

# Watergate Trial Set To Open, Nixon's Full Role Still Unknown

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WASHINGTON (AP) — The Watergate cover-up trial begins Tuesday with the full role to be played by former President Richard M. Nixon still unknown.

Continued optimistic reports about Nixon's recovery from a phlebitis condition make it more likely that he will eventually testify as a witness in the trial.

Nixon's California doctors have indicated he is likely to leave the hospital within 10 days.

The former president has been subpoenaed — for widely differing reasons — as a witness by the Watergate special prosecutor's office and cover-up defendant John D. Ehrlichman.

The prosecutors will need Nixon first, for strictly legal reasons.

Last spring, Nixon personally handled some of the tapes of more than 33 conversations he held with either the defendants or witnesses scheduled to testify at the trial. The tapes provide a major block of evidence for the prosecutors.

Defense lawyers refused to permit the tapes to be admitted without formal authentication that they are genuine reproductions of White House conversations which actually took place.

Thus, reluctantly, special prosecutor Leon Jaworski subpoenaed Nixon to prove the "changed custody" of the tapes left them undisturbed.

Some defense lawyers say that if Nixon cannot personally appear to verify the tapes, they may never be heard by the jury. But a source close to Jaworski said over the weekend that Jaworski is confident a way will be found to use them.

"We used the best evidence rule in subpoenaing Nixon," said the source. "But if that fails we'll find another way."

Among others who might verify the tapes as evidence, the source cited White House technicians or Secret Service personnel who ran the recording system and controlled storage of the tapes.

Ultimately, it will be up to U.S. District Judge John J. Sirica to decide if Nixon must appear in person, or perhaps give a sworn deposition from outside the courtroom.

Despite Jaworski's reported optimism, the special prosecutor's office considers Nixon's personal appearance suf-

ficiently important that it suggested Sirica conduct his own medical inquiry into the former president's health.

For weeks Nixon's lawyer, Herbert J. Miller, has been expected to attempt to block his client's appearance on grounds of ill health and possibly executive privilege.

But so far, there has been no formal request to Sirica that Nixon not be required to testify.

Jaworski and defendants besides Ehrlichman have been reluctant to have Nixon appear in the courtroom, largely because of the unknown impact the former president will have upon the jury.