

Tapes Issue

Indefinite Delay In Mitchell Trial

New York

The government reportedly won an indefinite postponement of the conspiracy trial of former cabinet members John Mitchell and Maurice Stans yesterday, after being refused White House tapes on the case.

The prosecution had moved for a delay earlier in the day. The defense went on record some weeks ago in

favor of a postponement of the trial, which had been scheduled to begin Tuesday in U.S. District Court.

In a brief court session late in the day, the defense urged that the trial be delayed until next March 15. However, Judge Lee Gagliardi shook his head and said that if and when he formally granted a postponement he had in mind next January 7 for the trial.

At the heart of the latest move for postponement was the planned appearance against Mitchell and Stans of former White House counsel John W. Dean III, described as "a critical witness to the government's case."

In Washington yesterday, Dean pleaded guilty to conspiring to obstruct the Watergate investigation, and promised to cooperate henceforth in the probe.

The defense here had sought White House tapes and other records that might touch upon dealings involving fugitive financier Robert Vesco. It was Vesco's secret \$200,000 contribution to President Nixon's re-election campaign that led to the indictment of former Attorney General Mitchell and ex-Commerce Secretary Stans.

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Gagliardi refused to issue a blanket order for White House records. Assistant U.S. Attorney John Wing told Gagliardi he had asked for these specific tapes but had received a midmorning telephone call from White House special counsel J. Fred Buhardt.

Wing said: "After speaking with the President this morning, he could not tell us whether there were any such tapes and that if there were any they would not be produced before your honor... at this stage."

Associated Press