

MITCHELL, STANS WIN A NEW DELAY

Trial Put Off as Lawyers
Are Busy on Another Case

By ARNOLD H. LUBASCH

The trial of two former Cabinet officers that was scheduled to start next Wednesday was postponed yesterday in Federal District Court here because defense lawyers remained tied up with another trial that could continue until late next month.

This was the third postponement of the trial of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans on charges of obstructing an investigation of Robert L. Vesco in return for the fugitive financier's \$200,000 donation to President Nixon's 1972 election campaign.

Judge Lee P. Gagliardi did not specify a new date for the Mitchell-Stans trial, but he stressed that it would begin a few days after Mr. Mitchell's lawyer completed their unrelated trial.

"This is the last false start that we are going to have in this case," Judge Gagliardi said as he granted the latest postponement during a brief court session with the lawyers.

Walter J. Bonner, a lawyer for Mr. Stans, disclosed at the session that a new subpoena had been served on the White House, calling for at least three tape recordings of conversations last year involving President Nixon.

Taped Last March

Mr. Bonner said that the Stans defense wanted conversations that were reportedly taped on March 13 and March 20, 1973, between President Nixon and John W. Dean 3d, the former White House counsel, and a taped conversation about the same time between the President and R. Halde- man, his former chief of staff.

Material obtained by the Senate's Watergate committee indicated that the subpoenaed tapes included separate conversations about Mr. Stans, Mr. Vesco and fund-raising, according to Mr. Bonner, who said they might provide evidence for the defense.

John R. Wing, a prosecutor in the case, told Judge Gagliardi that the Government would probably make motion later to quash the subpoena, as it had done regarding an earlier subpoena for White House tapes.

As a result of rulings by George Gagliardi, the Government has given the judge a Feb. 28 tape recording and a memorandum about an April 15 conversation, both involving discussions between the President and Mr. Dean last year.

Judge Gagliardi is expected to rule later on whether the Government must give this material to the defense, which wants to use it to cross-examine Mr. Dean, a key witness in the case.

Defense Needed Time

The Mitchell-Stans trial was originally postponed from Sept. 11 to Oct. 23 to give the defense lawyers more time to prepare for it.

Then the Government obtained a postponement until Jan. 9 to provide time to obtain the Feb. 28 tape recording, after the judge had ruled that Mr. Dean could not testify at the trial unless the tape was turned over to the court to

determine its relevancy.

John E. Sprizzo, a lawyer for Mr. Mitchell, obtained the third postponement when he told Judge Gagliardi that it would be "mid February at the earliest" before the end of his current trial, concerning fraud charges involving the Four Seasons Nursing Centers of America in Oklahoma City.

In the Mitchell-Stans case, two former members of President Nixon's Cabinet were indicted last May with Mr. Vesco and Harry L. Sears, an alleged go-between who was the Republican leader of the New Jersey State Senate.

Mr. Sears is scheduled to go on trial after Mr. Mitchell and Mr. Stans, but the Government has failed in its attempts to extradite Mr. Vesco, who has been living in Costa Rica and the Bahamas.

Separate fraud indictments have also been filed against Mr. Vesco, in addition to a civil complaint by the Securities and Exchange Commission, \$224-million from four overseas mutual funds that he controlled.