

38 Cleared as Jurors in Mitchell Case

By **ARNOLD H. LUBASCH**

Judge Lee P. Gagliardi tentatively cleared 14 more prospective jurors yesterday as jury selection moved tediously forward in the first criminal trial of former Cabinet officers in half a century.

The painstaking selection process seemed almost certain to yield a jury later this week for the trial of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans in a case with historic implications for the Nixon Administration.

The 14 prospective jurors added yesterday made a total of 38, as Judge Gagliardi proceeded in Federal District Court here with plans to form a group of 52 with preliminary clearance.

Using the 52 regarded by the judge as impartial, the prosecution and the defense will use their challenges in choosing the final panel of 12 jurors and six alternates to hear the Mitchell-Stans case on charges of conspiracy, obstruction of justice and perjury.

Mr. Mitchell and Mr. Stans, who headed President Nixon's re-election campaign, are accused of obstructing a major Federal investigation of Robert L. Vesco, the fugitive financier who secretly donated \$200,000 to the President's 1972 campaign.

Almost Two-Thirds

In five days of jury selection, Judge Gagliardi has cleared almost two-thirds of the more than 60 prospective jurors interrogated so far, by asking them preliminary questions in open court about their backgrounds and then questioning them one

by one in a back room to determine if they are biased.

The two defendants, each accompanied by a team of four lawyers, sat in green leather chairs at the defense tables. They stared silently at the prospective jurors as Judge Gagliardi conducted the preliminary questioning in the ninth floor courtroom of the United States Courthouse in Foley Square.

During a brief recess, when television artists drew sketches of Mr. Mitchell and Mr. Stans, the two scrutinized their portraits and chatted amiably with one of the artists.

The usually brusque Mr. Mitchell, a 60-year-old Wall Street lawyer who was President Nixon's toughest advocate of law and order, liked one of the sketched portraits of himself so much that he autographed it, "Best Wishes, John N. Mitchell."

'Too Old' For Stans

Mr. Stans, his hair tinged with silver at the age of 65, peered through his gold-rimmed glasses made of him and appealed to the artist, "Don't make me look too old."

While the questioning of jurors continued in a small room behind the oak-paneled courtroom with the judge asking all the questions in the presence of lawyers for both sides, the defendants moved into the privacy of another adjoining room.

Small clusters of prospective jurors remained in the almost deserted courtroom, talking or reading, while they waited hours at a time for their turn to be questioned in the back room.

The final round of jury selec-

tion will take place when the defense uses its 20 challenges and the prosecution uses its eight challenges to choose the 12 jurors, with each side having three additional challenges for selecting the six alternates.

The press has been limited to a 10-member pool and the public has been excluded throughout the jury selection, which resumes today at 9:30 A.M.