

Watergate on Court Calendar

Justice White Is Key to Conservative Majority

By Jack C. Landau

WASHINGTON — (NNS) — The Supreme Court — now firmly controlled by a new conservative majority — opens its 1973-1974 term this week dominated by the constitutional shadow of the Watergate scandal.

Although no Watergate cases have reached the Supreme Court yet, there are three suits expected within the next 45 days and three more Watergate-related cases which might reach the justices by spring.

The Watergate court dramas—with their novel cases of presidential and vice presidential immunity — will tend to take the legal spot-light away from other constitutional controversies on appeal this term—cross district school busing; impoundment of federal funds; consumer and environmental cases; equal rights for women; press censorship and wiretapping.

Douglas Honor

There will be a drama of different sort on Oct. 30th when Justice William O. Douglas becomes the longest sitting justice in history with service of 34 years and 196 days, surpassing the record of Justice Stephen Field who served from 1863 to 1897.

For at least one day, the justices will put aside their law cases to attend an all-day convocation and dinner honoring Douglas. Chief Justice Warren Burger and former Chief Justice Earl Warren will preside at the ceremonies for the controversial, liberal, four-times married senior justice.

Nixon Tapes

The three Watergate cases which will probably reach the high court by next month are the Washington, D.C., grand jury subpoenas for President Nixon's tape recorded conversations, the Senate Watergate Committee subpoenas for the same tapes and Vice President Agnew's attempts to block the Baltimore Grand Jury investigation and any possible indictment.

with Justice William J. Rehnquist's argument earlier this month that the American Bar Association canons of ethics are too strict on when justices should disqualify themselves from hearing cases.

Disqualify

Justice Rehnquist is the focus of informal discussions by lawyers and law professors. As a former assistant to John Mitchell, there is some feeling that he should disqualify himself from the Watergate cases.

It has also been pointed out that Justice Rehnquist was the chief administration spokesman for broad presidential powers of "executive privilege" and "national security" — the very issues which President Nixon is raising in the Watergate tape law suit.

The court, which opens its formal session tomorrow, has agreed to hear 75 cases. Another 600 have been submitted for review.

If statistics are any guide, chief justice Burger — and his conservative allies — should continue their domination of the court. Last year, the chief justice, hand-picked by President Nixon for his "strict constructionist" views, had his way in 88 percent of all the cases decided.

Balance of Power

His point of view is generally supported by Justice Harry Blackmun, Lewis F. Powell and Rehnquist. The three liberals are led by Justice Douglas, who dissented last year in half the decided cases, and Justice William J. Brennan Jr. and Thurgood Marshall.

The balance of power is held by Justice Byron White, a Democratic appointee from the Kennedy Administration who frequently supports Burger, and Justice Potter Stewart who also tends to vote with Burger.

Outside of Watergate, perhaps the most controversial political issue on the Supreme Court's docket continues to be school busing. The question this year is whether the constitution requires busing across independent school district lines in order to correct de facto school desegregation in the North.

That issue came up last year in a case from Richmond, Va., but the high court tied on the question of whether suburban white students can be bused into predominantly black city schools while black students are bused to the suburbs.

The other Watergate cases involve demands for the tapes by defendants such as former Attorney General John Mitchell, indicted in New York for perjury; former White House aide John Ehrlichman, indicted in California for conspiracy to commit burglary; and the original seven Watergate defendants in Washington, D.C., who want new trials.

Watergate has already touched the Supreme Court