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Supreme Court Hears Nixon Tapes Case

Washington

When Congress seized Richard Nixon's White House tapes and documents it violated his right of privacy and the separation of powers doctrine, the former President's lawyers argued before the Supreme Court yesterday.

Three years after Congress passed the Presidential Materials and Recordings Act, the battle over whether the government or Nixon owns the 42 million documents and 5000 hours of White House tapes reached the nation's highest court.

Congress passed the act in 1974 and it was signed by President Ford after Watergate prosecutors said they feared important evidence in the scan-

dal would be lost if the materials were turned over to Nixon. Since then the documents have remained in a government warehouse in Washington and the tapes are locked in a White House vault.

Nixon's lawyers called the law the greatest invasion of privacy they could imagine. The government countered that Nixon could have anything back that was strictly personal, but that for the most part the material comprises public documents.

Without specifically mentioning Watergate, solicitor General Wade McCree said there were certain items the government feared might be destroyed if they were given to Nixon, and that was why they

were seized.

Nixon wants the law declared unconstitutional. He lost his battle before a three-judge federal court last year and appealed. The Supreme Court is expected to rule on the appeal before its summer recess in June.

"You're talking about 5½ years of a man's private life," said Herbert J. Miller, Nixon's lawyer.

"In here there are matters highly personal . . . conversations with this wife . . . with his daughter prior to her marriage . . . and conversations with his clergyman."

Miller said the vast bulk of the material is not involved in the lawsuit, and the "guts are

the tapes . . . the discussions, the politics of the decision making, the talks with his family."

He said if the court upheld the law it would be acknowledging that Congress has power to seize materials involving the decision-making process of other branches of government — even discussions by Supreme Court justices.

McCree said these were "hobgoblin" arguments, and asked the court to consider only the narrow case involving the Nixon tapes and documents.

"I believe Congress apprehended some great harm to the public . . . and acted to prevent destruction of public records," McCree said.

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