

Judge Permits Stans to Testify in Washington

By ROBERT J. COLE

A Federal district judge cleared the way here yesterday for Maurice H. Stans, President Nixon's former campaign finance chairman, to testify in Washington next Tuesday before the Senate Watergate committee.

The judge said he could find nothing in the court's rules to prohibit such testimony.

Mr. Stans's attorneys said they would immediately move to ask the court to dismiss the criminal charges against the former Cabinet officer on the ground that the nationwide publicity would make it impossible for him to get a fair trial.

Mr. Stans, former Secretary of Commerce, was indicted by a Federal grand jury in Manhattan Federal court last month.

He was charged, along with John N. Mitchell, former Attorney General; Harry L. Sears, Republican majority leader of the New Jersey Senate, and

Robert L. Vesco, the New Jersey financier, with conspiracy to obstruct in helping Mr. Vesco, Vesco, then under investigation by the Securities and Exchange Commission.

S.E.C. Charges

Mr. Vesco secretly donated \$200,000 to the Nixon campaign fund last April and dispatched two associates to hand the money personally to Mr. Stans. The money was sent back two months after the S.E.C. charged in a lawsuit that the financier and others had looted \$224-million from a Swiss-based mutual fund group.

Mr. Stans was due to testify before the Senate committee on Thursday but sought a postponement to discuss the situation with Judge Lee P. Gagliardi in Manhattan Federal Court. Judge Gagliardi who will preside at the Mr. Stans' trial, had warned attorneys last month to adhere to court rules and not to release any informa-

tion that would interfere with a fair trial.

Walter J. Bonner, trial lawyer for Mr. Stans, and Robert W. Barker, his chief counsel, asked Judge Gagliardi to defer Mr. Stans's testimony before the Watergate committee until after his trial here, now set for Sept. 11.

Mr. Bonner expressed concern over the "tremendous amount of publicity" his client was getting and charged that this made it impossible to receive a fair trial here.

"To place him before the cameras [in the Watergate hearings] would be adding insult to injury," he said.

Judge Gagliardi said he could find nothing in the court's rules to prohibit such testimony. Reading from Manhattan Federal Court's Rule 8 he said that "nothing in this rule is intended to preclude . . . the holding of hearings . . . by legislative, administrative or investigative bodies."