

Nixon Still Too Ill to Testify

By Timothy S. Robinson

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Former President Richard M. Nixon is still too ill to come to Washington to answer questions by attorneys involved in a court suit over his Presidential tapes and documents, his attorneys said in a court document filed this week.

The former chief executive still is receiving regular dosage of anticoagulant drugs as treatment for phlebitis, and his blood pressure "is monitored frequently each day to ensure that it does not rise to an unacceptable level," the attorneys said.

His recovery depends on a regular physical therapy program and "more importantly, the avoidance of undue physical and emotional stress," they added.

The filing is the first public report of Nixon's health since he was questioned

for 11 hours by two Watergate grand jurors and Watergate prosecutors in an extraordinary grand jury session in California two weeks ago.

Attorneys Herbert J. Miller Jr. and Raymond G. Larroca filed a motion in an attempt to block a deposition of Nixon requested by William Dobrovir, an attorney for one of the many parties involved in the complex litigation over possession of Presidential tapes and papers. Dobrovir had asked that Nixon come to Washington to undergo detailed questioning in the tapes case, in which the former chief executive already has filed a sworn affidavit.

Nixon's attorneys said the former chief executive could answer any further questions in the form of written interrogatories, instead of being deposed face-to-face by attorneys.

"Compliance with this notice would

require (Nixon), together with several Secret Service personnel, to travel approximately 3,000 miles, to remain in Washington for an indefinite period, and to be subjected during that entire time to the unavoidable spectacle created by hundreds of reporters and others that would accompany plaintiff's appearance," according to the court document.

The attorneys said the trip to Washington and the questioning session here "would create the type of stress to be avoided" on his doctor's orders, and indicated the Watergate prosecutors took that into consideration when they agreed to the California grand jury session.

"... These factors were recently evaluated by plaintiff's physician in connection with the grand jury's desire to obtain plaintiff's

Here in Tapes Suit, Lawyers Say

testimony... He concluded that the physical and emotional stress which would result from such an appearance would create an additional risk to plaintiff's health," the attorneys said.

"This fact was conveyed to the grand jury which agreed to receive plaintiff's testimony near his home in California," they added.

They described Nixon as an "involuntary litigant" in the suit he filed in an attempt to regain possession and control over his Presidential papers, and said he should not be burdened with giving the deposition.

"His personal property has been seized by a government agency, he has been denied access to it, and Congress has imposed upon him the burden of instituting legal action to recover the materials, even though for nearly 20 years no one has ever challenged the

right of ownership of a constitutional officeholder to the materials accumulated by him while in office," the attorneys continued. "It is his only means to regain his property."

Nixon filed the suit last November in an attempt to force the General Services Administration to carry out an agreement it made with him before he left office that allowed him to keep custody and control of the Nixon Administration documents.

Also involved in the suit is the legality of a Congressional Act subsequently passed concerning the same materials.

Judge Dismisses McCord Suit To Invalidate Nixon Pardon

U.S. District Judge Charles R. Richey yesterday dismissed a suit by

convicted Watergate conspirator James W. McCord seeking to have the pardon of former President Richard M. Nixon ruled illegal.

McCord had claimed that the pardon of Nixon had harmed him specifically because it would have prejudiced him in any new trial on McCord's Watergate charges. But Judge Richey pointed out that the appellate courts had already upheld that conviction and therefore any new trial was unlikely.

He also said McCord did not have standing as a private citizen to challenge the pardon, and cited court rulings saying the President's pardon authority cannot be reviewed by any court on the mere complaint of a citizen.