

Meeting Urged

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Former White House aides H. R. (Bob) Haldeman and John D. Ehrlichman were strongly urged in court yesterday to have "a nice heart-to-heart talk" with President Nixon about getting the files they say they need to defend themselves in the Watergate cover-up trial.

U.S. District Court Judge John J. Sirica recommended the approach as the best way to avoid another prolonged dispute over attempts to subpoena any relevant evidence from the President.

Lawyers for Haldeman protested that the judge's suggestion amounted to a squeeze play that would put Haldeman in a bad light if he came away empty-handed. But attorneys for Haldeman and Ehrlichman reluctantly agreed to find out whether their clients were willing to try.

Sirica emphasized that Mr. Nixon has expressed "great faith" in Haldeman and Ehrlichman. He suggested that the President surely ought to be willing to help them out if they approached him on a voluntary basis.

"If it can be done the easy way, let's do it the easy way," Sirica said at a pretrial hearing here. "I'd like to know the [President's] answer, and I think American people would like to know the answer."

See SIRICA, A10, Col. 1



JUDGE JOHN J. SIRICA
... 'heart-to-heart talk'



JUDGE GERHARD GESELL
... alters stance

SIRICA, From A1

Sirica indicated that he would be willing to back up defense subpoenas for White House files if necessary, but the judge made it plain that any such subpoenas would have to pinpoint the exact documents and records that the Watergate defendants think might help to exonerate them.

The approach contrasts with the generalized subpoena that Ehrlichman obtained for his trial in the Ellsberg psychiatrist's office break-in case before the U.S. District Court Judge Gerhard A. Gesell. A long impasse with Mr. Nixon over that subpoena—which calls for all of Ehrlichman's handwritten notes in the White House over a 28-month period—has clouded the status of that prosecution.

Sirica said he saw no reason why Haldeman and Ehrlichman couldn't sit down with the President "as they've done for a hundred times," and work out a voluntary arrangement to obtain any pertinent Watergate records.

"I'm approaching this from a practical standpoint, forgetting about subpoenas," the judge told the lawyers for the two men. "Everybody knows that Mr. Ehrlichman and Mr. Haldeman were praised by the President when they resigned. He has great faith in them, doesn't he? There's no question about it, as many, many other people do." (President Nixon called them two of the "finest public servants" he had known.)

Accordingly, Sirica asked, "Have they tried to go in and see the President and say, 'Look, Mr. President, our liberty and our reputation are at stake.' ... Couldn't they go in and see the President and say, 'May we look through our files to see if there are any exculpatory matters here without going through the courts, the Supreme Court, the Court of Appeals?'"

Haldeman's and Ehrlich-

man's attorneys maintained that they, rather than their clients, ought to be given access to the White House files in order to make professional judgments about what was needed for their defense. But the judge said he thought the two former White House aides should first ask the President for permission to copy selected documents themselves, with or without their attorneys; "it doesn't make any difference," Sirica said.

Lawyers for three of the other defendants — former White House aide Gordon Strachan, former Assistant Attorney General Robert C. Mardian, and Nixon re-election committee attorney Kenneth W. Parkinson—said their clients were in no position to make similar requests of the President. The lawyers for former Attorney General John N. Mitchell made no comment in court, but one of them pointed out later that Mitchell had no files of his own at the White House and was not prepared "at this stage" to ask Mr. Nixon for a look at any documents there that mention him.

Sirica also made plain at yesterday's hearing that he thinks a fair-minded jury can be chosen here despite defense complaints about an avalanche of "prejudicial publicity" about the Watergate case.

He said he felt sure there were "millions of people in this country," including many in the District of Columbia, who have yet to make up their minds about the alleged cover-up conspiracy.

The trial is now set for Sept. 9 and is expected to last three to four months. Should an impeachment trial in the Senate be scheduled for that month, Sirica said he may start picking a jury on Sept. 3 so that it could be sequestered in time.

Defense lawyers, however, said they would fight any effort to go ahead with the court trial if the President is standing trial at the same time in the Senate.