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Cooperation By Nixon On Tapes

Washington

Watergate prosecutor Henry Ruth Jr. said yesterday his office had received more Nixon tapes and papers — this time with the former President's blessing — for use in criminal investigations.

For that reason, Ruth said in a memorandum filed in Federal Court, the special prosecutor soon may seek to withdraw as an intervenor in Mr. Nixon's court fight to regain custody of his presidential tapes and documents.

Ruth said there would be "no reason" for him to continue in the case, since he soon expects to have all the Nixon materials he needs to wrap up his investigations.

It was the first time that Ruth had indicated he had been successful in private negotiations with Mr. Nixon's attorneys this spring to obtain materials while the court fight over them continues.

During his presidency, Mr. Nixon fought bitterly on grounds of executive privilege to keep Watergate prosecutors from getting pertinent tapes and papers. He fought unsuccessfully all the way to the Supreme Court to keep them secret.

But a spokesman for Ruth said Mr. Nixon's attorneys have not turned down any recent requests for tapes and documents. He did say a few had been excised of national security matters.

The spokesman said that all the materials obtained in recent weeks pertain to matters under investigation other than the Watergate cover-up — such as campaign financing.

Mr. Nixon is challenging the constitutionality of a Nov. 9, 1974, agreement entered into by the White House and subsequent legislation passed by Congress and signed by President Ford granting the government custody of his tapes and papers.

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