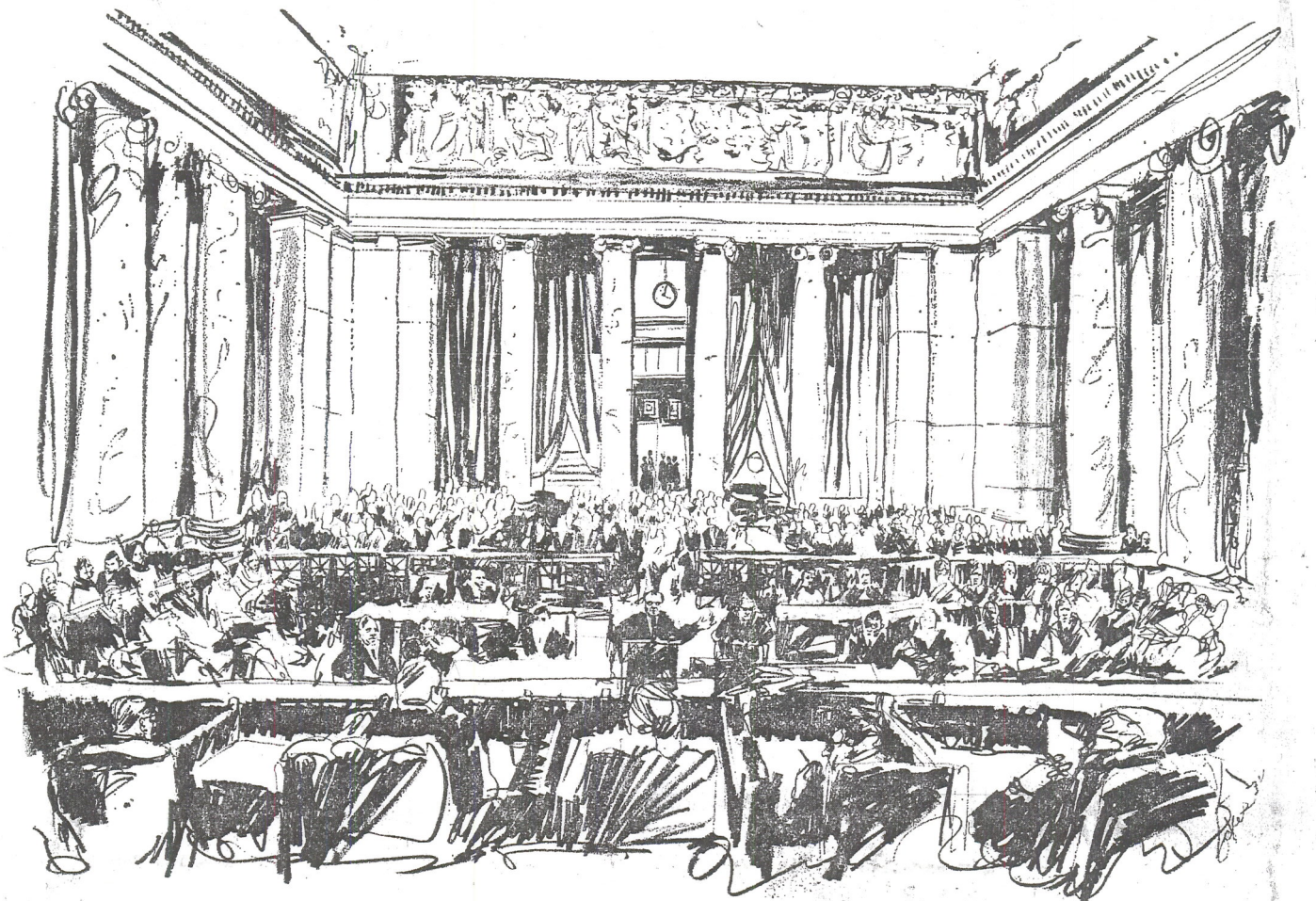




Crowds outside the Supreme Court yesterday, left, as presidential counsel James St. Clair and Mrs.

What Being 'In' Yesterday



By Bill Oakes for The Washington Post

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By Joe Heiberger—The Washington Post

St. Clair, center, and Special Prosecutor Leon Jaworski, right, arrive for the oral arguments.

