

## Mitchell Move

# Dismissal Asked In Vesco Case

New York

Attorney for former Attorney General John N. Mitchell asked yesterday that conspiracy and perjury indictments against him in New York be dismissed because of government misconduct.

The motions said Mitchell was improperly asked questions about the Watergate scandal during a grand jury session that led to his indictment over a \$50,000 donation from financier Robert Vesco, now a fugitive, to the re-election campaign of President Nixon.

Mitchell, former commerce Secretary Maurice Stans and a fourth defendant in the Vesco case, New Jersey Republican leader Harry L. Sears, all filed similar motions in federal court.

### 'MISCONDUCT'

An additional memo filed by Mitchell's attorney, Peter Fleming, accused the government of "persistent and deliberate misconduct during the grand jury state of this case."

The motions said the government "irreparably prejudiced" Mitchell's rights before the grand jury in the Vesco case by bringing Watergate matters into it.

Mitchell in the motions said he was asked before the grand jury by an assistant U.S. attorney whether he knew Watergate figures E. Howard Hunt and Donald Segretti. This question, he said, was "thrown in" to influence the grand jurors.

### SUSPICION

"The clear and undoubted impact was to raise at least the suspicion that Mitchell was tied personally to substantial acts of political sabotage in 1972," Fleming said.

Fleming said the then U.S. attorney, Whitney North Seymour, "having already prejudiced Mitchell substantially with regards to the New York case, compounded his improprieties by prejudicing Mitchell's ability to properly defend himself with regard to Watergate."

The four were indicted May 10, charged with conspiracy in a reputed scheme to influence a Securities and Exchange Commission investigation of Vesco's handling of four mutual funds.

Mitchell and Stans were also accused of lying before a federal grand jury last March. All four pleaded innocent and the trial was set for September 11.

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