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Nixon Subpoenaed As Defense Witness

WASHINGTON (AP) — Former President Richard M. Nixon, named as an unindicted co-conspirator in the Watergate cover-up case, was subpoenaed Thursday to testify as a defense witness, as the special prosecutor joined a call for delay of the trial.

Special prosecutor Leon Jaworski asked U.S. District Judge John J. Sirica to delay the trial, scheduled for Sept. 9, "in view of intervening circumstances affecting the trial preparation of all parties."

He asked for the continuance "for a reasonable period of time."

Two of the defendants had made a similar request and defendant John D. Ehrlichman, former White House aide to Nixon, had asked a delay of at least two months.

The subpoena, to be delivered personally to Nixon at his San Clemente, Calif., estate, was signed by an attorney for Ehrlichman.

Ehrlichman is one of six defendants accused of trying to smother the original investigation of the break-in at the Democratic National Com-

mittee headquarters more than two years ago.

The subpoena calls on Nixon to appear at the courthouse at 9:30 a.m. Sept. 9, the current starting date for the trial, "and to remain until called."

The Watergate cover-up defendants had asked for a delay because of the publicity surrounding the case, especially Nixon's resignation last week.

But Jaworski said there was no need to consider the pretrial publicity issue, since his office needs time to review and transcribe the 55 tapes that have been turned over to Sirica for a review of relevance.

Sirica expects to complete that review by the end of the week and has already turned over more than half the subpoenaed conversations to Jaworski's office. He has scheduled a hearing for Monday on the postponement issue.

Since three of the defendants have been joined by Jaworski in a call for postponement, it was likely Sirica would agree.

Whatever Jaworski's reasons requesting postponement, the

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dential Compound, San Clemente, California."

Nixon is free to challenge the subpoena in court. There was no immediate reaction from the former president.

While Nixon was still in the White House, repeated attempts were made to subpoena presidential notes, records and tapes.

At the request of defendants in a California state Watergate-related case, a judge issued a subpoena for Nixon to testify. The court case was dropped, however.

Nixon also provided written answers to written questions in the Ellsberg break-in case, in which Ehrlichman and three others were convicted.

An attorney familiar with the cover-up case said of private citizen Nixon Thursday, "He's just like anybody else now." Nixon's testimony would be his first under oath on the Watergate scandals.

Besides Ehrlichman, those to be tried in the cover-up case are former White House chief

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of staff H.R. Haldeman, former Atty. Gen. John N. Mitchell, former Nixon re-election committee attorney, Kenneth W. Parkinson, former Asst. Atty. Robert C. Mardian and former

White House aide Gordon Strachan.

Ehrlichman, 49, is charged with conspiring to obstruct justice and three counts of lying to Watergate investigators.

effect would be to make it possible for Nixon, if indicted, to stand with the other defendants.

A spokesman for Jaworski said Friday the special prosecutor's only reason for the motion was to allow more time to review the new presidential tapes turned over within the last week.

Aides to Jaworski have said any decision on whether to prosecute Nixon is still weeks away. Whether a subpoena seeking Nixon as a defense witness may speed that decision is not clear.

The grand jury which indicted the other defendants is still sitting.

Actually, anyone with knowledge in a court case can be subpoenaed as a witness.

The subpoena was to be delivered to the seaside Nixon residence in San Clemente by a U.S. marshal, probably Thursday or Friday.

The subpoena was addressed to "Richard M. Nixon, Presi-