

What Computer Predicts for Nixon

New York

Harold J. Spaeth, the Michigan State professor who uses a computer to predict Supreme Court decisions, says that the court will rule against President Nixon 8 to 0.

The historic case — over whether Mr. Nixon must give up 64 White House tapes subpoenaed for the Watergate covering trial — goes before the Supreme Court today.

Spaeth said the court will order Mr. Nixon to give up the tapes, thus reaffirming the right of judicial review — the power of the courts to rule on actions of both the Congress and the President.

"If there is any fixed star in the constitutional firmament; it most assuredly is the authority of courts to determine the legality of actions of the other branches of government," Spaeth said in a telephone interview.

Spaeth made his prediction Saturday with the help of the CDC-6400 computer, which has assisted him in predicting Supreme Court decisions for the last three years.

Overall, the 44-year-old political science professor has been right 92 per cent of the time, he said, and lately he has been getting better: Of the last 32 decisions he has predicted, he has gotten 31 right — a 97 per cent rating.

Normally he compares what he sees as the issues in the case against each justice's voting record in 78 categories.

However, in this case, he said, he does not have as much data to work with as usual.

For one thing, there are few Supreme Court cases dealing with the separation-of-powers question and secondly the oral arguments, on which he relies heavily, are not until today.

Despite the limitations, he is confident of his prediction.

"I've been doing this long enough that I'm not upset by the relatively thin quantity of data on which to base this prediction," he said.

He feels the court will reject all three of Mr. Nixon's main arguments: that executive privilege puts the President above a sub-

poena; that the courts have no jurisdiction in what is essentially a dispute between an employer (the President) and an employee (the special prosecutor); and that a grand jury cannot constitutionally name a president as an unindicted co-conspirator.

But the reasons for rejecting the arguments will depend on each justice's viewpoint, Spaeth said.

Justice William O. Douglas has favored judicial supremacy since the court overturned President Truman's takeover of steel mills closed by a strike in 1952, Spaeth said, and he expects the other two "liberals" on the court — William J. Brennan and Thurgood Marshall — to follow Douglas' lead.

The court "moderates," Potter Stewart and Byron White, have both supported judicial power and have aligned themselves often with the four Nixon appointees on the bench — the "conservatives."

One of Mr. Nixon's appointees, William H. Rehnquist, has disassociated himself from the case, pre-



PROFESSOR HAROLD SPAETH FEEL COMPUTER He says court will rule 8 to 0 against the President

sumably because he was once assistant to former Attorney General John N. Mitchell, a defendant in the case for which the tapes are being sought.

Spaeth said the Nixon ap-

pointees will vote against Mr. Nixon for the same reason Mr. Nixon put them on the court: They are judicial conservatives, concerned about law and order.

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