Was, Was Being in at All

By Sally Quinn

Shortly after 9 a black White House staff car pulled up in front of the Supreme Court. The photographers and cameramen swarmed about.

It was one of the co-stars. Presidential counsel James D. St. Clair with his wife, child and entourage. He was in blue.

A young man rushed toward him and was pushed back by several members of the entourage who yelled at him, "Get away."

"I only want his autograph," the young man explained, and St. Clair beamed and signed Loren Beiser's autograph book for his sister.

Two young men in the line, one with an "I PLAY PINBALL" T-shirt, applauded St. Clair. "Shut up," cried members of the crowd, shouting down the applause. "That's partisan." The applause stopped.

Watergate Special Prosecutor Leon Jaworski arrived. He was in a less impressive dark sedan. He had chosen charcoal gray for the occasion. The crowd went wild. They began to scream, "Give 'em hell, Leon baby," "Go Leon," and "Go U.S.A."

The young man rushed up to Jaworski for an autograph. "Later," he said, and made his way through the crowd.

The seating was everything.

They say Washington is a town obsessed with

power. It is. Power, however is ephemeral. Sometimes the President of the United States is the most powerful person in Washington.

Yesterday, it was the people who handled the tickets to the Supreme Court hearing.

And what people wanted was tickets. Tickets to get in. Tickets to get a good seat. Tickets to watch "history being made." Tickets so they could tell their grandchildren. Tickets so they could impress their clients. Tickets so they could get a good story. Tickets so they could dine out on it until the next spectacle came along.

Tickets for: *United States of America v. Richard Nixon, President of the United States. Richard Nixon, President of the United States v. United States of America.*

Clearly, Washington had become the Hollywood of the mid-70s and the oral arguments before the "Supremes," as they were being affectionately called, was unmistakably the histrionic event of the season, this year's Rolling Stones concert.

Some people had camped out on the steps for several days. "Why not," said one young woman. "I wait in line for Radio City Music Hall tickets, I might as well wait in line for the Supreme Court arguments."

By 8 a.m. it was nearly 90 degrees, and about 350 or 400 people were in line in front of the court.

By 9 the tension and excitement was beginning

See STEPS, B3, Col. 1

to mount. There would be only 77 reporters allowed into the court, as well as 50 lawyers who had won tickets through a lottery conducted by Associate Justice Rehnquist (who had disqualified himself from the case). There would be only a handful of seats for members of the families of the judges and the prosecution and defense lawyers, law clerks and court employees. Fifteen or 20 would be allotted to the Congress. One hundred tickets would be available to The Public, and, every five minutes after the court session started, groups of 27 would be herded in and herded out staying just long enough to "get the flavor."

In effect, no more than 390 persons would be in the court at any given time.

Everybody—stars and fans alike—came in through the front, though some could have slipped in the back doors. The television cameras, the photographers and the reporters were all hanging out in the front waiting to catch the celebrities as they walked up the marble steps, through the white columns and up the stairs into the courtroom.

CBS commentator, Eric Sevareid arrived. He got an enormous hand. He quickly disappeared into the press gallery. Presidential Assistant Leonard Garment came in rather quietly to stand in line for his seat.

H. R. Haldeman arrived unobtrusively and went directly to his seat.

Samuel Dash came in. "Don't say I'm the majority counsel for the Watergate Committee," he said. "Say I'm the *chief* counsel." "What did you say your name was again?" he was asked. "Samuel Dash," he said. "You mean you haven't heard of me? I am the lone representative today from the Watergate committee. Mike Mansfield got me in. Even Sam Ervin isn't here. Well, he is on vacation, but he might not have gotten in if he were here."

Dash was excited over the possibility that Justice Rehnquist's lottery could have violated the D.C. penal code which prohibits any person "A chance of drawing or obtaining a prize to be drawn in any lottery . . ."

The other lawyers waiting to enter the Court were giving him dirty looks and moving quickly toward the door as he carried on.

