

Nixon Too Ill To Testify, Doctors Say

Sirica Given Panel's Report

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Former President Nixon is too sick to testify at the Watergate cover-up trial of his top White House and campaign aides until mid-February, a panel of court-appointed doctors reported yesterday.

After examining Nixon at his San Clemente, Calif., home on Monday, the three doctors said the earliest that the former President could give any testimony would be Jan. 6—and then only at his home under medical supervision for no more than two hours a day.

U.S. District Judge John J. Sirica took no immediate action on the panel's report. He has said he wants to have the trial finished by Christmas.

Nixon is recovering from complications that almost cost him his life after an operation Oct. 29 to prevent blood clots from flowing to his lungs, where they could kill him. He is suffering from phlebitis in his left leg, which causes the clots to form.

Sirica ordered the three-doctor panel to examine Nixon after he was subpoenaed by John D. Ehrlichman, his former chief domestic affairs adviser. Ehrlichman's attorney, William S. Frates, had called Nixon's testimony "absolutely vital to our defense."

The report of the medical panel, appointed Nov. 13, was released by the court during the trial's luncheon recess yesterday after Sirica had conferred with attorneys in his chambers.

Attorneys at that conference said the judge gave no indication as to what he would do. Sirica could be asked to keep

the trial open until Nixon is well enough to give a deposition in California — which Frates said he would accept—or he could quash the subpoena and rule Nixon too ill to testify.

The doctors' report was signed by its chairman Dr. Charles A. Hufnagel, head of the department of surgery at Georgetown University medical school here, for himself and the other members—Richard Starr Ross of Johns Hopkins University medical school in Baltimore and Dr. John A. Spittell of the Mayo Clinic in Rochester, Minn. All three are specialists in cardiovascular disease.

Hufnagel said all three doctors agreed with the panel's recommendations, but cautioned that their opinions could be modified if Nixon's condition changes.

They said the former President is too sick to travel from California to Washington at

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the present time. If he continues his present rate of recovery and if there are no more complications, they said he should be able to make the trip "without excessive risk" by Feb. 16—almost three months from now.

However, he could testify "at a courthouse near his home" within nine weeks—by Feb. 2, the doctors said. And he could give a deposition in his home by Jan. 6.

The doctors suggested that the deposition be taken in no more than two sessions a day, each running no longer than an hour, with plenty of rest between sessions and with a doctor present to monitor Nixon's condition.

The conclusions of the medical panel come close to the recommendations of Nixon's own doctors, who said early this month that Nixon would not be able to give any deposition in the case until early January or February.

His doctors—John C. Lungen and Eldon Hickman—voiced fears when the former President was released Nov. 14 from Memorial Hospital Medical Center of Long Beach, Calif., that the examination by the court-appointed medical panel would endanger Nixon's health.

But Hufnagel said in his report that the examination of Nixon "was carried out with his consent and cooperation." The doctors were able to give Nixon a full physical examination before reaching their decision.

Earlier, they spoke to Hickman at the Long Beach hospital and examined Nixon's medical records, X rays, special vein studies and laboratory test results.

While no medical reports have been issued on Nixon since he left the hospital, the medical panel's conclusions indicate that he is recovering on schedule and that there have been no added complications.

The medical panel's report was a two-page statement that gave only its conclusions. In a three-paragraph cover letter, Hufnagel offered to submit the medical information the conclusions were based on.

"This would involve specific information regarding his condition, which we have been instructed is confidential," he wrote.

Nixon's attorney, Herbert J. Miller Jr., told the court earlier that the former President would agree to be examined by the doctors, but he did not want any medical details released.

Frates, Ehrlichman's attorney, said he would not ask Sirica to bring the doctors in for questioning on their conclusions.

"I am convinced they are three of the finest doctors in the world and whatever they did was up to the highest professional standards," he said.

"I don't think you could get three better doctors."