

NYTimes APR 10 1974
**JUDGE RESTRICTS
MITCHELL DEFENSE**

**Bars Calling of Witnesses
Who Led Campaigns and
Were Big Contributors**

By MARTIN ARNOLD

Judge Lee P. Gagliardi made two rulings yesterday that seriously restricted the defense of John N. Mitchell and Maurice H. Stans in their criminal conspiracy trial.

It was a day in which Robert H. Finch, former Secretary of Health, Welfare and Education, and W. Clement Stone, Chicago millionaire, among others, testified for the defense, but it was the judge's rulings that were the important happenings.

First he ruled that it was not relevant in this particular trial to call as witnesses former political campaign managers, including campaign managers for Democrats. The defense wanted to call such witnesses to show that Mr. Stans had followed "accepted practices, not fraudulent practices" in his fund-raising for President Nixon's re-election campaign.

Then the judge ruled that he would not allow the defense to put on the witness stand other witnesses who were large contributors to the Nixon campaign.

The defense wanted to do this to show that a number of persons had made very large contributions to the President's campaign, that many of them insisted on anonymity, and that

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there had been no quid pro quo for those contributions.

"What went through their minds is not relevant as to what went through Mr. Stans' mind as to criminal intent," Judge Gagliardi said.

Mr. Mitchell, former Attorney General, and Mr. Stans, former Secretary of Commerce, are accused of conspiracy, perjury and obstruction of justice. Both men were leaders of the Nixon re-election campaign.

The Government contends that they attempted to quash a Securities and Exchange Commission investigation of Robert L. Vesco, the fugitive financier who was also indicted in this case, in return for a secret, \$200,000 contribution by Mr.

Vesco to the President's re-election campaign.

Both rulings apparently left the defense stunned, and somewhat in a state of disarray, al-

though the judge indicated from the bench that he had previously discussed these matters with defense lawyers, so that his rulings were not entirely unexpected.

The ruling about contributors other than Mr. Vesco came about during the testimony of Mr. Stone, who was confined to answering but a single question about the record \$2-million campaign contribution he had made to President Nixon.

A lawyer for Mr. Stans, Robert W. Barker, first asked the judge to excuse the jury for a few moments, which the judge did, and then he said:

"Mr. Stone would state that in 1968 because of his consideration that this was a rare time, once in a lifetime opportunity to support a President whose philosophy he felt strongly in favor of, and an unique position in the history of this country, he contributed \$2-million

Mr. Barker went on to say that "he would also testify that in 1972 he likewise gave support and he contributed in excess of \$2-million. He would testify that when he gave this contribution he never requested or expected anything in return except the expected good government."

Mr. Barker argued that "before the jury it has been suggested that a \$200,000 contribution is something that would divide this country and it is important that this jury know that substantial citizens, with good intent, good motive, good purpose and a lifetime of public interest and service, are willing to make substantial amounts available."

"And this is the atmosphere in which Mr. Stans operated when he accepted \$200,000 from Robert Vesco," Mr. Barker concluded.

A Jaunty Manner

Mr. Stone, a dapper man, wearing a dark blue double-breasted suit, with a polka-dot blue and white bow tie and a handkerchief in his breast pocket to match, took the stand in a jaunty manner.

He said that his primary business was the insurance business, but that he was also into book and magazine publishing, among other things, and when he was asked if he had not written books, he happily yelled out with a big smile, "That's right."

But from that point on the witness, who is 73 years old but looks considerably younger, mostly sat numbly by while Mr. Baker asked questions, and John R. Wing, the chief prosecutor, objected, and Judge Gagliardi sustained the objections.