

Ehrlichman's lawyer *F Post* *12-3-74* asks Christmas recess

WASHINGTON (AP) — John D. Ehrlichman's lawyer asked U.S. District Judge John J. Sirica Monday to consider declaring a Christmas recess in the Watergate cover-up trial to delay its completion until former President Nixon is well enough to testify.

William S. Frates made the suggestion while submitting a formal request for permission to take a deposition from Nixon in California.

Three court-appointed doctors reported to Sirica on Friday that the earliest Nixon could give a deposition would be Jan. 6. They estimated he would not be well enough to travel to Washington before Feb. 16.

Sirica said he had not decided what he will do and he asked all parties to submit legal briefs by Wednesday morning.

Ehrlichman, a former White House aide, subpoenaed Nixon to testify as a defense witness. Frates said he considers the former president's testimony an indispensable part of his client's defense.

Frates suggested that the jurors, who have been separated from their families since Oct. 11, be allowed to go home if a Christmas recess is called. Asst. Special Prosecutor Richard Ben-Veniste called that suggestion unrealistic.

The jury was out of the room during the discussion.

The request for a recess took place just prior to former White House aide H.R. Haldeman returning to the witness stand to continue testifying in his own defense.

Under questioning by his attorney, John J. Wilson, Haldeman denied he ever lied to the Senate Watergate committee.

Haldeman, Ehrlichman, former Atty. Gen. John N. Mitchell, former Asst. Atty. Gen. Robert C. Mardian and Kenneth W. Parkinson, one-time lawyer for the Nixon re-election committee, are charged with conspiring to obstruct the investigation of the Watergate break-in.