

Mitchell Trial

Vesco Case Fix Attempt Denied

New York

Government witness Harry Sears testified yesterday that he never asked former Attorney General John N. Mitchell to "fix" financier Robert L. Vesco's fraud case with the Securities and Exchange Commission.

"Never, at any time," Sears said at the federal criminal conspiracy trial of Mitchell and former Commerce Secretary Maurice H. Stans.

In cross-examination, Sears was taken back over a series of meetings he had with Mitchell on behalf of Vesco, a secret \$200,000 contributor to President Nixon's 1972 re-election campaign.

Mitchell's attorney, Peter Fleming Jr., then asked:

Q There was nothing clandestine, was there, Mr. Sears.

A—No, sir. There wasn't.

Q—Do you know what "to fix a case" means?

A—Yes.

Q—Did you attempt to fix the Vesco case with Mr. Mitchell?

A—No, sir.

Q—Did you ever ask Mr. Mitchell to fix the Vesco case?

A—Never, at any time.

Vesco's \$200,000 contribution to Mr. Nixon's campaign is at the heart of the government's case against Mitchell and Stans, who are accused of impeding an SEC fraud investigation into Vesco's international financial operations, in return for the

Sears, former Republican majority leader of the New Jersey state Senate, was in-

dicted with Mitchell and Stans but was granted immunity from prosecution for his testimony on behalf of the government. Vesco also was indicted but fled the country.

Under direct examination for the better part of five days, Sears had testified that he turned over the contribution to Stans in Washington on April 10, 1972, then went to Mitchell's office. The two defendants had quit their cabinet job to direct Mr. Nixon's re-election campaign.

There was further testimony that Sears told Mitchell of the exchange of money and that the latter then picked up the telephone and money that Sears told Mitchell picked up the telephone and arranged for Sears to meet that same day on Vesco's behalf with the then-SEC Chairman William Casey.

Fleming asked Sears if Mitchell hadn't promised the meeting with Casey a month before the contribution was made, depending only upon when the SEC chairman was available.

"That's correct," Sears said.

Sears said he wanted to see Casey personally so that he could present Vesco's side of the story before staff investigators of the SEC took any fraud action against the financier.

Q — At all your meetings with Mr. Casey, did you ask for anything more than that?

A — Never more than that.

Q — Isn't that what you

told Mr. Mitchell and all that you told him in that regard?

A — Exactly what I told him.

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