

Sears Denies Trying to Fix Vesco Case

By Stephen Isaacs
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NEW YORK, March 12—

Harry L. Sears, a key prosecution witness in the trial of John N. Mitchell and Maurice H. Stans, insisted under cross-examination today that he did not try to "fix" a case against financier Robert L. Vesco through Mitchell.

After five days of direct testimony in which he described meetings with and calls to Mitchell in Vesco's behalf, Sears testified this afternoon. . . . I know of absolutely no attempts that were ever made to 'fix' the SEC matter."

"Did you attempt to fix the Vesco case through Mr. Mitchell?" asked Peter E. Fleming Jr., Mitchell's attorney, during the morning.

"No, sir," replied Sears.

"Did you ever asked Mr. Mitchell to fix the Vesco case?"

"Never at any time," Sears declared.

Former Attorney General Mitchell and former Commerce Secretary Stans are accused of conspiracy, obstruction of justice and lying to a grand jury in connection with Vesco's secret \$200,000 payment to the Nixon re-election campaign in return for the Cabinet officers' assistance in impeding an investigation of Vesco by the Securities and Exchange Commission.

Sears, originally indicted in the case along with the two former Cabinet officers and financier Robert L. Vesco, is testifying for the prosecution.

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in return for virtually total immunity for himself.

He has described himself as a friend of Mitchell growing out of their work for Mr. Nixon in the 1968 presidential campaign. Sears was majority leader of the New Jersey senate until 1971, an unsuccessful gubernatorial candidate in 1969 and headed Mr. Nixon's New Jersey campaign in 1972.

The government is alleging that Sears failed in his attempts to get a hearing on Vesco's matters with then-SEC chairman William J. Casey until April 10, 1972 — the day Sears and another Vesco employee, Laurence B. Richardson Jr., delivered \$200,000 in \$100 bills to Stans.

Under Fleming's questioning, Sears said that he never wanted more than a fair hearing at the SEC for Vesco — which Sears felt Vesco was not getting. Vesco felt the investigative staff of the commission was harassing him unfairly.

"In all of your meetings with Mr. Casey . . . did you ask for anything more than a fair hearing?" asked Fleming.

"Never more than that," said Sears.

"An opportunity before action was taken to present as fairly and fully as it could be presented, ICC's and Vesco's side of the story?"

"I have so testified and that's what I did," replied Sears.

ICC is International Controls Corp., Vesco's principal firm, which was the object of the SEC's scrutiny.

At yet another point, Fleming asked:

" . . . Am I correct that, at

least insofar as you are concerned, there is absolutely no connection between the contribution and the meeting with Casey?"

"Absolutely none," said Sears, firmly.

"Absolutely none?" asked Fleming, his eyebrows arching.

"Without question," said Sears.

Fleming also tried to draw the implication that it was quite logical for Mitchell as Attorney General of the United States to trust a man like Harry Sears and what he said — that Mitchell's efforts were only what Attorneys General are supposed to do.

"Am I correct that by reputation you were known as the honest politician in New Jersey?" asked Fleming at one point.

"I've been called that . . .," replied Sears.

"Do you know whether John Mitchell was aware of that reputation?" Fleming asked.

"I have personal knowledge that he became aware of it at one point in time because the first time I met him he told me that."

"And in fact that's a rough state for politicians, New Jersey?"

At that point, U.S. District Court Judge Lee P. Gagliardi sustained an objection to the question.

On re-direct examination, Sears bridled when prosecutor John R. Wing tried to elicit testimony as to why Sears' answers here varied from those he had given before the grand jury that indicted the four, and why he seemed so reluctant.

Wing tried to get Sears to admit that he was afraid of losing his license to practice law. Sears was adamant in saying that if he had not been given immunity, he would have remained a defendant.

But, said Sears proudly: "I have absolute conviction that I have committed no crime and I don't fear any consequence."

But Wing, his tone rough, then asked if it wasn't true that "you were taking \$10,000 to get John Mitchell to help get Vesco out of jail" in Switzerland in 1971.

Almost shouting, Sears spat back:

"That is an absolutely false statement, Mr. Wing."