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Ellsberg Case Defenders To Ask for Nixon Tapes

By William Farr
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LOS ANGELES, Sept. 25—Tapes held by President Nixon could be of "paramount importance" to the former White House aides charged in the break-in at the office of Daniel Ellsberg's psychiatrist, a defense lawyer said today.

Douglas Dalton, an attorney for former presidential adviser John D. Ehrlichman, said the defense team will try to obtain a court order for the tapes at an Oct. 26 hearing before Superior Court Judge James G. Kolts.

Kolts set the hearing to discuss a defense discovery motion designed to learn what evidence the prosecution has to support its case.

"We ain't got 'em," Dist. Atty. Joseph Busch said when informed of the defense plan to seek the tapes.

Dep. Dist. Atty. Stephen Trott, who has been assigned by Busch to prosecute the case, added: "It would be premature for the prosecution to comment on the matter of the tapes until we see in writing just what the defense is asking for and why."

Dalton declined to be specific about why the presidential tapes would be relevant, but he said: "They may contain exculpatory material beneficial to the defendants and therefore it is of paramount importance to be in possession of the tapes."

Thus far, Mr. Nixon has resisted efforts, by both special Watergate prosecutor

Archibald Cox and the Senate Watergate committee to obtain the tapes. It is expected that the question of whether the President has to provide them will be decided ultimately by the Supreme Court.

Kolts also granted a defense requested delay on a separate hearing focusing on a defense motion to dismiss the charges due to insufficiency of evidence. The hearing, initially scheduled for next Wednesday, is now on the calendar for Oct. 19.

Attorneys for co-defendants Egil (Bud) Krogh, Jr., David Young and G. Gordon Liddy joined in the motion to postpone next Wednesday's hearing.

"We simply needed more time to prepare," said Irwin Woodland, who represents Young.

Kolts appointed deputy public defender Charles Gessler to act as the lawyer for Liddy, who told the judge at his arraignment last Thursday that he was indigent.

At Gessler's request, the judge also approved a plan for Liddy to hear tape recordings of the Watergate committee hearings which resumed Monday.

Gessler explained to the judge that jail officials felt the tape recording plan was more suitable than allowing Liddy to watch the hearings on television because of security problems involved at the jail.