

Mitchell Move to Kill Indictments

New York

Former Attorney General John N. Mitchell and former Commerce Secretary Maurice Stans yesterday filed new motions for dismissal of federal grand jury indictments against them in New York on grounds the Senate Watergate hearings have made a fair trial impossible.

Mitchell's lawyer said the Senate Watergate committee has virtually vouched for the fact that Mitchell will be indicted in the Watergate scandal and "perhaps even for his guilt."

Mitchell and Stans said the hearings have made an unprejudiced jury impossible for their trial on charges they tried to obstruct the investigation of a \$200,000 contribution to President Nixon's re-election campaign.

Mitchell asked that if the dismissal motion fails, his New York trial, now scheduled for September 11, be postponed indefinitely.

MOTIONS

In their motions last week, Mitchell and Stans said the government improperly raised the Watergate issue in questions before the federal grand jury which indicted them in New York.

In yesterday's motions, they said news coverage of the Watergate hearings — "The single most publicized event in the history of this nation" — had irretrievably prejudiced their case.

"Future generations," Stans said through his attorney, "should have memorialized the reality that Americans in this era, no matter what their station in life, could, with government

encouragement and aid, be tried and convicted by the public through the sensationalist practices of the news media."

Mitchell and Stans were indicted last May 10 along with financier Robert Vesco, now a fugitive, and Harry L. Sears, a prominent New Jersey Republican. They were accused of conspiracy and obstructing justice in an alleged scheme to influence a federal investigation of Vesco's \$200,000 contribution last year.

INTENT

The probe was into whether the contribution was intended to affect a Securities and Exchange Commission investigation of Vesco's activities.

Mitchell's lawyer, Peter Fleming, said no incident in the nation's history "has received such pervasive, continuous and prejudicial publicity as Watergate."

"It is precisely these deficiencies which have led special Watergate prosecutor Archibald Cox to doubt even the possibility of a fair trial of the ultimate Watergate defendants.

"The (Senate) committee itself has virtually vouched for Mr. Mitchell's ultimate indictment in Watergate, and perhaps even for his guilt," Fleming said.

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