

Mitchell-Stans Trial To Begin on Tuesday

By Philip Greer

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NEW YORK, Sept. 5—The trial of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans will begin here Tuesday morning, but neither the attorney for the government or the defense will be on hand. They will be in an Appeals Court awaiting a hearing on whether the trial should take place.

That was the result of petitions filed today on behalf of Mitchell and Stans requesting a delay in the trial until October at the earliest. Appeals Court Judge Henry J. Friendly ordered a hearing on the motions, at 10:30 Tuesday morning, but did not delay the trial, which is scheduled to begin half an hour earlier.

Mitchell and Stans are charged with attempting to interfere with a Securities and Exchange Commission investigation of fugitive financier Robert L. Vesco, in return for

a secret \$200,000 cash contribution to President Nixon's reelection campaign. Vesco also contributed \$50,000 by check. The entire \$250,000 was returned to him after the SEC filed a \$224 million civil fraud suit against Vesco and 41 other defendants last November.

Vesco, charged with obstruction of justice and perjury with Mitchell and Stans, did not appear at the arraignment and a bench warrant was issued for his arrest. He is believed to be living in Costa Rica, where the courts have turned down U.S. requests for extradition.

New Jersey political leader Harry L. Sears is the fourth defendant, but his trial has been separated from that of Mitchell and Stans.

Government attorneys, informed of Judge Friendly's order this afternoon, said the jury selection process, which

does not require the presence of attorneys at the outset, will begin as scheduled Tuesday morning.

Attorneys for both sides are scheduled to meet with U.S. District Court Judge Lee P. Gagliardi on Monday to discuss the trial procedures. At that time, the judge could order a delay, but government attorneys said there would be no need for that unless the Appeals Court hearing continues through the day.

In their briefs, Mitchell and Stans maintained they have not had enough time to prepare for the trial. They cited their appearances before the Senate Watergate committee and at trials of other suits in Washington and in Florida. Mitchell asked that the trial be put off until Oct. 4, while Stans did not specify a date. Stans' attorneys said they have already spent 1,700 man-hours preparing his defense and 397 man-hours on "other matters" for Stans. Mitchell's New York attorneys said they have worked more than 1,114 man-hours since being retained on May 29.