

Ex-Nixon Aides Urged to Try 'Heart-to-Heart'

Washington

Former White House aides H. R. 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 at the Watergate coverup trial.

U.S. District 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 bad light if he came away empty-handed. But both they and Ehrlichman's attorneys reluctantly agreed to find out whether their clients were willing to try.

Judge Sirica emphasized that Mr. Nixon has expressed "great faith" in both 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 the American people would like to know the answer."

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

The approach contrasts with the generalized subpoena that Ehrlichman ob-

tained for his trial in the Ellsberg break-in case before U.S. District Judge Gerhard A. Gesell. A long impasse with Mr. Nixon over that subpoena — which calls for all of Ehrlichman's handwritten notes over a 28-month period — was broken only yesterday.

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 other people do."

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 Ehrlichman's attorneys maintained that it was they, rather than their clients, who ought to be given access to their clients' White House files. But the judge said he thought the two former White House aides should first ask the President for permission to copy selected documents themselves.

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