

TESTIMONY ENDED

IN MITCHELL TRIAL

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Jury Expected to Get Case Tomorrow Night After Summations Conclude

By MARTIN ARNOLD

Testimony in the criminal conspiracy trial of John N. Mitchell and Maurice H. Stans ended yesterday, and the case is expected to go to the jury tomorrow night.

Today will be devoted to summations by defense lawyers; the Government probably will not sum up its case until tomorrow. This will be followed by the judge's charge to the jury, and then it will be up to the jury to decide.

Among the last witnesses to testify yesterday was John W. Dean 3d, former counsel to President Nixon, who twice before had testified in this trial for the Government.

In all, the jury heard, in 42 trial days, 59 persons on the witness stand, 45 of them solely for the Government. Fifteen persons testified for the defense, and three testified for each side. On Friday and yesterday, the Government put on nine witnesses to rebut the defense; four of them had testi-

Continued on Page 31, Column 1

Continued From Page 1, Col. 7

fied previously in this trial.

Former Attorney General Mitchell and former Secretary of Commerce Stans, who were leaders of President Nixon's reelection campaign, are accused of attempting to impede a Securities and Exchange Commission investigation of Robert L. Vesco, a financier, in return for a secret, \$200,000 cash contribution that Mr. Vesco made to the campaign. Mr. Vesco also was indicted in this case, but has fled the country.

Each defendant separately faces six perjury counts in this case. Jointly they face one conspiracy count and two obstruction of justice charges.

Mr. Dean testified yesterday mainly against Mr. Stans. Mr. Stans had testified that he withheld information about Mr. Vesco's cash contribution from the S.E.C. on the advice of Mr. Dean, given once over the telephone and once when the two men were flying together from Washington to New York.

Mr. Dean was the President's counsel at the time Mr. Stans contends he received the advice. But Mr. Dean, appearing as a prosecution rebuttal witness, contradicted the Stans testimony.

Mr. Dean said he had never given Mr. Stans such advice; that in fact, on the plane ride with Mr. Stans the former Cabinet officer "had a stack of correspondence in his lap" and they did not discuss the Vesco matter at all. Mr. Vesco and 41 others are accused of defrauding investors of \$224-million.

Stans Is Contradicted

Mr. Dean also testified that meeting at the Metropolitan Club in New York between Mr. Dean, Mr. Stans and Mr. Mitchell, Mr. Stans said that he could get the S.E.C. to eliminate all mention of the \$200,000 from its formal charges against Mr. Vesco.

Mr. Stans had testified that it was G. Bradford Cook, then the commission counsel, and not himself, who had suggested that the mention of the contribution be eliminated from the S.E.C. charges.

Another rebuttal witness yesterday was Sally Quinn, a reporter for the Washington Post. Miss Quinn, whose long blonde hair flapped over the shoulders of her black pants suit, swore that on March 8, 1972, she

spoke to Mr. Mitchell at about 8 P.M. at a reception given in the Washington hotel before a republican fund-raising dinner.

Daniel W. Hofgren, a former White House aide who was a fund-raiser for Mr. Nixon's reelection campaign, has testified that at that cocktail party reception he met Mr. Mitchell and was told by him "to stay out" of the Vesco-S.E.C. case.

Mr. Mitchell told the grand jury investigating this case and then testified at the trial that he never told this to Mr. Hofgren, that in fact he had arrived too late at the fund-raising dinner to attend the cocktail party reception.

Miss Quinn did not say that she had seen Mr. Mitchell and Mr. Hofgren speaking together at the reception, but she did say that Mr. Mitchell had been at the reception.

Testimony on Donation

Still another Government rebuttal witness was Walter E. Hanson, senior partner in the accounting firm of Peat, Mar-

wick, Mitchell & Co. Mr. Hanson testified that Mr. Stans had asked the firm—then doing Government contract work—to make a donation to the Nixon campaign before a new public disclosure law went into effect on April 7, 1972.

Mr. Stans has testified at this trial that he did not ask potential contributors to get their money in before April 7, but had left the timing up to them. Mr. Hanson said his firm was asked to make the contribution before that date, but declined to make any contribution since its lawyers said such a contribution would have been illegal.

This morning Walter J. Bonner, Mr. Stans's chief lawyer, will give the first summation. He will be followed by Peter Fleming Jr., Mr. Mitchell's chief lawyer. John R. Wing, the chief prosecutor, is expected to start his summation Wednesday morning, and this will be followed by Judge Lee P. Gagliardi's charge to the jury.