

14 Feb 75

WH tapes and documents - U.S. Court of Appeals continues indefinitely its stay of Richey's ruling of 31 Jan that the Government owns almost all the WH tapes and documents assembled during Nixon's tenure, and rules that a panel of three judges should take up certain legal issues surrounding the ownership of this material.

"The Court of Appeals imposed the stay initially because of the possibility that Judge Richey should have, but had not, referred to a special three-judge panel a challenge by Mr. Nixon to the constitutionality of a Congressional enactment regarding the Nixon documents." In the interim, at Judge Richey's request, a three-judge panel has been appointed by the Chief Judge of the United States District Court [WX]." (NYT.)

"Three-judge federal courts generally are convened in cases questioning the constitutionality of legislation, and decisions from those courts are appealable directly to the Supreme Court. By contrast, single-judge opinions are appealed first through the U.S. Court of Appeals and then to the Supreme Court." (WXP.)

"On Jan. 28, Nixon's attorneys asked the appeals court to order Judge Richey to consider the three-judge request." See WXP for interesting sequence ~~which followed~~ of events which followed.

NYT 15 Feb 75 [Special to NYT]

WXP 15 Feb 75, Timothy S. Robinson

Haldeman, Mitchell, Ehrlichman, Mardian - Sirica rejects all defense complaints and motions for a new trial; sets sentencing for 21 Feb.

WXP 15 Feb 75, George Lardner Jr.