

# Lawyers Promise to Give Sirica Nixon Health Report When It's Ready

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Former President Nixon's lawyers promised yesterday to give U.S. District Court Judge John J. Sirica a report on Mr. Nixon's health as soon as it is available, according to informed sources.

The former President entered Long Beach Memorial Hospital in California Monday for a week of exploratory tests and treatment of a phlebitis condition in his left leg. He has already been served with two subpoenas calling for his testimony at the Watergate cover-up trial here starting Oct. 1.

Two of Mr. Nixon's Washington lawyers, Herbert J. Miller Jr. and Raymond G. Larroca, met with Judge Sirica and attorneys in the cover-up case yesterday morning at a secret and ostensibly final pretrial conference.

In a brief announcement handed to newsmen before the meeting had even ended, the judge said he would have no comment on the session and that he had ordered all those who attended to say nothing about it.

With the trial scheduled to start next Tuesday, Oct. 1, Sir-

ica said he wanted to avoid any "publicity, prejudicial or otherwise."

Mr. Nixon's lawyers turned up on their own initiative and stayed for only about 20 minutes of the 2½-hour pretrial conference.

Watergate Special Prosecutor Leon Jaworski suggested last week that Judge Sirica conduct an official court inquiry to determine Mr. Nixon's condition in light of the subpoenas. A spokesman for the judge indicated, however, that Sirica has shelved the proposal, at least temporarily.

"The court is not planning any action with regard to the former President unless there's some action on his part," Sirica's law clerk, Todd Christofferson, said.

Limping slightly himself as he emerged from yesterday's conference at the U. S. Courthouse here, Miller jokingly called the soreness in his leg a "sympathetic" condition. He refused to comment on how Mr. Nixon plans to respond to the demands for his testimony.

Despite the secrecy that the judge imposed, the rest of the conference, according to several who were present, was uneventful. Sirica later sched-

<sup>23 SEP</sup>uled a hearing for 10 a.m. Monday on the accuracy of the prosecution's transcripts of White House tape recordings that the government plans to use at the trial.

Pretrial pleadings in the case, meanwhile, kept piling up at the court clerk's office. Former White House aide John D. Ehrlichman submitted a list of 80 witnesses he intends to call, starting with Mr. Nixon. Others include Washington Post reporters Carl Bernstein and Bob Woodward.

Ehrlichman's lawyers also submitted 230 questions they want asked of prospective jurors at the outset of the trial. Watergate prosecutors and attorneys for several of the other defendants turned in similar lists. Selection of a trial jury is expected to take a week or more.

Associate Special Prosecutor James F. Neal served notice that the government may call as many as 44 witnesses in presenting its case. The prosecutors also plan to introduce tape-recorded copies of the entire original tapes of 10 conversations involving Mr. Nixon and portions of 23 others between the former President and one or another of his ex-aides.