

The Final Report On Watergate

Washington

The Watergate Special Prosecution Force said in its final report made public yesterday that before the country is faced with another scandal like Watergate, Congress should decide if an incumbent president is vulnerable to criminal indictment.

"The worst time to answer such questions is when they arise," the report said. "Perhaps, the best time is the present while the memory of recent events is fresh."

The report said once it became clear that former President Nixon took part in the Watergate coverup, one of the toughest decisions faced by the prosecutor's office was whether to indict him along with his senior aides.

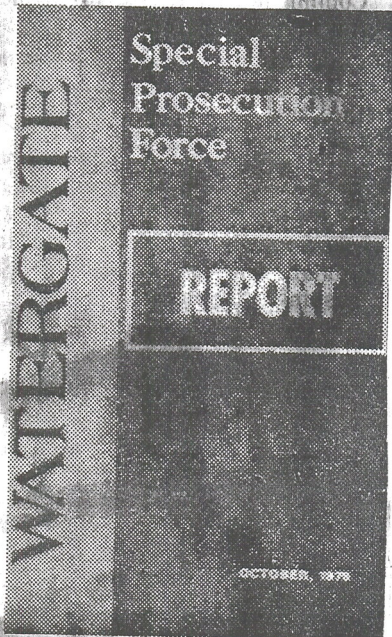
Former special prosecutor Leon Jaworski concluded in the winter of 1974 that a Nixon indictment would be rejected by the Supreme Court, and would prolong and interfere with the House Judiciary Committee's impeachment inquiry, the report said.

Instead, the prosecutors sent their evidence to the committee, which later voted to recommend Mr. Nixon's impeachment. A Watergate grand jury also named Mr. Nixon as an unindicted co-conspirator.

Tucked between blue cardboard covers, the 277-page final report contained no surprises and few previously unknown facts about the scandals that led to creation of the office 28 months ago. Nor were there suggestions for major institutional reform.

"I have tried to make it plain for ten months now that it would not be an evidentiary report," special prosecutor Henry Ruth said in an interview timed to coincide with the report's release.

Ruth, who resigns today to head the Urban Institute, a private research organization, said he thinks the demands for additional evidence of wrongdoing stem from fears that Mr. Nixon will re-emerge as a major public



Cover of the 277-page report

figure.

"That's what everybody is worried about, isn't it, a second coming . . . Somehow people think this gentleman, Mr. Nixon, is going to pop up again. Somehow the record is going to disappear. It's really up to people to analyze the record that's already there and make up their minds for themselves."

The report, a largely historical

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cal account, disclosed that as early as the summer of 1973, the first Watergate special prosecutor, Archibald Cox, ordered his staff to begin seriously considering Mr. Nixon's possible criminal involvement in Watergate.

After Cox was fired in the so-called Saturday night massacre on Oct. 20, 1973, Mr. Nixon turned over seven White House tapes, one of which showed the President agreed in March, 1973, that the original Watergate defendants should receive huge money payments.

By January, 1974, Cox's suc-

cessor, Jaworski, ordered a study of whether the Constitution permitted indictment of an incumbent president.

Some task force lawyers believed that no one, including a president, is above the law. Not to indict Mr. Nixon "would be all the more severe because the President was the very man in whom the Constitution reposes the final obligation to ensure that the law is obeyed and enforced and because his action appeared to have been designed to place himself and other individuals beyond the reach of the law," they argued, according to the report.

But Jaworski concluded that the House impeachment inquiry should take precedence over any criminal prosecution of Mr. Nixon while he remained in the White House.

After Mr. Nixon resigned, Jaworski decided against includ-

ing Mr. Nixon with five coverup defendants whose trial began Oct. 1, 1974.

Jaworski concluded that any prosecution of Mr. Nixon would

have to wait nine months to a year to allow for the effects of pretrial publicity to wear off.

After the Nixon pardon was announced, Jaworski studied possible legal challenges to the pardon, but concluded that President Ford had the authority to bar prosecution of Mr. Nixon for any crime committed while in the White House.

Ruth, who was sworn in as special prosecutor on Oct. 26, 1974, is to be replaced by Charles Ruff, a former Justice Department lawyer and law professor at Georgetown University. Ruff will be sworn in tomorrow.

Ruff will handle the job part-time. The handful of lawyers still assigned to the special prosecutor's office are investigating three or four illegal campaign contributions. They include allegations that former New Hampshire Representative Louis Wyman promised an ambassadorship in exchange for a campaign contribution, and reports that convicted Watergate conspirator E. Howard Hunt once was ordered to murder columnist Jack Anderson.

There are also appeals from various cases to be argued in the U.S. Court of Appeals and the Supreme Court. Also forthcoming is the Chicago trial of documents appraiser Ralph G. Newman on charges that he helped obtain an illegal tax break for Mr. Nixon.

Ruth had argued that all remaining work be handled by the Justice Department, but Attorney General Edward Levi insisted

that a small special prosecutor's staff remain in being.

Besides spelling out how Mr. Nixon's possible indictment was handled, the report also detailed a number of investigations which turned up insufficient evidence for grand jury indictments, including the 18½-minute gap and allegations about the delivery of

\$100,000 in political contributions from billionaire Howard Hughes through Nixon's close friend, Charles Rebozo.

A total of 123 persons were questioned over 14 months in the Rebozo case and thousands of pages of documents studied, the report said.

The report said Watergate

convictions were not typical of the American judicial system. It noted that "the sections of federal prisons in which convicted Watergate defendants served their terms all lacked the small, inhuman spaces in which most American criminals reside, locked into their idleness for 17 hours each day."