

# Nixon's Need for Tapes Not Urgent, Lawyer Says

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A lawyer for former President Nixon told a federal judge here yesterday that there is no longer any urgency in getting presidential documents to California to help Mr. Nixon prepare to testify in the Watergate cover-up trial.

"This matter will have to sit until his health is improved, God willing," Nixon's attorney, Herbert J. Miller Jr., declared.

"The health of my client is such that I would not spend 30 seconds with him going over these documents or any others to refresh his memory on Watergate matters."

Last Friday Miller asked U.S. District Court Judge Charles R. Richey to modify an order Richey signed earlier in the week, temporarily barring shipment of the Nixon files from Washington to California, and allowing Mr. Nixon only to get copies.

Miller contended then that it would take two to three weeks to copy all the tapes and documents Mr. Nixon needs to prepare for the trial and this would not give him enough time to go over them properly.

But on Tuesday Mr. Nixon

underwent surgery in Long Beach, Calif., for a blood clot in his leg. Yesterday he was reported in critical condition.

Miller told Richey yesterday afternoon that even if copying the documents in Washington took longer than 15 days "it makes no difference, because I think my client won't be in any condition to go over these documents for that time."

Miller gave no indication whether he thought Mr. Nixon would be well enough to testify at all during the cover-up trial, now in its fourth week before U.S. District Court Judge John J. Sirica.