

Nixon's Reclusive Recuperation

Richard Nixon's illness was to be as secretive as his presidency. Accompanied by Pat and Julie, he walked briskly into Long Beach Memorial Hospital Medical Center through a truck-dock entrance leading to the kitchens. Surprised by two hunch-playing reporters, he blurted a confused "Good morning—good afternoon." He went on up to his sixth-floor suite, located in a twelve-room wing that had been cleared of other patients to ensure his security and privacy. Then once again, the doors closed on the outside world.

Ronald Ziegler conducted a nonin-

Using the available information, most independent medical experts found that Nixon's condition gave no cause for immediate alarm. If he continues to respond satisfactorily to treatment (*see* MEDICINE) and there are no complications, he could leave the hospital this week. *Usually, a recuperating phlebitis patient is ambulatory. A transcontinental flight in a large aircraft, where walking the aisles is possible, should pose no extra medical danger.

Whether Nixon's doctors will agree with this is not at all certain. Many of the lawyers preparing for the Washing-

ton trial assume that medical reasons will be found to keep Nixon from having to respond to subpoenas from both Special Prosecutor Leon Jaworski and one of the defendants, John Ehrlichman. But with jury selection expected to take at least a week and the prosecution needing ample time to begin laying out its case, the issue does not have to be immediately joined. Particularly from the prosecution's viewpoint, Nixon's testimony is far from critical. If the former President cannot appear, depositions may be taken from him in California.

As the trial strategy emerges, Jaworski and his top assistant handling the case, James Neal, have overwhelming evidence that there was a conspiracy to obstruct justice in an attempt to conceal the origins of the Watergate wiretap-burglary. The Nixon tapes provide devastating evidence. The chief defense tactic apparent-

ly will thus be to challenge the validity of those tapes and try to force the prosecution and Judge John J. Sirica into technical errors that could lead to a successful appeal of any conviction.

Nixon's role in the Watergate trial would be twofold. The prosecution wants him to rebut defense challenges to the authenticity of the tapes, since he had claimed that they were under his exclusive control. Ehrlichman apparently intends to try to show that he had acted only under Nixon's directions and that if there were illegal aims in the cover-up, the former President and his chief of staff, H.R. Haldeman, also a defendant, had concealed that from him.

Actually, the Jaworski staff does not need Nixon to trace control over the tapes; other officials can testify to that. The defense insistence that only Nixon can verify the tapes thus seemed partly a tactic to ensure that the ex-President

is called to testify. The defendants want the jurors to see Nixon in the flesh, the better to help them recall his role as President and the fact that he has been pardoned. This might help raise doubts among the jury about whether the men who merely served Nixon should be punished.

Some of this pretrial strategy was amply evident last week. One of the defense attorneys, all of whom have been given transcripts of the tapes that Judge Sirica and the Supreme Court had ordered turned over to Jaworski, took snippets of one damaging tape to CBS-TV. The tape included an April 1973 conversation in which Nixon told Haldeman that Jeb Stuart Magruder, at one time the deputy director of Nixon's reelection committee, was "supposed to lie like hell" before a grand jury investigating Watergate. When the Washington *Post* also picked up the story, lawyers for Haldeman and Ehrlichman promptly asked Sirica to delay the trial because of "prejudicial publicity." TIME has learned that some of the tapes to be played at the trial will be even more incriminating.

Full Access. Congress, meanwhile, began moving briskly to abort the hastily arranged agreement under which Nixon would retain effective control of his tapes and presidential papers—a deal that had also worried the Jaworski staff. The Senate Government Operations Committee unanimously approved a bill that would cancel the Ford-Nixon agreement and order the General Services Administration to retain the tapes under Government control in Washington. They could not be destroyed without congressional approval. The committee sent out another bill guaranteeing full access to the tapes and papers for trials and other official purposes.

At the same time, congressional committees kept slashing away at Nixon's request for \$850,000 in federal funds for transition expenses. One of the items shaved last week was the \$172,000 request for office supplies and equipment. Senators figured that the 21 sofas, 44 desks and 77 typewriters already provided Nixon should suffice. Budget Director Roy Ash had no success in trying to persuade Senators that providing a Government-paid valet for such tasks as shining Nixon's shoes was a necessary transitional aid. There was criticism too of President Ford's practice of sending jet courier flights, costing \$8,500 for each round trip, to keep Nixon posted on classified intelligence reports.

An Administration source conveyed the word that Nixon was very irritated over the cutbacks. At the Long Beach hospital, he had complained that Congress was giving him "a hard time" over benefits to which he was entitled. That also applied to the Camp Pendleton Marine base where, Nixon protested, officials had only reluctantly given him free golfing privileges on the camp's course.



YOUNG LONG BEACH PATIENT WISHES NIXON WELL
The confidentiality created confusion.

formative press conference: every word on Nixon's hospitalization, down to what he was eating (hospital fare, except for some wheat germ from San Clemente), had to be approved by the patient. His physician, Dr. John Lungren, seemed to delight in being obscure and evasive. After announcing that a blood clot had been discovered in Nixon's right lung, Lungren said that the ex-President's condition was "potentially dangerous but not critical at this time." But he flatly refused to speculate on how long the recuperation would take.

No Alarm. The exaggerated confidentiality left everyone confused as to just how ill the former President really was. Nixon's condition was a matter of legal as well as human concern, for it could directly affect the judicial fate of six of his former political associates, whose Watergate conspiracy trial is scheduled to begin this week.

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