Justices' Ruling on Tapes May Follow Vote by Panel

By WARREN WEAVER Jr. Special to The New York Times

next week whether to recom- voting is over. mend the impeachment of "I can't exclude that possi-President Nixon.

and his former colleagues.

8, and Court officials said to-level is exepected to have con-

WASHINGTON, July 19-The be expected until next Tuesday Supreme Court may be unable at the earliest. One source preor unwilling to hand down a dicted that the decision might decision in the Nixon tapes not be handed down next week, case until after the House Judi- which would postpone it until ciary committee has voted late after the Judiciary Committee

bility, although I'm not signal-Whichever way the Justices ling it," Barrett McGurn, the decide, their ruling is expected Court information officer, said. to have a substantial impact | Congressional leaders believe on the impeachment proceed-that a Supreme Court ruling ings, either upholding the against the President could President's unlimited concept influence several undecided Reof his authority or requiring publican members of the comhim to surrender evidence that mittee to vote for Impeachmight further incriminate him ment. In turn, the number of Republicans who support im-The case was argued on July peachment at the committee day that a decision could not siderable influence on the size of the Republican vote in the

House.

Conversely, if the Justices support President Nixon's refusal to surrender 64 more White House tapes to Federal District Judge John J. Sirica

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and order Mr. Nixon's name join him in a minority opinion was deciding whether to vote stricken from the Watergate supporting the President. As- a bill of impeachment. cover-up indictment, the deci-sociate Justice Harry A. Back lieve that President Nixon has sion could stiffen committee re- mum, under this version, has been deliberately encouraging sistance to impeachment, pos-already agreed to do so. sibly even decisively.

was being held up.

'Nothing Ready'

A number of Washington might do. lawyers familiar with the case; while acknowledging its explosive political character, main-

was headed for the high court he might choose to join the on evidence that became availlast year, Chief Justice War- majority, perhaps with an opin- able after the House floor vote. ren E. Burger told aides that ion concurring on somewat difthe problems it posed should ferent legal grounds. not take long to resolve.

As is traditional at the high racy of this report, Mr. Mc-court, there was no official ex-planation as to why the ruling whatsoever to support such a was being held up

that there will be great pres- with the Court's order. Asked why no decision had sure on the Justices to deliver Asked why no decision had a unanimous decision, if a clear that defiance of the Supreme been reached, Mr. McGurn re- majority favors ruling against Court by the President would plied, "The case continues to the President, to discourage Mr. virtually assure adoption of a there is nothing ready for an-the Court's order, as White on that count alone. Even if House aides have suggested he the committee had completed

No Confirmation

Thus, if Chief Justice Burger sidered on the floor. sive political character, main-tain that the legal issues in-volved are relatively simple and open to speedy resolution. Justice minority among the issues who heard the case. Sidered on the Hoor. Legal authorities also believe that a two-justice minority among the its bill of impeachment by ad-

One story circulated this Justices to shift their position there. circles was that a majority ing before the Court, even upon opinion draft had been com- occasion converting a minority

or more of his colleagues to solved whne the full House

the public to think that he Questioned as to the accu-would defy the Supreme Court sibility that he will risk some-Some Court observers believe thing less than full compliance

House leaders are convinced its action on the charges, it

could always reconvene and add a new count to be con-

When a similar tapes case eight men who heard the case, ding one or more counts based and that such an amended bill would be properly before the It is not uncommon for the senate at any Presidential trial

Bar to New Evidence

Such a situation could arise pleted and endorsed at least into a majority thereby. Such if the Supreme Court orders