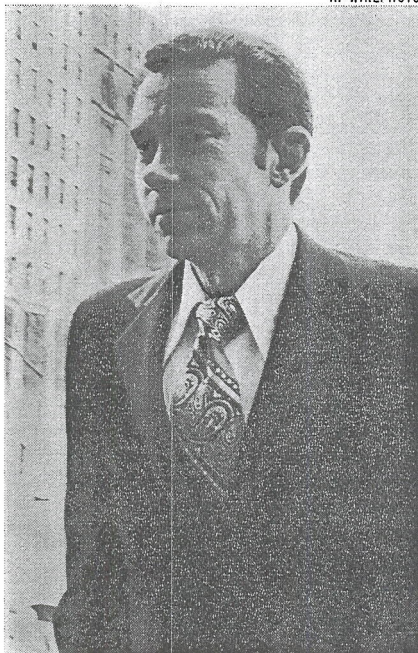




PROSECUTION WITNESS F. DONALD NIXON



DEFENSE WITNESS EDWARD NIXON

TRIALS

The Brothers Nixon

The witness with the round, florid face had barely settled into the chair when he was asked by the clerk of court to spell his last name.

Startled, he asked: "Beg your pardon?"

"Spell your last name, please," said the clerk, following his normal routine. "N-i-x-o-n."

With that, F. Donald Nixon, 59, one of the President's two brothers, began to testify for the Government last week at the trial of former U.S. Attorney General John Mitchell, 60, and former Secretary of Commerce Maurice Stans, 66, who are charged with conspiracy, obstruction of justice and perjury. Don Nixon was later followed to the stand by the second brother, Edward C. Nixon, 43, who appeared for the defense. For Nixon family watchers, the cameo roles played by the two brothers were a bonanza. The two men seldom venture into the glare of publicity. Indeed, Don Nixon had tried to beg off testifying because of heart trouble, but Federal Judge Lee P. Gagliardi ordered him examined by a physician and then decided that he should appear.

The prosecution hoped that Don Nixon would be able to link Mitchell with New Jersey Financier Robert Vesco (*see* PRESS), who made a secret, \$200,000 contribution to the 1972 presidential campaign. In exchange for the gift, Mitchell and Stans are accused of trying to hinder an investigation by the Securities and Exchange Commission into a \$224 million stock fraud allegedly committed by Vesco and associates.

Don Nixon was of little help to the Government's case. While he readily admitted knowing both Mitchell and

Vesco—in fact his son, Donald A., has even worked as an aide to Vesco—he had no major revelation to add about the relationship between the two men. Nixon did say that he had helped Vesco get in touch with Mitchell at one point in 1972. But his testimony was so confusing that it could have been interpreted as showing that the onetime Attorney General was resisting the moneyman rather than cooperating with him.

The most fascinating part of Don Nixon's testimony involved not Mitchell but Richard Nixon. Although he is now a vice president of the Marriott Corp., the hotel and restaurant chain founded by J. Willard Marriott, friend and financial backer of the President, Don Nixon has a history of stumbling into embarrassing business deals. During his rambling, flustered performance in court, he revealed just how carefully his brother has kept him at arm's length from the White House. Said he: "John Mitchell is a man that I was delegated—that designated that I should talk to him about any matter pertaining to—in other words I never talk to my brother about anything, and John Mitchell was the man that I was assigned to."

Drink Nurser. When it was his turn to testify, Ed Nixon came on as the eternal, jug-eared kid brother of the family. His face is longer and thinner, but he bears a remarkable resemblance to the President. When he talks—confidently and fluently—his hands even move in the same eager way. A geologist, he now works as a consultant on environmental affairs.

Ed Nixon supported the defense's contention that Stans had not explicitly requested Vesco to make the gift in cash—a key point in the case. Nixon told how Vesco, a casual acquaintance, had asked him to find out from Stans how he should make his contribution—in

cash or by check. At the time, Nixon was employed by the Committee for the Re-Election of the President. Nixon recalled how he had waited for Stans on March 29, 1972, in the Metropolitan Club in New York City, sitting back in a corner and worrying that his single Bloody Mary would not last through the long afternoon. Finally, Stans walked in. The fund raiser then told him, said Nixon, that he did not care how Vesco paid. But, declared Nixon, Stans also suggested that if Vesco wanted to keep his gift anonymous, he should pay in cash. On balance, Ed Nixon seemed to be a plus for the defense.

After five weeks of trial, the prosecution last week rested its case. Judge Gagliardi denied a *pro forma* defense motion to dismiss all the charges against Stans and Mitchell, though he did toss out one count of obstructing justice. That left 15 others standing against the two former Cabinet officers.