

Line at High Court Grows For Tapes Hearing Today

By Paul Hodge

Washington Post Staff Writer

The line began outside the U.S. Supreme Court at 9:20 a.m. Saturday and by yesterday afternoon more than 50 students, "history buffs" and a Harvard law professor and some of his class were already sitting on the sidewalk with sleeping bags and picnic baskets.

They were waiting to be among the 50 to 100 spectators who will be allowed in the court's marble hall at 10 a.m. to hear arguments in the historic test over whether a President may withhold evidence in a criminal investigation.

At issue is whether President Nixon has the right to withhold 64 White House tape recordings being sought by Special Watergate Prosecutor Leon Jaworski, who says he needs the tapes in his prosecution of six former Nixon aides in charges related to the Watergate cover-up. Also at issue is whether the Watergate grand jury exceeded its powers in naming the President as an unindicted coconspirator in the cover-up.

The court's decision, expected within a week or two of today's arguments, will have long-term constitutional implications as well

as affect the House Judiciary Committee's impeachment investigation and the trial of the six former White House and re-election committee aides.

There has been intense competition for seats to witness the historic case, with only 50 to 100 of the 423 available going to the general public for the full three-hour session, and newsmen, congressmen and lawyers from across the country vying for the rest.

A special section of 27 seats also has been set aside for the general public, granting each person in line

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prior to the court session when an 18 year-old New York girl decided "I want to be an eyewitness to history," and arrived outside the court with her sleeping bag.

Elena Sassower, a congressional intern for the summer and soon to be a freshman at Sarah Lawrence College, said her father in New Rochelle was "a little

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a maximum five-minute glimpse of the proceedings.

Court officials have had to turn down hundreds of seating requests from congressmen and newsmen, eventually setting aside a bloc of about 20 seats for congressmen—with House and Senate leaders parceling them out—and 77 seats for newsmen, some of them outside in the hall. When more than 1,000 attorneys, members of the Supreme Court Bar, applied for seats, court officials decided to hold a lottery, with tickets issued to the 50 winners.

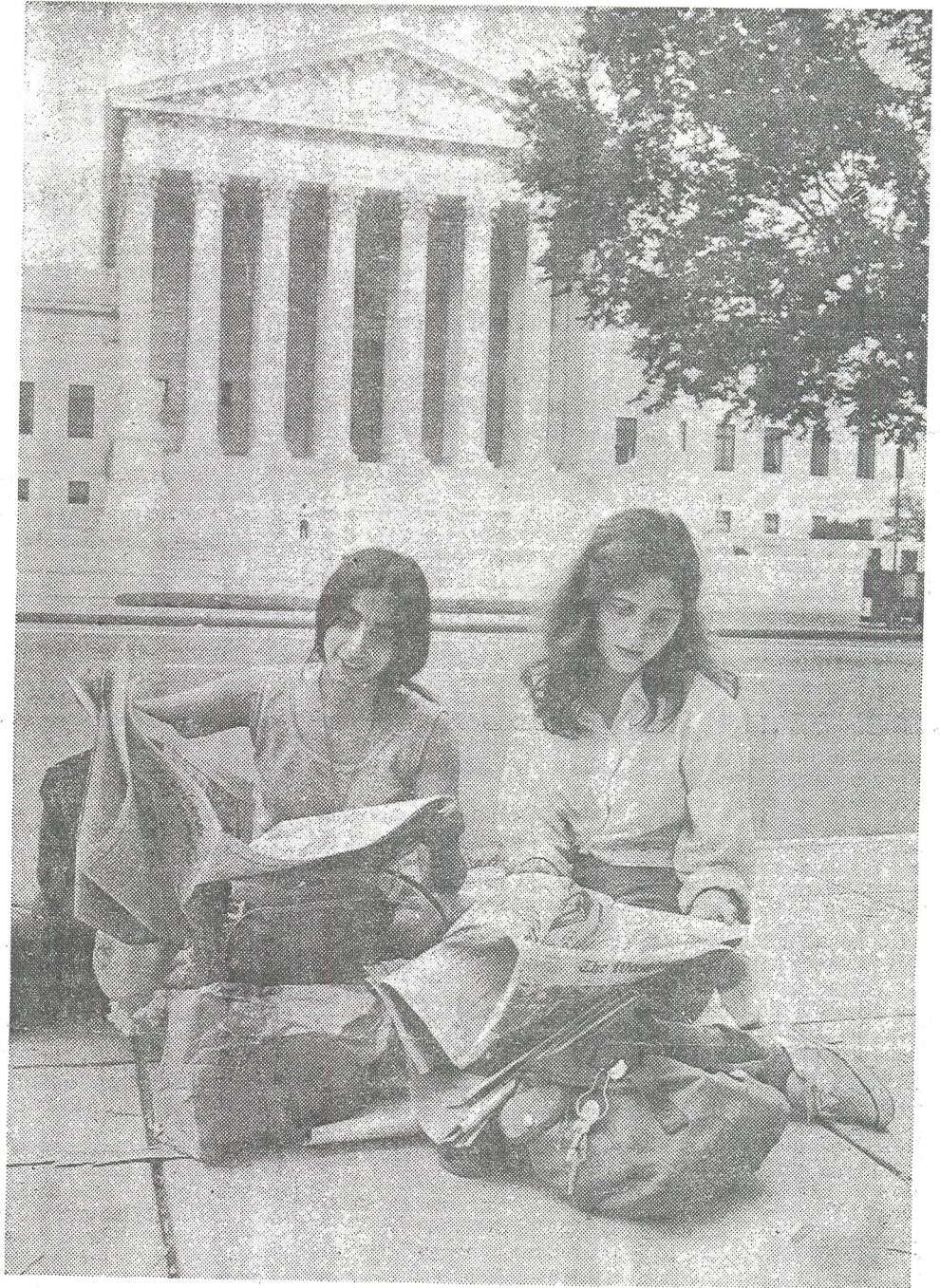
Harvard law Prof. Maurice Ford, a Supreme Court Bar member who didn't like the odds of his getting a seat in the lottery, arrived on the sidewalk yesterday to insure he got one of the public seats available.

