

Four Nixon Justices Vote as Bloc on 70% of Cases

By WARREN WEAVER Jr.
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WASHINGTON, June 27—In their first full term on the bench together, the four Supreme Court Justices appointed by President Nixon have formed a cohesive and effective power bloc that voted as a unit on 70 per cent of the cases that the court heard and decided in the last nine months.

In all but one of the 107 cases in which all the participating Nixon justices voted together, they formed the nucleus of a majority. The sole exception was an antitrust case in which two of them disqualified themselves and the two other dissented.

Stewart Joins Them

Transforming this Republican bloc into a majority of the nine-member court most frequently was Associate Justice Byron R. White, who joined the Nixon Justices on 101 of their 107 joint decisions, or 94 per cent. Mr. White was named to the court by President Kennedy in 1962.

The Nixon appointees are Chief Justice Warren E. Burger, who took office in 1969, and Associate Justices Harry A. Blackmun (1970), Lewis F. Powell Jr. (1972) and William H. Rehnquist.

The fifth Republican on the Court, Associate Justice Potter Stewart, an appointee of President Eisenhower, voted with the Nixon Justices on 75 per cent of their decisions, or 21 times fewer than Justice White.

The unity among the President's nominees to the Court was even more impressive on subjects in which they appeared to have a special interest. The four Justices voted as a bloc on 100 per cent of the obscenity cases, 86 per cent of the tax cases, 83 per cent of the business cases and 80 per cent of the decisions involving criminal law.

Figures compiled by The New York Times for the Court's 1972-73 term, which opened last October and closed on Monday, showed that the Justices heard and decided 153 cases, about the same number as in recent years.

Although comparable statistics for past years were not available, the record for the term indicated an unusually divided bench. Only 26 per cent of the decisions were unanimous; on another 13 per cent, only one Justice dissented; in 12 of those 20 rulings that were 8 to 1, the dissenter was Associate Justice William O. Douglas.

3 Liberals Vote Together

The closest division possible, 5 to 4, occurred on 20 per cent of the decisions, and 26 per cent were decided with 3 dissenting votes, so that the majority achieved only the minimum deciding vote or the minimum plus one in 46 per cent of the cases.

During the term, the three Democratic liberals on the court—Mr. Douglas and Associate Justices William J. Brennan Jr. and Thurgood Mar-

shall — voted together almost exactly as often as the four Nixon appointees—109 times, or on 70 per cent of the cases.

The difference was, however, that one-third of the joint Douglas - Brennan - Marshall votes wound up on the minority side.

The high degree of unanimity among the four Nixon Justices and the frequency with which they were joined by Justice White confirmed statistically what many observers had concluded before: that the President enjoys a working majority on the Court on a broad range of issues.

Some Differences

These issues did not include, however, legalized abortion, to which the President is strongly opposed but which the Court supported, and public aid to parochial schools, which Mr. Nixon favors but which the Court all but ruled out on Monday.

The Nixon bloc displayed far less unanimity on some subjects than others. The four Justices voted together only half the time or less on cases involving discrimination based on race or sex, on labor disputes and on education cases, which included school desegregation.

Justice Powell disqualified himself from voting on 10 of the 153 cases, twice as many as his nearest competitors, Justices Stewart and Brennan. Three of Mr. Powell's withdrawals led to 4-4 votes automatically affirming a lower court in decisions upholding strict air pollution standards,

validating a Denver bank merger and blocking adoption of merged city-suburban school integration plan for Richmond, Va.

Chief Justice Burger and Associate Justices Douglas and Rehnquist did not disqualify themselves on any cases. Ordinarily a Justice drops out of a case when he holds stock in a company or industry involved or when he is related professionally, socially or by blood to any of the parties or lawyers.

In 81 of its 153 decisions the Court reversed a ruling by a lower court. Of these rejected rulings, 65 came from Federal courts and 16 from state courts.

Fire Fatal to 29 Persons Still Being Investigated

NEW ORLEANS, June 27 (AP)—Investigators have completed checking the evidence taken from a French Quarter bar in which 29 persons died Sunday night, but a spokesman today termed the evidence "inconclusive."

Sgt. Frank Hayward, a police information officer, said there was not conclusive evidence of arson, but that the investigation was continuing.

South Africa and Poverty
PRETORIA, South Africa (AP)—Researchers say the poverty level in South Africa for a family of six is about \$110 a month.

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