

# Judge Signs Order for Nixon Testimony in Trial

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Special to The New York Times

LOS ANGELES, Feb. 4—A California state judge ordered President Nixon today to appear and testify in behalf of three of his former aides who are under indictment here for the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist.

Legal experts said they believed the order, signed by Judge Gordon Ringer of Superior Court, was the first ever issued by a state court to compel the personal testimony of a President, and possibly the first from any court.

Judge Ringer announced last Tuesday his intention to issue the order, which was requested in a motion filed by attorneys for John D. Ehrlichman, former top domestic adviser in the White House, who is one of three remaining defendants in the burglary case.

## 2 Others Join in Request

Lawyers for the other two defendants, G. Gordon Liddy and David R. Young Jr., joined in asking for the order, which will be sent to the Superior Court in the District of Columbia, where a subpoena for Mr. Nixon's appearance here will be issued.

Larry P. Fidler, Judge Ringer's clerk, said the judge's order would be sent to Washington "either late this afternoon or tomorrow morning."

The judge actually signed two separate orders, identical except for the dates they bore, calling for "the testimony of the Honorable Richard M. Nixon" at a pretrial hearing on Feb. 25, and again on April 15, at the trial itself.

The White House had said that the President's lawyers would recommend that the President "respectfully decline to appear on constitutional grounds."

The three defendants are seeking the President's testi-

mony to reinforce their defense that, when the break-in occurred in September, 1971, they were acting as Federal officers performing a national security mission and that they lacked any criminal intent.

At the time of the break-in, which was carried out in hopes of finding Dr. Ellsberg's psychiatric history, Mr. Ehrlichman was in charge of a special White House investigations unit called the "plumbers," to which Mr. Liddy and Mr. Young belonged.

Another former member of the unit, Egil Krogh Jr., who entered Federal prison at Allentown, Pa., today, said at the time of his sentencing on a related Federal charge last month that he had personally approved the break-in operation. Mr. Ehrlichman, he added, had given the unit authority to engage in "covert activity," but neither he nor any of the other defendants have contended that Mr. Ehrlichman had advance knowledge of the break-in itself.

Mr. Krogh was dropped from the criminal proceeding here after he pleaded guilty to violating the psychiatrist's civil rights.

## Prosecution Visits Krogh

Lawyers from the office of Joseph L. Busch, the Los Angeles County District Attorney, traveled to Allentown today to interview Mr. Krogh, who had refused to answer their questions about the break-in and its authorization during a grand jury appearance here last spring.

Mr. Nixon has acknowledged that he created the "plumbers" and gave them authority to investigate Dr. Ellsberg following the leaking to the press of the secret Pentagon papers on United States involvement in Vietnam, for which the former Defense Department official has taken responsibility.

But the President, like Mr. Ehrlichman, has repeatedly de-

nied any foreknowledge of the burglary of the office of Dr. Lewis I. Fielding in Beverly Hills, Calif., which he termed an "illegal" act at a news conference in November.

Mr. Nixon's lawyers are expected to move to quash the subpoena for his personal appearance when it is issued in Washington, but what may happen after that is open to conjecture.

## Possible Courses of Action

If the President is ultimately ordered to appear in California, his lawyers may appeal the ruling through the Federal court system, or the defense attorneys here may choose to

accept Mr. Nixon's written responses to their questions in place of his personal testimony.

Douglas Dalton, a lawyer for Mr. Ehrlichman, indicated in court last week that he would consider accepting such "interrogatories," as they are called, if the President's appearance proved to be impossible.

Mr. Ehrlichman, Mr. Liddy and Mr. Young are all charged with conspiring to commit second-degree burglary. Mr. Ehrlichman, in addition, is charged with perjury before the Los Angeles County grand jury that brought the indictment.