

Stans' Lawyers Ask Delay In Trial; Decision Deferred

By Stephen Isaacs

Washington Post Staff Writer

NEW YORK, Aug. 3—An attorney pleaded for mercy today for Maurice H. Stans, former Secretary of Commerce and Nixon fund raiser, complaining that government actions involving Stans were too numerous.

The attorney, Walter J. Bonner of Washington, repeatedly pleaded for more time to prepare Stans' defense against charges of obstruction of justice, conspiracy and perjury brought against him here.

"I've got a 65-year-old defendant," said Bonner. "It's a wonder the man hasn't had a heart attack."

Stans' principal counsel, Robert W. Barker, said he has been forced to put in 14 and 16-hour days regularly to help Stans.

Bonner said he was assisting Stans on "eight different fronts . . . (among them) the G.A.O., Justice Department, Ervin Committee, the D.C. grand jury, the civil suit (by the Democrats), the Cox investigators," and has had no time to prepare for the trial here.

District Judge Lee P. Gagliardi has set Sept. 11 to start the trial of Stans, fugitive financier Robert L. Vesco and former Attorney General John N. Mitchell.

The three, along with New Jersey GOP politician Harry L. Sears, were indicted May 10 in connection with a se-

cret \$200,000 payment by Vesco to the Nixon Re-Election Committee. The indictment charges that the four conspired to affect an investigation of Vesco-controlled companies by the Securities and Exchange Commission.

The government has consented to trying Sears separately, once the trial of Mitchell, Stans and Vesco is completed. None of the defendants was in court today for Judge Gagliardi's hearing on motions to dismiss the indictment, change venue or, at the least, grant a continuance.

Mitchell's attorney, Peter Fleming, Jr., insisted that a delay at least until Nov. 1 would be appropriate so that he could adequately research statistics and find a jurisdiction somewhere in the United States that was not as permeated as New York with news of Watergate.

And Bonner said he could not understand why so speedy a trial was being pushed.

"I can honestly report," replied Judge Gagliardi, "that this is my oldest active criminal case outstanding. We are under orders of the Court of Appeals to dispose of criminal cases promptly."

Government attorneys contended that a delay in the starting date might push the trial into even worse publicity problems than the

defendants already claim are present.

Assistant U.S. Attorney Kenneth R. Feinberg said that his office had been in touch with the Ervin Committee staff and implied that further televised hearings might be put off as a result.

"The staff has advised us that they are mindful of our Sept. 11 starting date in this case," he said.

Feinberg at one point set Mitchell as attorney general against Mitchell as defendant. Mitchell's attorneys have claimed that the publicity surrounding Watergate makes it impossible to find a proper jury for the case.

"What they're saying, if you read between the lines," said Feinberg, "is that they can never get a fair trial."

He then read the following quotation:

"I refer to the fatuous argument that because Americans read the newspapers and watch television, it is impossible for us to get impartial juries."

Feinberg then identified the author of the quote as John N. Mitchell, speaking as Attorney General of the United States to the National District Attorneys Association on June 9, 1971.

Judge Gagliardi reserved a decision on the motions, but told the lawyers to "proceed on the view that this case is going to go to trial Sept. 11th."