

Nixon Subpoena Arrives

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An errant letter carrying a historic subpoena ordering President Nixon's appearance in a Los Angeles courtroom arrived at its destination in Washington yesterday, a week after it had been mailed from Los Angeles.

The subpoena requests the President's appearance at a Feb. 25 hearing on claims by three Watergate defendants—G. Gordon Liddy, John D. Ehrlichman, and David Young—that they were acting as federal law enforcement officers in their alleged role in the break-in of Daniel Ellsberg's psychiatrist's office.

Officials of the D.C. Superior Court said the subpoena arrived there and they routinely sent it to the U.S. attorney's office, which said the subpoena has been given to Special Watergate Prosecutor Leon Jaworski.

The whereabouts of the subpoena became an issue this week when the judge who authorized it, Los Angeles Superior Court Judge Gordon Ringer, proclaimed himself speechless when informed the document had not arrived in Washington a week after it was mailed.

Although it was clear yesterday that the subpoena had, indeed, arrived at its destination, many details of the letter's journey through the mails remained confusing, with both its arrival and departure dates in dispute.

The Los Angeles Court has said the letter—actually an 8-inch by 11-inch envelope—was mailed Monday, Feb. 4. But the letter was postmarked a day later, Feb. 5.

To postal experts, this raises three possibilities: either the letter was really mailed Feb. 5, or it was mailed Feb. 4 before the last letter box collection for the day, or it was

picked up in the last collection Feb. 4 but was not postmarked, because of delays in the Los Angeles Post Office, until the following day.

What happened when the letter arrived in Washington a week later is also in dispute. The person to whom it was addressed, D.C. Superior Court

clerk Joseph M. Burton, said it was given to him yesterday about noon by the chief of the court's mailroom. Burton quoted the mailroom chief Leon Thomas, as saying the letter was delivered by the D.C. Post Office the same day.

But T.G. Perry, superintendent of the D.C. Post Office's claims and inquiry section, said the certified mail receipt signed by Thomas was dated Monday rather than Tuesday. Perry said the letter could not have been delivered to the court's mailroom Tuesday.

Thomas was reported by mailroom employees to have gone home yesterday with an illness, and he could not be reached.

A spokesman for U.S. Postal Service headquarters in Washington agreed with the court's version that the letter was delivered Tuesday, but the spokesman added that the letter "was dated as having been sent by surface from Los Angeles sometime Feb. 5."

The possibility that the letter had been sent by surface transportation, perhaps accounting for the delay, was disputed by Vern C. Jones, the Los Angeles post office mail processing director, who said that for many years all first class mail—including large envelopes—has gone from Los Angeles to Washington by plane.

Asked for clarification, the headquarters spokesman said he was speculating that the letter might have mistakenly been sent by parcel post, which travels by surface transportation.

After the subpoena was delivered to the D.C. Superior Court clerk it was handled in routine fashion. First it was sent to the U.S. attorney, who normally decides if he will contest subpoenas served from out of state. Since the subpoena concerned the Watergate investigation, the U.S. attorney sent it to the special prosecutor's office.

That office will present its position on the subpoena when an as yet unscheduled hearing is held by the D.C. court before the subpoena is served on the President.

The White House has said the President will respectfully refuse to testify, although the possibility has been left open that he might answer questions in writing.