

# Three doctors appointed

F Post 11-14-74

WASHINGTON (AP) — U.S. District Judge John J. Sirica appointed a panel of three doctors Wednesday to examine former President Richard M. Nixon and determine if he is able to testify in the Watergate cover-up trial.

Sirica signed an order in which he authorized and directed the doctors "to conduct such examination as they deem necessary and appropriate and, thereafter, to advise the court:

"(1) Whether Mr. Nixon is presently able to travel to Washington and testify as a witness ...;

"(2) If not, when, in their opinion, Mr. Nixon would be able to so appear and testify;

"(3) Whether Mr. Nixon is able to appear and testify at a site near his home;

"(4) If not, when, in their opinion, Mr. Nixon would be able to so appear and testify;

"(5) Whether, if Mr. Nixon is not now able to appear and testify in this case, either in Washington or a site near his home, he is able to be deposed by the parties in this case;

"(6) If Mr. Nixon is not physically able at the present time to give a deposition, when, in their opinion, he would be able to give such a deposition;

"(7) If Nixon is physically able to submit to a deposition, the conditions under which such deposition should be taken in order to avoid serious risk of injury to his health."

The three doctors named were Charles A. Hufnagel, of Washington, the chairman; John A. Spittell, Jr., of the

Mayo Clinic of Rochester, Minn., and Richard Starr Ross of Baltimore.

All are specialists in cardiovascular disorders.

Sirica directed the doctors to report their findings either on an interim or final basis by Nov. 29.

The judge signed his order after a day in which a former New York police detective and a Mississippi oil man testified at the Watergate cover-up trial about their role in the attempt to contain the investigation of the Watergate break-in.

Sirica also filed an affidavit from Herbert J. Miller, Jr., Nixon's attorney, who said he talked to Dr. John C. Lungren, the physician who has been treating Nixon for phlebitis in California, and that Lungren reported the former President is suffering from hypertension "seemingly stimulated by both physical and nonphysical effort."

"The patient has been advised to restrict his physical and nonphysical activities," the affidavit said. "On occasions visitors have been requested to leave because of the hypertension."

At the trial, Fred C. LaRue of Jackson, Miss., testified that two days after the June 17, 1972, break-in former Atty. Gen. John N. Mitchell suggested that Jeb Stuart Magruder burn files containing information from bugs at the Democratic headquarters.

LaRue also said that former Asst. Atty. Gen. Robert C. Mardian told him he had contacted then-Atty. Gen. Richard G. Kleindienst hours after the June 17, 1972, break-in in an effort to get

him to intervene on behalf of the burglars, who were arrested. Kleindienst refused.

Anthony T. Ulasewicz, a former New York City police detective, described how he left thousands of dollars in airport lockers where it was picked up by Mrs. E. Howard Hunt, wife of one of the break-in defendants.

Mitchell, Mardian, former White House aides H.R. Haldeman and John D. Ehrlichman, and Kenneth W. Parkinson, one-time attorney for the Nixon re-election committee, are charged with conspiring to obstruct the break-in investigation.

LaRue said that on June 19, 1972, two days after the break-in he, Mitchell, Magruder, Mardian and then-White

## to examine Nixon

House counsel John W. Dean III met in Mitchell's Watergate apartment for a general discussion of the incident.

LaRue said Magruder, deputy director of the campaign committee, asked what he ought to do about sensitive files containing material received from wiretaps at the Democratic headquarters.

"It was suggested Mr. Magruder had a fireplace at his house and it might be a good idea to have a fire that night," LaRue said.

"Who suggested that?" asked Assistant Special Prosecutor Richard Ben-Veniste.

"To the best of my recollection it was Mr. Mitchell," LaRue replied.

LaRue worked briefly at the White

House and moved to the Nixon re-election committee in January, 1972.

In June 1973, LaRue pleaded guilty to a single charge of conspiracy to obstruct justice and agreed to cooperate with the prosecutors. He has not yet been sentenced.

Ulasewicz told how he and Herbert W. Kalmbach used code names and talked to each other always on pay telephones while carrying out secret deliveries of thousands of dollars meant for the break-in defendants and their lawyers.

Ben-Veniste, in an effort to establish that the burglars were getting the money as a payoff for their silence rather than because they couldn't afford attorneys, asked Ulasewicz to characterize the town of Potomac, Md., where Hunt lived.