

# Nixon Brother Urged Cash

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NEW YORK, April 5—Edward Calvert Nixon, the 43-year-old brother of the President, testified today that he had told Robert L. Vesco to contribute cash to President Nixon's 1972 campaign if he wanted to keep the payment secret.

Nixon, the first defense witness called by defendants Maurice H. Stans and John N. Mitchell in their trial here, testified, however, that Stans had told him that the Nixon committee had no preference as to what form contributions took.

The President's other brother, F. Donald, testified for the prosecution Monday.

Mitchell and Stans, who headed both the 1968 and 1972 Nixon campaigns, are charged with conspiracy, obstruction of justice and lying to a grand jury. The prosecutors claim that the two former Cabinet officers influenced an investigation of Vesco by the Securities and Exchange Commission in exchange for Vesco's secret \$200,000 cash contribution and tried to cover the contribution up.

Judge Lee P. Gagliardi today dismissed one of the three obstruction of justice charges against the two. The dismissal of the one count has no effect on the substance of the case, leaving 15 charges against them.

The count dismissed by the judge concerned obstructing the SEC before it began its formal investigation of Vesco on March 18, 1971. The count was dropped because the government presented no evidence of obstruction before that date.

In his direct testimony, Ed

Nixon said that he had a role in Vesco's 1968 contribution when he was working on his brother's campaign in New York.

Vesco's lawyer, Howard F. Cerny, brought Vesco to him, Nixon said, and he, Cerny and Vesco walked down the street to the finance committee where Vesco turned over a check for \$25,000, he said.

His involvement in this case came on March 29, 1972, he said, when Cerny—whom he identified as an old friend of his older brother Don—called him at the Committee for the Re-election of the President in Washington and insisted that he fly to New Jersey "right away."

"I wanted to know why," said Nixon. "He said he couldn't tell me, it was too sensitive, but asked if I would do it just as a personal favor to him."

Nixon says he agreed, canceled all his appointments and flew to Newark, where Cerny met him.

"What is it all about?" he quoted himself as asking, "Why am I here? What do you need?" adding: "He told me that Mr. Vesco wanted to make a contribution, and the April 7 deadline was facing us. We had to get the contribution in before April 7 in order for him to remain anonymous."

Cerny took him directly to the president's office at Vesco's company in Fairfield, N.J., he said, where he, Cerny, Vesco, politician-lawyer Harry Sears and Lawrence Richardson discussed the contribution.

"... I understand from Mr. Cerny's explanation fairly well that they had been trying to reach Mr. Stans and had not been able to do so," Nixon testified, and he said that they

then asked him to do it. Stans, he said earlier, worked one floor beneath him at 1701 Pennsylvania Ave. NW.

Nixon repeatedly said that he couldn't recall exactly who said exactly what at the meeting, adding: "I sat and listened, and I just don't remember much about it."

He said he had tried to call Stans in Washington and was told he was en route to New York via the shuttle—"so I judged at that point the best thing to do would be to go to LaGuardia to intercept him."

"Mr. Vesco suggested that we take the helicopter—not suggested—he ordered the helicopter and Mr. Cerny and I rode to LaGuardia," said Nixon.

But Stans was not there, and Nixon said he called Washington again and was told he could probably find Stans later at the New York Metropolitan Club. He said he rode there in a cab.

He said he waited for Stans there, then "walked up to 410 Fifth Avenue, where my brother used to live... And I thought better of it, that I better not leave the place. So I went back in."

He had a Bloody Mary, he said, and it took Stans quite some time to arrive because "I thought one drink wasn't going to last, and it almost didn't."

Stans finally did arrive, he said, and he told him why he was there. He said Stans "seemed a little bit nonplussed or annoyed at it..." His campaign role, he explained "was strictly limited to the political side."

He said that Stans told him "if they were really concerned so much about anonymity, that the contribution should

probably be in cash to be absolutely anonymous, but as far as the committee goes, it made no difference at all how it would be done."

He then said he called Vesco in New Jersey at a telephone number Vesco had given to him, "describing it as a swept line, which I presume to mean a debugged phone..." He said to use this number if I reached Stans, and to get him an answer on that phone number and then forget the number."

He said he believes that he talked to Vesco and cannot recall the exact conversation, "although I suspect I must have said something like 'cash,' because that was the tone of the whole thing. If they wanted to do this thing in an anonymous fashion—'How do we do it?'—'Well, if you can do it by cash, do it by cash.'"

He said his next contact from Vesco came in 1973, when the financier called Nixon to tell him that Sears was going to testify before the SEC and that "I may be named in his testimony."

He then said that he and Stans talked: "I believe that I tried to recall for him what I remembered in the nature of my involvement in the thing, and he told me that it coincided with what he remembered of it, and that was about it."

He also said he called Mitchell later to discuss what had happened.

Prosecutor John R. Wing's cross-examination was intense, and he once got Nixon to change an answer by reading his grand jury testimony to him.

At one point, he got Nixon to acknowledge that "I may have tried to call Mr. Chotiner" first, before Stans, about Vesco's request than Stans. Murray Chotiner, President Nixon's long-time political ally, has since died.

Wing completed his cross-examination by implying that Nixon's testimony had, in fact, been carefully rehearsed, and recalled testimony from another witness, G. Bradford Cook, who claimed that Stans had told him, "Let's have one of those conversations that don't take place."

When he talked to Stans, Wing asked Nixon, "Did he tell you that he wanted to have a conversation that didn't take place?"

"I don't understand that question," replied Nixon, half angry and half quizzical. Judge Gagliardi sustained an objection to the question.