

Sears: Vesco Tried to Use Nixon Kin

By Stephen Isaacs
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NEW YORK, March 8—Robert L. Vesco, tried to use the President's two brothers to stop an investigation of him by the Securities and Exchange Commission, a witness testified in court here today.

The witness, Harry L. Sears, once a lawyer for financier Vesco and a prominent New Jersey Republican politician, testified that Vesco "told me that he had been talking with Newport Leach, and I said, 'What do you mean?'"

"We said, 'I have been talking with one of the brothers.'"

"And I said, 'What have you been talking about? . . .'"

"And he said, 'Well, it is about time I got some help from the brothers,' and he said, 'I have been discussing with them and trying to get their help.'"

He said he wanted to send a message to the top to that effect.

"And I said, 'What kind of a message are you talking about?'"

"He said, 'I want to get a message to the top that this whole thing is asinine . . . that it is hurting a lot of people . . . I want to get a message to the top and I want to

try and get the brothers to help me.'"

"I said, 'Bob, I think you must be joking or out of your mind.'"

"And he said, 'No, I have been talking with Newport Beach. I just want you to know.'"

Sears was on the stand today for the fourth consecutive day in the trial of former Attorney General John N. Mitchell and former Secretary of Commerce Maurice H. Stans.

Mitchell and Stans are accused of conspiracy, obstruction of justice and perjury in connection with Vesco's \$200,000 contribution to the 1972 Nixon re-election campaign in

exchange for their help in squelching the SEC investigation.

Sears and Vesco originally were indicted in the case along with the two former Cabinet officers and election campaign officials.

Sears also testified today that Mitchell called him one day and asked him to come over to his New York office to take a look at "something that he thought that I ought to see."

The something, he said, turned out to be a manila folder, the outside of which was marked, "Hold for arrival of Don Nixon."

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Vesco apparently had prepared some materials for Don Nixon to pick up at the Essex House hotel here in Manhattan.

Mitchell said to him, Sears testified, "Well, Don never arrived" and Sears and Mitchell agreed that Sears would take the folder back to Vesco.

But, Sears said, he did not give it back to Vesco. Instead, he took it home, and "I eventually put it on a shelf in a large closet which is adjacent to the den in my home."

We took it down once to look at the contents, he said, then put it back and only removed it last April when he brought it to the grand jury investigating this case in New York.

Sears again was a reluctant witness today, and for the second time government prosecutor John R. Wing tried, unsuccessfully, to have him declared a hostile witness so he could cross-examine Sears about discrepancies between his testimony in court and that before the grand jury.

Sears said that he and Mitchell had a number of conversations about delaying a subpoena issued by the SEC for Vesco to appear on Oct. 11, 1972—just before the 1972 election, and that Mitchell "thought the subpoena was going to be withdrawn."

Vesco, said Sears, was sure the SEC was trying to bore in on the transfer of \$250,000 from a bank in Nassau to Barclay's Bank here, suspecting that the money was a secret campaign contribution (and \$200,000 of it was).

"Vesco," said Sears, ". . . told me . . . he was going to assert the Fifth Amendment or assert his constitutional privileges and wasn't going to testify and he made a statement to the effect, 'I hope the hell I make them happy because that is really just like another contribution.'"

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Sears testified that Vesco "was positive that the [the SEC staff] were attempting to make a connection between that transaction and a contribution."

"He said, as I recall it, in substance, that 'those bastards would like nothing better than to nail me and the President to the wall together,' or words to that effect."

"Vesco said, as he put it, 'There's no way that I am going to testify. This would blow the lid because the interpretation on it by the media on this is going to tie the contribution to the SEC investigation in some way.'"

"He said, 'It's going to be blown up like the ITT affair.'"

"And he said, as I recall it, 'Nixon may survive some of the other things but this would be the crusher,' or words to that effect. He said, 'I wish you would get hold of John Mitchell and tell him about this, and see what his reaction is and whether or not there's anything he can do.'"

Sears said that when he told Mitchell, the former attorney general suggested trying to get the date for Vesco's appearance postponed.

"As best I recall," Sears testified, "Mr. Mitchell indicated to me that he certainly hoped that we could get beyond the

election day, words to that effect.

"I indicated I hoped so, too. And I recall my saying, 'Do you think that it is possible?'"

"And he said, 'Well, I would certainly hope so, if they have any concern for the President of the United States.'"

After Vesco had gone to the SEC and taken the Fifth Amendment, Sears told Mitchell about it.

"I am sure Mr. Mitchell said, 'Please tell Bob that I am grateful,' or in substance, words to that effect."

Soon thereafter, however, four of Vesco's associates who knew about the money transfer were subpoenaed to appear before the SEC in its investigation of Vesco and his companies. So again Sears went to Mitchell, he said.

"What if anything do you think can be done?" Sears recalled asking Mitchell.

"And Mr. Mitchell said,

'Well... don't tell Vesco—but this time I will go through the White House. I am going to talk to John Dean.'"

Sears also testified that Vesco told him that the president of Costa Rica, Jose Figueres, had written to Mr. Nixon telling the President that he was concerned about the SEC investigation.

Vesco at the time was making heavy investments in Costa Rican enterprises.

The letter, Sears said, expressed Figueres' "concerns and (let) the President know that he hoped in some way the situation... could be ameliorated."

That letter, introduced into evidence, carried the sentence: "Mr. John Mitchell, your former Attorney General, is familiar with the matters."

Sears will continue testifying when the trial resumes on Monday.