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Court May Check I

Washington

U.S. District Judge John J. Sirica indicated yesterday that he may send three doctors to California in an effort to determine whether former President Nixon can be safely ordered to testify at the Watergate coverup trial.

Judge Sirica said he has not made any final decision on claims that Mr. Nixon's testimony is indispensable. "This is a big 'iffy' question," he said.

Sirica hinted strongly, however, that he thinks an

independent medical examination ought to be conducted to assess the former President's contentions that he is too ill to be summoned as a witness in "the immediate future."

Watergate prosecutors suggested later in the day that the worries reported by Mr. Nixon's lawyers and doctors about the phlebitis condition in his left leg have been somewhat exaggerated.

The prosecutor said, for example, that Mr. Nixon

could wear an elastic stocking, take his oral medication, and keep his leg up on the way to Washington. Trained nurses on call outside the courtroom, a place for Mr. Nixon to lie down, and frequent recesses during his testimony, they said, could also be provided to keep him comfortable.

Urging "an impartial, up-to-date" medical examination in any event, the prosecutor said Sirica could at least be "hesitant" to accept the former president's

claims at face value.

"Mr. Nixon is not a neutral or detached witness," they said in an eight-page memo filed with the court. "He has been formally accused of participating in the conspiracy for which the defendants are standing trial, and it would be only natural for him to seek to avoid an obligation to testify."

The judge expressed his thoughts at the start of yesterday's session in the coverup trial when he asked Watergate prosecutors and

Nixon Health

defense lawyers alike to start thinking about the expenses that might be involved.

"I haven't made up my mind," Sirica said. "But if it should develop that I feel it is necessary for former President Nixon to appear personally and testify as a witness in this case in connection with Mr. (John) Ehrlichman's subpoena, who's going to pay the expenses if I select three doctors to send out there and examine Mr. Nixon and go

over his medical records?"

Mr. Nixon has been subpoenaed for the trial by Watergate prosecutors who may need his testimony on evidentiary issues and by Ehrlichman, whose lawyers on Tuesday accused Mr. Nixon of lying to the former White House aide about the coverup "to save his own skin."

The lawyers for H. R. Haldeman have also said they plan to summon Mr. Nixon as a defense witness on Haldeman's behalf.

Sirica plans to hold a

hearing late today on Mr. Nixon's request that the trial subpoenas already served on him be quashed.

In reply, Ehrlichman's attorneys called the former President's testimony "absolutely indispensable" and asked Sirica to order Mr. Nixon's deposition be taken in California just in case he should be ill to appear in person when Ehrlichman begins presenting his defense, perhaps several months from now.

Washington Post.