

3-2-74 FRS

# Mitchell, Stans Trial Recessed For Weekend

NEW YORK (AP) — A defense mistrial motion brought an abrupt recess Friday in the criminal conspiracy trial of former Atty. Gen. John Mitchell and one-time Commerce Secretary Maurice Stans.

U.S. District Court Judge Lee Gagliardi said he wanted to spend the weekend in "appropriate consideration and mature contemplation" of a disputed paragraph in the prosecutor's opening statement.

Asst. U.S. Atty. James Rayhill opened the government's case Friday morning by claiming that Mitchell and Stans entered into an undercover scheme with financial wheeler-dealer Robert Vesco "to sell political influence for \$200,000 in cash."

At one point he told the jury of eight men and four women to "consider how essential it is that a jury be given truthful testimony under oath." As they listened, he suggested, they should put themselves "in the place of the grand jurors who investigated this case..."

"I object," interjected Stans' lawyer, Walter Bonner, jumping to his feet. "Sustained," said Gagliardi, after which Rayhill continued.

After the jury was sent to lunch, Bonner moved for a mistrial, saying Rayhill's suggestion that the jury "should draw a natural inference" from the indictment "that these men were guilty" was outrageous.

"I am gravely concerned about the apparent excesses of the prosecutor," said Gagliardi. He gave the U.S. attorney's office about four hours to cite any legal authority it might

have to prevent a mistrial. The defense will have until 7 p.m. EDT Saturday to respond.

Later, with the jury in the room, Gagliardi told the panel, "You are the first men and women to consider the innocence or guilt of these defendants."

Raising his voice to a near shout, he continued.

"A grand jury proceeding is in no sense a trial. This is the trial. You and you alone are the judges of the facts."

He then dismissed the jury until 10 a.m. Monday.

The jury was sequestered following its selection Thursday, and thus was unaware of Friday's indictments in Washington of Mitchell, former Nixon aides H. R. Haldeman and John Ehrlichman and four other men on charges of conspiring to block the Watergate investigation.

The government claimed in the earlier indictment that led to the present trial that the \$200,000 Vesco payment was an illicitly secret contribution to President Nixon's re-election campaign.

In return, the indictment charged, the two former Cabinet officers were to exert their influence to impede a Securities and Exchange Commission investigation into the international financier's multimillion dollar corporate empire.

Mitchell and Stans are charged with conspiracy and ob-

struction of justice and perjury. The contribution, the government said, was made secretly three days after a new law took effect requiring that campaign contributions above \$100 be reported to the GAO — General Accounting Office.

Rayhill said the defendants' concealment of Vesco's contribution evoked uneasiness in the White House itself, on the part of John W. Dean III, at the time President Nixon's counsel.

Dean was quoted by the prosecutor as expressing concern about the public reaction if Vesco's gift to the campaign became known.

Dean is a co-conspirator in the Vesco case and is expected to testify as a star government witness. He was fired from the White House after his part in the Watergate scandals was revealed.

Vesco was a co-defendant in the Mitchell-Stans indictment

as was Harry Sears, a prominent New Jersey Republican.

However, Vesco fled the country and government efforts to force his return failed. Sears originally was granted a separate trial. Rayhill revealed, however, that Sears has been promised immunity from prosecution in return for his testimony in the current trial as a government witness to his role as go-between in the unreported conspiracy.



**MITCHELL DECLINES COMMENT ON NEW INDICTMENT** — Former U.S. Attorney General John N. Mitchell, left, tells newsmen he will not discuss the Watergate coverup indictment returned against him in Washington. Mitchell's statement came after he was engulfed by newsmen as he left the U.S. Court House in Foley

Square, New York City, Friday, where he and former Commerce Sec. Maurice Stans are on trial on conspiracy charges. Mitchell said of the Washington indictment that all persons involved had been directed by the court not to discuss it. "That's just what I'm doing," he said. (AP Wirephoto)