

NYTimes
MAY 31 1974
**President Asks High Court
To Delay Action on Tapes**

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Special to The New York Times

WASHINGTON, May 30—President Nixon's lawyers urged the Supreme Court today not to "rush to judgment" by agreeing to review on an accelerated basis a ruling that the White House must sur-

render 64 more tape recordings to Leon Jaworski, the special Watergate prosecutor.

In a 2,300-word brief filed with the high court at midday, Charles Alan Wright and James D. St. Clair declared that the President "opposes any attempts to shortcut the usual judicial processes" because of the importance of the issues involved in this latest tapes controversy.

At a closed conference tomorrow, the Justices are ex-

Text of St. Clair's brief to Supreme Court, Page 10.

pected to decide whether to bypass the United States Court of Appeals for the District of Columbia Circuit and take jurisdiction of the ruling against the President made 10 days ago by Federal District Judge John J. Sirica.

The decision will apparently be made by eight of the nine Justices. Justice William H. Rehnquist has indicated he will not participate.

If the court decides tomorrow to take jurisdiction, the decision will almost certainly be announced Monday morning along with all other conference decisions. If the Justices accept the case, it will probably take a month or more to receive more briefs, hold arguments and hand down a decision.

"It is imperative," the Presi-

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dent's lawyers declared, "that this Court consider the case under those conditions that are essential to the judicial process at its best. This means that the Court must be assisted to the greatest possible extent by the lower courts and by counsel and that the Court must have the opportunity for careful reflection and deliberation that wise decision requires."

If the Supreme Court does not decide the tapes case before it adjourns for the summer late next month, Mr. Jaworski has predicted, the Watergate cover-up trial of former Attorney General John N. Mitchell and six other defendants will have to be postponed from next September until the spring of 1975.

Two Needs Weighed

According to the White House brief: "The purported need advanced by the special prosecutor for a hasty determination of the issues by avoiding the normal channels of appellate review is clearly outweighed by the actual need for a thorough and carefully considered review of the substantial constitutional issues involved in this litigation."

"In addition, it is at least questionable whether it is in the best interests of all parties involved to rush to judgment in this case in the midst of an impeachment inquiry involving intrinsically related matters."

This suggested without openly stating that consideration of the tapes case now would create a potential conflict of interest for Chief Justice Warren E. Burger later, should he be called upon to preside over an impeachment trial in the Senate.

If the Supreme Court declines to bypass the Court of Appeals and takes the case later on a more or less normal timetable, any impeachment trial might well be over before the tapes dispute reached oral argument.

Justice Rehnquist has indicated that he will not participate in a ruling on either the jurisdiction over or the merits of the case. He served under Attorney General Mitchell in the Justice Department and testified frequently before Congress in support of the principle of executive privilege, a key issue in the President's case.

Future Stand in Doubt

After the White House brief was filed, Mr. St. Clair de-

clined to predict at a news briefing whether the President would abide by a Supreme Court ruling on the case, calling it "a hypothetical situation." Last year the President said he would accept a "definitive" Supreme Court decision on a similar dispute, but the case never reached the high court.

Today's brief virtually com-

mitted the White House to a Supreme Court appeal later, following an intermediate decision by the Court of Appeals.

In urging the Supreme Court to avoid an accelerated timetable for the case, the Nixon lawyers referred to Justice Oliver Wendell Holmes's maxim that "great cases, like hard cases, made bad law," which he expressed in a 1904 dissent.

They cited the 1971 ruling in the Pentagon Papers case as evidence that "attempts in the past by the Court to make a hurried disposition of an important case arising in the dying days of a term have not been among the proudest chapters in the history of the Court."

Referring to Nixon attorneys said: "Without commenting on the result in that case it is hardly likely that any member of the Court found the conditions under which the decision was made optimum or that the multiplicity of opinions that issued from the Court represents the best of which the Court was able."

The present term is tentatively scheduled to end on June 17, although the Justices customarily hand down decisions for a week or more after their official dead line.

Other late-term decisions cited by the White House as questionable involved two 1956 cases in which the Army was permitted to court-martial two servicemen's wives accused of murder rather than granting them a jury trial and the 1935 decision declaring the National Recovery act of the New Deal unconstitutional.