Before arriving himself, armed with a bag of potato chips, diet Pepsis and cherries for his all-night vigil, he had sent letters around the country to members of his law school class on the concepts of judicial review, telling them "the next meeting of our class will be on the steps of the U.S. Supreme Court on Sunday, July 7."

Attendance at the summer "class" is naturally not required, he said, but is something the students should want to attend. "This is an historic occasion, one that you can tell your children and grandchildren about," he said in his letter.

The Supreme Court's last sellout performances, and one of the few it has ever had, was in June, 1971, when more than 1,500 persons crowded outside the court attempting to get in to hear arguments over the First Amendment rights of The New York Times and The Washington Post to publish the secret Pentagon Papers.

The Pentagon Papers crowd appeared suddenly at the last minute, however. The line to hear the Watergate cases began two days



By Margaret Thomas—The Washington Post

Jamie Sabino and Elena Sassower have been waiting since Saturday at Supreme Court.

worried" about her spending two nights on the sidewalk but yesterday gave permission for her 16-year-old sister to join her after he had seen Elena pictured outside the court in a television news broadcast.

"Why not wait in line for this, to see the justices at work and history in the making," Miss Sassower said. "People wait in line for days to get tickets for the Metropolitan Opera in New York City. I've waited in traffic James and gas lines and my history class waited for hours here last summer when we came down to watch the Senate Watergate hearings."

Jamie Sabino, a 20-year-old Wellesley College senior and summer intern to Rep. Michael Harrington (D-Mass.), was second in the line later Saturday. "I decided it was a once-in-a-lifetime opportunity . . . and I also know (presidential counsel) James D. St. Clair. I'm a member of the Wellesley Town Meeting and until he accepted this job so was he."

The cases set for oral argument today, whose titles also have a historic ring to them—are the United States v. Richard Nixon, President of the United States, and Richard Nixon, President of the United States, vs. the United States.

Jaworski's April 18 subpoena for 64 recordings of President Nixon's Watergate-related conversations is the issue that brought the case to the high court. Jaworski says the tapes are needed for the trial of six former White House and Nixon re-election committee aides charged with participating in the Watergate cover-up. The grand jury that issued the indictment also voted 19 to 0 to name Mr. Nixon as an unindicted coconspirator.

On April 30, the President refused to honor the subpoena, saying the tapes are protected by executive privilege.

U.S. District Court Judge John J. Sirica issued an order May 20, asking for the tapes for a private examination. Mr. Nixon refused and appealed to the U.S. Circuit Court of Appeals. Jaworski also appealed, asking the Supreme Court to bypass the Court of Appeals.

The high court justices agreed to take the case on May 31, with Associate Jus-

tice William H. Rehnquist, a Nixon appointee, refusing to participate in the decision, apparently because of his close association with some of the principals in the Watergate case while he was in the Justice Department.

Following the high court's agreement to hear the subpoena question, presidential attorney James St. Clair asked the justices to also determine the propriety of the grand jury naming Mr. Nixon an unindicted coconspirator.

The case will be heard by three Nixon appointees—Chief Justice Warren E. Burger and Associate Justices Harry A. Blackmun and Lewis F. Powell Jr.—and Associate Justices William O. Douglas, a Roosevelt appointee and the senior member of the court.