

# Sears Tells Of Aid Plea To Mitchell

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NEW YORK, March 5 —

Harry L. Sears testified here today that he tried to use his friendship with John N. Mitchell to help his own chief political contributor, Robert L. Vesco.

Sears, former majority leader of the New Jersey Senate and a one-time candidate for the Republican gubernatorial nomination in his state, told how he first met Mitchell as Mitchell was running Richard Nixon's campaign for the 1968 Republican presidential nomination.

Mitchell sat directly in front of the witness stand, taking notes, as Sears spoke of their friendship and how he started moving in on Mitchell when Mitchell was Attorney General to seek help for Vesco.

Mitchell, along with former Commerce Secretary Maurice H. Stans, is on trial here on charges of obstruction of justice, conspiracy and perjury in connection with Vesco's secret \$200,000 cash payment to President Nixon's 1972 campaign in return for their intervention in an investigation of Vesco by the Securities and Exchange Commission.

Sears originally was indicted in the case along with Mitchell, Stans and Vesco. Today, Sears was granted "transactional" immunity in exchange for his testimony, meaning that in effect he has total immunity from prosecution in all transactions his testimony describes, unless he lies.

Vesco is a fugitive and is now believed to be in Nassau or Costa Rica.

Sears said that Vesco first brought his problems with the SEC to Sears' attention after he had filed suit in New Jersey federal court to try to keep the SEC from harassing him.

Although U.S. District Court Judge Lee P. Gagliardi later instructed the jury to disregard Sears' testimony about this, he told how Vesco "asked me if I know the judge that

had been assigned to the case."

"Well," Sears quoted Vesco as saying, "I really would like to find some way to at least let this man know, the judge know, that I am not a bad guy just because I am suing the United States government".

Judge Gagliardi agreed to defense counsels' motion to strike this testimony since it alleged a crime that the gov-

See MITCHELL, A5, Col. 1

## MITCHELL, From A1

ernment was not prosecuting here.

Vesco eventually lost that case, before Judge Reynier J. Wortendyke, and also lost an appeal of that decision.

Soon thereafter, Sears said, Vesco talked to him about the SEC's investigation of his company, International Controls Corp. and its relationship to Bernard Cornfeld's old Investors Overseas Services, Ltd, a Swiss-based financial company.

Sears testified:

"Mr. Vesco said that despite the fact that he was assured that this whole thing was some kind of a witch hunt . . . that there were certain things that he would like to get to the attention of the commission—that is, the SEC.

"He asked me if I could use my good offices with Mr. Mitchell and write to him and bring these things to his attention. . . ."

Sears testified that on May 18, 1971, he wrote to Mitchell, while Mitchell was still Attorney General, but sent the letter to Mitchell's home at the Watergate apartment complex rather than to the Justice Department to make sure Mitchell would get it.

Sears enclosed a copy of a letter Vesco had told him he had sent to the chairman of the SEC saying that the SEC staff had been harassing him.

Sears said he had then telephoned Mitchell at the Justice Department on June 11 and again discussed Vesco's SEC problems with him, and discussed the New Jersey suit.

"I told Mr. Mitchell that Bob had been very much concerned about this whole SEC matter," testified Sears, "that he considered himself a friend of the Nixon family, that he was friendly with Don and Ed Nixon, and that he considered

himself a good supporter of the President, and that he was afraid that this whole thing, the way it had developed, would be viewed out of context by the administration. . . .

"Mr. Mitchell made some kind of comment, I obviously can't remember what it was, but I do recall during the conversation that he said, 'Well, I'll pass it along to Bill Casey or I will chat with Bill Casey about it,' or words to that effect."

William J. Casey, now under secretary of state for economic affairs, was then chairman of the SEC.

Sears said that on June 17 he sent another letter to Mitchell and then, on July 6, he saw Mitchell in his Justice Department office.

At that meeting, said Sears, he reminded Mitchell "that Vesco was a very good friend of mine, that he had been my principal financial supporter in the campaign and that he was asking for help, and that if it could be properly given, I would like to be able to help him. . . ."

He testified he discussed the SEC-Vesco matter in detail with Mitchell. "Mr. Mitchell said that he didn't know whether anything could be done but that he would talk to Bill Casey at some opportunity," Sears said.

Sears said his next contact with Mitchell in Vesco's behalf came at 11:05 a.m. on Nov. 30, 1971, when he asked Mitchell's help to get Vesco out of jail.

Vesco, he said, had been arrested in Switzerland and held in jail without bond "on some kind of a complaint that was brought against him by a dissident IOS stockholder."

Mitchell called him the next day, Sears said, and told him that he had been able to get word through, and that Vesco had been released.

Vesco gave Sears \$10,000 for his help in the matter, Sears testified.

Before Sears took the witness stand this morning, prosecutors failed in an attempt to introduce evidence of phone conversations made by Vesco when he was staying on Paradise Island in Nassau in 1972. As it turned out, the prosecutors had not subpoenaed some of the records needed.

Assistant U.S. Attorney John A. Lowe, in trying to authenticate the records, asked Raymond Gore, Paradise Is-

land vice president, "Did you bring with you today the records of the Ocean Club for the period March, 1972?"

"No, I did not" replied Gore. "I was not requested to."

Then before the jury, an embarrassed Lowe inquired when Gore might be able to bring those and other records to court. Lowe had similar problems with prospective evidence on Monday.