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**Sears Denies Bid to 'Fix'
Vesco Case With Mitchell**

By MARTIN ARNOLD

A Government witness testified yesterday under cross-examination that "never at any time" did he ask John N. Mitchell to "fix" a case for Robert L. Vesco, the financier, who is now a fugitive.

The witness, Harry L. Sears, a former Vesco associate and a former Republican majority leader of the New Jersey Senate, was asked by Peter Fleming Jr., one of Mr. Mitchell's attorneys, if he knew what "fix a case means?"

"Yes, sir," he replied.

"Did you attempt to fix the Vesco case through Mr. Mitchell to fix the Vesco case?"

"No, sir," was the answer.

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

"Never at any time," Mr. Sears replied.

Mr. Mitchell, former Attorney General, and Maurice H. Stans, former Secretary of Commerce, are accused of perjury, obstruction of justice and conspiracy in attempting to impede a Securities and Exchange Commission investigation of Mr. Vesco in return for a secret \$200,000 contribution by Mr. Vesco to President Nixon's re-election campaign.

Mr. Vesco and Mr. Sears were named defendants in the case, but Mr. Vesco fled the country. Mr. Sears' case was severed from the rest. He was then granted full immunity to testify for the Government. John W. Dean 3d, the President's former counsel, is an unindicted co-conspirator.

Yesterday, during Mr. Sears' sixth day on the witness stand in United States District Court here, a good part of the defense strategy appeared to be

Continued on Page 26, Column 5

Continued From Page 1, Col. 7

emerging: To depict the alleged conspirators as a group of clubby good-fellows who were only doing for each other what friends normally do for each other—help out.

Under Mr. Fleming's questioning, Mr. Sears insisted that Mr. Mitchell had only attempted to get Mr. Vesco a "fair" hearing before the S.E.C.; not to fix the case. And, further, that Mr. Mitchell, who was then a leader of the Nixon campaign, agreed to do this even before the former Attorney General knew that Mr. Vesco planned to make what

turned out to be the \$200,000 donation.

Mr. Fleming elicited from Mr. Sears, for instance, that Mr. Vesco had contributed many thousands of dollars to charity—including \$35,000 to a hospital—and it was not until the end of the day when he was under re-direct examination by the Government that Mr. Sears conceded, "Mr. Vesco had a habit of making personal contributions with corporate funds."

Under defense questioning, Mr. Sears, for his part, was for the first time clearly happy to be testifying since he stated that he still considers John Mitchell a good friend and he seemed anxious to help him out.

Mr. Sears, a large man with a round face, a bald head and black rimmed glasses, crossed his arms on the witness stand, leaned into the microphone, and told how Mr. Mitchell arranged for him, on Mr. Vesco's behalf, to meet with William J. Casey, then chairman of the S.E.C.

Questioned on Meeting

"Am I correct that there was no connection between the contribution and your meeting with Mr. Casey?" Mr. Fleming asked.

"Absolutely none," was the answer.

Was not such a meeting promised a month earlier than the contribution, Mr. Fleming asked.

"That's correct," was the answer.

Previously, under direct examination by John R. Wing, the chief Government prosecutor, Mr. Sears had testified that the meeting was set up between himself and Mr. Casey on and for the day—April 10, 1972—that the \$200,000 cash contribution was turned over to Mr. Stans, and that it was arranged after the contribution had been made.

But Mr. Fleming, the defense counsel, did not go into this. Instead, with a smile on his face, he asked Mr. Sears if he had ever met with Mr. Mitchell on street corners, or in other unusual places. Did they ever use a code with each other? Did Mr. Mitchell ever call Mr. Sears from a public, pay telephone? And, in like good humor, Mr. Sears answered, "No, sir," to each such question.

An Air of Solemnity

Mr. Fleming, like a fine actor, can affix solemnity to his face as easily as he can ask a question. So, switching facial expressions, he then asked, "There was nothing clandestine was there, Mr. Sears?"

"Never at any time," answered the witness.

At one point Mr. Fleming, by

this time almost say, said to Mr. Sears, "I suppose I shouldn't ask you this question, but have you ever been arrested [prior to this case]?"

"No sir," was the answer.

"And as of Jan. 1, 1972, to take an example, am I correct that by reputation you were known as the honest politician in New Jersey?"

"I've been called that. The assessment has to be somebody else's. I have my own," said Mr. Sears, inclining his head down so that his chin was nearly touching his necktie. Mr. Fleming then developed that Mr. Mitchell knew of Mr. Sears' honorable reputation.

Later under re-direct examination, Mr. Wing wanted to know whether Mr. Sears' New Jersey constituents knew that the witness had "taken \$10,000" from Mr. Vesco to get the financier out of a Swiss jail.