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Cover-Up
Trial Date
Postponed

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U.S. District Court Judge John J. Sirica, heeding the advice of the U.S. Circuit Court of Appeals, yesterday postponed the Watergate cover-up conspiracy trial by three weeks, to Sept. 30.

He acted a few hours after the appellate court had suggested that he allow a three- or four-week delay to give both the prosecutors and the defendants more time to prepare for trial. The case originally had been scheduled to begin Sept. 9.

The attorneys for at least one defendant, former White House aide John D. Ehrlichman, were not satisfied and prepared an appeal to the Supreme Court, hoping to delay the trial until January.

The ruling ended a week of legal maneuvering in which the defendants had sought a long delay, the Watergate prosecutors had sought a short one, and Sirica had insisted on the Sept. 9 starting time.

Ehrlichman and three other defendants claimed they needed a four-month postponement to prepare their cases and to allow time for publicity on President Nixon's Aug. 9 resignation to subside.

Prosecutors agreed to a short delay, agreeing that both parties needed more time to assimilate into their trial strategies the White House tape recordings ordered turned over by the Supreme Court last month.

Sirica turned down requests for a delay Monday and both sides appealed to the Court of Appeals. That court did not directly overrule Sirica, but said in a brief statement yesterday that "... we suggest to the district judge [Sirica] that a continuance for further trial preparation by all parties of perhaps three to four weeks would be appropriate in this case."

The full court ruled only on the plea that more time was needed to prepare cases. Judge George F. MacKinnon also concurred separately on grounds of prejudicial pretrial

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publicity, which had been claimed by defendants.

Sirica later told reporters, "I have adopted the suggestion of the Court of Appeals," and said the trial would begin at 9:30 a.m. on Sept. 30.

One problem with the delay is that a lengthy trial might cause jurors to be sequestered over the Christmas holidays. Sirica said yesterday he hopes the case can be concluded before Christmas. He already has warned that daily sessions of the trial may be extended from the usual 4:30 p.m. to 6 p.m. to speed up the proceedings.

Ehrlichman's attorney, Andrew C. Hall, said after hearing Sirica's decision that he would file an appeal with the Supreme Court. That court is now in recess and appeals normally are filed with the justice who has supervisory power over the circuit, in this case Chief Justice Warren Burger.

The other defendants are former White House chief of staff H. R. Haldeman, former White House aide Gordon C. Strachan, former Assistant Attorney General Robert C. Mar-dian, re-election campaign lawyer Kenneth W. Parkinson and former Attorney General John N. Mitchell.

Meanwhile, in a separate phase of the Watergate investigation, Chief District Court Judge George L. Hart Jr. ordered turned over to prosecu-

tors some new information on money handled in Florida by Mr. Nixon's close friend, C. G. (Bebe) Rebozo.

That case, now before a grand jury, involves the alleged use of Republican campaign contributions for, among other things, improvements to homes owned in Florida by Rebozo and Mr. Nixon.

Watergate prosecutors have said that the money may have come to Rebozo in the form of campaign contributions between 1970 and 1972 from Howard R. Hughes, the industrialist, and from A. D. Davis, chairman of a food store chain with headquarters in Jacksonville, Fla. The money was in hundred-dollar bills.

The prosecution also has claimed that the money passed through as many as seven bank accounts and that Rebozo's lawyer, Thomas H. Wakefield, and other lawyers ordered expenditures made from them to various merchants in the Miami area.

Watergate prosecutors have sought access to documents in Wakefield's law firm that would presumably indicate where Rebozo got the money and what he wanted it spent for.

Wakefield's law firm has turned over certain records, but has attempted to quash subpoenas aimed at obtaining information related to Rebozo's instructions about the money.

Wakefield's lawyer, Robert C. Ward, yesterday told Judge

Hart that the information was privileged under rules governing attorney-client relationships and should not be subject to subpoena.

After a private hearing in his chambers, Hart upheld the prosecution's subpoena of records related to the cash deposits and expenditures made in Rebozo's behalf by Wakefield.

He did not disclose what those records are, but they presumably cover such items as memoranda that Wakefield wrote to his law firm's bookkeeper about the way Rebozo's money was to be deposited and where it was spent.

Hart said in open court that 66 other items under prosecution subpoena had been discussed in chambers. He said he sustained a motion to suppress as subpoena for one item, denied motions on a few others, and left most of the 66 to be discussed later if the prosecution wants to push for them.

Hart said the lawyer-client privilege cannot be invoked if the matters covered are purely business transactions.



JUDGE JOHN J. SIRICA
... sets Sept. 30 date