

# Nixon's testimony may be taped

WASHINGTON (AP) — Richard M. Nixon's lawyer informed U.S. District Judge John J. Sirica Thursday that it will be two or three months before the former president could testify at the Watergate coverup trial without endangering his health.

In an affidavit submitted to Sirica, Herbert J. Miller Jr., Nixon's lawyer, said that opinion was given to him Tuesday by Dr. John C. Lungren, who has been treating Nixon for phlebitis. Sirica said Nixon's testimony may have to be taken on videotape in California.

Meanwhile, Sirica over-ruled defense objections to the playing of 26 White House tapes as part of the prosecution's case. He said sufficient foundation had been laid to authenticate the recordings.

Prosecutor James F. Neal has said that if Sirica ruled the tapes were admissible, the recording of a June 23, 1972, conversation Nixon had with H. R. Haldeman, then White House staff chief, would be played Monday.

It was during that conversation, six days after the Watergate break-in that Nixon and Haldeman discussed the possibility of using the Central Intelligence Agency to contain the FBI investigation of the burglary.

Only days after Nixon made a transcript of that conversation public last August he was forced to resign the presidency.

Sirica rejected arguments from defense lawyers that the White House taping system amounted to illegal bugging.

Frank Strickler, attorney for Haldeman, argued that the prosecutors had failed to offer any proof that any of

the parties to the conversations had consented to being recorded.

Federal law requires that at least one party be aware that a conversation is being taped.

Sirica said that the tapes "were made

at the direction of the President... I don't think the Congress ever intended" that the wiretap laws should apply to a system like that installed in the Nixon White House.