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of the President's refusal to deliver the tape recordings to Sirica.

from the criminal justice system this way:

Unanimous

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Ruling by**Justices**

Washington

The Supreme Court ruled 8 to 0 yesterday that President Nixon must provide potential evidence for the criminal trial of his former associates, rejecting flatly the White House contention that the President had absolute authority to refuse such assistance.

As a result of the decision announced by Chief Justice Warren E. Burger before a packed and tense courtroom, Mr. Nixon will be required to deliver the records of 64 White House conversations to Judge John J. Sirica of the U.S. District Court here for use in the Watergate coverup trial, and possibly in impeachment proceedings.

In a broader sense, the high court's ruling reaffirmed its historic position, established in the early days of the Republic, that the judicial branch decides what the law is and the Executive branch is bound by that determination.

A presidential message issued yesterday afternoon from San Clemente said Mr. Nixon will comply with the order.

Not since the 1952 refusal to permit President Harry S. Truman to seize the nation's steel mills had the Supreme Court dealt so serious a blow to a chief executive who read broader powers into his constitutional mandate than the court was willing to recognize.

Immediately, the courteous but one-sided Supreme Court decision appeared likely to sway some undecided Republican members of

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the House Judiciary Committee to vote in support of articles of impeachment.

Over somewhat longer range, the ruling was expected to increase the number of Republicans and conservative Democrats in the House who would be willing to vote against the President if the impeachment issue should reach the Floor, as now anticipated, late in August or early in September.

In addition, the decision should provide Leon Jaworski, the special Watergate prosecutor, with additional evidence to use in the September trial of six former Nixon aides accused of conspiring to conceal the 1972 burglary of Democratic National Headquarters in the Watergate complex here.

With three of Mr. Nixon's appointees voting against him — the fourth, Associate Justice William H. Rehnquist, had disqualified himself — the high court took these blunt actions:

- Told the President to comply "forthwith" with Judge Sirica's order to turn over the tapes for screening and subsequent submission to Jaworski of all portions that provide relevant and admissible evidence for the coverup trial.

- Left standing the Watergate grand jury action in naming Mr. Nixon as an unindicted co-conspirator in the coverup by ruling that the question was irrelevant and adding that the court should not have agreed to review Sirica's refusal to strike the President's name from the indictment in the first place.

- Denied a motion by James D. St. Clair, the President's chief defense counsel, that the justices examine the records of the Watergate grand jury to determine whether there was enough evidence to warrant the naming of Mr. Nixon as a co-conspirator.

Reading a condensed version of his 31-page opinion, Chief Justice Burger rejected every legal defense that the White House had attempted to erect in defense

The court concluded unanimously, the chief justice said, that the President did not have an absolute constitutional right to keep his records confidential and that the interests of fairness in administering criminal justice outweighed the qualified privilege Mr. Nixon did enjoy.

"The allowance of the privilege to withhold evidence that is demonstrably relevant in a criminal trial would cut deeply into the guarantee of due process of law and gravely impair the basic function of the courts," Burger declared.

The chief justice also said:

"A president's acknowledged need for confidentiality in the communications of his office is general in nature, whereas the constitutional need for production of relevant evidence in a criminal proceeding is specific and central to the fair adjudication of a partial criminal case in the administration of justice.

"Without access to specific facts, a criminal prosecution may be totally frustrated. The President's broad interest in confidentiality of communications will not be vitiated by disclosure of a limited number of conversations preliminarily shown to have some bearing on the pending criminal cases."

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"The judicial power of the United States vested in the federal courts by . . . the Constitution," the chief justice declared, "can no more be shared with the Executive branch than the chief executive, for example, can share with the Judiciary the veto power, or the Congress share with the Judiciary the power to override a presidential veto."

The court summed up its holding that Mr. Nixon did not have independent authority to decide which evidence he should withhold

"To read the . . . powers of the President as providing an absolute privilege as against a subpoena essential to enforcement of criminal statutes on no more than a generalized claim of the public interest in confidentiality of nonmilitary and nondiplomatic discussions would upset the constitutional balance of 'a workable government' and gravely impair the role of the courts . . ."

The tapes that Mr. Nixon will now be required to deliver to Sirica will be screened in private by the judge for any information that is relevant to the conspiracy trial of six former Nixon aides charged with covering up the Watergate burglary, and that evidence will then be passed on to the special prosecutor.

Jaworski said after the court session that he anticipated the White House would comply with the justices' mandate and turn over the tapes within a few days. He predicted that any evidence involved would be available in time for the scheduled opening of the Watergate coverup trial on September 9.

It appeared unlikely, however, that any material on the tapes would become available for the purposes of impeachment before a vote by the full House of Representatives, expected in late August or early September, on charges against Mr. Nixon that the judiciary committee was expected to

adopt within the next few days.

The Supreme Court cautioned in its decision that Sirica's screening must involve "scrupulous protection against any release or publication of material not found by the court, at that stage, probably admissible in evidence and relevant to the issues of the trial for which it is sought."

Burger also underscored the need that Sirica "discharge his responsibility to see to it that, until released to the special prosecutor, no (privately-examined, secret) material is revealed to anyone."

Once relevant excerpts of the White House tapes have

been delivered to Jaworski, it is up to him to decide what information, if any, should be forwarded to the House Judiciary Committee for impeachment purposes, and whether any such transmittal should be delayed because of the cover-up trial.

Some judiciary committee members are expected to argue that proceedings be held up to take into consideration whatever evidence the new tapes may provide, but that would clearly require a postponement of six weeks to two months, something the House leadership is believed unlikely to sanction.

But the Supreme Court decision did not recognize the interrelation between the Watergate trial evidence, officially before the justices, and its possible applicability to impeachment, a connection that St. Clair had repeatedly urged them to weigh.

Voting against the White House position, in addition to Burger, were two other appointees of the president: Associate Justices Harry A. Blackmun and Lewis F. Powell Jr. The fourth Nixon appointee, Justice Rehnquist, declined to sit on the case, apparently because of his prior service in the Justice Department under former attorney general John N. Mitchell, one of the defendants in the cover-up trial.

Also concurring in the unanimous decision were Associate Justices William O. Douglas, William J. Brennan Jr., Potter Stewart, Byron R. White and Thurgood Marshall.