

# The Check-Up on Nixon

*Confidentiality Protected by Doctors,  
Leaving Many Questions Unanswered*

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WASHINGTON, Nov. 29—The confidentiality of the medical records of former President Richard M. Nixon provided an ironic note today to the Watergate cover-up case. The panel of three doctors that Judge John J. Sirica appointed to examine Mr. Nixon made an explicit point of protecting the confidentiality of the former President's medical records when the doctors reported that he was not well enough to testify at the trial, even in a limited way, for at least six weeks.

During the Nixon Administration, White House staff members disregarded this ethic of confidentiality.

Under White House direction, acting on the rationale of national security, members of the special security force known as the "plumbers" broke into the office of Daniel Ellsberg's former psychiatrist after publication of the Pentagon papers.

Moreover, Carl Bernstein and Bob Woodward, authors of the Washington Post, "All the President's Men," said that "Senator Eagleton's health records had arrived in John Ehrlichman's office before they were leaked to the press." Mr. Ehrlichman was chief domestic adviser in Mr. Nixon's Administration.

Dr. Charles A. Hufnagel, chairman of the medical panel, did not cite the medical reasons and data upon which the panel based the opinion on Mr. Nixon.

"This would involve specific information regarding his [Mr. Nixon's] condition, which we have been instructed is confidential," he wrote to Judge Sirica.

### Explanation Is Offered

Dr. Hufnagel, writing on behalf of his panel colleagues—Dr. Richard S. Ross of Johns Hopkins Medical School and Dr. John A. Spittel Jr., of the Mayo Clinic—added:

"I would be pleased to meet with you to discuss the reasons for the opinions expressed by the panel, if you wish."

The decision by the three doctors may mute some of the criticism that other doctors have raised against the medical team that treated Mr. Nixon at the Memorial Hospital Medical Center of Long Beach, Calif. The panel expressed the same opinions that Dr. John C. Lungren, Mr. Nixon's physician,

has repeatedly stated in news conferences during the former President's two hospitalizations.

Dr. Lungren also told Judge Sirica in an affidavit:

"Because of the patient's weakened condition, it is expected that the earliest time he could participate without a serious danger to his health, in any activity requiring substantial mental or physical effort, would be two or three months. It will be an indeterminate time before he has recovered sufficiently to travel any significant distance."

Nevertheless, because of concern by Mr. Nixon's lawyers and the panel over the sanctity of the patient-doctor relationship, a fundamental principle upon which medicine is practiced, the medical panel's action leaves a number of questions unanswered about Mr. Nixon's physical and mental health.

### No Historical Guide

Many people, doctors included, have expressed amazement at how the health of a man could deteriorate so rapidly. While President, Mr. Nixon prided himself on his vigor and stamina.

Now, less than four months after his resignation, Mr. Nixon has been declared unable to sustain the stress of answering questions about his Presidential activities. Some people had hoped the Sirica panel would satisfy their curiosity.

Physicians not connected with Mr. Nixon's case have tried to put themselves in the shoes of a panel member. They have speculated on what questions they would ask in trying



Associated Press  
Richard M. Nixon leaving Long Beach Memorial Hospital on Nov. 14 to return to his home.

to determine whether a patient was fit to testify.

Medical textbooks and standard references do not list the questions that would directly apply to Mr. Nixon's case. Historians and legal scholars are bound to wonder how the panel arrived at its decision.

But Dr. Hufnagel has declined to answer the basic question of how the panel went about its business. He declined on the ground that by providing such information he would be violating the confidential nature of the doctor-patient relationship.

Dr. Hufnagel has said that the panel approached the problem as if it were a case of disability. In other words, he indicated that the panel had tried to determine when Mr. Nixon would be fit to return to work.

What job? What criteria do doctors have for determining the work loads of former Presidents or the average person who faces legal problems?

Did the doctors ask Mr. Nixon to walk across his bedroom at his San Clemente, Calif., estate to determine how fatigued such physical exercise would make him? Did they measure his blood pressure when they arrived and then repeat the test just before they left to determine the degree of stress their short visit caused the former President? Did the panel call in a psychiatrist?

Judge Sirica has said that he wanted to go after the truth in the Watergate case and that he would rely on expert opinions. But if there is no record of how the three medical experts went about their job, how can the public evaluate their conclusions?

Historians may never know.



United Press International  
H. R. Haldeman holding the door open for his wife as they arrived for yesterday's session of the Watergate cover-up trial at District Court in Washington.