Nixon/tapes - Sirica grants WH lawyers two week delay/in filing response to Ervin committee in its suit for release of the tapes, making it virtually impossible to reach a final ruling in the case before Congress adjourns 1973 session on 15 Oct.* Sirica rejects protests by Dash that permitting the delay would amount to "ruling the Senate really out of court."

WH lawyers file with Court of Appeals a request to overturn Sirica's ruling in Cox appeal (see 4 Sep); ask Chief Judge David Bazelon and the eight other judges to hear the case sitting as a group.

*Over_A

SFC [NYT] 7 Sep 73

Ehrlichman - Cox denies that government plans to call him as witness against Mitchell and Stans.

SFC [NYT] 7 Sep 73

Justice William O. Douglas is rushed to hospital in Seattle with what a hospital spokesman describes as a "gastrointestinal illness;" taken there in ambulance which had been called to Seattle [typo here - probably Seattle airport]. Story says Douglas recently returned from a visit to China but does not say - if typo refers to airport - if arrival was on return from China. (7 Sep - diagnosis, stomach flu; recovering.)

SFC [AP] 7 Sep 73

F. Donald Nixon - Warren says he has discussed the matter with the President and "If there was any monitoring of the President's immediate family by the Serret Service, it would have been related to the protective function of the Secret Service. I'm not going to go beyond that." Despite repeated questioning even refuses to say if the President considered his brother a member of his immediate family and therefore eligible for Secret Service protection.

Senator Joseph Montoya and Rep. Tom Steed, who head Senate and House appropriations subcommittees responsible for the Secret Service, ask for a full explanation from the Secret Service.

SFC [WXP] 7 Sep 73

(Connally tells newsmen in WX that, as Secretary of the Treasury during Nixon's first term, he had no knowledge that the Secret Service - under his department - had tapped Donald Nixon's phone.)

WXP 11 Sep 73, Broder

Granting of delay wilk to 24 Sep will

(A) This zwilk/probably mean oral arguments will not be held until early Oct, followed by a decision in mid-Oct and consideration of appeals by the Court of Appeals and the Supreme Court that might not be finally concluded until late Dec or early 1974. Dash argues that if Sirica grants a delay, "we will not be able to get [the evidence of the tapes] in time for hearings."

NYT 7 Sep 73, Weaver

6 Sep 73 (2)

Krogh pleads innocent to charge of burglary in Fielding case; tells reporters he believes the activities of the plumbers were "a mistake," apparently referring to the Fielding breakin, and that "I have some real regrets over what has taken plance in terms of injuring innocent persons." Previously, when called before the county grand jury and investigating committees in Washington, he had invoked the Fifth Admendment. Released on his own recognizance and driven to Los Angeles county jail to be booked, fingerprinted and photographed.

SFC [AP] 7 Sep 73

publicly

Ehrlichman, Young and Liddy also/named as indicted, at Krogh's arraignment. Indictment names four others as co-conspirators but not indicted: Hunt, Barker, Martinez and De Diego.

SFC [AP] 7 Sep 73

Agnew's friend, I.H. Hammerman, "sources said," is cooperating with [U.S. Attorney's office?] in the hope that he will receive leniency or some other form of consideration; another Agnew ffiend, J. Walter Jones, says he cannot cooperate with federal prosecutors because he has no information to offer.

SFC [WXP] 7 Sep 73

Executive privilege (milk price supports)-Public Citizen, Inc., in suit asking force them white House for 67 memos involved with milk price supports and in which the White House is seeking reversal of order that it produce them, asks today that Court of Appeals hear arguments in its case 11 Sep, the same day the court is to hear arguments by White House lawyers that Sirica's ruling of 29 Aug. Attorney for Public Citizen says "Both cases involve in camera inspection of documents. Ours raises the same question of executive privilege as the Cox case and they should be decided together."

WXP 7 Sep 73, Lardner

See also entry, 10, 18 Sep 73; 6 Apr 73

6 Sep 73 (3)

Ehrlichman will not be called as a witness against Mitchell; government prosecutors, in affidavit filed in U.S. District Court, WX, say they do "not now intend" to call Ehrlichman; no reason given.

WXP 7 Kep 73, Lardner

WXP 7 Sep 73, Witcover

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