

Mitchell, Stans Plea for a Shift

New York

Attorneys for former Attorney General John Mitchell and former Commerce Secretary Maurice Stans, who are awaiting trial in New York on criminal conspiracy and other charges, said yesterday the case should be shifted to Aberdeen, Miss., out of fairness to the defendants.

In their petition, the defense attorneys said a telephone poll of cities indicated that the Mississippi town of 6507 residents is the most likely place to provide a fair and impartial jury.

By contrast, the defense said, the pretrial publicity, especially the Watergate investigation in which both defendants are involved, has made a fair trial in New York or Washington virtually impossible.

Besides Aberdeen and New York, the other cities surveyed were Tyler, Tex.,

Fort Smith, Ark. and Shreveport, La. The poll was conducted by an independent company during a three-day period in August.

Mitchell, 60, and Stans, 65, are scheduled to go on trial on October 23 on charges of conspiracy, perjury and obstructing justice. They were indicted in May for allegedly trying to influence a major stock fraud investigation in exchange for a \$200,000 secret cash contribution to President Nixon's reelection campaign last year.

Federal Judge Lee Gagliardi, who will preside at the trial in August, denied the first defense motion for a change of the trial location. The government had argued that the Watergate publicity was so pervasive it affected all areas of the country. Gagliardi took yesterday's petition under advisement.

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