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Hearings Abruptly Delayed

Senate Panel Cites Mitchell Trial in N.Y.

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The Senate select Watergate committee abruptly postponed yesterday for an indefinite period the two weeks of hearings it had scheduled to begin next Tuesday.

Committee chairman Sen. Sam J. Ervin Jr. (D-N.C.) said in a brief statement that the postponement was needed to avoid prejudicing the trial of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans in New York on federal charges of obstruction of justice and lying to a federal grand jury.

In the three days of hearings scheduled to begin Tuesday, the committee was to have probed a campaign contribution of \$100,000 made in two \$50,000 payments from billionaire Howard Hughes to President Nixon's friend, Charles G. (Bebe) Rebozo.

The postponement increases the possibility that the hearings may never resume, according to committee sources.

The committee has heard conflicting versions of what the purpose of the contribution was, but one version has linked the second \$50,000 to antitrust problems that Hughes was having with the Justice Department while Mitchell was attorney general.

According to a sworn deposition by former Hughes aide Robert A. Maheu, Mitchell reversed the Justice Department antitrust division's objection to Hughes' acquisition of the Dunes Hotel in Las Vegas after the second \$50,000 was given to Rebozo in 1970.

Maheu was scheduled to be a witness during next week's hearings, along with Rebozo and Richard G. Danner, a Hughes aide who actually carried the money from Hughes to Rebozo.

During the committee's closed-door session last Wednesday, Sen. Lowell P. Weicker Jr. (R-Conn.), who opposed resumption of the hear-

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ings, argued that the hearings could prejudice Mitchell's trial and, in any case, would be unfair to Mitchell since he could not appear before the committee to defend himself.

A representative of the United States Attorney's office in New York apparently contacted Ervin late Friday or yesterday morning to express concern that the hearings would prejudice the Mitchell-Stans trial.

According to an informed account, Ervin was told that the prosecutors wanted the hearings delayed until after a jury had been picked.

At that point, the jurors could be sequestered, thus shielding them from any adverse publicity to Mitchell that the hearings might produce. According to reliable sources the trial is scheduled to begin in New York on Feb. 19, although the date has not yet been announced publicly.

The committee voted by a bare 4 to 3 majority last Wednesday to resume hearings, with all three Republicans opposed. At least one Democrat on the committee, Sen. Daniel K. Inouye of Hawaii has expressed a desire that the hearings be finally concluded by the end of February. Another Democrat, Sen. Herman E. Talmadge of Georgia was reportedly hostile to a resumption of hearings but supported the wishes of Ervin when the committee voted last Wednesday.

Any further delay in the trial could result in a further delay in the hearings, pushing them into March. At the same time, the House Judiciary Committee is preparing to hold its own hearings to consider the impeachment of President Nixon.

Senate Watergate Commit-

tee vice chairman Sen. Howard H. Baker Jr. (R-Tenn.) reflected increasing pressure on the panel Wednesday when he told reporters that it was time to "stand aside and give center stage to the House Judiciary Committee."

Chief committee counsel Samuel Dash, in Philadelphia to attend the funeral of former Mayor Richardson Dilworth, said in a statement that the hearings were being "temporarily postponed . . . until it becomes clear that they will not prejudice the Mitchell-Stans trial."

Dash said that at the time the committee met Wednesday, "there was no official representation to the committee

by the prosecutor that the hearings would prejudice the trial.

Dash said Ervin was motivated by a "keen sense of fairness for the administration of justice" and took the action "even though under Supreme Court decisions a Senate committee has the right" to hold hearings that deal with matters "relating to a concurrent criminal trial."

The criminal charges Mitchell and Stans face in New York stem from a Securities and Exchange Commission investigation of international financier Robert L. Vesco, who was indicted along with the two former Nixon cabinet officers.