

Battle for Supreme Court Tickets

By Linda Mathews
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Washington

There has been unprecedented competition for the 400 or so seats available inside the Supreme Court's marblewalled chamber, where two hours of history-making oral arguments over the Watergate tapes will be heard today.

"We've turned down senators, we've turned down columnists, we've turned down people I don't even want to think about, they're that important," said one court employee.

"I've never seen anything like it."

The task of divvying up the available space — saying "no" to many supposedly important people who pulled rank and asserted a constitutional claim on a chair — has fallen to Justice William H. Rehnquist and to Frank Hepler, the court marshal.

"They have been ruthless, in a diplomatic sort of way," said a government official after his rebuff. "After they explained the situation, I ended up feeling sorry for them."

The court has agreed to decide whether President Nixon has the right to withhold 64 White House tape recordings being sought by Special Prosecutor Leon Ja-

worski in the Watergate cover-up case, and whether the Watergate Grand Jury exceeded its powers in naming the President an unindicted co-conspirator in the same case.

Whatever the court decides will carry long-term constitutional implications, but the decisions will bear most directly on Mr. Nixon's battle to stave off impeach-

ment, a matter that moves closer each day to a crucial decision in the House Judiciary Committee.

It is widely believed among Washington observers that a High Court ruling against the President on the intertwined issues would be disastrous for him.

Rehnquist said he will not participate in a jurisdictional or merits ruling on the

case. He served under former Attorney General John Mitchell in the Justice Department and testified frequently before Congress in support of the principle of executive privilege, a key issue in the President's case.

Rehnquist apparently assumed the seating job because he will not be sitting

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AP Wirephoto

PROFESSOR DAVID SANSING BEGAN HIS WAIT YESTERDAY. Seats for the public are being allocated on a first come-first serve basis

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in the case and has some free time while his colleagues prepare for arguments by poring over the 500 pages of briefs filed by the White House and Jaworski.

With Rehnquist out, there will be at least one empty seat in the courtroom, apparently the only one. So far, no one has suggested publicly that a spectator take Rehnquist's accustomed place behind the bench, though there have been private mutterings along that line.

Other suggestions, some outrageous, some just profane, have been forthcoming from the thousands competing for seats, according to court employees.

Occasionally, a dignitary upset by a low-level rejec-

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tion has sought to appeal to the justices themselves, usually without success.

The lawyers who are arguing the case did not fare much better.

Jaworski and his chief assistant, Philip A. Lacovara, who will split the hour allocated for the prosecutor's argument, received seven tickets and raffled them off at an office lottery.

With scrupulous fairness, Rehnquist and Hepler also provided President Nixon's attorneys with seven tickets. James P. St. Clair, Mr. Nixon's chief Watergate counsel, may give one ticket to his wife, and the others will

go to the lawyers who cannot fit around the counsel table.

The task of assigning seats to members of Congress, a separate and co-equal branch of government, was so sensitive that Rehnquist begged off.

He set aside a bloc of seats — estimated at 20 — and told Senate and House leaders to parcel them out.

From all over the country, more than a thousand attorneys applied for space in the special section of the courtroom usually reserved for members of the Supreme Court bar. The court's solution: a lottery, with coded, non-transferable tickets issued to the 50 winners.

"I haven't heard of any scalping yet," said one-court official. "But it wouldn't surprise me."

The press posed special problems, since even newspapers, magazines and student law reviews that never staff the high court wanted to be represented today.

Seventy-seven seats were eventually set aside for the press, although more than half of those are outside the main courtroom, in a long narrow corridor where reporters must peer past heavy red velour curtains for a glimpse of the justices.

The reporters will, however, be able to hear, assuming the loudspeakers work and the justices, who hate the system, speak into their microphones.

No television cameras will be permitted inside the courtroom.

Seats also have been allocated to the public, available on a first come-first served basis to those willing to sit through the entire hearing, according to Barrett McGurn, the court press officer.

Anyone who has wangled a ticket will find cramped accommodations inside. Extra chairs have been squeezed in anywhere they will fit, swelling the court's normal 250-person seating capacity.

The whole circus atmosphere has been slightly disturbing to the court, where frayed tempers and strained smiles seem to be the rule these days.

"Everyone here is used to obscurity," said a court official. "Most of the time, the courtroom is practically empty during arguments, with only the attorneys, a few dozing reporters and some tourists around."

A justice wondered aloud, "Do people know just how dull Supreme Court arguments can be? Sometimes, I've been so bored that I've had to force myself to stay in my chair."