

Mitchell Trial Evidence

Nixon-Dean Tape Release OKd

New York

The White House agreed yesterday to turn over to a federal judge in New York a complete tape recording involving President Nixon and John W. Dean III, a key government witness in the pending trial of former cabinet officers John Mitchell and Maurice Stans.

The agreement was reached after Judge Lee Gagliardi, who will preside at the trial, rejected as "not sufficient" a partial transcript he had received of the taped conversation last February 28 between the President and Dean, the former White House counsel.

Gagliardi indicated that unless he was provided the complete tape recording, Dean could be excluded from testifying at the trial, which is scheduled to begin January 9.

Dean's testimony is considered vital to the prosecution of the obstruction of justice and conspiracy case.

Federal prosecutor James Rayhill said he was informed by White House special counsel J. Fred Buzhardt that a tape of the "entire conversation will be furnished Judge Gagliardi" for his private examination.

The tape will be turned over to the judge not later

than December 14, Rayhill said.

The judge will then determine if the matters contained on the tape are relevant to the issues at trial and if so, he could direct that a copy be provided the defense.

Dean, who pleaded guilty in Washington last October 19 to charges of conspiracy to obstruct justice in the Watergate investigation, has testified that the conversation included a question by the President as to whether his brother Edward Nixon, was involved in the financial affairs of New Jersey financier Robert L. Vesco.

Mitchell, the former attorney general, and Stans, the former commerce secretary, headed Mr. Nixon's re-election campaign last year. They are charged with trying to influence a major federal investigation of Vesco in exchange for his secret \$200,000 cash contribution to the re-election campaign.

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