

Sirica Picks 3 Doctors to Check Nixon

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U.S. District Court Judge

John J. Sirica yesterday appointed a panel of three physicians to determine whether former President Nixon's testimony can be secured for the Watergate cover-up trial.

The judge also made clear that he was thinking of moving the trial temporarily to California, along with the jurors, if it should prove feasible to take Mr. Nixon's testimony there in a formal courtroom setting.

Judge Sirica said that "the necessary investigation shall commence forthwith." He ordered the panel to submit at least a preliminary report by Nov. 29, the day after Thanksgiving.

In a four-page order issued at the close of yesterday's session at the trial here, Sirica said he was taking the step for "the proper administration of justice."

The three physicians Sirica named to examine the former President are:

- Dr. Charles A. Hufnagel, 58, director of the experimental surgical laboratory at Georgetown University medical school.

- Dr. Richard Starr Ross, 50, physician in charge of the adult cardiac clinic at the Johns Hopkins Hospital in Baltimore.

- Dr. John A. Spittell Jr., 49, a consultant at the Mayo Clinic's division of cardio-vascular disease at Rochester, Minn.

The judge said in his order that he expected the panel's work to include a "review of pertinent medical records and a physical examination of the witness." But he told reporters that he would leave the precise schedule up to the panel.

"They know time is of the essence," Sirica said.

Mr. Nixon has been subpoenaed as a defense witness by former White House aide John D. Ehrlichman, who has called the former President's testimony "indispensable" to his

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case. Sirica said the Nov. 29 medical report deadline reflects forecasts by Watergate prosecutors that they should finish their half of the trial by Thanksgiving.

Naming Dr. Hufnagel as chairman of the panel, Judge Sirica said he wanted the court-appointed team to find out:

- Whether Mr. Nixon is presently able to travel to Washington and testify at the cover-up trial in person.

- When he might be able to appear here later even if his

present condition prohibits it now.

- Whether Mr. Nixon might be able to "appear and testify at a site near his home."

- Whether he can give a deposition at the present time even if he cannot be called to the witness stand for courtroom testimony either here or in California.

- When he might be able to give a deposition later if his present condition prohibits even that now.

"If Mr. Nixon is physically able to give a deposition," Sirica added, the panel should set down whatever conditions and

ground rules that might be required "to avoid serious risk of injury to his health."

Sirica first announced his ruling at a closed meeting with the cover-up trial lawyers and Mr. Nixon's chief attorney, Herbert J. Miller Jr.

Miller submitted a short affidavit saying that the ex-President should be leaving the Long Beach, Calif., hospital where he is a patient "very soon."

However, Miller said, Mr. Nixon has been told to restrict both "his physical and non-physical activities."

Mr. Nixon has developed

"labile hypertension"—characterized by sudden onsets of abnormally high blood pressure—which is "seemingly stimulated by both physical and non-physical effort," the attorney reported.

Basing his report on a phone conversation earlier in the day with Dr. John Lungen, Mr. Nixon's personal physician, Miller said the sudden episodes of high blood pressure were "bothersome mostly because of the patient's other condition," phlebitis, which requires therapy to thin the blood.

"The combination of hypertension and anti-coagulation therapy could result in additional complications such as internal hemorrhage, if not



DR. CHARLES A. HUFNAGEL
... will head panel

properly monitored," Miller said.

Sirica instructed the three-member medical panel to secure the approval of either Mr. Nixon or his attorney before inspecting any confidential medical records or conducting any physical examination.

"Should Mr. Nixon refuse access to appropriate and necessary medical records or refuse to submit to an appropriate physical examination," Sirica said, "the said panel shall report immediately to the court." The judge did not spell out what action he would take if Mr. Nixon should refuse to cooperate, but his ruling implied that he would issue a court order if necessary.

Dr. Hufnagel's office said all agreed to take the assignment last evening that the panel was attempting to work out arrangements for the tests and had not yet fixed a timetable.

Judge Sirica said he had been told that the team's work might take only "a couple of days," but it was impossible to say at this point whether additional examinations later on might prove necessary.

Under court rules, Sirica told reporters, the government will pay the "reasonable fees" involved in the panel's work, probably out of court funds for expert witnesses. He called the three physicians "outstanding" authorities in their respective fields and said he was gratified that they had

Hufnagel has been a professor of surgery at Georgetown since 1958 and has also been chairman of the medical school's department of surgery. In addition to his post at Johns Hopkins Hospital, Ross is director of both the cardiovascular division and the myocardial infarction research unit at the Johns Hopkins School of Medicine. Spittell headed the Mayo Clinic's internal medicine and peripheral vascular disease section for 13 years. He is also a member of the American Medical Association's residency review committee for internal medicine.