

Subpoena Signed Requiring Nixon's Appearance in L.A.

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LOS ANGELES, Feb. 4—Superior Court Judge Gordon Ringer signed a subpoena today requiring President Nixon to appear as a material witness in the "plumbers" burglary case here.

The signing made official the action granting the subpoena last week, making Ringer the nation's first state court judge to summon a President to testify in a trial.

The certificate, along with supporting documents, will be sent by registered mail early Tuesday to District of Columbia Superior Court in Washington, where a judge will probably hold a hearing as to whether the order should be issued within his jurisdiction.

The White House has already said the President would "respectfully decline" to honor the subpoena, but it was not clear whether that meant the President's attorneys would refuse to attend a hearing on the matter.

Judge Ringer's action was in response to a motion by defense attorneys for former White House aides John D. Ehrlichman, David Young, and G. Gordon Liddy. All three are charged with burglary and conspiracy in connection with a September, 1971, break-in at the offices of Daniel Ellsberg's psychiatrist.

The break-in, it was later disclosed, was part of an operation directed at Ellsberg, key figure in the Pentagon papers case, and part of a broader project, assigned to a secret White House team known as the "plumbers," aimed at plugging security leaks from

within the government.

The defendants have claimed they were acting as federal officers on a national security mission and thus had no intent to commit a crime, and were performing duties similar to police officers who engage in searches and seizures as part of their investigative duties.

In their motions to require the President as a witness, they claimed that Mr. Nixon would testify to their status as federal officers and to the gravity of their mission.

Judge Ringer, in issuing the certificate, agreed that the President was a material witness in the case. The documents being sent to Washington contain duplicate certificates, each three pages long, attesting to the necessity for the President's presence at a pretrial hearing on Feb. 25 and at the scheduled start of the trial April 15.

The certificates followed the form provided for in the Uniform Act for Out-of-State Witnesses, to which both California and the District of Columbia subscribe.

Thus, the certificates say that the President's "travel and testimonial time should not exceed two days" and specify that should he come to California as a witness, "the laws of the state of California and any other state through which he may pass by the ordinary course of travel . . . give him protection from arrest or the service of process, either civil or criminal in connection with any matters

which arise before his entrance into the state of California . . ."

In addition, Judge Ringer attached two forms for the convenience of the District of Columbia judges. One was an order for a hearing on the issuance of a summons and the second an order requiring the President to testify, which concludes with the finding that "the attendance of said Richard M. Nixon as such witness . . . will not cause undue hardship to said Richard M. Nixon."