

APPELLATE COURT ORDERS SPEED-UP IN TAPES DISPUTE

Slates Argument Next Week
Without Waiting for Filing
of the President's Plea

COX ALSO PLANS APPEAL

Case Expected to Be Ready
for Supreme Court When
Justices Return Oct. 1

By WARREN WEAVER Jr.

Special to The New York Times

WASHINGTON, Sept. 4— President Nixon's pending appeal of the court ruling last week that he must surrender the Watergate tape recordings for private judicial inspection will move up to the Supreme Court faster than the parties to the historic lawsuit thought possible.

The United States Court of

Appeals for the District of Columbia Circuit, acting before any appeal was filed with it, ordered today that all court proceedings at the intermediate Federal level be completed by the end of next week.

This should clear the way for a decision by the appellate court before the end of September and for an appeal to the Supreme Court immediately after the Justices reconvene Oct. 1 after their summer recess.

Jury Term to Expire

The court moved the case forward with extraordinary speed to give the Watergate grand jury, whose terms expires in early December, more time to consider indictments in the light of a final Supreme Court ruling on the availability of the tapes.

Archibald Cox, the Justice Department's special prosecutor, has said that he will not call for any action by the grand jury on indictments until he knows whether the tapes will be available to the jurors as evidence. As a result, he has been pressing for the earliest possible Supreme Court decision.

Burger View Uncertain

How rapidly Chief Justice Warren E. Burger will want to accelerate the procedures of the Supreme Court to deal with the Nixon case is still uncertain. Many appeals before the high court take a year or more to resolve, but the assumption here is that this case will be considered more pressing.

As the appeals court announced the unusually accelerated schedule, Mr. Cox disclosed that he also intended to appeal the ruling by Chief Judge John J. Sirica of the Federal District Court here.

Judge Sirica held that Presidente Nixon should deliver the tape recordings of White House conversations to him for a private examination so that he could then determine what portions, if any, should be forwarded to the Watergate grand jury over which Mr. Cox presides.

Suggestions to Court

The judge's decision presented a victory for the special prosecutor, although the judge did not go all the way and order the tapes surrendered to the grand jury, without any intervening judicial censorship, as Mr. Cox had requested in his suit.

A spokesman for the prosecutor, asked why Mr. Cox was appealing said late today that Mr. Cox planned to submit to the Court of Appeals "suggestions for the clarification or modification of the standards and procedures to be followed in determining what parts of the evidence will be submitted to the grand jury."

The prosecutor's aides refused to say what exceptions

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they would propose to Judge Sirica's ruling. The judge, in his 23-page opinion, did not provide any details of how he proposed to review the tapes or what standards he would apply in deciding what portions of them were privileged and thus not available to the grand jury.

Mr. Cox and Charles Alan

Wright, the President's legal consultant, were informed of the Court of Appeals schedule in a letter from the court clerk, Hugh E. Kline, sent at the direction of Chief Judge David L. Bazelon.

"The Court of Appeals is cognizant," the letter read, "that the grand jury on whose behalf the subpoena is sought expires in early December, 1973.

"The court considers an early date for argument appropriate, in order that this court's decision may be rendered after sufficient deliberation. But yet in time for counsel to take any further desired pleas to the

Supreme Court and for that Court to have adequate opportunity for consideration and decision."

Federal grand juries have a maximum statutory term of 16 months, and the Watergate grand jury has been in existence since June, 1972, shortly after the burglary of the Democratic National Committee offices that touched off the national scandal. That term can only be extended by an act of Congress.

After the present grand jury expires, Mr. Cox could impanel a new one, but he would then have to resubmit all witnesses to repeat their testimony before indictments could be voted. A

time-consuming process he hopes to avoid.

Neither the White House nor the special prosecutor expects to file an appeal before Thursday, but Judge Bazelon advised them in advance that the Appeals Court would receive briefs at noon next Monday and hear oral argument beginning at 10 A.M. The next day.

Both sides would have until noon Friday, Sept. 14, to file any further papers and a decision would follow, possibly sometime the next week.

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