

Witness Testifies Mitchell Got Fast Action for Vesco

By MARTIN ARNOLD

John N. Mitchell "picked up the phone" and made a call that led the head of the Securities and Exchange Commission to meet with a lawyer for Robert L. Vesco within hours after Mr. Vesco contributed \$200,000 in cash to President Nixon's re-election campaign, a Government witness testified yesterday.

Mr. Vesco's financial operations were being investigated by the commission at the time, and he had been attempting for nearly a year to arrange a meeting with William J. Casey, then the commission chairman.

The witness, Harry L. Sears, testified that he himself had held the meeting with Mr. Casey. He said that Mr. Mitchell was able to make the appointment for the same day after he, Mr. Sears, and another Vesco associate delivered the \$200,000 in a briefcase to Maurice H. Stans, at the time finance chairman of the Nixon campaign effort.

Mr. Mitchell and Mr. Stans are accused of trying to impede a commission investigation of Mr. Vesco's financial empire in return for the \$200,000 contribution. They are charged with conspiracy, perjury and obstruction of justice.

First, Mr. Sears told the jury that he and Laurence Richardson, another Vesco associate, delivered the money to Mr. Stans in Mr. Stans' Washington office.

"Mr. Stans had been seated at his desk, as I recall it," the heavy-set witness said between sips of water. "He stood, greeted us. Mr. Richardson was carrying the briefcase, which had in it, he told me—I hadn't seen it—the 200,000 in cash."

The date was April 10, 1972, a balmy spring day, three days after a new law requiring reporting of political contributions went into effect.

At that time both Mr. Mitchell and Mr. Stans had left the Nixon Cabinet and were working full-time on the election campaign. Mr. Mitchell had been Attorney General and Mr.

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Stans, Secretary of Commerce.

There was a noticeable stir among the 80 or so persons jammed into the courtroom as Mr. Sears testified.

"At a point Mr. Richardson stood up, and he lifted the briefcase, put it on Mr. Stans' desk and said, 'Mr. Stans, here is your currency.'"

"He opened the top of the briefcase, as I recall it, maybe just a couple of inches, and tipped it toward Mr. Stans. He said, 'I thought you would want to be sure that the money is here, or words to that effect. Do you want to count it?'"

"Mr. Stans, as I recall it, said, 'No, that won't be necessary.'"

Drowsiness in Court

Mr. Sears paused to sip water, and somnolence settled once again over the courtroom—one male juror and several spectators spent much of the day nodding in apparent drowsiness. Then Mr. Sears started to speak of the alleged quid pro quo of the contribution.

That snapped everybody to the alert.

Mr. Sears testified, "Mr. Richardson then said, 'Mr. Vesco wants me to deliver you a message'—or 'give you a message. He'd like to get some help.'"

At this point, according to Mr. Sears, "Mr. Stans said, rather quickly, as I recall it, 'That's not my department' or 'my bailiwick'—that's John Mitchell's department.'"

The witness, who is 6 feet 5 inches tall, said that Mr. Stans then started to sit down, and that he, Mr. Sears, "jumped over toward—toward Mr. Stans' desk and I said, 'Now, wait a minute. What we brought here today is a political contribution. There's nothing else involved.—Larry, I think we better leave. Mr. Stans is busy.'"

Sense of Drama Lacking

Courtroom 905 in the Federal Court Building at Foley Square is small and poorly ventilated and the dark wood paneling makes it seem even smaller and warmer, and Judge Lee P. Gagliardi, who is presiding, has insisted that, once inside the courtroom, no one may leave until a recess is called.

Until yesterday the historic trial—the first in 50 years in which former Cabinet officials face the possibility of going to prison—lacked any sense of drama.

This was partly because there has yet to be an important cross-examination of the sort that delights trial enthusiasts, and partly because one of the main characters, Mr. Vesco, who was indicted but who has

filed the country, is not on the scene.

So, until yesterday, there was much fidgeting among the spectators.

Mr. Mitchell and Mr. Stans sat impassively, writing on legal pads, not looking at the witness, as Mr. Sears testified that he left Mr. Stans' office and visited with Mr. Mitchell to tell him that the contribution had been made.

Mr. Sears said, "I said, 'We delivered the \$200,000 today,' and I said something to this effect—I hope Maury knows what he is doing,' and John said, 'Well, I am sure he knows his business.'"

After telling Mr. Mitchell that Mr. Vesco contributed \$100,000 to the Nixon campaign in 1968, Mr. Sears said, "I reminded Mr. Mitchell that I was still trying to get a meeting with Bill Casey. I wondered if perhaps he was available now."

"As I recall it, Mr. Mitchell said, 'Well, let me see if I can get hold of Bill now,' and he picked up the phone," Mr. Sears testified.

"I heard Mr. Mitchell say, 'Harry Sears is here. He would like very much to sit down with you for a few minutes,'" Mr. Sears said. And so the meeting between Mr. Sears and Mr. Casey was arranged for 4 P.M. that day, he testified.

The meeting involved Mr. Casey, Mr. Sears and Bradford Cook, then counsel to the Securities and Exchange Commission, Mr. Sears said. He said he was told that the commission had a fairly strong case against Mr. Vesco. No commitment was made by the commission officials, Mr. Sears said.

At Republican Parley

The witness also testified that he subsequently went to the Republican National Convention in Miami in August, 1972, and spoke to Mr. Casey and Mr. Stans there in separate meetings. He said that Mr. Stans told him, "I just want you to know that as far as Vesco's contribution, there's no record of it."

"Mr. Stans then said that the S.E.C. situation had gotten 'too hot to handle,' or words to that effect," he testified.

He also said that in October, 1972, Mr. Vesco said to him, "Tell Stans to get the S.E.C. off my back."

And Mr. Sears related that at one point Mr. Vesco became so frustrated over the lack of help he thought he was getting for his contribution that he shouted, "My god, I gave all that money!"

The day's testimony ended with Mr. Sears saying that on Sept. 15, 1972, at a political dinner in New York City, he introduced Mr. Vesco to John D. Ehrlichman, then President Nixon's chief domestic affairs adviser.