

Dean Held Co-conspirator In the Mitchell-Stans Case

Prosecution Names the Ex-White House Counsel, but Not as a Defendant, in Alleged Plot in Vesco Inquiry

By ARNOLD H. LUBASCH

John W. Dean 3d was named by the prosecution yesterday as a co-conspirator in the criminal case of former Attorney General John N. Mitchell in Federal Court here.

Mr. Dean, who was not named as a defendant, served as White House counsel at the time of the alleged conspiracy to obstruct an investigation of Robert L. Vesco, a New Jersey financier who made a secret \$200,000 cash contribution to President Nixon's election campaign last year.

In presenting more details yesterday about the Vesco case, the prosecution indicated that some of the \$200,000 might have been used later to finance G. Gordon Liddy and others in the Watergate scandal in Washington.

Maurice H. Stans, the former Secretary of Commerce who was head of the Finance Committee to Re-elect the President, is scheduled to go on trial with Mr. Mitchell on Sept. 11 as defendants charged with conspiracy, obstruction of justice and perjury in the Vesco case.

Laurence Richardson and Howard Cerny, two of Mr. Vesco's business associates, were named with Mr. Dean as co-conspirators but not defendants in the alleged scheme to interfere with a major fraud investigation.

Not Being Prosecuted

When someone is named as a co-conspirator but not as a defendant, it means that the prosecution contends that he played a part in the conspiracy and did something to advance it, although he is not being prosecuted.

The principal reasons for not prosecuting a co-conspirator could include the belief that he did not play a large enough part to warrant his prosecution or that he agreed to cooperate and provide testimony to avoid prosecution as a defendant.

One of the defendants in the conspiracy is Harry L. Sears, former Republican leader of the New Jersey State Senate, but the prosecution has agreed to a separate trial for him after the scheduled trial of Mr. Mitchell and Mr. Stans.

Mr. Vesco, the remaining

defendant, went to Costa Rica after the Securities and Exchange Commission accused him last Nov. 27 of the looting of \$224-million from a mutual-fund complex created by Bernard Cornfeld and later controlled by a Vesco corporation.

The prosecution alleged that Mr. Mitchell and Mr. Stans had agreed to obstruct the Vesco investigation in return for the financier's secret \$200,000 campaign contribution.

S.E.C. Meeting Alleged

According to the indictment last May 10, Mr. Sears and Mr. Richardson delivered the cash contribution to Mr. Stans on April 10, 1972, and Mr. Mitchell allegedly arranged for Mr. Sears to meet a few hours later with top S.E.C. officials to discuss the Vesco investigation.

The officials were identified as William J. Casey, then the S.E.C. chairman, and G. Bradford Cook, then the commission's general counsel.

The indictment alleged that Mr. Sears subsequently met several times with Mr. Casey, who later left the commission and is now Under Secretary of State for Economic Affairs.

Mr. Cook, who resigned as S.E.C. chairman a week after the conspiracy indictment, allegedly deleted all specific references to the secret Vesco cash from the commission's complaint at the request of Mr. Stans.

When asked why Mr. Casey and Mr. Cook were not named as co-conspirators, in view of the actions attributed to them in the indictment, the prosecutors said yesterday that they had no comment.

Dean's Rule

The role attributed to Mr. Dean in the indictment was that Mr. Mitchell had caused him to ask Mr. Casey to block facts about the secret Vesco closed during the investigation.

Regarding the other co-conspirators, the indictment alleged that Mr. Richardson had participated in the delivery of the secret cash contribution, but it made no mention of Mr. Cerny, a New York lawyer who worked for Mr. Vesco.