

Jaworski Asks U.S. Court For Nixon Medical Check

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WASHINGTON, Sept. 20—Leon Jaworski, the special Watergate prosecutor, suggested today that the United States District Court send a team of physicians to San Clemente, Calif., to determine how ill former President Richard Nixon might be.

Mr. Jaworski made the suggestion to Judge John J. Sirica in opposing a defense motion asking a delay for two or three months of the Watergate cover-up trial, now scheduled to begin Oct. 1.

Judge Sirica took no action on the suggestion concerning Mr. Nixon's health.

The health issue had been raised in a motion to delay the trial by John D. Ehrlichman, former assistant to the President for domestic affairs. Mr. Ehrlichman argued that Mr. Nixon might be too ill to appear as a defense witness and should be given time to recover.

Judge Sirica turned down the defense motion for a delay without comment, but that action did not preclude his agreeing to Mr. Jaworski's suggestion.

Sirica Is Upheld

An aide to the judge said the question of Mr. Nixon's health still remained to be considered. A pretrial conference is scheduled for Tuesday, at which time the issue may be discussed.

The United States Court of Appeals, meanwhile, upheld Judge Sirica in turning down six other appeals to delay the trial. At least one defense lawyer said he might go to the United States Supreme Court for a delay. The appeals generally centered on pretrial publicity.

Mr. Nixon is reported to be troubled by phlebitis, a vein inflammation, in his left leg. His daughter, Julie Nixon Eisenhower, has said that he may be hospitalized.

Mr. Nixon's lawyers have cited his health as a reason for declining to give a deposition in a lawyer's office as part of a separate civil suit. He was to appear next Tuesday in Santa Ana, Calif., but his lawyers have asked that the subpoena for his appearance be quashed.

Mr. Nixon's lawyers have given no indication of what ac-

tion they might take in responding to a subpoena for his appearance at the trial.

Mr. Nixon has been called as both a defense and a prosecution witness, and today Mr. Jaworski suggested the health inquiry immediately so as not to delay the trial.

Mr. Jaworski, in a response to Mr. Ehrlichman's motion, suggested that Herbert J. Miller Jr., Mr. Nixon's lawyer, "inform the court, if he is able to do so, what Mr. Nixon's present condition is and whether it can be expected that Mr. Nixon will appear at the trial."

Mr. Jaworski stated that although there had been news reports of Mr. Nixon's illness, the court had "presently no sound basis for concluding that his health is so precarious . . . that he will be unable to appear as a witness."

"If Mr. Miller indicates that Mr. Nixon's condition is such that he may be unable to appear at trial, the court could then consider taking the customary step of appointing a team of medical experts to examine Mr. Nixon and report their findings to the court," Mr. Jaworski said.

McCord Loses Plea

It would "end the matter" if the doctors found Mr. Nixon fit for trial purposes, the special prosecutor stated. If they did not, he added, a deposition could be taken for later use at the trial.

In a related matter, United States District Judge Charles R. Richey turned down today a request for a temporary restraining order sought by James W. McCord Jr. Mr. McCord, one of those convicted in the original Watergate break-in, was seeking a court order to protect all White House tape recordings.

The suit asks that the tapes agreement worked out between the General Services Administration and Mr. Nixon be declared "null and void." It argued that Arthur F. Sampson, the G.S.A. administrator, had no legal authority to make "a gift of the tapes to ex-President Nixon."

It also asked that President Ford's pardon of Mr. Nixon be set aside.