

Nixon's Illness At Issue

Sirica Weighs Independent Medical Exam

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U.S. District Court Judge John J. Sirica indicated yesterday that he may send three doctors to California in an effort to determine whether former President Nixon can safely be ordered to testify at the Watergate cover-up trial.

Sirica said he has not made any final decision on claims that Mr. Nixon's testimony is indispensable. "This is a big 'iffy' question," he said.

Sirica hinted strongly, however, that he thinks an independent medical examination ought to be conducted to assess the former President's contentions that he is too ill to be summoned as a witness, at least for "the immediate future."

Watergate prosecutors suggested later in the day that the worries reported by Mr. Nixon's lawyers and doctors about the phlebitis condition in his left leg had been somewhat exaggerated.

The prosecutors said, for example, that Mr. Nixon could wear an elastic stocking, take his oral medication, and keep his leg up on the way to Washington. Trained nurses on call outside the courtroom, a place for Mr. Nixon to lie down, and frequent recesses during his testimony, they said, could also be provided to keep him comfortable.

Urging "an impartial, up-to-date" medical examination in any event, the prosecutors said Sirica could at least be "hesitant" to accept the former President's claims at face

value.

"... Mr. Nixon is not a neutral or detached witness," they said in an eight-page memo filed with the court. "He has been formally accused of participating in the conspiracy for which the defendants are standing trial, and it would be only natural for him to seek to avoid an obligation to testify."

The judge expressed his thoughts at the start of yesterday's session in the cover-up trial when he asked Watergate prosecutors and defense lawyers alike to start thinking

See COVERUP, A8, Col. 1

COVER-UP, From A1

about the expenses that might be involved.

"I haven't made up my mind," Sirica said. "But if it should develop that I feel it is necessary for former President Nixon to appear personally and testify as a witness in this case in connection with Mr. [John D.] Ehrlichman's subpoena, who's going to pay the expenses if I select three doctors to send out there and examine Mr. Nixon and go over his medical records?" No one immediately volunteered to pay.

Mr. Nixon has been subpoenaed for the trial by Watergate prosecutors, who may need his testimony on evidentiary issues, and by Ehrlichman, whose lawyers Tuesday accused Mr. Nixon of lying to the former White House aide about the cover-up "to save his own skin."

The lawyers for H. R. Haldeman have also said they plan to summon Mr. Nixon as a defense witness on Haldeman's behalf.

Sirica plans to hold a hearing late today on Mr. Nixon's request that the trial subpoenas already served on him be quashed.

In reply, Ehrlichman's attorneys called the former President's testimony "absolutely indispensable" and asked Sirica to order Mr. Nixon's deposition be taken in California just in case he should be too ill to appear in person when Ehrlichman begins presenting his defense, perhaps several months from now.

Meanwhile, the trial moved

ahead with former White House counsel John N. Dean III taking the stand as the government's first witness.

Dean, who pleaded guilty to conspiring to obstruct justice in the Watergate scandal last fall, was sworn in at 11:22 a.m. for what promises to be a week on the witness stand. He wore a gray suit with a dark tie and seemed to have lost weight. He spoke nervously at first, his voice quivering at times, but soon settled down.

Chief trial prosecutor James F. Neal began by asking him his "present occupation."

"I am presently serving a prison term at Ft. Holabird, Md.," Dean replied, "for my involvement in the Watergate cover-up." Sirica sentenced him this summer to one to four years.

The questioning went swiftly as Dean picked out in the courtroom, one by one, the old associates he was testifying against: former Attorney General John N. Mitchell, 61; former White House chief of staff Haldeman, 47; former White House domestic adviser Ehrlichman, 49; former Assistant Attorney General Robert C. Mardian, 50, and Kenneth Wells Parkinson, 47, a lawyer for the Nixon re-election committee.

All have been indicted for conspiring to block the original investigation of the Watergate break-in and bugging of Democratic national headquarters here on June 17, 1972, and all but Mardian have been accused of actually obstructing justice as a result. Haldeman, Ehrlichman and Mitchell have also been charged in various counts with lying either to the FBI, the Watergate grand jury or the Senate Watergate committee.

Dean, a protege of Mitchell who first worked in the Justice Department before moving to the White House in 1970 as counsel to the President, began at the beginning, with testimony about his old mentor, Mitchell.

