

3 Lawyers Testify About Vesco

New York

Three lawyers testified for the defense in the Mitchell-Stans trial yesterday and in the process the jurors learned a lot about the daily practice of law and the delicacies of lawyer-client relationship.

The lawyers were called in an effort to establish that Robert L. Vesco, a financier who is now a fugitive, was being harassed by the Securities and Exchange Commission, and that he sought relief from such harassment.

The defense also wanted to show that Vesco did not care whether or not his secret, \$200,000 cash contribution to President Nixon's re-election campaign was made public.

John N. Mitchell, former attorney general, and Maurice H. Stans, former secretary of commerce, are accused of perjury, conspiracy, and obstruction of justice for alleged attempting to quash an SEC investigation of Vesco in return for the \$200,000 contribution.

The first person to testify yesterday was Sherwin J. Markman of the prestigious Washington law firm of Hogan & Hartson. It was his second day of testimony.

The defense contends that

SEC harassment of Vesco led the financier to seek a meeting with William J. Casey, then chairman of the commission, and that at the very worst, Mitchell arranged such a meeting, which was perfectly legal and above-board.

Yesterday, under cross-examination, however, Markman had to concede that at the very time he was representing Vesco, his client attempted on his own, without Markman's knowledge, to set up a series of meetings with SEC officials.

Nor did he know, Markman said, until the day it happened that another Vesco attorney, who was a friend of Mitchell's, had, in fact arranged a meeting with Casey — through Mitchell — to discuss the Vesco case.

Next to testify was Martin Mensch, a lawyer, who had been hired by Richard Clay, then vice president of a corporation headed by Vesco. Clay had been subpoenaed to testify before the SEC on Nov. 2, 1972.

Clay invoked the Fifth Amendment against self-incrimination. It is the government's contention that Clay and several other witnesses in the case invoked the Fifth Amendment, the Fourth Amendment and Sixth Amendment because they had something to hide. The defense, on the other hand, said that the witnesses had called on the Fifth Amendment on the advice of their attorneys because the SEC had not given these attorneys time to prepare their cases.

Mensch said that he first met Clay about the case on October 25, 1972, but that he was not actually retained to represent Clay until November 1, 1972, the day before Clay was scheduled to testify.

Under those circumstances, as a lawyer, he had but one duty, Mensch testified, and that was to have his client plead the Fourth, Fifth and Sixth Amendments.

Next on the witness stand

was Arthur Liman, a partner in the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison.

Liman said that on October 11, 1972, he was contacted by Markman about representing Vesco, but that he did not have his first conference with Vesco until October 17, which was one day before the financier was scheduled to testify before the SEC.

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