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Judge To Rule On Mitchell Mistrial

NEW YORK (AP) — A judge is expected to rule on Monday whether the criminal conspiracy case against former Atty. Gen. John M. Mitchell and ex-Commerce Secretary Maurice H. Stans should be declared a mistrial.

A motion for a mistrial was made Friday after Asst. U.S. Attorney James W. Rayhill instructed jury members in his opening statement they should put themselves in the place of grand jurors who indicted the two ex-Cabinet officers.

The defense objected, contending the statement was prejudicial in that it implied the trial jurors should infer guilt from the indictment.

Actually, indictments are only accusations and not findings of guilt. It is up to the

prosecutor to prove guilt in a case.

U.S. District Court Judge Lee P. Gagliardi said Rayhill's remarks contained "apparent excesses." He ordered the prosecutor and defense attorneys to file statements over the weekend on the mistrial motion.

Gagliardi suspended the historic trial and continued to sequester the jury of eight men and four women.

Announcement of last week's Watergate indictments in Washington had been held up until the jury was sequestered Thursday. Mitchell was named in one of those indictments.

Gagliardi had screened hundreds of persons over a period of a week before he found an impartial jury for the Mitchell-Stans trial.