

Haldeman Lawyers Charge 'Impatience' In Sirica's Ruling

Attorneys for H. R. Haldeman said yesterday that Judge John J. Sirica acted partly out of impatience in refusing to delay the start of the Watergate cover-up conspiracy trial.

The description was included in a petition asking the U.S. Circuit Court of Appeals for the District of Columbia to overrule Sirica and order a continuance of the trial involving Haldeman and five other defendants.

Sirica ruled Monday that the defendants had had enough time to prepare their case and ordered the trial to get under way Sept. 9.

Haldeman's petition said Sirica's only reasons for refusing a postponement were that he "had been working on Watergate matters for two years and wanted to get it behind him and that the country is demanding a prompt trial.

"The first is a purely personal reason and merely demonstrates (Sirica's) impatience. The second is without any basis in the record or in fact."

The Court of Appeals set soon today as the deadline for filing papers in the appeal of Sirica's ruling. Haldeman, former White House chief of staff, and three other defendants had asked for the delay, citing time needed to prepare a defense and the danger that heavy publicity on Mr. Nixon's resignation would prejudice the prospective jury.

Watergate prosecution lawyers also endorsed a "reasonable" delay in starting the trial. They will file their statements with the Court of Appeals today and are expected to take the same position. Sirica will stand on the position he stated in court, an aide said.

Meanwhile, federal officials in Los Angeles delayed service on former President Nixon of a subpoena filed by another of the defendants, former White House aide John D. Ehrlichman. Ehrlichman's at-

torneys subpoenaed the former President to be present and testify in Ehrlichman's behalf at the trial.

The subpoena arrived at the U.S. marshal's office in Los Angeles Monday. U.S. Marshal Gaylord Campbell had indicated he would serve it on Mr. Nixon at the San Clemente estate yesterday.

However, Campbell told Robert Meyers of The Washington Post: "Due to the unique circumstances surrounding the subpoena I am negotiating with Mr. Nixon's representatives on a mutual agreement for time and place of service. I will not reveal the time and place of service."