

Mitchell-Stans Trial Opens

By Stephen Isaacs

Washington Post Staff Writer

NEW YORK, Feb. 19 — The slow, deliberately cautious process of choosing jurors to try former Nixon Cabinet members John N. Mitchell and conspiracy and obstruction of justice charges began here today.

The two, President Nixon's campaign chiefs in his success-

ful presidential efforts, sat patiently through the tedious proceedings, which are likely to continue through this week.

Each looked fit. Mitchell was all in brown — brown suit, socks and shoes, with white shirt and striped tie. Stans wore an American flag pin on the lapel of his charcoal suit.

As the jury-picking procedure unfolded, Stans sat alone at his defense table, reading copies of legal briefs, Mitchell chatted with a couple of his lawyers.

As he arrived in court this morning, Mitchell was accosted by reporters who asked him whether he thought he'd be acquitted. "You'd better be-

lieve it," he said jauntily, as he started up the steps into the federal courthouse on Foley Square.

Before the jury selection began this morning, the defense renewed its request to have the charges dropped, or the trial moved, on grounds that publicity precluded a fair trial.

"Under the circumstances," said John P. Diuguid, a lawyer for Stans, who was accompanied by four lawyers (Mitchell had five), "it is hard to know how any literate person in New York could be impartial as he approaches this trial . . .

"We cannot get a fair trial at this time. We should at least get a continuance."

The most objectionable piece of publicity recently, said Diuguid, was a book entitled "The Watergate Hearings—Break in and Cover Up," in which, he said, Stans, the former Secretary of Commerce, is described as "smart, rich and knowing where to mine political money, but he also has a reputation for unscrupulousness."

U.S. District Court Judge Lee P. Gagliardi, presiding over the case, told Diuguid that the only way to find out

if jurors might have been prejudiced before trial is to examine them and find out:

"The only way is to conduct the actual interrogation of jurors and attempt to obtain an impartial jury," the judge told him.

Several other motions were filed, as defense attorneys tried to secure what they feel are their legal rights in terms of evidence to attack testimony or shed light on the innocence of Mitchell and Stans.

At one point in the early motions, Diuguid mentioned that one defendant originally indicted — obviously Harry L. Sears — "presumably has turned state's evidence" against Mitchell and Stans.

Mitchell, the former Attorney General, and Stans are charged with conspiracy to obstruct justice, obstruction of

justice and making false statements to a grand jury.

The case involves a secret \$200,000 payment — in cash — from Robert L. Vesco to the 1972 Nixon campaign, allegedly in return for Mitchell's and Stans' help in affecting an investigation of Vesco and his companies by the Securities and Exchange Commission.

In the jury-selection proceedings today, Gagliardi started polling huge numbers of jurors as to how much of a hardship the long trial would be for them, telling them it would probably last four to five weeks. Jurors will be sequestered.

Of the first 79 possible jurors examined, 43 were excused from the case on the grounds of inconvenience



Associated Press

Trial Opens

Former Attorney General John N. Mitchell arrives at federal courthouse in New York City for the first day of his and former

Commerce Secretary Maurice H. Stans' trial on charges of perjury, conspiracy and obstruction of justice. Story on Page A11.