Republican Reps. David Dennis, (Ind.), William Cohen (Maine) and Thomas Railsback (Ill.) of the House Judiciary Committee arrived. So did Sen. Walter F. Mondale (D-Minn.), and former Kentucky Sen. John Sherman Cooper. The wives of some of the Justices, Mrs. Thurgood Marshall, Mrs. William O. Douglas, Mrs. Byron White, Mrs. Warren Burger, and Mrs. Rehnquist, came in.

One of John Ehrlichman's lawyers appeared, as did William Hundley,

John Mitchell's lawyer. Richard Moore from the White House showed up, as did Robert Bork, the Solicitor General, and Assistant Attorney General Henry Petersen.

The court room was filling. It was close to 10 a.m. Time for the session to begin

In the press room sat Barrett McGurn. McGurn is the press officer of the Court. He was inundated with requests for tickets. There were hundreds of reporters. McGurn was calm. "One ticket to a paper" he would chant to reporters from large papers, pouring over his exclusive seating chart.

Sevareid had to rotate.

Anthony Lewis, The New York Times Pulitzer Prize-winning reporter, could-

n't get a press ticket. He wangled a guest ticket.

"One hour only," McGurn would say to smaller papers. They would rotate with other papers and magazines.

"One fifth of the arguments," he would inform the ones he didn't know.

"No," he would say firmly to some.

Reporters would complain of unfair treatment and discrimination, pointing to better seats for some publications. Some were right. On McGurn's private seating chart for the press were a number of reserve "house seats" which he could parcel out at will.

No matter how people hustled him, McGurn was unyielding.

The lawyers had no ont to hustle. Rehnquist was nowhere in sight, and since he had conducted the lottery,



Associated Press

H. R. (Bob) Haldeman leaving the Supreme Court after watching yesterday's oral arguments.

there was nothing they could do about it. The decision had been made.

Outside, those who had waited overnight had organized themselves. They had made up a list, numbering each other up to 250. Each person had a self-made ticket with a number on it. If someone wanted to go to the bathroom they had 15 minutes and a guard would escort them out of the line and back. They were orderly and calm, though they were not allowed to lie down and sleep in their sleeping bags. They had to sit up. "For the TV cameras, you know," said one girl.

"It just wouldn't look right to lie down in front of the Supreme Court."

One observer remarked that the young, mostly white crowd looked like a typical cross-section of America. "Sure," said another, "if 98.8 per cent of America is law students."

It was 10 a.m. The buzzer sounded. The Court was in session. The Court clerk pounded the gavel.

"Oyez, oyez, oyez," he repeated the traditional cry.

Just then an alarm sounded in the clerk's office. Police swarmed to the office, afraid of a bomb scare. They could find nothing. Security tightened.

The black-robed Justices filed in and took their seats at the bench. The bench is actually nine black chairs, none of them matching. The Justices get to choose chairs which are individually comfortable.

Justice Rhenquist, of course, was not there. There was some speculation that he was hiding behind the maroon colored velvet curtains to hear the arguments.

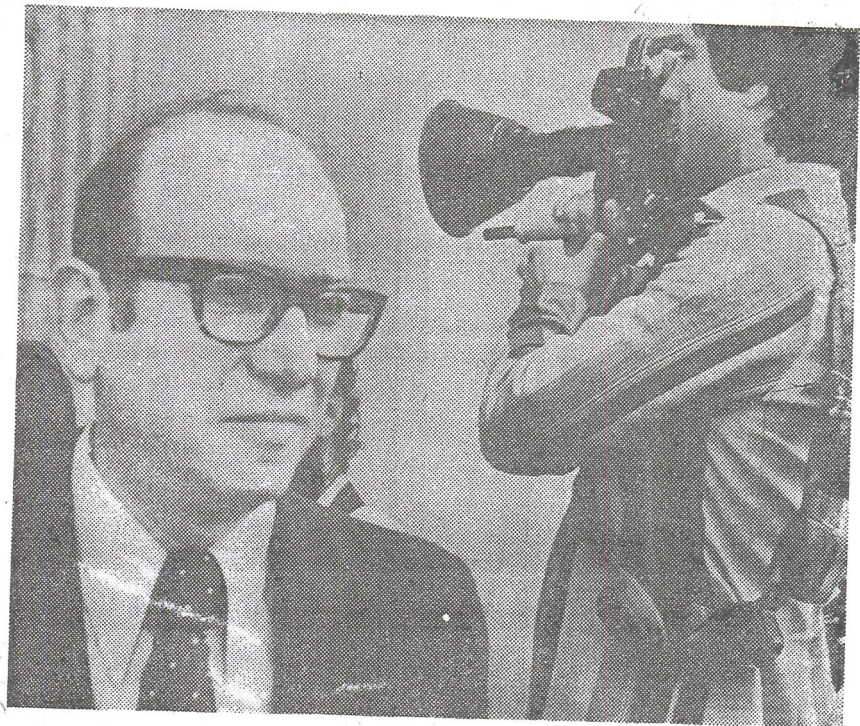
People settled into their seats, looking around, as if at the opera, to see who else was there and where they were sitting. H.R. Haldeman looked around to find himself sitting next to none other than Mrs. Jaworski. They did not acknowledge each other's presences, but each stared straight ahead, toward the bench.

