

Watergate Trial Delay

Washington

John D. Ehrlichman's lawyer asked U.S. District Judge John J. Sirica yesterday to declare a Christmas recess in the Watergate cover-up trial in order to delay its completion until former President Nixon is well enough to testify.

Sirica said he would not decide immediately. But later in the day he told the jury "we're going to try to finish this case before Christmas."

The jury was out of the room when William S. Frates could give a deposition recess.

Frates made the request in connection with a formal petition for permission to take a deposition from Mr. Nixon in California. Three court-appointed doctors reported to Sirica on Friday that the earliest Mr. Nixon could give a deposition would be January 6.

They estimated he would not be well enough to travel to Washington before February 16.

Sirica asked all parties to submit legal briefs on the matter by tomorrow morning.

Frates said that the jurors who have been separated from their families since October 11 should be allowed to go home if a Christmas recess is called. However, assistant special prosecutor Richard Ben-Veniste called that suggestion unrealistic.

Meanwhile, H. R. Haldeman, former White House staff chief, completed his direct testimony and began undergoing cross-examination by Ben-Veniste.

Ben-Veniste pressed the former Nixon aide on why he had not disclosed to a grand jury on May 14, 1973,

the existence of the White House tapes.

Ben-Veniste noted that Haldeman told the grand jury that the only records "on the face of the earth" that would reflect his contact with other people were his telephone logs.

Haldeman said he did tell the grand jury about the notes he took during presidential conversations.

"But you didn't mention tape recording, did you Mr. Haldeman?" Ben-Veniste asked. "You didn't mention tapes and you hoped they wouldn't be revealed," he said.

"It was not a matter of my hopes, it was my instructions," replied Haldeman. "I was under orders from the President of the United States that it not be

disclosed."

Haldeman also said he had no recollection of ever telling Gordon C. Strachan, a Haldeman aide, to check his White House files to see whether they contained the results of any bugs at Democratic National Committee headquarters.

When Ben-Veniste said Haldeman had acknowledged giving such an in-

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struction in giving his testimony on Friday, the former White House staff chief said. "I can only explain it (his earlier testimony) as an error in over-amplification. . . . My question to him (Strachan) was did we have anything in our files related to the DNC break-in."

"You just let the matter drop?" Ben-Veniste asked.

"I say I just don't recall any further action," Haldeman responded.

In his motion asking permission to take a deposition from Mr. Nixon, Frates noted that the former President was named an unindicted co-conspirator by the grand jury that indicted the defendants in the coverup case.

"Mr. Nixon is an indispensable witness because he will be able to testify as to the sequence of events involved in the Watergate matter, that Mr. Ehrlichman was not part of a conspiracy," Frates said in his brief.

He added that "the gov-

ernment has contended and the evidence now shows that Mr. Nixon was at the heart of the activity which the government now seeks to contend is a violation of the laws of the United States."

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