

NYTimes APR 29 1974

Verdict Dims a Key Impeachment Issue, Value of Tapes Stressed; Nixon 'Pleased'

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, April 28 —

The acquittal verdict today in the Mitchell-Stans trial heartened the White House, virtually eliminated a key issue in the House impeachment inquiry and underscored the importance of the Watergate tape recordings in other criminal and impeachment proceedings.

"The President was very pleased for the two men and their families," a White House spokesman said of the acquittal in New York of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans.

The reaction, in a White House apparently involved in a counteroffensive against the impeachment proceedings, was probably understated. Well-

placed Administration officials said that the verdict in New York might play a crucial role in President Nixon's dealings with the House Judiciary Committee.

The key issue affected by the acquittal of Mr. Mitchell and Mr. Stans was the committee's investigation of the secret \$200,000 gift to the President's 1972 re-election campaign by Robert L. Vesco. It is now believed

that the committee's staff will downgrade or abandon the investigation of the donation, which was at the heart of the Mitchell-Stans trial.

The development was the first in almost a year—since the resignations of H. R. Haldeman and John D. Ehrlichman and the dismissal of John W. Dean 3d from the White House staff last April 30—to offer encouragement for Mr. Nixon in the Watergate affair.

Beyond a change in atmosphere, however, the verdict may have significant practical impact on the President's future course of action.

In finding Mr. Mitchell and Mr. Stans not guilty of obstructing justice and of perjury in the tangled affairs of Mr.

Richardson on Tapes

Former Attorney General Elliot L. Richardson said the White House tapes being sought by the House Judiciary Committee "could very well tip" the impeachment case against President Nixon "one way or the other." Details on Page 19.

Continued on Page 38, Column 6

Continued From Page 1, Col. 7

Vesco, the fugitive financier, the trial jury in New York in effect discounted testimony against the two defendants by Mr. Dean, the former White House legal counsel.

Mr. Dean is also the primary Government witness in the forthcoming Watergate conspiracy trial of Mr. Mitchell, Mr. Haldeman, Mr. Ehrlichman and four others, and he is the principal accuser of the President in the alleged White House effort to obstruct the Watergate investigation.

According to the Administration sources, the White House will attack Mr. Dean's credibility as part of the public campaign to accompany the President's reply this week to the Judiciary Committee subpoena of recordings of 42 Watergate-related conversations.

The suggestion—that Mr. Dean's testimony misled prosecutors and impeachment investigators—was apparently heralded today by one unnamed senior Administration official, who said, according to United Press International, that the New York verdict "by implication makes Dean a liar, which makes one wonder how many other lies he's told."

A similar point was made, more subtly, by John J. Wilson, the lawyer for Mr. Haldeman. He said in a telephone interview that he could not comment on the Mitchell-Stans verdict "because Dean is a likely witness" in the Watergate conspiracy trial set for Sept. 9.

John M. Doar, the special counsel to the Judiciary Committee, had said on Thursday

that the Vesco contribution was one of the "priority matters" being pursued by the inquiry staff.

Sources close to the impeachment inquiry also said today that they expected the White House to be emboldened in the President's apparent plan to substitute edited transcripts for the actual tapes subpoenaed by the committee.

"I'm prepared for an enormous publicity blitz" by the White House, one investigator said.

But he added that the ultimate effect of the verdict in New York, and any consequent attack on Mr. Dean's testimony, would be to strengthen the Judiciary Committee's demands for the White House tapes.

Other Data Sought

In addition to the 42 taped conversations involved in the committee's subpoena, the impeachment inquiry is asking the President to supply voluntarily many other tape recordings. The number of conversations covered by the additional tapes has been reported variously as 79 or "more than 100."

It is those recordings, rather than unsubstantiated testimony by Mr. Dean or others, that apparently constitute the main ingredient of the evidence that could implicate or exonerate Mr. Nixon. An official familiar with the impeachment inquiry summed up the impact of the acquittal of Mr. Mitchell and Mr. Stans as follows:

"It's a sobering thing. It means that the inquiry is going to be based on what we find

[in the evidence]. Never mind the atmosphere."

President Nixon was said to be planning to offer the Judiciary Committee transcripts of conversations and an opportunity to verify that nothing had been excised from the tapes but irrelevant or national security matters and some coarse language reported used by Mr. Nixon in the private discussions.

The committee chairman, Representative Peter H. Rodino Jr., Democrat of New Jersey, has been insistent, though, in saying that he and the committee will be unsatisfied with anything less than the tapes themselves.