

NY Times APR 11 1974  
**MITCHELL DENIES  
VESCO 'FIX' CHARGE**

**He Testifies in Own Defense  
That He Never Tried to  
Impede S.E.C. Inquiry**

By MARTIN ARNOLD

John N. Mitchell took the witness stand in his own defense yesterday and swore that he never tried to "fix" or impede a Federal investigation in return for a contribution to President Nixon's re-election campaign.

Mr. Mitchell appeared to be calm, assured and casual, only the image was partly destroyed by the fact that much of his testimony was stippled with "I do not recall" and "I have no recollection."

The former Attorney General did, however, rebut directly the testimony of four Government witnesses, including John W. Dean 3d, the former counsel to the President.

**A Sudden Decision**

The decision to put Mr. Mitchell on the witness stand was sudden. Only recently a defense attorney said that he would not testify for about 10 more days.

But on Tuesday Federal District Judge Lee P. Gagliardi made two rulings that seriously limited the defense's proposed testimony, and so Mr. Mitchell was put on the stand. Apparently his lawyers expect a large part of the burden of his defense to rest on his testimony and the impression he makes on the jury.

Mr. Mitchell and former Secretary of Commerce, Maurice H. Stans, who were leaders of the Nixon re-election campaign, are charged with perjury, conspiracy, and obstruction of justice for allegedly attempting to impede and quash an S.E.C. investigation of Robert L. Vesco, the now fugitive financier, in return for a secret, \$200,000 cash contribution that Mr. Vesco made to the President's campaign.

"Did you do anything in this period of time to quash or fix the Vesco investigation?" he was asked by Peter Fleming Jr.,

Continued on Page 23, Column 1

Continued From Page 1, Col. 5

his lawyer.

"No, sir," he answered.

"On your oath, to fix or quash it?"

And again Mr. Mitchell answered that he had not.

He took the stand immediately after the jury returned from luncheon and testified for nearly three hours. As he walked from his defense table to the witness chair, Mr. Fleming patted him on the back. It was the 36th day of the trial, and Mr. Mitchell was the 51st witness called, the 12th for the defense.

He was wearing a dark blue suit, and blue tie with red and white stripes, and he held in his hands some papers and his eyeglasses. He sat with his legs crossed and answered questions quietly, on occasion with a touch of asperity, such as when a Government witness was quoted to him and he was asked if he had done what that witness said he had done.

"Absolutely not, I'm not in the practice of dealing in non sequiturs," he said.

Mr. Mitchell will continue his direct examination when the trial resumes on Monday, and then will be followed shortly thereafter as a witness by Mr. Stans.

At the conclusion of yesterday's testimony, Mr. Mitchell was asked outside the court how he felt, and he said, "Like the last time."

Was he referring then to Watergate, a reporter asked him.

"Never heard of the subject," he replied.

"Do you feel better that you said something to the jury," he was asked, and he answered, "It's nice to be part of the action."

On the witness stand, Mr. Mitchell testified that he involved himself only once in the S.E.C.-Vesco investigation, and that was when he called William J. Casey, then chairman of the commission, but he said that he did not call him to impede the investigation.

"On the contrary, I thought it would be in furtherance," he said.

His testimony started with his lawyer leading him through a series of questions about his family background, his education, his career as a lawyer and as public official.

At one point, he said that he had "made the mistake" of entering into politics just before Mr. Nixon's Presidential campaign in 1968, a campaign that Mr. Mitchell managed.

**Tells of Background**

He told of having worked his way through Fordham Law School at night, and of commanding a squadron of motor torpedo boats in the Pacific in World War II, the squadron in which a young Navy officer named John F. Kennedy served.

Mr. Mitchell said he had stayed with the same law firm from the time he served it as a clerk until he became a partner, and it finally merged with a firm headed by Richard M. Nixon.

Mr. Mitchell said his relationship with Mr. Nixon had been "a rather close relationship." As an outgrowth of that relationship, he added, "I made the mistake that so many people make in getting involved in politics."

"I was invited to a meeting," he continued. "It developed that in about four or five months someone had to run the [1968] campaign. I was the unfortunate one."

The testimony that Mr. Mitchell gave, when he got beyond his background, was often contrary to testimony given by other witnesses.

Harry L. Sears, a reluctant Government witness, has testified in this trial that he first spoke to Mr. Mitchell about Mr. Vesco's problems with the S.E.C. on Jan. 12, 1972, but Mr. Mitchell said that he had no recollection of such a conversation. Mr. Vesco and 41 others have been accused of defrauding investors of \$224-million.

Mr. Sears, a former New Jersey Republican leader, who was indicted in this case but was granted immunity in return for his testimony, also testified that exactly 2 years from yesterday, on April 10, 1972, Mr. Mitchell called Mr. Casey and asked him to arrange a meeting with representatives of Mr. Vesco to discuss the investigation. At the Mr. Casey was chairman of the S.E.C.

Asked if he had any recollection of such a telephone call, Mr. Mitchell replied, "None whatsoever."

He said that he remembered April 10, 1972, but that he had "no recollection" of what they discussed, other than politics.

April 10, 1972, was the day that Mr. Vesco's \$200,000 cash contribution was handed over to Mr. Stans, and Mr. Sears said he informed Mr. Mitchell of that on that date. But Mr. Mitchell testified that he did not recollect learning about the \$200,000 at that time.

Did Mr. Sears ever ask him to do anything other than to call Mr. Casey and arrange a meeting with him to discuss the Vesco case, the witness was asked. At the time Mr. Sears made that request, he was a Vesco lawyer and associate.

"Other than make a call?" Mr. Mitchell answered, "Not then or at any other time."

Mr. Mitchell also gave testimony that contradicted John Dean's. Mr. Dean had testified, for instance, that Mr. Mitchell called him and asked him, while he was counsel to the President, to call Richard G.

Kleindienst, then the Attorney General.

At the time Mr. Mitchell had just testified before the grand jury that was to return the indictments in this case. According to Mr. Dean, Mr. Mitchell felt the grand jury was "a runaway" jury, and Mr. Mitchell wanted Mr. Kleindienst to intervene.

Asked if he had done this, Mr. Mitchell said, "No sir, I did not."

Mr. Casey has testified that he had received a call from Mr. Dean, a call that Mr. Dean said

was made at Mr. Mitchell's behest, in an effort to get the testimony of four S.E.C. witnesses postponed until after Election Day, 1972. Mr. Mitchell denied this.

Mr. Dean has testified that Mr. Mitchell was considered one of the "keepers" for Donald A. Nixon, the President's nephew, but Mr. Mitchell said yesterday that he had never met or talked to Donald Nixon, the nephew.

Mr. Sears had testified that he told Mr. Mitchell long before April 10, 1972, that Mr. Vesco intended to make a large contribution to the Nixon campaign in 1972.

"Did you have any knowledge of Vesco's intention to make a contribution?" Mr. Mitchell was asked by Mr. Fleming.

"No, sir," was the reply.

The last time a former Cabinet officer was charged with a crime was when Harry M. Daugherty, an Attorney General under President Harding, went on trial in 1926 for a fraud conspiracy involving \$6.5-million. His trial an out-

growth of the Teapot Dome scandal, ended in a hung jury. That same year Albert B. Fall, President Harding's Secretary of Interior, was convicted of bribery, fined \$100,000 and sent to prison for one year, the first former Cabinet officer to serve a prison term.

There will be no trial today because a juror has to go to his father-in-law's funeral, and there is no court tomorrow because of Good Friday. Mr. Mitchell will return to the witness stand on Monday morning.