

Krogh Asks for Nixon Subpoena

Los Angeles

Former presidential aide Egil Krogh Jr. has asked a California court to subpoena President Nixon to testify about conversations between the two men, court records disclosed yesterday.

It also was discovered that Krogh and former presidential aide John D. Ehrlichman have asked for recordings of conversations, involving them and Mr. Nixon, for use in their defense of

burglary and conspiracy charges.

The requests came in motions filed in Los Angeles Superior Court, where Krogh, Ehrlichman and two other former White House employees face trial on charges related to the 1971 break-in at the office of Daniel Ellsberg's psychiatrist.

ARGUMENT

Krogh's attorney said in his motion that without the appearance of the President for oral examination and the

production of "all tape recordings and documents within his possession, custody or control," relative to the case, Krogh could not receive a fair trial.

He demanded specifically that Mr. Nixon turn over information dealing with the creation of the "room 16 group," otherwise known as the "plumbers," the White House group Mr. Nixon established to plug information leaks.

"President Nixon has confirmed that virtually all conversations which took place in the Oval Office were tape-recorded," the motion said. "Hence, the precise instructions given Krogh, an explanation for the order, and subsequent relevant conversations may be recalled by recourse to the tape recordings."

DEFENSE

The document said Krogh would seek to prove, as his defense, "that any action which may have been taken by Krogh was pursuant to a directive of President Nixon;

that such actions were reasonably believed by Krogh to be lawful and essential to the security of the United States . . ."

Krogh, Ehrlichman, David Young and G. Gordon Liddy are charged with conspiracy and burglary in connection with the 1971 break-in. Ehrlichman also is charged with perjury.

The motions will be heard Monday by Superior Court Judge Gordon Ringer.

Krogh, who was head of the plumbers group, has admitted his part in planning the break-in, but has indicated that he felt it had been authorized by the President's initial instructions to investigate the Ellsberg case.

Krogh's attorney, Norbert Schlei, said in the motion that "President Nixon has, for his own reasons, so far refused to cooperate with counsel for Krogh, permitting access to potentially exculpatory evidence."

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