

Appeal by Cox in Water

Washington

In a surprise move, Watergate prosecutor Archibald Cox disclosed yesterday he will appeal U.S. District Judge John J. Sirica's tapes ruling, apparently because he fears its vagueness could prolong Cox's fight with the White House over the evidence.

The disclosure came to light as the U.S. court of appeals here took the unusual move of setting an expedited schedule for hearing the case — before presidential

lawyers formally notified the judges they would appeal.

With the White House due to announce tomorrow the form its request for appellate review will take, the appeals court set next Monday as the deadline for filing briefs in the historic case and the following day for oral argument.

Under standard procedures for appealing a ruling, such as Sirica's requiring that President Nixon surrender the Watergate tapes or the judge's private examina-

tion, 57 business days would be allowed for these steps.

The White House had no comment on the speedup, which was announced in the wake of a published report that the administration's strategy was to drag out the appellate process while Mr. Nixon sought to rebuild public confidence.

Cox's decision to appeal was revealed in a letter from Hugh E. Kline, Clerk of the federal Appellate court, to the prosecutor and Charles Alan Wright, Mr. Nixon's special Watergate

Counsel. Cox had given no public indication he was unhappy with Sirica's ruling, having announced in fact that he was "very pleased" by it.

However, a spokesman for Cox said yesterday the prosecutor is planning to ask the Appeals Court to clarify or modify the standards by which Sirica would decide what must be edited from the nine tapes of presidential conversations before they can be turned over to the Watergate Grand Jury.

Sirica's ruling failed to set

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out explicitly how he would determine what parts — if any — of the tapes are protected by executive privilege and should be withheld from the grand jury. His order did suggest that sections of the tapes dealing with national security matters and the President's constitutional duty to execute the laws would be excised.

In announcing the expedited schedule, the court of appeals noted that the Watergate grand jury's term runs out in early December. The Cox spokesman said yester-

day an act of Congress would be required to extend the grand jury's life.

The court said the highly compressed timetable was "appropriate" to allow it "sufficient deliberation" and for either side to appeal to the supreme court by the December deadline.

The clerk's letter gave the first indication that the entire 9-man appeals court would consider the tapes issue instead of the three-judge panel most often assigned in appellate cases.

The larger panel, pointing

up the importance of the issue, could further condense the time given to the case because a three-judge decision could be appealed to the full court.

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