

Nixon Will Be Served Subpoenas by Tomorrow

Washington

Former President Nixon will be served today or tomorrow with a defense subpoena requiring his testimony at the forthcoming Watergate conspiracy trial, Chief U.S. Marshal Wayne B. Colburn said yesterday.

Meantime, it was learned that Mr. Nixon has retained Herbert J. Miller Jr., a noted criminal attorney in Washington, to represent him in this and any other court matters.

Miller, 50, has scored an impressive record in representing such Watergate figures as former Attorney General Richard G. Kleindienst and William O. Bittman, the former attorney for Watergate conspirator E. Howard Hunt Jr.

Miller checked into the San Clemente Inn, near Mr. Nixon's ocean-front estate, Sunday and checked out yesterday morning.

Chris Rice, a spokesman for Colburn, said he thought the subpoena would be served in San Clemente by Gaylord L. Campbell, the U.S. marshal in Los Angeles. At the same time, Rice said, Mr. Nixon will be presented with a civil subpoena requiring him to give a deposition September 24 in Santa Ana in connection with a suit over a 1971 ap-



HERBERT MILLER
Mr. Nixon's lawyer

pearance he made in Charlotte, N.C.

Rice said the marshal's service has determined that both criminal and civil subpoenas must be served personally on Mr. Nixon. Colburn announced imminent service of the subpoenas after concluding "negotiations" on the matter with Ronald

L. Ziegler, press secretary to the former president.

The subpoena, issued by U.S. District Judge John J. Sirica August 15 on behalf of Watergate defendant John D. Ehrlichman, Mr. Nixon's former domestic adviser, requires Mr. Nixon to testify at the trial which opens September 30. It was received by Campbell August 19.

Legal observers here familiar with Miller's past assignments said they expected the veteran attorney to challenge any subpoenas for Mr. Nixon — probably attempting to assert executive privilege.

The civil subpoena requires Mr. Nixon to bring with him all documents, tapes, recordings, notes and papers related to his Oct. 15, 1971, visit to Charlotte for Billy Graham Day.

Some 21 plaintiffs have sued, contending they had valid tickets to attend the event but were denied the right to enter.

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