

EHRlichman ASKS NEW TRIAL DELAY

SEP 19 1974
Nixon's Health Cited in Bid
to Postpone Watergate
Case 2 to 3 Months

Special to The New York Times

WASHINGTON, Sept. 18 — Still another request has been made to delay the start of the Watergate cover-up conspiracy trial Oct. 1, this time citing the health of a potential witness — Richard M. Nixon.

It was the second court action in two days based on the former President's health. Yesterday, his lawyers moved to have the subpoena in a civil case dismissed by the Federal District Court in Los Angeles. The motion contended that Mr. Nixon was too ill to testify. It also said that Presidential privilege guarded him from going to court because the case involves events that took place while he was President.

In a motion filed today with Judge John J. Sirica in United States District Court, John D. Ehrlichman, who served under President Nixon as assistant in charge of domestic affairs, asked for a 60-to 90-day delay.

Judge Sirica has granted two delays, one of three weeks and one of a single day, in the trial date and has turned down a flurry of other motions seeking delays.

In today's request, Mr. Ehrlichman called Mr. Nixon "indispensable" in his defense and noted that "recent public accounts of Mr. Nixon's health suggest that he may be physically unable to testify."

Six on Trial

Mr. Ehrlichman is one of six former White House and political aides charged with conspiracy to obstruct justice following the burglary of Democratic National Headquarters at the Watergate office building.

Shortly after Mr. Nixon resigned on Aug. 9 in the wake of the Watergate scandals, Mr. Ehrlichman subpoenaed him as a witness. The former President was also subpoenaed to give a deposition Sept. 24 at a law

office in Santa Ana, Calif., in connection with a civil suit filed in North Carolina.

Julie Nixon Eisenhower, the former President's younger daughter, said in New York yesterday that he may soon be entering a hospital because of increasing troubles with phlebitis in his left leg. The vein ailment bothered Mr. Nixon during his trips abroad last June.

In the Federal District Court in Washington, a judge hearing a case commonly appoints a doctor to visit an ailing witness and determine whether the witness can stand the rigors of a trial. There was no indication of what action Judge Sirica might take.

In a related matter, Leon Jaworski, the special Watergate prosecutor, raised the problem of access to the tape recordings and documents of the Nixon Administration in a letter sent today to Philip Buchen, President Ford's counsel.

Through a White House spokesman, Mr. Buchen said he had received a letter today from Mr. Jaworski but declined to discuss its contents.

A spokesman for the special prosecutor said that the letter contained "a listing" of materials from the Nixon files now stored at the White House. The spokesman said also that the material requested was not in connection with a trial but in the continuing Watergate investigation.

Asked if this is a test of access to the documents, the spokesman said it was not but added, "we're taking the view that it might be a problem."

A White House spokesman told The Associated Press that a compromise agreement on the tapes that might satisfy the prosecutors had been suggested to Herbert J. Miller Jr., Mr. Nixon's lawyer.

In Congress, meanwhile, the Democratic whip in the Senate, Robert C. Byrd of West Virginia, was seeking a complete and detailed report on Mr. Nixon's activities in Watergate from Mr. Jaworski's office.

He wrote Senator James O. Eastland, Democrat of Mississippi and chairman of the judiciary committee, that Mr. Jaworski "had questions as to the statutory authority under the present guidelines" for his office to include a complete record on Mr. Nixon.