

4 Sep 73 ①

U.S. Court of Appeals takes "unusual" step (no date, presumably today) of setting expedited schedule for hearing case of White House tapes, even before WH lawyers had formally notified the judges of their intention to appeal, not due until tomorrow. Court sets 10 Sep as deadline for filing briefs and the following day for oral argument. LATimes says that under standard procedures for appealing a ruling such as Judge Sirica's, 57 business days would be allowed for these steps.

In addition, the case will be heard by entire 9-man appeals court instead of the three-judge panel usually assigned in appellate cases, which could further condense the time given to the case, because a three-judge decision could be appealed to the full court.

SFC [LATimes] 5 Sep 73

Cox, "in a surprise move," says he will appeal Sirica's ruling, asking the Appeals Court to clarify or modify the standards by which Sirica would decide what must be edited from the tapes. Sirica's ruling was not explicit on how he would determine what parts of the tapes should be withheld from the grand jury, but did suggest they would include national security matters and Nixon's constitutional duty to execute the laws.

SFC [LATimes] 5 Sep 73

White House Secret Service officials have claimed/that their security responsibilities take priority over federal laws against telephone tapping when the two are in conflict, and so "advised" the Chesapeake and Potomac Telephone Co. and American Telephone and Telegraph Co. The two companies use this assertion as part of their defense in complaint filed with FCC by Robert McCann of Hillsborough, California, which charged the companies with failure to enforce a regulation against phone tapping without using beeper sound.

SFC [UPI] 5 Sep 73

Agnew - Richardson says he has been told by news media representatives that Justice Department has been a source of leaks about Agnew. Richardson had written Agnew 23 Aug that he had ordered an internal investigation on orders from Nixon,

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by insisted the leaks could have come from other sources - including White House staffers and even Agnew aides.

SFC [WXPost] 5 Sep 73

Nixon/Ervin committee. Weicker says he would like to see Nixon appear before the committee, even if a special meeting on some neutral ground had to be arranged; "I think it would be far better than any tapes." Mansfield urges committee and Nixon to meet, to avert a constitutional clash over the tapes; suggests ~~xxxxxxx~~ compromise under which Nixon would submit the tapes to the committee members, who would listen to them but keep their contents confidential.

NYT 5 Sep 73, Fellows

Hughes/Rebozo - Richard G. Danner gives deposition today (in Las Vegas? - in Maheu's suit against Hughes? - unclear); deposition does not become available (public? - unclear) until 12 Oct 73. See entry that date, ~~Hughes~~ Rebozo/Hughes contribution.

WXP 13 Oct 73, Mintz

Colby sworn in by U.S. District Judge George L. Hart, Jr. in Oval Office; congratulated and praised by Nixon.

See entry 10 May 73.

WXP 5 Sep 73, Lou Cannon - filed CIA