

Watergate Prosecutor Opposes Publication of Nixon Testimony

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WASHINGTON, July 25 (AP)—Henry S. Ruth, the special Watergate prosecutor, said today that he would not seek to make public former President Richard M. Nixon's testimony last month to two grand jurors, and that he doubted if such information could ever be made public.

"There are Federal laws about the nonavailability of grand jury testimony," Mr. Ruth told reporters after testifying before a House Judiciary Committee's subcommittee on criminal justice. "I don't know of any law which allows release of grand jury testimony."

He also said that his office was still investigating issues involving the 18½-minute gap on the White House tapes and matters surrounding Mr. Nixon's involvement with Mr. Nixon's friend Charles Rebozo.

Mr. Ruth said that he would meet Monday with Attorney General Edward H. Levi to discuss the future of the special prosecutor's office and what should go into the office's final report, which, he added, would only cover the policies of the office and what it did, not raw data on his investigation.

Mr. Ruth said that between 200,000 and 250,000 pages of Watergate facts were "already available." "We can't release a lot of raw evidence," he said. "I have a special responsibility to adhere to the rules of due process."

Mr. Ruth was called before the subcommittee to give a status report on remaining Watergate investigations. He said that testimony that Mr. Nixon gave on June 23 to himself, two members of the now-defunct Watergate grand jury and several other members of

his staff would remain secret for the foreseeable future.

"We took testimony as prosecutors and we ought to act like prosecutors, and we will," Mr. Ruth said. "I don't know why I should violate the normal rules of law. It's not as though we're some kind of magic people."

Mr. Ruth said that "plenty of forums" were available to obtain Mr. Nixon's testimony, including appearances before Congressional committees or court subpoenas. These would not result in an invasion of the grand jury transcripts, he said.

His decision not to seek the release of Mr. Nixon's testimony or to include raw data in the final report was criticized by Representative Elizabeth Holtzman, Democrat of Brooklyn. She said that the release of such information in the final report would be desirable because it would have "the kind of credibility no other report would have."

The subcommittee's chairman, William L. Hungate, Democrat of Missouri, said that he was not disturbed about the apparent reluctance of Mr. Ruth to include more in the report and that it was "premature right now" to make judgments on its contents.

Both he and Representative Charles E. Wiggins of California, the committee's ranking Republican, said that they did not think that Mr. Nixon would be subpoenaed by their panel or by any other Congressional committee.

"Nixon would not be the first unindicted conspirator that was not cross-examined," Mr. Hungate said.