

Cover-Up Trial Postponed For Three Weeks by Sirica

He Acts After Appeals Court Suggests a Continuance for Trial Preparation —Ehrlichman Seeks Longer Delay

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WASHINGTON, Aug. 22 — Federal District Judge John J. Sirica today postponed the Watergate cover-up trial for three weeks at the urging of the United States Court of Appeals for the District of Columbia Circuit.

The new trial date, Sept. 30, gives the parties at least some of the additional time they have said they need to prepare for trial.

It also gives Leon Jaworski, the special prosecutor, more time to resolve the legal status of former President Richard M. Nixon.

Mr. Nixon faces possible prosecution based on the same

set of facts on which the six defendants in the cover-up case are to be tried, and it is generally believed that the prosecution wants to decide what to do about Mr. Nixon before going ahead with the cover-up trial.

The three extra weeks may also make it more politically feasible for President Ford to take part in resolving Mr. Nixon's legal status, if he wishes to. The President has shown no inclination to exercise his power to pardon Mr. Nixon.

Judge Sirica ruled on Monday that the trial would begin as scheduled on Sept. 9, notwithstanding requests by the prosecution and four of the defendants for extra time. The judge, who has presided over Watergate litigation since the trial of the original Watergate burglars, said that the publicity about the case had abated and that there was "no better time" for the trial.

But at midday today, the Court of Appeals issued a brief decision stating, "We suggest to the district judge that a continuance for further trial preparation by all parties of perhaps three to four weeks would be appropriate in this case."

The court did not order Judge Sirica to delay the trial. But district court judges generally

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view "suggestions" by appeals courts as tantamount to polite warnings, if not orders.

Judge Sirica heard a news report of the decision over the radio while he was out of the courthouse having lunch. He read the appeals court's statements as soon as he returned, and moments later invited into his chambers the reporters who had been waiting outside for his response.

"The court has decided to continue this case for three weeks and start it on Monday, Sept. 30, at 9:30 A.M.," he said.

The trial is expected to be long, and one of the considerations in picking the trial date has been the judge's, and the various lawyers', with to avoid having to keep the jury sequestered over the Christmas holidays. Asked today whether the trial could still be concluded by Christmas, Judge Sirica said, "I hope so."

He said that he planned to hold court sessions from 9:30 A.M. to 4:30 P.M., Mondays through Fridays, but would extend the hours if necessary to finish by the holidays.

The special prosecutor had told the Court of Appeals that the parties in the case needed perhaps two extra weeks to review the recently surrendered White House tape recordings, and that a "significant but limited" delay would also be justified because of the pretrial publicity.

Longer Delay Sought

The defendants who sought a delay—John D. Ehrlichman, R. R. Haldeman, Robert C. Mardian and John N. Mitchell—had asked for a far longer postponement, until the beginning of next year. Mr. Ehrlichman in particular, who initiated the Court of Appeals review, has complained that the prosecution is slow in handing over evidence to the defense.

Andrew C. Hall, one of Mr. Ehrlichman's attorneys, filed a request with the Supreme Court late this afternoon asking the Court to stay Judge Sirica's action regarding the trial date until Mr. Ehrlichman's basic

request—for a long delay—could be argued on appeal.

Of the six defendants, only one, Kenneth W. Parkinson, had opposed the requests for delay. Mr. Parkinson, however, had wanted his case severed. He had told the appeals court that the publicity in the case had caused his co-defendants to be "prejudged" as guilty, and that he thus should not be tried with them.

The other defendant, Gordon C. Strachan, took no position on the matter, apparently because he was awaiting Judge Sirica's ruling on a request to dismiss his case because he had been given immunity from prosecution in return for his testimony.

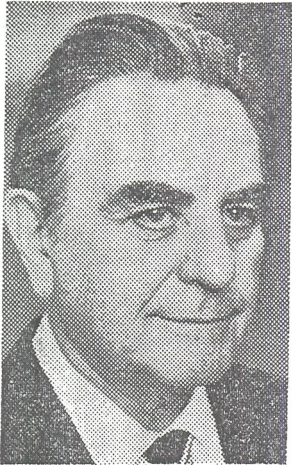
Judge Sirica made a partial ruling on that motion today, saying that the "Government has made a preliminary showing" that the evidence against Mr. Strachan is "untainted by his immunized disclosures."

Decision Is Unanimous

The appeals court's decision was unanimous. It was participated in by David L. Bazelon, the chief judge, and Circuit Judges J. Skelly Wright, Carl McGowan, Harold Leventhal, Spottswood W. Robinson 3d and George E. MacKinnon.

The court's statement did not explain the ruling, other than to cite the need for "further trial preparation." It cited three other cases, however, in which courts had spoken of the need to give defendants adequate time to prepare and the risk of having convictions reversed if adequate time was not given. In two of those cases the district judge had agreed to postpone the trial after an appeals court suggested that he do so.

The ruling noted that Judge MacKinnon "also bases his concurrence on prejudicial pre-trial publicity."



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Judge John J. Sirica

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