

# Nixon's Testimony Subpoenaed By Judge In Ehrlichman Case

LOS ANGELES (AP) — John D. Ehrlichman asked Tuesday to have President Nixon subpoenaed as a material witness in Ehrlichman's burglary and conspiracy trial. The judge agreed to issue the unprecedented order.

Superior Court Judge Gordon Ringer ruled that President Nixon is a material witness in the California case against Ehrlichman and two other former White House aides, Watergate burglar G. Gordon Liddy and David Young.

Ringer said he would authorize a subpoena commanding Nixon to appear at a Feb. 25 pretrial hearing and at the April 15 trial.

The White House declined comment until it receives the order, but a defense attorney said one of Nixon's attorneys had declined to have the President appear voluntarily and had told him he would advise Nixon against testifying.

Later White House sources indicated the President would decline to appear personally as a witness.

"This will be the first time in history," Ringer said, "that a state court, exclusive of the federal court, has issued this kind of process directly to a president of the United States."

"The court is persuaded that the honorable Richard M. Nixon is a material witness for the

defense ... The court will sign and issue a properly prepared certificate ... commanding the President, the honorable Richard M. Nixon, to testify before this court."

Nixon is sought by the defense to testify about the establishment of the secret White House investigations unit known as the plumbers and as to what instructions he gave it in regard to an investigation of Pentagon papers figure Daniel Ellsberg.

It is the 1971 break-in of Ellsberg's psychiatrist's office that caused the indictments against Ehrlichman, Liddy and Young, and attorneys are seeking to show they were only acting as law enforcement officers in any action they took.

Ringer also ordered former White House aide Egil Krogh to testify. Krogh is to begin serving a six-month federal prison sentence next week in connection with the 1971 break-in. He was indicted with the other three in the California case, but was separated from it after pleading guilty to a related charge in Washington.

The break-in was carried out by persons hired by the plumbers.