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Judge Still May Call Kissinger To Testify In Ehrlichman Case

WASHINGTON (AP) — The government rested its conspiracy case against John D. Ehrlichman and three former White House "plumbers" Friday, and the judge left open the possibility that Secretary of State Henry A. Kissinger may still be called as a defense witness.

U.S. District Judge Gerhard A. Gesell also turned down for the second time a set of written questions defense lawyers want to submit to President Nixon for sworn answers, saying they did not meet the court's guidelines.

Gesell said such sworn statements had been asked of presidents only two or three times in American history and he would allow them only if the information can't be obtained another way and if the information is absolutely essential to the trial.

However, Gesell left open the

possibility that he might still sign an order sending the interrogatories to the White House if the defense can come up with a list of questions which meet his standards. He did not reveal what the questions are other than to indicate that several involve minor details for which he said answers already were available.

Lawyers for Ehrlichman indicated they might try again to come up with acceptable questions. If the questions are sent to the President and he heeds the court order to answer them, the answers could then be read to the jury.

As the prosecution rested its case after calling 16 witnesses

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In 4½ days, Gesell indicated he may drop one of the four perjury counts leveled against Ehrlichman alone.

And he warned the lawyers for the former Nixon domestic aide against attempting to show that the President gave instructions to withhold information about the Ellsberg break-in case from the grand jury that indicted the four defendants.