

Mitchell Indictment Excerpts

NEW YORK, May 10—Following are excerpts from the indictment of John N. Mitchell, Maurice H. Stans, Harry L. Sears and Robert L. Vesco:

From on or about March 1, 1971, up to and including the date of the filing of this indictment, the defendants, and other persons to the Grand Jury known and unknown, unlawfully, wilfully, and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses against the United States . . . by interfering with and obstructing . . . lawful governmental functions by deceit, craft, trickery and means that are dishonest.

It was a part of said conspiracy that the defendants and co-conspirators would and did corruptly and by threats and by threatening communications, endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation of and subsequent legal proceeding against Robert L. Vesco . . . and others by the Securities and Exchange Commission . . .

The defendants and co-conspirators would and did wilfully endeavor by means of misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to violations of criminal statutes of the United States by persons to attorneys and investigators duly authorized by the Securities and Exchange Commission to conduct or engage in investigations of violations of criminal laws of the United States . . .

The defendants and co-conspirators would and did interfere with and obstruct the lawful governmental functions of the SEC and GAO by concealing and attempting to conceal by deceit, craft, trickery and dishonest means, the true facts relating to a secret cash campaign contribution by the defendant Robert L. Vesco.

It was further a part of said conspiracy that . . . Vesco would and did make a secret contribution of \$200,000 in cash for the use of the Committee for the Re-election of the President, the largest cash contribution ever received by the committee . . .

Following the receipt of said contribution by the committee, its chairman, . . . Mitchell, would and did arrange for . . . Sears to meet with William Casey, chairman of the SEC, to discuss the SEC's investigation . . . without advising Casey of the fact that such a secret cash contribution had been made . . .

Stans would and did conceal the origin of the Vesco contribution from members of the finance committee staff, would and did cause incomplete records to be made, would and did thereafter cause such records to be destroyed, and would and did cause false and fraudulent reports to be filed with GAO in order to conceal the Vesco cash contribution and the uses to which it was put.

It was further a part of said conspiracy that . . . Mitchell would and did cause John W. Dean III, the counsel to the President of the United States, to communicate with Casey . . . to seek postponement of the return date of SEC subpoenas served on employees of International Controls Corp. in order to prevent or delay disclosure by them of facts relating to the secret Vesco contribution.

. . . Stans would and did cause G. Bradford Cook, counsel to the SEC, to delete all specific references to the \$250,000 in cash delivered to Vesco's office on April 6, out of which the secret Vesco contribution was made, from the draft of the proposed SEC civil complaint . . .

. . . Stans would and did cause Cook . . . to request the SEC staff not to file transcripts of testimony relating to the said \$250,000 with the United States District Court for the Southern District of New York

Among the means by which the defendants and co-conspirators would and did carry out the aforesaid conspiracy were the following:

. . . Vesco would and did arrange with . . . Sears to have Sears speak with the Attorney General of the United States, defendant John N. Mitchell, about the SEC investigation of Vesco with the intent of having Mitchell exert his influence on the SEC on behalf of Vesco, ICC, IOS and others.

. . . Sears would and did ask . . . Mitchell to speak with Casey . . . about the SEC investigation of Vesco . . .

. . . Vesco would and did pay and promise to pay . . . Sears substantial sums of money in return for Sears requesting . . . Mitchell to exert his influence on the SEC on behalf of Vesco, ICC, IOS and others . . .

. . . Sears would and did

ask . . . Mitchell to arrange a meeting between Sears and . . . Casey to discuss the SEC investigation of Vesco.

. . . Vesco would and did meet with . . . Stans and discuss the SEC investigation of Vesco. At that meeting . . . Vesco would and did offer to give at least \$250,000 and possibly \$500,000 to the Committee for the Re-election of the President with the intent of having . . . Stans, . . . Mitchell and others exert their influence on the SEC on behalf of Vesco, ICC, IOS and others. At that meeting . . . Vesco would and did accede to Stans' request to give \$250,000 in cash before April 7, 1972.

On or about March 8, 1972, immediately after his meeting with . . . Stans . . . Vesco went to the office of the chairman of the committee for the Re-election of the President, defendant . . . Mitchell, to discuss the SEC investigation.

Shortly thereafter, . . . Stans and . . . Mitchell discussed the proposed contribution from . . . Vesco.

At about 11:00 a.m. on April 10, 1972 . . . Sears and Laurence B. Richardson would and did deliver \$200,000 in cash to . . . Stans at which time Richardson gave Stans a message from Vesco to the effect that Vesco wanted help on the SEC investigation.

At or about 1:00 p.m. on April 10 . . . Sears would and did meet with . . . Mitchell to advise Mitchell that Vesco's \$200,000 had been delivered to Stans that day.

At or about 4:00 p.m. on April 10 . . . Sears would and

did discuss the SEC investigation of Vesco, ICC, IOS and others with (Casey and Cook) at a meeting arranged by . . . Mitchell earlier that day.

From on or about April 10, 1972, and continuously thereafter . . . Stans would and did fail to report or cause any report to be made to GAO of the fact of . . . Vesco's \$200,000 cash contribution or of expenditures made therefrom as required by federal law.

In May, June, July and August . . . Sears would and did attend additional meetings with Casey and Cook to discuss the investigation . . .

In July . . . Vesco would and did instruct Laurence B. meeting with . . . Stans to determine what Stans was doing to help Vesco in the SEC investigation.

Vesco would and did cause the President of Costa Rica, Jose Figueres, to send a letter addressed to Richard M. Nixon, the President of the United States, specifically referring to the SEC investigation of Vesco and indicating his concern that adverse publicity emanating from the SEC against Vesco might jeopardize the development of Costa Rica as "a showpiece of democratic development" in the Western Hemisphere.

In August . . . Sears would and did meet privately during the Republican National Convention at Miami, Florida, with Casey to discuss the SEC investigation of Vesco, ICC, IOS and others.

In October . . . Vesco would and did threaten to disclose the facts surrounding the se-

cret \$200,000 cash contribution delivered to . . . Stans on April 10, 1972, unless an SEC subpoena issued to Vesco was withdrawn . . . (and) Sears would and did relay Vesco's threat to . . . Mitchell.

On November 15 . . . Mitchell and Stans met in New York and discussed efforts by Stans to cause . . . Cook . . . to change a paragraph in the proposed SEC complaint . . . in such a way as to delete specific references to any transactions involving the \$250,000 . . .

In January and February . . . Stans asked Cook to limit the SEC inquiry relating to Vesco's receipt of \$250,000 cash on April 6 to facts concerning only the source and not the disposition of the money.

The Grand Jury further charges:

From in or about March, 1971, up to and including the date of the filing of this indictment, Mitchell . . . Stans . . . Sears . . . Vesco and other persons to the Grand Jury known and unknown, unlawfully, wilfully and knowingly, did endeavor, by means of misrepresentations and intimidation, to obstruct, delay and prevent . . . Vesco . . . Sears, Richard clay, Laurence E. Richardson, Shirley Bailey, Helen Force and other persons from communicating information relating to criminal violations of the federal securities law to attorneys and investigators duly authorized by the Securities and Exchange Commission to engage in investigations of criminal violations of the securities laws.