

Vesco Case Indictment Challenged by Mitchell

NEW YORK, July 9 (AP)—Former Atty. Gen. John N. Mitchell claimed today that the government improperly interjected the Watergate issue before a grand jury that indicted him over a secret \$200,000 contribution to President Nixon's re-election campaign. He asked that the charges be dropped.

"It presumptively leveraged the grand jury toward indictment," defense lawyers charged in a pretrial hearing. They were joined in their motion for dismissal by attorneys for another defendant, former Commerce Secretary Maurice H. Stans.

Mitchell was in Washington, preparing for an appearance Tuesday before a Senate committee investigating the bugging and burglary last year of Democratic National Headquarters in the Watergate Office Building there.

His lawyers argued in federal court here that his May 10 indictment in the campaign contribution case also affected the Washington hearings by prejudicing "Mr. Mitchell's ability to properly defend himself with regard to Watergate."

Mitchell is expected to deny that he specifically authorized eavesdropping in the Watergate case. Meanwhile, he asked that the government be forced to disclose any "electronic surveillance" it may have used against him in the New York case.

Mitchell and Stans are accused of conspiring to accept the \$200,000 campaign contribution from financier Robert L. Vesco, in return for exerting influence in his behalf during a Securities and Exchange Commission inquiry into his affairs.

They also are accused of trying to cover up the contribution during an SEC hearing that eventually led to a civil suit against Vesco. The money eventually was returned to Vesco.

Other defendants in the

case are Vesco and New Jersey lawyer Harry Sears.

Mitchell resigned as attorney general to head Nixon's re-election campaign, and Stans was his chief fund raiser.

In court papers, Mitchell's attorneys said he was asked before the grand jury last March 20 whether he had ever met with E. Howard Hunt Jr., or Donald Segretti in April 1972, at the Waldorf-Astoria Hotel.

"You must be kidding," Mitchell was quoted in reply. "I certainly did not. I testified previously I've never met either one of them in my life."

"E. Howard Hunt, of course, was well known to this grand jury as one of the convicted Watergate burglars," the defense argued in the motion for dismissal. "Donald Segretti was gaining equivalent fame as the alleged chief political saboteur of the 1972 Republican campaign.

"For all the indictment reveals, the questions about these men had no relevance to the matter under investigation. . . The clear and undoubted impact was to raise at least the suspicion that Mr. Mitchell was tied personally to substantial acts of political sabotage in 1972. It presumptively leveraged the grand jury toward indictment."

Stans claimed his lawyer, Kenneth Wells Parkinson, was summoned here from Washington May 4 for questioning by federal attorneys in connection with the Vesco case.

"The prosecutors in charge of the grand jury intimidated Stans' attorney," the former Cabinet member's motion went on. "Mr. Parkinson was led to believe he was in danger of criminal indictment."

Federal Judge Lee Gagliardi was asked to dismiss the indictment, or else to remove it from New York after an indefinite postponement, because of pretrial publicity.

Gagliardi set no date for ruling on the motions.