

Ehrlichman Fails to Get A Longer Delay in Trial

San Francisco Chronicle 7
Thurs., Aug. 29, 1974 ★★

Washington

Chief Justice Warren E. Burger yesterday rejected John D. Ehrlichman's demand for a lengthy delay in the Watergate coverup trial due to start September 30.

Ehrlichman, unhappy with a brief three-week postponement won last week, had asked Burger to order the trial stalled at least until January to let publicity over former President Nixon's resignation die down and allow defendants more time to prepare their cases.

The Supreme Court is now in recess. The appeal was filed routinely with Burger,

who has supervisory authority over the federal courts in the District of Columbia.

Ehrlichman is one of six former high Nixon aides who are to go on trial September 30 before U.S. District Judge John J. Sirica, accused of plotting to cover up the Watergate scandal.

Sirica initially rejected requests from four of the defendants, including Ehrlichman, for a lengthy delay in the trial. But he relented last Thursday after the U.S. Court of Appeals for the District of Columbia said a three-to-four week postponement might be a good

idea.

The trial had been scheduled to begin September 9.

In a four-page opinion, Burger said that questions of a demand for a delay in trial or to shift it to another city call for "the exercise of the highest order of sound judicial discretion" by the trial judge.

He said any doubts about Sirica's decision, particularly since the appeals court did not reverse it, "are not sufficient to form a basis for contrary action" by a single Supreme Court justice.

"The district court bears

responsibility commensurate with its authority in such matters.

He said that because of "the gravity of the claim of prejudicial pretrial publicity" in this case, he could have referred Ehrlichman's appeal to the entire nine-man court when it returns October 1. But he noted that this in itself would have meant stalling the trial at least until the end of October.

Burger said he was not ruling on Ehrlichman's claims that massive publicity prevents his fair trial, which he said "must await the normal appellate process" should they arise after the verdict.

United Press