

Vesco Trial

Mitchell, Stans Given a Delay

New York

John N. Mitchell and Maurice H. Stans won a delay yesterday in the Vesco conspiracy-perjury case — the first trial of former cabinet officials since the Teapot Dome scandal of the 1920s.

In ordering the delay, trial Judge Lee Gagliardi followed a recommendation by an appellate court that he reconsider his previous rejection of a defense plea that the former attorney general and Commerce secretary had not had enough time to prepare their case.

Gagliardi told attorneys for both sides to confer on a "mutually satisfactory trial date" but when they could not agree the judge said he would decide later on a date. The prosecution and Mitchell's attorneys wanted October 11 but Stans' defense said it could not be ready until November 26 at the earliest.

The two former Nixon administration officials were present for Gagliardi's ruling.

The defense attorneys maintained they had spent so much time on the Watergate investigation, in which both defendants are major figures, they had not been able to prepare an adequate defense in the Vesco case.

Mitchell, 60, and Stans, 65, are accused of conspiring to influence a major fraud investigation of financier Robert L. Vesco by the Securities and Exchange Commission. They also are accused of perjury when asked about the case by a grand jury.

A 16-count indictment filed May 10 alleged that Vesco made a secret \$200,000 contribution to President Nixon's re-election campaign last year in exchange for pressure by Mitchell and Stans for favorable treatment in the SEC investigation.

The defense request for a delay went first yesterday to a three-judge panel in the

court of appeals. The appeals panel ruled in a 2 to 1 decision it did not have the authority to grant the request.

In announcing the decision, Judge Henry J. Friendly said that while the court was limited to "final judgments, not collateral or intermediate orders" it was the hope of the panel that Gagliardi would "again consider this matter."

"This court," Gagliardi said, "adopts the suggestion of the court of appeals."

Vesco, a co-defendant in the trial, has been out of the country for at least six months and has three fugitive warrants outstanding against him. A fourth defendant in the case, Harry L. Sears, a prominent New Jersey Republican and lawyer, will be tried later.

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