

F-Post  
11-30-74

# Nixon too ill to testify

WASHINGTON (AP) — Former President Richard M. Nixon is not well enough now to testify in the Watergate coverup trial either in Washington or in California, a panel of doctors told the trial judge Friday.

The doctors estimated it will be 11 weeks or more before Nixon is sufficiently recovered from the Oct. 29 operation on his leg to travel to Washington without excessive risk and that he cannot even be questioned at his home until Jan. 6.

Either one of those dates would probably be too late for the trial, which is expected to be over by Christmas.

At a conference in his chambers, U.S. District Judge John J. Sirica gave lawyers no indication of what he would do. He had the option of either delaying the trial or dismissing a subpoena demanding Nixon's testimony.

On the witness stand before the jury was sent out for the announcement was H.R. Haldeman, who had served Nixon as chief of staff and before that as a long-time campaign aide.

Haldeman, a relaxed witness who seemed eager to give full and clear responses, explained his duties at the White House under questioning by his attorney, 73-year-old John J. Wilson.

Nixon had been subpoenaed by John D. Ehrlichman, one of the five defendants in the Watergate cover-up trial, and his testimony was also sought by some of the other defendants, including Haldeman, John N. Mitchell, Robert C. Mardian and Kenneth W. Parkinson.

The physicians' panel, headed by Charles A. Hufnagel, a cardiovascular surgeon at Georgetown University Hospital, examined Nixon at his home in San Clemente, Calif., last Monday.

Without going into the medical reasons for their unanimous opinion, the three doctors on the panel said:

—“Mr. Nixon is not presently able to travel to Washington, D.C. to testify.”

—They can't predict when he could make such a trip, but if there are no further complications they estimate it “should be possible by Feb. 16, 1975.”

—Nixon isn't able to testify near his home.

—Without further complications he may be able to testify in a courtroom near his home by Feb. 2.

—Nixon is not well enough to give a deposition — a sworn question-and-answer statement.

—Without further complications “we would estimate that he should be able to give a deposition in his home by Jan. 6.”

Such a deposition, the doctors said, should be taken “in no more than two daily sessions of no longer than one hour each” with adequate rest between sessions.

“A physician should be in attendance to monitor Mr. Nixon's condition during the taking of the deposition,” the doctors said. In addition to Hufnagel, the panel included cardiovascular specialists Dr. Richard S. Ross of Johns Hopkins University Hospital and Dr. John A. Spittell of the Mayo Clinic in Minnesota.

The doctors said they spoke with Dr. Eldon Hickman, who operated on Nixon's leg on Oct. 29 at the Memorial Hospital Medical Center in Long Beach, Calif., and that they examined his records, X-rays and laboratory data before making their physical examinations.

“If required by the court the panel can submit the medical reasons and data upon which it based its report,” the doctors said, “This would involve specific information regarding his condition, which we have been instructed is confidential.”

William S. Frates, Ehrlichman's attorney, said he was prohibited by Sirica's gag rule from commenting on the development.