's the potential defendants. They can claim prejudice that impairs a fair trial."

As for the Richardson-Agnew meeting on Aug. 6, disclosed earlier this week, Ruckelshaus said "it is by no means unusual" for pros-

ecutors to sit down with accused persons "in the process of investigation, before or after an indictment.

"If there have been charges that can be refuted by an individual, the rule is that he should be given an opportunity to refute . . . Otherwise, you risk indicting an innocent man," he said.

Ruckelshaus said he knew of no other case where the Attorney General has conducted such an interview, but said it was quite common for the assistant attorney general in charge of the Criminal Division to meet with potential defendants.

Ruckelshaus' confirmation by the Senate has been delayed by requests from Sen. Edward M. Kennedy (D-Mass.) and others on the Judiciary Committee for answers to some questions on his actions in the Watergate matter during his tenure as acting head of the FBI.

The senators have also hinted that they may hold up Ruckelshaus' confirmation until the committee receives International Telephone and Telegraph Corp. case files reportedly in the hands of the White House. Ruckelshaus said Cox is also seeking those files, and that the decision on turning them over to the Senate would be up to the special prosecutor.