

Florida Bombing

Tapes Stalemate?—Sources close to the Supreme Court suggest that the vote on the controversial White House tapes could end in a tie. Justice William Rehnquist, whose vote might break the tie, may have to disqualify himself, they say.

The Supreme Court is expected to rule, in the end, on whether President Nixon must surrender his secret White House tapes to special prosecutor Archibald Cox and the Senate Watergate Committee. The case is now awaiting action in the lower courts.

Rehnquist's law clerk, Robert Wild, conceded to us that "there definitely will be a question" whether the Justice should participate in the decision. "He hasn't said a word about it," said Wild. "I'm not sure whether he's even looked into it, so there's no decision one way or the other."

The aide stressed it would be "a personal decision." Rehnquist would have to consider his past national security activities as a Justice Department official and his close association with key figures involved in the case.

During his Senate confirmation hearings, he said: "My client, in my position as the Assistant Attorney General for

the Office of the Legal Counsel, is the Attorney General and the President."

Supreme Court sources say the case of the White House tapes involved not only eavesdropping but executive privilege. Rehnquist worked on both questions while he was at the Justice Department.

Indeed, he assured the Senate that he would likely disqualify himself on a case involving national security wiretapping.