

A Plea to Withhold the Raw Evidence on Nixon

Washington

The special Watergate prosecutors urged Congress yesterday not to force them to release their raw evidence against former President Nixon.

"Everybody wanted a smoking gun," special prosecutor Henry S. Ruth Jr. testified. "Well, we don't have ten more smoking guns lying around our office."

Ruth said much of his evidence is one-sided and unsubstantiated and predicted its public disclosure would be challenged in court as unconstitutional "within an hour.

"If I'm ordered to do it, I'll do it and throw it into court. That's all I'm saying," Ruth told a House criminal justice subcommittee.

Ruth also testified under questioning that he has no intention of prosecuting Mr.

Nixon to test President Ford's pardon of him.

The special prosecutor said he might seek further Watergate indictments but refused to indicate whom they might involve.

Former Special Watergate prosecutor Leon Jaworski said if Congress ordered full disclosure of the prosecution evidence against Mr. Nixon it would put him in a dilemma.

Jaworski said Mr. Nixon let him listen to some tapes, never revealed, "highly embarrassing to people in public office" to convince Jaworski they were not relevant to the Watergate prosecution.

Jaworski said he agreed after listening to the tapes that they were not relevant and so did not subpoena them.

"I know some information

I would term tremendously juicy," Jaworski told the congressmen. "The information might be termed significant," he added later, "but not as far as our work is concerned, not as far as bringing charges."

Ruth and Jaworski testified against legislation proposed after the Nixon pardon to require the special Watergate prosecutor to include full disclosure of evidence against Mr. Nixon in the final report it already is required to submit to Congress.

In a related development, a Justice Department spokesman said that Deputy Attorney General Laurence H. Silberman has promised department jobs for all staff members at the prosecutor's office, if they want them, after the Watergate prosecution goes out of business.

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