Leonard Garment sat in the front row behind the railing with The Public. To the right of the bench sat Jaworski's crowd. That's the traditional U.S. side of the courtroom. To his right sat the wives and families. To the left sat St. Clair and his group. The lotteried lawyers sat intermingled with them.

To the far left sat the press. Some of them were behind the columns so they couldn't see anything. Some of them were very unhappy.

Jaworski went first, presenting his arguments. He seemed nervous and uptight. His presentation was, according to regulars at the court, not the greatest. The crowd seemed glum.

St. Clair came next. He was loose, easy, affable, confident. Several times he made jokes with the Justices. The crowd responded with laughter. Some of the Justices did, too. Several times after a funny remark he would say, "I'm being facetious, Your Honor."



By Joe Heiberger—The Washington Post

Samuel Dash entering the Court yesterday: "Don't say I'm the majority counsel for the Watergate Committee. Say I'm the chief counsel."

The atmosphere, except for the quiet, rapt attention of the spectators (no smoking, no talking, not even whispered conversations, no standing up, no taking pictures) was almost that of a spirited dinner-table conversation rather than one of the most important arguments ever to take place in the high Court.

There was no real eloquence on the part of the arguers or the Justices. They spoke in an everyday, easy, informal manner which stunned some first-time observers.

Part of the informality stemmed from the fact that both Jaworski and St. Clair were in informal dress. Normally Justice Department lawyers argue at the Supreme Court in cutaways, but reportedly, neither St. Clair nor Jaworski wanted to be associated with the Justice Department.

The Justices would either rock back and forth in their chairs or lean forward, their chins cupped in their hands, listening, butting in or reading as the arguments proceeded.

At one point Sen. Mondale was called out of the courtroom by Senate Majority Leader Mike Mansfield, and went scurrying back to the Senate.

The press continued to rotate, as did the groups of 27—in-and-out-in-five.

Outside they would get back in line in the 95-degree heat for another five.

One woman fainted.

There were no "incidents."

At 1 p.m. the court adjourned.

St. Clair was the first to appear outside. He was smiling rather triumphantly. There were two people who

applauded. Not the same two as before. Several asked for his autograph which he gave.

The cameras crushed around him. "I worked so hard on it," he said to the cameras, "I'm so weary. I don't know. . . . I think it went very well."

He disappeared to mild applause.

Leon Jaworski waited the appropriate time for St. Clair to do his number before he appeared for the press. He seemed less triumphant, rather hunched, in fact, not very happy. "There really isn't anything to say," he said brusquely to reporters, then he said a few words.

As he appeared at the top of the Supreme Court steps, the fans were waiting and there was an uproar—wild cries of "Right on Leon, way to go." He smiled for the first time and signed several autographs. The crowd followed him around the building, tourists with cameras getting in the way of major networks, photographers being knocked down, people being crushed up against the stone wall and pushed into the hedges. "Remember Jeanne Ehrlichman," cried one man as he tumbled into a flower bed.

Jaworski seemed a bit cheered by the adulation as he jumped into his waiting car with his staff and whisked away.

There was something a bit anticlimactic about the three-hour oral arguments for many of the expectant tourists. It was historic and chic to be there and all that, but, as one person who had waited for several hours said, "Nothing happened."