

# Nixon's Brother On Witness Stand

SFChronicle

APR 3 1974

New York

Donald Nixon testified at the Mitchell-Stans trial yesterday that he rebuffed an effort by a Robert L. Vesco aide to get a message to his brother, President Nixon, but did suggest that "John Mitchell might be the man to talk to."

"I said there was no way I could do this," the tall, portly Nixon told the jury in U.S. District Court. "It has been my policy ever since my brother has been in politics. I have never taken anything directly to him. For anyone I ever worked for."

Nixon was expected to be the last major witness for the government at the trial of Mitchell, the onetime attorney general, and former Commerce Secretary Maurice H. Stans. They are charged with conspiracy, perjury and obstruction of justice.

Nixon's testimony was in furtherance of the prosecution claim that Mitchell and Stans conspired with others in the obstruction of a Securities and Exchange Commission fraud investigation of

Vesco in return for the international financier's secret \$200,000 cash contribution to President Nixon's 1972 re-election campaign.

Nixon testified at one point: "John Mitchell was the man designated—I never talked to my brother on any matter and John Mitchell was the man I was designated to talk to."

Nixon was asked by Assistant U.S. Attorney James Rayhill about a conversation he had just before the 1972 presidential election with Howard Cerny, a legal aide to Vesco and a coconspirator in the Mitchell-Stans case. Under the law, a coconspirator is regarded as a member of the conspiracy, although not a defendant in its prosecution.

"Just prior to the election in 1972, Howard Cerny did call me," the 59-year-old Nixon testified.

"Specifically I don't recall the conversation. When he called me he said he wanted to see me about something important. The main thing he mentioned was that there had been a \$200,000 contribution made to my brother's campaign and a Securities and Exchange Commission investigation was in progress and would very likely expose this contribution.

"He thought it would probably happen before the election and he wanted to get this to the President."

There had been prior testimony that the Vesco group sought to sidetrack the SEC probe on the ground that its



UPI Telephoto

DONALD NIXON  
He spoke of Mitchell

investigation might lead to embarrassment for President Nixon on the eve of the election.

At this point, Nixon detailed his refusal to take the message to the White House, adding that the contribution had been described to him as made in cash.

"Did Mr. Cerny indicate the reason for the cash contribution?" Rayhill asked.

"He didn't specifically say why," Nixon replied.

"Did you suggest to him that he call John Mitchell?" Nixon was asked.

"I don't think I did," the witness replied. "I think he brought up John Mitchell's name. I think I did suggest the possibility that Mitchell might be the man to talk to since he was no longer involved in government. My mind is foggy on this."

Associated Press