

# Hearing Slated on Nixon Subpoena

2/20/74  
By Eugene L. Meyer  
Washington Post Staff Writer

D.C. Superior Court Chief Judge Harold H. Greene has scheduled a special March 15 hearing on whether President Nixon should have to testify in a California trial stemming from the burglary at the office of Daniel Ellsberg's psychiatrist.

Greene, who signed a separate order assigning himself to the case, gave White House lawyers until Tuesday to file "appropriate pleadings, papers and memoranda."

Lawyers for defendants John D. Ehrlichman, G. Gordon Liddy and David Young were given until March 8 to reply, with the President's lawyers having until March 13 to submit final written statements on the "Legal and factual issues."

The White House has said, that Mr. Nixon has no intention of going to Los Angeles to testify in the case involving the September, 1971, burglary of the offices of Dr. Lewis Fielding.

In Los Angeles, California Superior Court Judge Gordon Ringer on Jan. 30 declared Mr. Nixon "a material witness for the defense" and ordered him to appear at a Feb. 25 pre-trial hearing and at the trial, scheduled to begin April 15.

The written documents, mailed from Los Angeles Feb. 4, did not arrive at District of Columbia Superior Court until late Friday, Feb. 15. "Unfortunately," Judge Greene wrote Ringer Saturday, "the delay the documents apparently encountered while en route . . . as well as the obvious needs of parties to have sufficient time to prepare and file papers . . . have rendered it impossible for this court to make a decision . . . prior to your hearing."

Judge Ringer's law clerk, Larry Fidler, said in a telephone interview that the Feb. 25 pretrial hearing—on a mot-

tion to dismiss the indictments—"is on as far as we're concerned." He said the judge had not yet received Greene's letter.

In a court deposition, Ehrlichman's California lawyers contend that "at the time of the offenses charged" the defendants were members of the Special Investigation Unit (the "plumbers" approved by the President. "The principal purpose of the unit was to stop security leaks and to investigate other sensitive security matters," the deposition said.

Referring to Mr. Nixon's public defense of the unit last May 22, the deposition says

that former White House aide Egil (Bud) Krogh Jr. "was told by the President that as a matter of first priority the unit should find out all it could about Mr. Ellsberg's associates and motives."

Normally, the local prosecutor requests a hearing on an out-of-state subpoena. In this case, the U.S. attorney's office sent the papers to the office of the Watergate special prosecutor, who also declined. Finally, Ehrlichman's Washington lawyers asked Greene to hold the hearing on whether the President is a witness "material and necessary" to their case.