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President Will Ask Supreme Court to Wait

Washington

White House lawyer James D. St. Clair said yesterday that President Nixon will ask the Supreme Court not to schedule an immediate showdown over his Watergate tapes even if such a move would mean delaying the Watergate coverup trial.

St. Clair told reporters that he felt the constitutional issues involved "ought to be carefully considered" first

by the U.S. Court of Appeals here.

The Supreme Court, meanwhile, announced that the White House said it will formally respond by tomorrow to Watergate prosecutor Leon Jaworski's attempts to have the high court consider the case out of turn.

At issue is Jaworski's subpoena for the tapes and any

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other records of 66 White House conversations, almost all of them involving Mr. Nixon.

Pressing for an immediate constitutional clash, Jaworski appealed directly to the Supreme Court Friday in an effort to force the President to surrender evidence for the Watergate coverup trial of Mr. Nixon's former top aides and campaign advisers.

Jaworski predicted that the trial, now set for September 9, would have to be delayed until the spring of 1975 unless the Court of Appeals is bypassed.

In a quick followup to Jaworski's petition, the Supreme Court said yesterday that it had asked St. Clair for a prompt answer and that St. Clair had promised the answer "by Thursday."

The justices have a conference every Friday. A decision on whether they will grant review and agree to consider the merits of the case could come this Friday.

The court's brief announcement also indicated that Associate Justice Wil-

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liam H. Rehnquist has decided to disqualify himself from any rulings on the issue. The court said Rehnquist "took no part" in the request to St. Clair.

No reason was given for Rehnquist's decision.

Last year Rehnquist told a group of students that he probably would not participate in any cases involving former Attorney General John N. Mitchell, who is one of the defendants accused of the coverup conspiracy. Rehnquist was an assistant attorney general under Mitchell when President Nixon appointed Rehnquist to the Supreme Court in the fall of 1971.

Officially, the new tapes dispute is still before the Court of Appeals.

U.S. District Judge John J. Sirica ordered the President last week to surrender the records of all 66 conversations for Sirica's private inspection. Sirica said Jaworski had made a sufficiently compelling case at

secret court hearings to warrant production of the records.

Mr. Nixon's lawyers went to the Court of Appeals Friday afternoon with a sealed petition asking that the President's claims of executive privilege be upheld and that Sirica be directed to vacate his order.

Jaworski leapfrogged the move an hour later by asking the Supreme Court to take over under rules governing cases of "imperative public importance."

In remarks to reporters at the U.S. Courthouse here yesterday, St. Clair confirmed that the White House would protest immediate Supreme Court review.

Reminded that the President had said months ago that "one year of Watergate is enough," St. Clair replied:

"As far as these cases are concerned, they raise constitutional issues that ought to be carefully considered by the courts. And I think that it would be appropriate that these matters not be short-circuited."

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