

Mitchell Requests White House Data

By **ARNOLD H. LUBASCH**

Lawyers for John N. Mitchell have issued a subpoena for any White House tape recordings that might be related to the obstruction-of-justice case involving the former Attorney General.

But the Government moved yesterday to quash the subpoena for tapes and other material, which could produce a hearing on the complex issue before the trial of Mr. Mitchell and former Commerce Secretary Maurice H. Stans in Federal District Court here.

In an affidavit supporting the motion to quash the subpoena, the Government described it as "a broad-ranging blunderbuss fishing expedition."

The Mitchell-Stans trial was scheduled to start last Tuesday, but it was postponed to give the lawyers more time to prepare their defense against charges that the two former Cabinet officers obstructed an investigation for fraud and lied about it to a grand jury.

Judge Lee P. Gagliardi, the presiding judge in the extraordinary case, is expected to announce new dates soon for the trial.

Vesco Involved

The case concerns \$200,000 in cash that Robert L. Vesco, a fugitive financier from New Jersey, secretly contributed to President Nixon's 1972 election campaign in an alleged attempt to impede a Federal investigation of his mutual fund operations.

Harry L. Sears, a New Jersey politician who allegedly acted as a go-between for Mr. Vesco and the two former Cabinet officers, is scheduled to go to trial later, although he could testify in the Mitchell-Stans trial if his lawyers reach an

agreement with the prosecutors.

Under the subpoena from Mr. Mitchell's lawyers, the White House is asked for a wide range of unspecified tapes and documents that might be related even indirectly to the Mitchell-Stans case.

This differs from the efforts of the special Watergate prosecutor, Archibald Cox, and the Senate committee headed by Senator Sam J. Ervin Jr., who are seeking White House tapes of specific conversations between President Nixon and his former counsel, John W. Dean 3d.

Mr. Mitchell's lawyers are expected to urge Judge Gagliardi to enforce their subpoena in a pretrial proceeding.

Defense Strategy

The defense move appeared to be the first effort to imply a possible link directly between the Vesco case and President Nixon, although Mr. Mitchell and Mr. Stans had served as the leaders of the President's election campaigns in 1968 and 1972.

There was speculation that the defense lawyers might be attempting to prepare a new motion to dismiss the case on the ground that they were being denied "exculpatory evidence" that might be contained on tapes that they could not obtain.

The subpoena for the White House tapes was described in the typed transcript of a two-and-a-half-hour conference that Judge Gagliardi conducted in his chambers on Monday afternoon with defense lawyers and Federal prosecutors.

In the 80-page transcript, Peter Fleming Jr., a lawyer for Mr. Mitchell, said that he had issued a subpoena addressed to the White House for mater-

ial covering a 15-month period beginning Nov. 1, 1971.

Mr. Fleming said that the subpoena called for "all books, records, telephone toll records, tape-recordings, notes and memoranda relating in whole or in part, directly or indirectly, to the following: meetings or conversations between any member of the White House staff, employees or President Nixon concerning Harry Sears etc."

John R. Wing, the principal prosecutor in the case, responded in the transcribed conference that "the White House has asked the United States attorney's office to represent them in a motion to quash that particular subpoena."

Judge Gagliardi did not indicate what action he might take regarding the subpoena, which was originally returnable last Tuesday morning, just before the trial was scheduled to start.

When defense lawyers complained that the prosecutors had continued to question witnesses in the case before the grand jury, Mr. Wing revealed that related investigations were continuing.

"There are other investigations which could be called related investigations in that they involve similar people or similar events," Mr. Wing said. "It is by no means a closed matter."

Walter J. Bonner, a lawyer for Mr. Stans, joined Mr. Fleming in objecting to the prosecution's expected use of prominent Watergate figures as witnesses in the trial.

The subpoena, which was served on President Nixon on Aug. 31 and turned over to the United States Attorney here on Sept. 4, demanded all material about any White House meetings with Mr. Sears.