

...and Judge Gesell's

Judge Gerhard Gesell has been forced to sever John Ehrlichman's case from that of the others accused in the Ellsberg burglary and to postpone his trial. In ordering the severance, the judge said, "The President flatly refuses to make documents available . . . and thus makes it impossible for the court to properly perform its duty."

Last week, in voicing his displeasure at the renunciation by Mr. Nixon's lawyers of an agreement to give Mr. Ehrlichman access to material in White House files the defendant claimed were necessary for his defense, the judge suggested that the President's action bordered on obstruction. He now says Mr. Nixon's tactics have deprived a defendant in a criminal trial of his right to counsel. No matter what orders Judge Gesell may subsequently issue, it is clear that Mr. Nixon's penchant for making up the rules in the games he plays is getting him into deeper and deeper trouble.

6-12-74

NYT