

Supreme Court Hears Watergate Case Today

WASHINGTON (AP) — The Supreme Court hears the final chapter Monday in the long and weighty argument over President Nixon's refusal to provide Watergate tapes demanded by the special prosecutor.

Special Prosecutor Leon Jaworski and Nixon's chief attorney, James D. St. Clair, will rise in turn to argue a case affecting the Watergate cover-up trial, the impeachment proceedings against Nixon, and the future relationship among the three branches of government.

Some two hours later, the decision will rest with three conservatives Nixon appointed to the court, Chief Justice Warren E. Burger and Justices Harry A. Blackmun and Lewis F. Powell Jr.; three who consistently form a liberal bloc against Nixon administration positions, Justices William O. Douglas, Thurgood Marshall and William J. Brennan Jr.; and two whose votes are less predictable, Justices Potter Stewart and Byron R. White.

The ninth justice, Nixon appointee William H. Rehnquist, has taken no part in the Watergate tapes case, presumably because he held a policy-making Justice Department job during Nixon's first term.

The case began when Jaworski subpoenaed tape recordings and other records of 64 conversations among Nixon and his top advisers during three days in April 1973 when the Watergate cover-up was unraveling.

Jaworski called the tapes essential evidence for the cover-up trial of Nixon's closest aides, H. R. Haldeman and

John D. Ehrlichman, and four others.

Monday also promised to be a busy Watergate day on at least two other fronts: The plumbers' trial of Ehrlichman and three others is to resume with Ehrlichman expected to take the stand, and the House

impeachment panel heads into what Chairman Peter Rodino, D-N.J., hopes will be its last week of inquiry.

The committee will hear again Monday from former Nixon campaign official Frederick LaRue, the man who delivered a controversial \$75,000

payment to Watergate conspirator E. Howard Hunt.

Next in line, possibly Tuesday, will be former White House counsel John W. Dean III.

One of the most explosive

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questions in the Supreme Court case, meanwhile, is whether the President would obey should the ruling run against him.

St. Clair has stated that the President should be freed from judicial orders because he is the embodiment of the co-equal executive branch. Another of Nixon's lawyers has termed as "idle speculation" whether the President would comply with the high court.

But Vice President Gerald R. Ford told newsmen in Dallas Saturday, "I think it is assumed any citizen — the President included — would abide by a decision of the Supreme Court."

U.S. District Judge John J. Sirica ordered Nixon to turn over the disputed material for his private inspection to determine what should be given to Jaworski.

After Nixon resisted, the question went straight to the nation's highest court, the first time the justices have grappled with a Watergate case.

In hundreds of pages of legal briefs filed with the court during the past month, the debate has been cast in terms of the powers the Constitution accords the executive and judicial branches of government.

St. Clair contends the President alone has the power to decide what material he will pro-

vide for a criminal prosecution.

He bases the argument on the doctrine of executive privilege, the theory that a president has the right to withhold records of confidential dealings with his advisors.

The principle must be upheld, Nixon's lawyer asserts, if fu-

ture presidents are to benefit from a candid exchange within the White House inner circle.

But Jaworski argues that Watergate tapes dispute must be viewed more narrowly.

"The qualified executive privilege for confidential intragovernmental deliberations ...

exists only to protect the legitimate functioning of government," the prosecutor wrote. "The privilege must give way where, as here, it has been abused."