

Judge Delays Decision in Clifford Case

Doctors to Testify on Trial's Medical Risks

By Sharon Walsh
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NEW YORK, Nov. 16—Delaying a decision on whether to dismiss charges against Clark M. Clifford in the BCCI case, a New York state judge ordered a hearing for doctors to testify on whether the 85-year-old former defense secretary is too ill to stand trial.

State Supreme Court Justice John Bradley ordered that Clifford be examined by a physician chosen by New York prosecutors before the hearing. Clifford already has been examined by a court-appointed doctor in Washington, who, together with Clifford's own physicians, expressed fears that Clifford would die of a heart attack if he stood trial.

Clifford and his law partner, Robert A. Altman, have been charged in New York and federal indictments with misleading bank regulators about the illegal ownership of First American Bankshares Inc. by the Bank of Credit and Commerce International. They have pleaded not guilty.

London-based BCCI, closed by regulators last year, has pleaded guilty to both money laundering and illegally ownership of banks in the United States, and has been implicated in other fraudulent activities in other countries.

During today's session, Bradley seemed to signal that he is leaning toward dismissing the charges against Clifford for health reasons, when he asked: "If I'm likely to grant this motion, shouldn't I have a hearing?"

Charles A. Stillman, an attorney for Clifford, was reluctant to interpret the judge's question, but said: "The judge's order is a responsible

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way to view it. . . . No doubt the [doctors'] sworn testimony will lead to the same result as the [doctors'] affidavits."

New York prosecutors have asked that Bradley sever Clifford's trial from that of Altman's, scheduled to begin Feb. 15, so that if Clifford recovered he could still stand trial. Clifford's own doctors have said there is no basis to believe that Clifford will ever be able to stand trial, even if he has heart bypass surgery.

Assistant District Attorney John Moscow said he feared that if charges against Clifford are dismissed, it will allow the former chairman of First American Bankshares to call

on the bank to pay his legal fees, which amount to more than \$10 million for his Washington attorneys, Robert S. Bennett and Carl S. Rauh.

Under Virginia law, corporations must pay the legal fees for company officers under certain circumstances if they are tried for crimes related to their jobs and are found not guilty.

A dismissal also would release about \$18 million of Clifford's assets frozen by prosecutors in accounts in New York.

Bradley asked lawyers to submit briefs on the issue of legal fees and the frozen assets.

He tentatively set Dec. 9 as the date to hear medical testimony in the case.