

Hearing on Nixon Tapes: Grave but Not Dramatic

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WASHINGTON, Sept. 11— Senator John C. Stennis, who has been around long enough to acquire the proper perspective, said that what went on in the United States District Courthouse here today was bound to be historic; but, for any spectators hoping that a constitutional confrontation would make courtroom drama, it was a flop.

That is the way of the law, of course: to reduce sensibility to sense and translate the broad issue into the precise question. And most of the spectators who lined up in the sixth-floor corridor of the courthouse, as directed by a hand-lettered sign reading, "Tapes Trial Line" with a pointing arrow, could not get into the courtroom, anyway, because of the crush of friends, relatives, law clerks, secretaries and others allotted green or white admission tickets.

'Very Much Interested'

Senator Stennis, the 72-year-old Mississippi Democrat only returned to the Senate last Wednesday after months of recuperating from gunshot wounds suffered when he was attacked outside his home here early this year, said he was in the courtroom because "I'm very much interested as a lawyer and as a Senator—it's one of the most far-reaching cases we've had in a long time."

Mr. Stennis said the case, which involves White House tape recordings of Watergate conversations sought by Archibald Cox, the special prosecutor, would surely go to the Supreme Court. He added that "if they take it and grapple with the merits of it, it'll write history."

As for his own opinion, he said he did not have one yet. "I haven't really gotten into it," he said. "I haven't read any of the precedents."

Close-Packed Courtroom

The "ceremonial courtroom," as it is called, was close-packed with spectators and reporters. A half-dozen or so sketchers were bobbing and weaving as they tried to catch their subjects during the moments before the clerk cried, "Oyez!" at 1 P.M.

The courtroom furnishings were bland, in a sort of W.P.A. Bauhaus style, with rectangles of light wood paneling, a cork floor, shadowless white light, and four larger-than-life white marble statues affixed to the grège marble panel behind the bench — Moses, Hammurabi, Solon and Justinian.

As the seven judges filed in, the silence was so complete one could hear the squeaking of their shoes on

the floor. The first to speak was Charles Alan Wright, the President's lawyer, who spent 45 minutes telling the judges why they should nullify the order by Judge John J. Sirica of the United States District Court regarding the Presidential tapes.

'Lasting Impact'

Mr. Wright, soft-spoken sometimes to the point of inaudibility, reminded the judges rocking in their high-backed, black padded chairs that what they decided would have "tremendous and lasting impact on the American Presidency."

In one of the day's few excursions into imagery, the sandy-haired Mr. Wright warned that, "once there is a hole beneath the waterline of the ship, no matter how small, the tremendous hydraulic pressure of the sea" forces the gash to widen "and the ship is in trouble." In a similar way, the Ship of State could come to grief, Mr. Wright implied.

The judges listened, took notes, chewed on the sidepieces of their eye-glasses, sometimes talked to each other and, increasingly as the proceedings continued, questioned the lawyers.

Restrained Fashion

Mr. Wright, commenting on the brief filed by his opponent, Mr. Cox, denounced it in the restrained fashion of lawyers: "We think that that theory is demonstrably unsound," or, "And this, I submit, is not sound law."

Mr. Cox, whose argument lasted more than an hour, was equally polite as he addressed himself to "this grave and dramatic occasion." With his hands in the pants pockets of his dark-blue suit, Mr. Cox observed that "the strength of our legal system is that it is not influenced by drama," and argued that the tapes must be made available, taking exception to the arguments of "my brothers" on the White House side.

It was nearly 3 P.M. before the judges had finished their disputation with Mr. Cox, and when the court resumed after a brief recess, the crowd had thinned. Senator Stennis left, but Raymond K. Price, Mr. Nixon's speechwriter, stayed on, just "sightseeing," he said with a smile.

representing Judge Sirica, and the cross-talk between the lawyers and the bench flickered with tests of legal memory. By now the silence of the earlier hours had deteriorated into the tiny, distracting noise of restlessness, and Mr. Wright's voice was softer than ever as he returned for a brief rebuttal.