

Court rebuffs Watergate defendants

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WASHINGTON (AP) — The Supreme Court on Monday rebuffed an attempt by three Watergate defendants to argue their convictions should be reversed because of a rare news report about secret court proceedings. The justices turned down without comment a request by lawyers for former Atty. Gen. John Mitchell and one-time White House aides H. R. Haldeman and John D. Ehrlichman to file a supplemental memorandum outlining the impact of the news report.

The court took no action, however, on the appeals of the three officials of ex-President Richard M. Nixon's administration before it began a two week recess. No word on the appeals is expected at least until May 16, when the court meets again.

If attorneys for the three men had been permitted to file the memorandum, they would have argued that the news "leak" from the court made necessary the overturning of all three convictions.

The news report aired by National Public Radio two weeks ago said the court had voted to deny the cover-up conviction appeals but that Chief Justice

Warren E. Burger was delaying any announcement of the vote.

The report said the court had split 5-3 to deny the appeals. It added that Burger was delaying announcement of the vote in hopes of persuading at least one other justice to join those voting to review the case. In such appeals, four votes are needed to grant review.

The NPR report said Justice William H. Rehnquist had disqualified himself from considering the case. That appeared likely since Rehnquist disqualified himself from considering the "plumbers" break-in conviction appeal of Ehrlichman and did not participate in Monday's court rejection of the memorandum request.

Delays in announcing votes are not infrequent at the court. Any justice can request the court to postpone announcing a final determination in a case while he lobbies for more support of his views.

But leaks about the private, inner workings of the nation's highest court are very rare. Monday's action could be interpreted as a move by the justices to eliminate any additional outside pressure in its deliberations.

If the court denies the appeals, Mitchell and Haldeman likely would be imprisoned soon thereafter. They have remained free since their Jan. 1, 1975, conviction for conspiracy, obstruction of justice and giving false testimony under oath.

Ehrlichman last October decided to begin serving time while his appeal was pending, and is now an inmate at an Arizona prison camp.

All three men were sentenced to 30 months to eight years in prison.

Chief Justice Warren E. Burger has refused to comment on the report's accuracy. But the New York Times and NBC News have said they confirmed the report with other sources.

The report said Burger and fellow Nixon appointees Harry A. Blackmun and Lewis F. Powell Jr. voted to review the case.

According to the report, Justices Thurgood Marshall, Potter Stewart, John Paul Stevens, Byron R. White and William J. Brennan Jr. voted to deny the appeal.