

3 Doctors Will Check on Nixon

Washington

A team of three doctors will be sent to San Clemente to determine if former President Nixon is well enough to furnish testimony for the Watergate coverup trial, U.S. District Judge John Sirica said yesterday.

In granting a defense motion for the medical panel, Sirica did not hint who the doctors will be. Both government prosecutors and defense attorneys have given him names under seal.

Sirica said he hopes to appoint the panel next week and that all would be "outstanding men" who are either internists or specialists in cardiovascular medicine. The former President has been suffering from phlebitis.

In asking for appointment of the doctors, William Frates, defense attorney for former presidential aide John Ehrlichman, said he was not questioning previous reports about Mr. Nixon's health.

But Frates said Mr. Nixon's testimony is "indispensable" to Ehrlichman's defense and that the doctors could help clarify the former President's ability to testify. Other defendants either joined in the motion or said they had no objections.

Associate prosecutor James Neal told Sirica he wouldn't object to the panel. However, the government no longer considers Mr. Nixon "an important or valuable witness" inasmuch as Sirica has allowed introduction of

presidential tapes, Neal said.

Recognizing the likelihood that Mr. Nixon could not travel to Washington to testify, Sirica has said he might allow lawyers to question Mr. Nixon under oath in California. Such a session might be videotaped for showing to the jury, he said.

Once Sirica appoints a medical panel, Mr. Nixon could not refuse to be examined by the doctors, attorneys said. If he did, Sirica could cite him for contempt of court.

Court-ordered medical examinations are quite common in the law, both in civil cases — especially accident cases in which the extent of injury is the major issue — and in criminal cases.

Examinations of defendants are perhaps the most well-known example, perhaps due to the long series of cases in which reputed organized crime figures have said, on the eve of trial, that they had just suffered heart attacks.

But courts have also ordered examinations of witnesses.

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