

Jurors Couldn't Believe Federal Witnesses

By **MARCIA CHAMBERS**

The jurors in the Mitchell-Stans trial said yesterday that they had voted to acquit the two former Cabinet officers of all criminal charges because they could not believe the testimony of crucial Government witnesses.

Again and again, in interview after interview at the Skyline Motel where they had been sequestered for the last eight weeks, the jurors used the words "incredible" or "unbelievable."

They used the words when they talked about John W. Dean 3d, G. Bradford Cook, William J. Casey, Harry L. Sears and Laurence Richardson Jr., all key prosecution witnesses.

"I don't want to say Mr.

Dean was lying, but he was often unbelievable," said Sybil Kucharski, the 21-year-old foreman of the jury.

And at the same time, Miss Kucharski said: "We didn't feel they had any reason to lie. We didn't feel they had the need. They were credible men."

The jurors did not, however, start out by believing the defendants.

Miss Kucharski, who is a bank teller in Westchester County, said that shortly after the deliberations began last Thursday afternoon, it was her impression that the jury was split 8 to 4 for conviction, though no formal vote was taken at that time.

The Government's case centered on an alleged misuse of power. Telephone calls were

made from John N. Mitchell, then the Attorney General, to Mr. Dean, then the White House counsel, to Mr. Casey, then the chairman of the Securities and Exchange Commission, regarding the "status" of Robert L. Vesco, the financier who is now a fugitive.

But Miss Kucharski and five other jurors who were interviewed said they did not see the Government's case that way.

"We didn't put them above the law," Miss Kucharski said. "But we felt they were doing things in the course of the normal working day. They weren't sneaking around or anything."

The man who was sneaking around was Mr. Vesco, another juror said. Mr. Vesco, named as

a defendant in this case, fled the United States to Costa Rica and Nassau, the Bahamas. Attempts by the government to extradite him failed.

"I think Vesco was the real culprit of this whole thing," said Clarence Brown, a letter carrier from Ossining. "He may have been using these people. Mr. Sears [the former majority leader of the New Jersey Senate and a Vesco attorney] and Mr. Vesco seemed to want to get something going. I don't think the defendants ever fell for it."

"Vesco wanted to get any top figures he could in order to embarrass the President, and I'm not just saying that because I'm a Republican," Mr. Brown,

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who is 50, said. "I'm all for law and order. I believe people who do wrong should be prosecuted, but the evidence presented by the Government was not sufficient."

"Both Stans and Mitchell seemed like cool men," Miss Kucharski said. "Both men had taken the stand in their own behalf. We felt that Vesco and Sears were conniving, they were in the conspiracy. But we didn't feel there was a continuing conspiracy by the defendants to get Vesco off their backs."

Miss Kucharski, a Democrat, voted for Senator George McGovern in the last election.

The conspiracy and obstruction of justice counts in the 15-count indictment gave the jurors the most trouble, they said. During their deliberations they asked Judge Lee P. Gagliardi to reread his charge on the law governing the complicated conspiracy charge. The prosecution had said all along that the conspiracy was its weakest count.

Undecided at Outset

Andrew Choa, 48, a vice president in charge of overseas investment banking at the First National City Bank, said the jurors at the outset could not decide on the conspiracy and obstruction of justice counts. Miss Kucharski said the first voice vote on conspiracy was five for conviction, five for acquittal and two undecided.

"We couldn't get anywhere," she said. "We were off in little groups and screaming and yelling at the table. Some of us were emotional. But then we said this is the case and these are the facts. We couldn't let our feelings interfere with our verdict."

"Then I decided we had to be more orderly. We went around the table. People raised their hands when they wanted

to speak. We went around the table and each had his say. Then we voted by voice vote."

Instead of tackling the conspiracy and obstruction of justice counts, the first three charges in the indictment, the jurors went instead to the perjury counts.

When he took the stand on his own behalf, Maurice H. Stans, the former Secretary of Commerce, made an emotional plea, declaring that his wife's near-fatal illness had caused him to become confused during his grand jury testimony. He had made contradictions, yes, but they were not lies.

"The compassion," or sym-

pathy issue, "was not relevant," Mr. Choa said. But the jurors did consider Mr. Stans's state of mind. Among other things, the judge said that in weighing the perjury counts, the jurors could consider if the witness was "confused" or made "an honest mistake."

After voting on the perjury counts, "the rest was easy," Miss Kucharski said. Yesterday morning the jurors went back to tackle the conspiracy and obstruction of justice counts. "And we figured there couldn't be any conspiracy if there was no perjury," she added.

At first the jurors did not want to talk to reporters. As Mr. Mitchell and Mr. Stans spoke to reporters on the court-

house steps, the jurors left through the courthouse garage.

But later, as many gathered round the bar at the motel, drinks in hand, they chatted with reporters. They hugged the Federal marshals who had watched over them for weeks. They began to unwind. Slowly they allowed their feelings to emerge.

"How could we believe G. Bradford Cook, [the former

chairman of the S.E.C.] When he had lied so many times before. And he admitted his perjury on the stand," said one juror who did not want to be identified. "And John Dean. He admitted pleading guilty to a crime," said another.



Jurors in the Mitchell-Stans trial after the trial ended. Front row, from left: Andrew Choa, bank executive; Sybil Kucharski, foreman, bank teller; Clarence Brown, letter carrier, and Rolando DeTouche, engineering technician.

Rear: King D. Kinson, subway conductor; Raymond Crowe, shipping foreman, and Leonard Eppler, medical service supervisor. They are standing at the Skyline Motel on Tenth Avenue, where they were sequestered.



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