

# Nixon ordered to testify in L.A.

LOS ANGELES—A superior court judge, setting an historical precedent, Tuesday ordered President Nixon subpoenaed to testify at the trial of three former White House aides accused of the Ellsberg burglary.

Judge Gordon Ringer said he would comply with a defense motion to order the President to give testimony at a pretrial hearing in the case Feb. 25 and also to appear for the trial that is scheduled to begin April 15.

Ringer ruled the President "is a material witness for the defense."

The subpoena was the first ever ordering a U.S. President to testify in a court trial.

The court was told by defense counsel that James St. Clair who recently took over as head of the legal team advising Nixon on Watergate related matters told them "he would advise the President against making a voluntary appearance."

After signing the subpoena order, Ringer recessed proceedings until Feb. 25.

The subpoena of President Nixon to testify will be "respectfully declined" on constitutional grounds, White House officials indicated Tuesday.

The official White House reaction was to withhold response until it had received a copy of the California court order, handed down Tuesday by Ringer.

But White House officials who declined to be identified indicated the order would be "respectfully declined" on constitutional grounds—presumably presidential privilege under the separation of powers concept.

Before Ringer ruled favorably on a motion by former presidential adviser John D. Ehrlichman, one of those facing charges in the Ellsberg burglary proceedings, the White House had confirmed that Nixon's lawyers refused Ehrlichman's request for the President to testify voluntarily.

Ringer's court order—tantamount to a subpoena of the President—followed. In the past, the White House has flatly opposed efforts to get the President into court as a witness.

Ringer said he would sign a certificate ordering Nixon to testify Feb. 25 at a pretrial hearing and also to appear at the scheduled April 15 trial of Ehrlichman, G. Gordon Liddy and David Young. All have been indicted in connection with the burglary of Ellsberg's psychiatrist's office by a team of White House "plumbers" at the time Ellsberg was under investigation for allegedly stealing the Pentagon Papers on the Vietnam War.

Ehrlichman is trying to prove he was acting as an official of the federal government, and he wants Nixon to testify in his support.

"This will be the first time in the history of a state court" that the president of the United States has been called to testify in a trial, Ringer said.

But he indicated he did have some legal basis for the decision to call Nixon—citing the early 19th Century treason trial of Aaron Burr when the Supreme Court ordered President Thomas Jefferson to turn over a letter as evidence.

## Daylight saving time 'not very effective'

Utilities and some big power users across the country feel daylight saving time (DST) has saved very little energy, a UPI survey indicated Tuesday.

Although year-round daylight saving has been in effect only since early this month and most spokesmen for utilities said it was too early for any definitive conclusions, the overwhelming majority estimated that energy savings ranged in the area of 1 per cent or less.

One spokesman, Grant Pendleton of Utah Power and Light Co., said that in his opinion "winter DST is not very effective, like that cartoon of Nixon sewing one end of the blanket onto the other to make it longer."

Pendleton said his firm did a study which showed a decline of .3 of one per cent for residential usage, .1 of one per cent for commercial usage and .1 per cent for industrial usage. Grant's blanket metaphor was voiced in various forms by others.

"We know that more gasoline is being used because more and more parents are taking their children to school," said John Grindale of the Fulton County school board in Georgia.

In Chicago, Francis B. Cronin, director of the Bureau of Plant Operation and Maintenance of the Board of Education, said, "At present we doubt there has been any significant savings. The kids are going home in daylight and coming to school in the dawn. I would say we haven't experienced any saving in the use of energy."

Ringer did not mention it, but President James Monroe was summoned to testify before an 1818 court martial in Philadelphia. He refused, but on the advice of Attorney General William Wert, he submitted written answers to questions sent to him.

Discussing Nixon's refusal to testify voluntarily for his former chief domestic affairs adviser, they said before making their plea for subpoena they had little hope the judge would grant it. While the decision uses other legal terminology to describe the order, lawyers said it is tantamount to a subpoena.

At the White House, Warren earlier confirmed Nixon's lawyers had rejected Ehrlichman's bid for a voluntary Nixon

appearance and said he did not know how the White House might respond to any subpoena.

"Any discussion of that would be sure speculation and if there are any further developments they will be dealt with by the White House counsel's office as they arise," Warren said.

He confirmed a Los Angeles Times report that Ehrlichman's lawyers had asked Nixon to appear voluntarily for Ehrlichman's side at the Feb. 25 pre-trial hearing.

Warren said James St. Clair, head of Nixon's team of Watergate attorneys, told Ehrlichman's attorney by telephone recently he "would recommend against voluntary appearance by the President."



Richard M. Nixon

## Impeachment brief promised

WASHINGTON—Special counsel John M. Doar told the House Judiciary Committee Tuesday he would have recommendations within a month on possible impeachment charges against President Nixon.

