

Tapes Might Help Mitchell, Stans

NEW YORK, Feb. 2, (UPI)—U.S. District Court Judge Lee Gagliardi indicated today that some portions of a taped conversation between President Nixon and former White House counsel John Dean might be helpful to the defense of former Nixon Cabinet member John N. Mitchell and Maurice H. Stans in their conspiracy trial this month.

Gagliardi made the statement in Manhattan federal court during a pre-trial hearing in the Mitchell-Stans case.

Mitchell and Stans are to go on trial Feb. 19 on charges of obstructing an investigation into the financial activities of financier Robert L. Vesco in return for a \$200,000 gift to Mr. Nixon's 1972 re-election campaign.

Gagliardi said he had reviewed the tape of the March 20, 1973, Nixon-Dean conversation turned over to him by the U.S. attorney's office and "it appears to me there is some Brady material there."

The reference was to a 1963 case, *Brady vs. Maryland*,

which established that the prosecution in a criminal trial is compelled to turn over material which may be helpful to the defense.

The March 20 tape was the second presidential tape reviewed by Gagliardi, and prosecutors agreed today to make a third available to him.

The earlier tape heard by the judge covered a Feb. 28, 1973, conversation between Dean and the President. According to Dean, the Feb. 28 conversation followed reports

that Vesco's contribution was being investigated and the President wanted to know if his brother, Edward Nixon, was involved.

Neither Mitchell nor Stans was present at today's hearing, which focused on subpoenas by defense attorneys for other records, tapes and memos, including exchanges between Dean and campaign treasurer Hugh Sloan and between Dean and former White House chief of staff H. R. (Bob) Haldeman.