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**Court Ruling's Impact**

**Hearings on Subpoenas Raise Issues That Could Affect Impeachment Course**

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Special to The New York Times

WASHINGTON, May 31 — The Supreme Court finally entered the Watergate affair today. For all the brevity of its four-sentence ruling announcing that the Court would give an expedited hearing to the Nixon-Jaworski subpoena dispute, the implications were potentially vast. The questions this afternoon were what impact today's ruling would have, and why the Court issued it.

Technically, the Court's ruling meant that special prosecutor Leon Jaworski, who asked for the hearings, had made a "showing" that the dispute over his subpoena was of "such imperative public importance" as to require "immediate settlement" by the Court.

Mr. Jaworski had asked for the expedited hearing on the ground that it was necessary if the trial of the Watergate cover-up case was to start on schedule.

To a number of lawyers, however, this was not sufficient reason for the Court to bypass the normal procedures and put into effect a speedy-hearing rule designed for emergencies.

**Impact Foreseen**

The ruling, moreover, some observers noted, would probably have far more impact on the Presidential impeachment proceeding than on the cover-up trial.

The first question raised by the ruling—the question of its impact—was impossible to answer definitely. But there were a number of potential answers, depending on the Court's eventual decision on the case.

The Court might decide in favor of Mr. Jaworski, and order President Nixon to comply with the subpoena. If it did, Mr. Nixon would have several choices—he could comply with the subpoena, ignore it, or, as Alexander M. Bickel of Yale Law School noted in a telephone interview today, dismiss the special prosecutor and appoint a new one who would drop the pursuit of the subpoenaed evidence.

Mr. Jaworski has already suggested that the subpoenaed evidence is damaging to Mr. Nixon. If Mr. Nixon does comply with the subpoena, the

House impeachment inquiry would undoubtedly seek, and eventually obtain that evidence.

If Mr. Nixon refused to obey the subpoena, he would be defying the Supreme Court. Yesterday, expressing what seemed to be the predominant sentiment, Representative Tom Railsback of the House Judiciary Committee said that if Mr. Nixon took such a course, he would be "impeached, and impeached quickly."

If Mr. Nixon took the third alternative—ousting the special prosecutor and appointing a new one who, as Mr. Bickel suggested, might say that the subpoenaed evidence was not necessary to the prosecution—he might also be risking impeachment.

A Supreme Court ruling upholding Mr. Jaworski would have another effect as well: It would probably be based on a ruling that executive privilege is not an adequate defense to a subpoena, and such a ruling would bolster the Judiciary Committee's claim to evidence it has subpoenaed.

If the Court decided against Mr. Jaworski, of course, the decision might bolster the President in his fight against impeachment.

Whatever the Court decided, however, it has clearly helped bring matters to a head, more quickly than might otherwise have happened.

"They could be bailing the President out," said Philip Kurland, a professor at the University of Chicago Law School, "or they could be immersing him in hot water."

The next question, of course, was why the Court did it. Mr. Bickel suggested that the Justices felt "backed into a corner". Earlier news reports about the case had said that the Court had a choice of taking the case or going on a four-month summer vacation, Mr. Bickel said, and the justices might have felt that a refusal to take the case would have looked bad publicly.

Professor Kurland suggested that the court was "acting politically."

Like Mr. Bickel, Mr. Kurland did not think that starting the Watergate cover-up trial on schedule was sufficient reason to grant an expedited hearing. He suggested that the Court might have had other reasons in mind.

Supreme Court of the United States

No. 73-1766 -- OCTOBER TERM, 1973.

UNITED STATES OF AMERICA, Petitioner

v.

RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, ET AL., Respondents

O R D E R

The petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and the motion for an expedited schedule are granted.

The parties shall exchange and file briefs by 1:00 p.m. on June 21 and any responsive brief shall be filed by July 1, 1974. Oral argument is set for July 8, 1974, at 10:00 a.m. Each party is allowed one hour for argument.

The Supreme Court's order in the Watergate case

When Mr. Nixon first announced that he planned to try to quash the Jaworski subpoena, a number of observers suggested that the main benefit of such a fight would be delay. The Supreme Court was unlikely to grant an expedited hearing, they said, and so the case would take months to decide.

Since Mr. Nixon's initial announcement, however, two factors have been introduced. First, Judge John J. Sirica ruled that Mr. Nixon must comply with the subpoena, and in his ruling, charged that the President had tried to "abridge the special prosecutor's independence." Mr. Jaworski complained to the Senate Judiciary Committee, and there was, for a brief time, speculation that Mr. Nixon might be thinking of ousting him.

Second, Mr. Jaworski suggested strongly that he had evidence showing that the subpoenaed conversations — con-

versations in which Mr. Nixon took part — occurred in the course of a conspiracy.

These developments, one observer speculated, might have contributed to the sense of urgency surrounding the case.

Beyond that though, as one expert on Supreme Court procedures suggested this afternoon, it was probably impossible to consider the Jaworski request in a vacuum, and ignore the on-going impeachment problems.

Impeachment is "collateral" to the subpoena case. The expert, Eugene Gressman, a Washington attorney, said. At the same time, he noted, "I don't suppose you can divide this [the subpoena] from the whole thing."

Probably, Mr. Gressman said, the Supreme Court considered the Jaworski matter "in the context of the whole Watergate situation" and hence, the ruling of "imperative public importance."