

Ford's House Testimony Delayed Until Next Week

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WASHINGTON, Oct. 8—President Ford's appearance before Congress to explain his pardon of former President Richard M. Nixon was postponed tonight and rescheduled for next week so that a jury could be picked and sequestered for the Watergate cover-up trial before Mr. Ford testifies.

Representative L. Hungate, Democrat of Missouri, the chairman of the House subcommittee before which Mr. Ford was to have testified this Thursday, said that the subcommittee had decided, "with the concurrence of the White House" to put off the President's testimony until 10 A.M. on Thursday, Oct. 17.

Mr. Hungate made his announcement after getting a progress report from the United States Courthouse where Judge John J. Sirica was trying for the sixth day to impanel a jury.

"We communicated to him [Mr. Hungate] that we're not likely to get a jury by Thursday," D. Todd Christofferson, the judge's law clerk, said tonight after court ended.

Previous Call By Sirica

Mr. Christofferson, who made the call to Mr. Hungate's office, said that Judge Sirica called Mr. Hungate yesterday and the two men arranged that the court would notify the subcommittee as soon as it became apparent that a jury either would or would not be impaneled and sequestered by Thursday.

Originally Judge Sirica had said that he hoped to have a jury by early this week. Tonight, Mr. Christofferson declined to predict a date; he said, though, that the court was "still hopeful" of getting a jury by the end of the week.

President Ford issued the pardon on Sept. 8, just a few weeks before the scheduled start of the cover-up trial, and much of the criticism of the pardon centered on the effect it might have on this and other prosecutions of former Nixon subordinates in Watergate-related cases.

The pardon has already developed as an issue in the cover-up trial, complicating the selection of the jury that is to decide the guilt or innocence of the five former White House and Nixon campaign officials charged in the case.

During the closed sessions last week, according to persons familiar with the case, one prospective juror after another said that he or she considered it unfair to prosecute Mr. Nixon's former employes when Mr. Nixon himself had gone free.

Some Retained

Some of these were excused, but others were retained for the final screening, expected later this week, after they said that they could put aside their opinions and decide the case on the basis of the evidence at trial and the judge's instructions.

The prosecution team handling the case, lead by James F. Neal, asked Judge Sirica yesterday to question prospective jurors more intensely about the

pardon in an effort to screen out those who might be biased in favor of letting the defendants off.

President Ford's decision to testify publicly about the pardon, which came on Sept. 30, was something of a surprise.

Mr. Hungate, the chairman of the subcommittee, had written Mr. Ford 10 days earlier asking 14 questions about the pardon that had been raised in two measures called "resolutions on inquiry," one by Representative Bella S. Abzug, Democrat of Manhattan, and one by Representative John Conyers Jr., Democrat of Michigan.

Mr. Ford's response to the Hungate letter was viewed by some members of Congress as an insult: The President sent a transcript of his Sept. 16 news conference, in which he said that he had decided on his own to grant the pardon in the national interest, and a transcript

of an earlier briefing on the subject by his counsel.

The subcommittee then sent the President another letter repeating the questions and asking Mr. Ford to send a representative to the subcommittee's hearings. Mr. Ford responded this time by saying that he would appear himself.

The questions involve such issues as the negotiations leading to the pardon and information that Mr. Ford may have received before the pardon regarding Mr. Nixon's health.

Jury selection has been proceeding extremely slowly, largely because of the massive news coverage of Watergate and related events.

The memorandum submitted by the prosecution yesterday regarding questioning of prospective jurors made clear that a number of prospective jurors had indicated that they had already formed opinions as to the guilt or innocence of the defendants, in addition to those who had said it would be unfair to prosecute them.

Judge Sirica, who is asking all the questions himself, is using a three-stage procedure. The first stage, part of which was open to the public, was the initial screening out of more than half of 315 potential jurors for essentially personal reasons, related to the expected length of the trial and the fact that the jury is to be sequestered.

The current second stage, which is closed to the public, involves the screening out of jurors who may be biased. The third stage, which comes when perhaps 50 or 60 potential jurors have been cleared, is the exercise by the lawyers in the case of "peremptory challenges," in which they can bar someone from the jury without giving a reason.

The defendants in the case, who come to court each day to listen to the answers of the prospective jurors, are John N. Mitchell, the former Attorney General; H. R. Haldeman and John D. Ehrlichman, once Mr. Nixon's highest aides Kenneth W. Parkinson, a lawyer for the Committee for the Re-Election of the President, and Robert C. Mardian, a former Assistant Attorney General who was political coordinator for the committee.

Liddy Seeks Release

In a related development today, G. Gordon Liddy, who was convicted in the original Watergate burglary trial in January, 1973, as well as in the "plumbers" trial this summer, asked the judges who sentenced him to release him from prison pending appeal of his convictions.

Mr. Liddy was sentenced by Judge Sirica to a term of six years and eight months to 20 years for the Watergate conviction, and by Judge Gerhard A. Gesell to a one-to three-year term in the "plumbers" case, the sentences to run concurrently.

Mr. Liddy has just finished serving a sentence for contempt of court imposed in April, 1973, for his refusal to testify before a Watergate grand jury. He has also been convicted of refusing to testify before Congress, with sentence suspended.

He is on both the Government's and Mr. Ehrlichman's lists of possible witnesses at the cover-up trial, but in view of his prior refusals to testify in other forums it is considered unlikely that he will be called