Doar also said he was prepared to ask the White House for certain documents as soon as the House votes subpoena powers for the committee. The vote is expected early next week.

Doar promised committee members in a briefing that his staff would have ready by Feb. 20 a legal brief with conclusions on what are impeachable offenses, and by

1 a categorized report on impeachment evidence gathered so far. He did not say what material the committee might subpoena.

The dates cited by Doar were the first offered for any substantive action by the committee or its staff since it received instructions last October to study possible presidential impeachment.

Doar said his staff was "looking into a number of areas, Watergate and its aftermath, agency practices, intelligence activities ordered by the President and personal finances and other matters as well."

He said agency practices meant "allegations involving misuse of government agencies by the White House." One

allegation against Nixon is that he instructed the Internal Revenue Service to harass his "enemies."

Chairman Peter F. Rodino Jr., D-N.J., termed "unwise" a GOP proposal to attach an April 30 cutoff date for the inquiry to a resolution seeking subpoena power.

Rep. Edward Hutchinson, R-Mic., ranking GOP member, said the date "simply means that if the inquiry is not complete, the committee can go before the House and justify an extension."

Hutchinson, a defender of Nixon, said he was not familiar with any evidence which would justify impeachment. But he said executive privilege would be inadequate grounds for the President to withhold material from the impeachment inquiry.

If Nixon refused to comply with a letter requesting material or a subpoena demanding it, Hutchinson said, "I wouldn't hold the President in contempt" but would advise the White House "that I think executive privilege must fall."

Doar has made it clear he would like to avoid committee confrontations with the White House and with special Watergate prosecutor Leon Jaworski over information they have.

Albert E. Jenner, chief GOP counsel for the committee, said, "We are very hopeful that we will be able to work out with Jaworski a way to examine certain documents without going to court."

## Secret Service use for Agnew said illegal

WASHINGTON—The comptroller general has ruled President Nixon has no legal authority to provide Secret Service protection for former Vice President Spiro T. Agnew.

"There is no justification for such continued taxpayer expense and this is only arbitrary action of behalf of a convicted felon," Comptroller General Elmer B. Staats said in a letter to Rep. John Moss, D-Calif., that was released Tuesday.

Moss had decried various tax-funded perquisites still enjoyed by the former vice president during his Washington housecleaning period as "a scandal" and asked Staats' office to investigate.

"In the absence of statutory authority for the protection of the former vice president, we conclude that the presidential directive to the Secret Service requesting such protection does not constitute legal authority to provide it," Staats said in the letter.

On other complaints made by Moss about Agnew, Staats said:

• He would await more information from the White House before ruling on the legality of paying from government funds the eight staffers who are helping Agnew close out his government affairs.

• His investigation exonerated Agnew of allegations he was traveling around the country at government expense. Agnew aides produced commercial air tickets to refute the allegations.

The Daily Tar Heel

On The Outside

from the wires of United Press International

Compiled by Tom Sawyer  
Wire Editor

## Mansfield to offer counter address

WASHINGTON—House and Senate Democratic leaders announced Tuesday that Sen. Mike Mansfield, D-Mont., would deliver a Democratic state of the union address Friday night between 10 and 10:50 p.m. EDT.

Mansfield's speech will be in response to President Nixon's nationally televised state of the union message before a joint session of Congress at 9 p.m. EDT today.

The Democrats said Mansfield, the Democratic leader in the Senate, would speak for 15 minutes and then answer questions from reporters.

## Senate warns foreign oil barons

WASHINGTON—The Senate warned foreign oil-producing countries Tuesday they are inviting U.S. economic retaliation with steep increases in crude oil prices. The warning was contained in a resolution sponsored by Sen. Lawton Chiles, D-Fla.

The resolution, adopted by voice vote without debate, expressed Senate dissatisfaction with price increases for imported crude oil, but its threat of "reciprocal economic action by the United States" was not binding on the administration.

## Labor party aids Britain's Heath

LONDON—The opposition Labor party joined Prime Minister Edward Heath Tuesday in denouncing threats by Communists among British coal miners to encourage mutiny by the armed forces and to use a coal strike to topple the government.

"We utterly repudiate any attempt by Communists or others to use the miners as a political battering ram to bring about a general strike or to call on troops to disobey lawful orders in the event of a strike," a Labor party statement said. "This is silly and dangerous nonsense."

## McGovern sues illegal Nixon donors

HOUSTON—Sen. George S. McGovern, D-S.D., Tuesday filed a \$1.4 million damage suit in federal court against eight firms he said made illegal donations to President Nixon's re-election campaign.

Arthur Grockman, an attorney for McGovern—the Democratic nominee for President in 1972—said the suit was filed in Houston because all of the firms do a substantial amount of business in the Houston area.

Seven of the eight firms already have pleaded guilty to making the illegal contributions and have paid fines of \$3,000 to \$5,000 each.

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