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EHRlichman MOVE IS REJECTED AGAIN

Douglas Denies His Request
to Delay Cover-Up Trial

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WASHINGTON, Sept. 5 — John D. Ehrlichman's request that the Watergate cover-up trial be postponed until sometime next year was denied today by Associate Justice William O' Douglas of the Supreme Court.

It was the second refusal for Mr. Ehrlichman at the highest judicial level. Eight days ago, Chief Justice Warren E. Burger also denied the motion for delay on the ground that a trial judge's timetable should be set aside only under "extraordinary circumstances."

Another of the cover-up defendants, H. R. Haldeman, asked the high court, meanwhile, to dismiss the indictment naming him, Mr. Ehrlichman and four others, contending that the Watergate grand jury had legally expired before the charges were issued.

This argument by Mr. Haldeman was rejected by Judge John J. Sirica of the United States District Court here on July 9 and the United States Court of Appeals for the District of Columbia on Aug. 14.

The Supreme Court does not open its 1974-75 term until Oct. 7 and the cover-up trial is scheduled to begin Sept. 30, so that even the fastest possible action on the Haldeman request would come while the trial was in progress.

In theory, Mr. Ehrlichman could take his delay motion to still another Justice, but the prospect of one of the seven

others overruling the Chief Justice and Mr. Douglas appeared slim. Such shopping for a favorable ruling is discouraged as a matter of principle.

Mr. Douglas, who is vacationing in Goose Prairie, Wash., gave no reasons for denying the motion. Mr. Burger issued a four-page memorandum accompanying his denial last week.

The Haldeman dismissal plea was based on the argument that Congress did not have the power to extend the life of the

Watergate grand jury, which it did Dec. 4, 1973, and that the subsequent indictment was thus invalid.

In an effort to help prepare his defense, Mr. Ehrlichman has subpoenaed several hundred files kept by the Nixon White House, covering the time from the Watergate break-in on June 17, 1972, to May 19, 1973.

The records were subpoenaed from the Secret Service, which now has custody of such documents.