Ehrlichman Lawyer

By Timothy S. Robinson
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Attorneys for former White House aide John D. Ehrlichman asked formally yesterday that the Watergate cover-up trial be delayed or moved from Washington in the aftermath of the "virtual toppling of a presidential administration."

"The trial. . .should be continued for such time as is necessary to allow the inflammatory atmosphere surrounding this case to be cooled," Ehrlichman's lawyer said in a motion filed in U. S. District Court here yesterday.

Defense attorneys for the other five former White House and Nixon campaign aides charged in the case have indicated they will file similar motions in the near future because of the publicity surrounding the resignation of former President Nixon.

The Watergate special prosecutor's office, meanwhile, said yesterday it did not know yet what position it would take on a possible delay of the trial. It also would not comment on whether Mr. Nixon might be indicted in connection with the Watergate cover-up.

The prosecutors also refused to discuss the future of other investigations under way in connection with the Watergate affair. However, it was disclosed yesterday in court papers that the prosecutors are continuing to investigate actively the alleged misuse of campaign funds by President Nixon's close friend, C. G. (Bebe) Rebozo.

Attorneys for Rebozo asked in the court papers that a judge block Watergate grand jury subpoenas for financial records they handled for their client on the grounds that they fell under the attorney-cleint privilege against disclosure.

The subpoenas cover transactions that the lawyers handled for Rebozo over a period of 6½ years, attorneys Thomas H. Wakefield, Robert Hewitt and Garth A. Webster said.

They said they "wish in no way impede the investigation of the federal grand jury, but are compelled . . . to proceed in this matter with all due caution."

The subpoenas specifically seek records from trust accounts that the Senate Watergate committee charged in its final report were used to launder campaign and funds converted to Rebozo's and Mr. Nixon's personal use. In one instance, the committee charged, $4,500 in campaign funds were filtered through those accounts in June, 1972, to buy a pair of diamond earrings for Mrs. Nixon.

Defense attorneys in the Watergate cover-up case, meanwhile, continued for the most part to prepare attempts to at least delay the cover-up trial scheduled to start before U. S. District Judge John J. Sirica on Sept. 9.

Charged with conspiracy in the Watergate cover-up are former White House aides Ehrlichman, H. R. (Bob) Haldeman, and Gordon Strachan; former Attorney General John N. Mitchell; former Assistant Attorney General Robert Mardian and Nixon re-election committee attorney Kenneth Wells Parkinson. All but Mardian are also charged with obstruction of justice, and all but Mardian and Parkinson are charged with perjury before various forums.

Although the attorneys for the other five men did not join in Ehrlichman's motion for a delay, one attorney for another defendant said it was "obvious" they would be filing similar attempts or that they would join Ehrlichman's motion later.

Ehrlichman actually filed two different motions, one for a two-month delay so he could personally listen to

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White House tapes and the other for an indefinite delay due to pretrial publicity.

Well-informed sources have said that although there is no indication that Judge Sirica has even considered the possibility of a delay, any postponement that would be granted probably would be either less than one month or more than three months. The reason, said the sources, is that judges do not like to keep sequestered juries locked up over the Christmas holidays and this case is scheduled to last at least three months.

Although the prosecutors have not announced their official position on the possibility of a delay, it is known that they would not argue against a defense motion for at least a brief postponement to continue to study new tape transcript evidence recently released by Mr. Nixon.

Ehrlichman's motion for the two-month continuance also pointed out that his attorneys are currently preparing an appeal of his Ellsberg-break-in conviction.

Ehrlichman also again asked that he be granted a separate trial, in light of taped conversations between the former President and Haldeman on June 23, 1972. Those conversations, in which the President orders Haldeman to block the FBI investigation of the Watergate affair "establish that Mr. Ehrlichman will be prejudiced if he is tried with his co-defendants in light of the degree of evidence against said co-defendants and the paucity of evidence against him."

The pretrial publicity motion cited numerous newspaper articles during the unfolding of the presidential resignation story to support Ehrlichman's claim that D.C. residents "believe that defendant Ehrlichman is guilty of the offenses charged in this cause and . . . believe that the trial is a mere formality at which the facts already disseminated in the media would manifest a verdict of guilty regardless of any facts which may be shown in defense of the charges."

The attorneys continued that "no case in the history of our jurisprudence has been so infected by publicity as has this case."