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**Mitchell Concedes  
Call to S.E.C. Chief  
On Vesco's Behalf**

By MARTIN ARNOLD

John N. Mitchell testified yesterday that while he was Attorney General he "willingly contacted" the chairman of a Federal agency in behalf of a man that agency was investigating. He said, however, that this had not been "improper."

The agency was the Securities and Exchange Commission, the call was made to its then chairman, William J. Casey, and it was made in behalf of Robert L. Vesco, a financier, whom the agency was investigating.

Mr. Mitchell said that "I wouldn't flatter myself that the call would be a help" to Mr. Vesco, but explained that he had done it because he received reports that the S.E.C. staff had been harassing Mr. Vesco and that he wanted to arrange a meeting between the financier's representatives and Mr. Casey before the commission took "precipitous" action.

Earlier yesterday Mr. Mitchell completed his direct examination when his lawyer, Peter Fleming Jr., asked him, "Are you guilty or not guilty?"

"Absolutely not guilty to any of the charges," was his ringing response.

Mr. Mitchell and former Sec-

Continued on Page 25, Column 1

Continued From Page 1, Col. 5

retary of Commerce Maurice H. Stans, who were leaders of President's Nixon's re-election campaign, are accused of conspiracy, perjury and obstruction of justice. The Government alleges that they attempted to impede and quash a S.E.C. investigation of Mr. Vesco, now a fugitive, in return for a secret, \$200,000 cash contribution that Mr. Vesco made to the re-election campaign. Mr. Vesco and 41 others have been accused of defrauding investors of \$224-million.

Most of yesterday was spent by Mr. Mitchell under cross-examination by John R. Wing, the chief prosecutor, cross-examination that will continue today. It was like trench warfare. Mr. Wing never deviating from the attack, slowly attempted to entwine the witness in the criminal conspiracy charge, asking his questions with the steady rhythm of one lobbing mortar shells.

#### Calm Under Fire

Mr. Mitchell answered calmly for the most part, using a combination of haughtiness, condescension and some humor to repel the attack. At one point, for instance, he gave the jury what he called a lawyer's definition of "rain-making."

"Rain-making is a situation where an individual who is trying to obtain a favor from [for] a client does things for the record that never happened," the witness explained.

Mr. Mitchell said that at the behest of Harry L. Sears, a former New Jersey Republican leader who was then working for Mr. Vesco, he called Mr. Casey's office on Feb. 11, 1972, and tried to arrange a meeting between Mr. Casey and Mr. Sears to discuss the S.E.C.-Vesco matter. The meeting was not arranged at that time because Mr. Casey was on vacation, according to testimony at this trial.

Mr. Mitchell left his post as Attorney General on March 1, 1972, to head the President's re-election campaign.

The witness, hands crossed in his lap, one leg resting over the top of the other, said under cross-examination that when he made the call in February, 1972, he did not know that Mr. Vesco intended to give a large contribution to the President's campaign.

Mr. Wing asked him if he did not think such a call was improper, if not illegal, coming as it did from the country's "highest law enforcement official."

"I disagree it would be improper," he said.

He was asked if, when he did learn of the contribution "Robert Vesco planned to give," he didn't realize that Mr. Vesco "was giving it to get your influence?"

"Absolutely not, Mr. Wing, or the whole matter would have ended right there."

"It never occurred to you that Vesco was looking for something?" Mr. Wing asked.

"It never occurred to me in any form, shape or manner," was the reply.

Mr. Mitchell said that when he had heard of the contribution he considered Mr. Vesco "just another American citizen who wanted to support a political campaign."

The contribution was made to Mr. Stans on April 10, 1972, in cash, in Mr. Stans' campaign office, according to testimony at this trial. That testimony went on to say that on that day, after Mr. Stans received the \$200,000, Mr. Mitchell called Mr. Casey and arranged for Mr. Sears to meet with Mr. Casey that afternoon — an appointment that Mr. Vesco, until then, had been trying to make for nearly a year.

Mr. Mitchell said yesterday that despite the fact that his log showed him calling Mr. Casey that day, he had absolutely no recollection of having made such a call, let alone having arranged for a meeting between Mr. Casey and Mr. Sears.

#### Testimony by Sears

Mr. Sears, who was also indicted in this case but was granted immunity from prosecution in return for his testimony, has told the jury that Mr. Mitchell called Mr. Casey on April 10, after the money was delivered, and set up the meeting for that day. He also testified — in direct contradiction to Mr. Mitchell yesterday — that in February, 1972, he told Mr. Mitchell that Mr. Vesco planned a large contribution, and that Mr. Mitchell then agreed to set up a meeting between Mr. Sears and Mr. Casey.

Mr. Mitchell said yesterday that he "knows" the April 10 telephone call to Mr. Casey was listed in his log but that he "had no independent recollection of making a call."

"Didn't you think a call to Bill Casey from you would mean something to Bill Casey?" Mr. Wing asked.

"Not particularly," he replied.

"You didn't think Casey's treatment (of the Vesco case) would be affected by the fact that you were calling?" Mr. Wing asked.

"I wouldn't flatter myself to

that extent," Mr. Mitchell replied.

Mr. Mitchell testified that the first time he ever discussed Mr. Vesco with Mr. Sears was in November, 1971, when Mr. Vesco was put in jail in Switzerland and he, Mr. Mitchell, at the time Attorney General, got a call about that matter from Mr. Sears.

Mr. Mitchell denied that he had tried to get Mr. Vesco out of jail at that time, but said he had gotten in touch with the American Embassy to "find out what it was all about," as he would for any American citizen.

"I don't recall receiving any correspondence from Sears regarding Vesco during 1971," Mr. Mitchell said.

#### Asked About Letters

He was then asked by Mr. Wing if he was testifying that he had heard nothing about Mr. Vesco in letters written to him on May 18 and June 17, 1971?

Mr. Mitchell replied:

"Mr. Wing, consistent with the testimony I have just given, and I have no recollection, and I believe it to be the fact, that the first time I ever discussed Mr. Vesco with Mr. Sears was in connection with his Swiss incarceration."

At this point Mr. Wing showed the witness two "Dear John" letters from Mr. Sears in which Mr. Vesco's corporate problems were discussed. They were dated May 18, and June 17, 1971, but Mr. Mitchell said he had never seen them.

He said that his secretary had answered the letters.

"Is it your testimony, Mr. Mitchell, that that particular letter [June 17] was not brought to your attention by your secretary?" Mr. Wing asked.

"Absolutely," Mr. Mitchell answered.

Both letters were not sent to Mr. Mitchell's office, but to his home in the Watergate apartments in Washington, the prosecution indicated to the court.

At the point when Mr. Wing asked Mr. Mitchell if it had ever occurred to him that Mr. Vesco wanted a favor in return for the \$200,000, Mr. Mitchell replied:

"It never occurred to me in any form, shape or manner. If Mr. Vesco was looking for a favor, it would be more than just a meeting with the chairman of the S.E.C."

"Just a meeting was not worth \$200,000?" Mr. Wing asked.

The defense objected; Judge Lee P. Gagliardi sustained the objection. Mr. Mitchell will continue under cross-examination today.





The New York Times/Neal Boenzi

**John N. Mitchell arriving at U.S. Court House yesterday**