The 32-year-old witness told of the plans for political espionage that Watergate burglar G. Gordon Liddy, then a lawyer for the Nixon campaign, presented to Mitchell in January and then again in February of 1972, first in an elaborate \$1 million scheme and then in a scaled-down \$500,000 version.

"Was he (Liddy) fired after

the first meeting?" Neal demanded.

Dean: "No sir."

"Was he fired after the second meeting?"

Dean: "No sir."

According to Watergate prosecutors, Mitchell finally approved at a meeting in Key Biscayne, Fla., on March 30, 1972, a \$250,000 plan, which called for the bugging of Democratic national headquarters here along with other spy work. But Dean knew nothing about that, indicating that he thought it had all been dropped until June 18 when he landed in San Francisco after a trip to the Far East and was hurriedly summoned from there to get back to Washington immediately. Five burglars had been caught red-handed at the Democratic National Committee offices and one of them, James W. McCord, was the security chief for the Committee for the Re-Election of the President.

Back in his office the next morning, Dean said he immediately began piecing together what happened. He said Nixon campaign deputy director Jeb Stuart Magruder called him and warned of "serious problems" ahead.

"This whole thing is Gordon



Associated Press

Watergate defendant Kenneth W. Parkinson arrives at U.S. District Court. Frank Strickler, a defense attorney for H. R. Haldeman, was erroneously identified as Parkinson in yesterday's Washington Post.

Liddy's fault," Dean quoted Magruder as saying. "That damn Liddy has just everything up. John, I think you ought to talk to Liddy."

Dean said Ehrlichman called next, asking him to talk to then White House special counsel Charles W. Colson about E. Howard Hunt Jr., who was also subsequently convicted of the Watergate burglary but who, like Liddy, had yet to be caught. Ehrlichman also seconded Magruder's suggestion that Dean talk to Liddy, the jurors were told.

"I reported to Mr. Ehrlichman quite often," Dean emphasized, "and he gave me assignments quite often. He was my superior."

In their opening statement Tuesday, Ehrlichman's attorneys had contended that Dean was really "the President's lawyer" and that Ehrlichman had little to do with him, especially about Watergate.

Dean had another story to tell. June 19, 1972, was a busy day at the White House. He found Liddy and took a walk down 17th street with him. According to Dean, Liddy was especially worried about the five men who had been caught and blamed it all on Magruder who "pushed and pushed and pushed" because the original bugging of Democratic headquarters, on May 27, 1972, hadn't been productive enough.

"He (Liddy) had gone back Dean related, adding that in to correct that problem," Liddy swore himself to secrecy and even offered to stand still if someone wanted to shoot him.

Drily, Dean said he told Liddy he didn't think that would be necessary and then went back to the White House where he met Gordon Strachan, one of Haldeman's top deputies.

Strachan, Dean said, told him that Haldeman had ordered him that weekend after the arrests to go over files for "anything embarrassing." It was Monday now, and Dean said Strachan told him "my files are clean."

Among the documents that Strachan reported destroying, Dean said, were material that Strachan thought was the result of the first wiretap at the Democratic National Committee headquarters and a note from Haldeman telling Magruder to start spying on Sen. George McGovern (D-S.D.) instead of Sen. Edmund S. Muskie (D-Maine) whose candidacy for the Democratic presidential nomination was flagging.

It was still June 19, just around lunchtime. Dean went to Ehrlichman's office in the West Wing of the White House.

"I told Mr. Ehrlichman I thought he ought to know everything I knew," Dean related. He said he told him of the January and February meetings in then-Attorney General Mitchell's office and how he had reported them to Haldeman and bowed out of any further discussions with Haldeman's approval. Dean said he also informed Ehrlichman of the conversation he had just had with Liddy.

"He told me to find out what the Department of Justice was doing and to talk to (Attorney General Richard) Kleindienst and see what I could learn," Dean testified of the meeting with Ehrlichman.

Later that day, Dean said he met with Ehrlichman again, this time with Colson present. He said Ehrlichman wanted to know where Howard Hunt was, but neither Dean nor Colson had any idea.

"Well, I think someone ought to tell Hunt to get out of the country," Dean quoted Ehrlichman as saying. The young White House counsel said he promptly called Liddy from Ehrlichman's office and told him to pass the word and then rejoined the discussion with second thoughts.