

# High Court 'Decision' on Nixon Aides

Washington

The Supreme Court has voted in secret not to consider the Watergate coverup convictions of Richard Nixon's three top advisers, National Public Radio reported yesterday.

But a final decision on the appeals of John Mitchell, H.R. Haldeman and John Ehrlichman is being held up by Chief Justice Warren Burger, according to NPR reporter Nina Totenberg.

She said the justices at the court's weekly secret conference last Friday voted 5 to 3 against hearing the appeals. It takes four votes to grant Supreme Court review of a case.

She quoted court sources as saying the other justices were surprised that Burger had held up the decision. The sources said the Chief Justice hopes to sway John Paul Stevens and Byron White to change their votes and consider the appeals.

Nixon's three top aides were sentenced two years ago to serve 2½-to eight-year prison terms for obstruction of justice, perjury and conspiracy in the Watergate coverup.

Haldeman and Mitchell are free on bond pending their appeals, but on October 28, at his own request, Ehrlichman entered federal prison at Safford, Ariz.

Totenberg quoted Supreme Court sources as saying the three justices who voted to review the cases all were Nixon appointees — Burger and justices Harry Blackmun and Lewis Powell.

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A fourth Nixon appointee, Justice William Rehnquist, reportedly disqualified himself because of his close personal friendship with Mitchell.

NPR identified the justices who voted with White and Stevens to reject the appeals as William Brennan, Potter Stewart and Thurgood Marshall.

United Press