

Mitchell, Stans on Trial

Crimes in the Name of Re-Electing the President

NEW YORK — (AP) — Barring a last-minute postponement from the U.S. Court of Appeals, two former Cabinet officers go on trial in U.S. District Court here this week, accused of crimes committed in the name of re-electing their President.

The trial of former Atty. Gen. John N. Mitchell and former Commerce Secretary Maurice H. Stans will be the first to touch former Cabinet members since the Teapot Dome oil rights scandal of the Harding administration nearly 50 years ago. And it comes during the Nixon administration's own scandal: Watergate.

A QUESTION

Already, before the first juror has been picked, it has raised a difficult question for the judge being asked to supervise a fair trial: To what extent can a juror keep separate in his mind a general impression tied to "Watergate" and the specific, perhaps unrelated, events and motives surrounding one political contribution from one donor to President Nixon's campaign?

Mitchell and Stans, who resigned their Cabinet posts to become the leaders of President Nixon's re-election campaign, face charges of obstructing justice and perjury arising from a secret \$200,000 cash contribution to the Nixon campaign in 1972.

The contribution came from Robert L. Vesco, 37, a New Jersey financier and now a fugitive from justice in the Mitchell-Stans case. He was charged with donating the 200,000 to try to derail a then-pending Securities and Exchange Commission probe of his far-flung operations. The contribution, reportedly the largest to the campaign, was later returned.

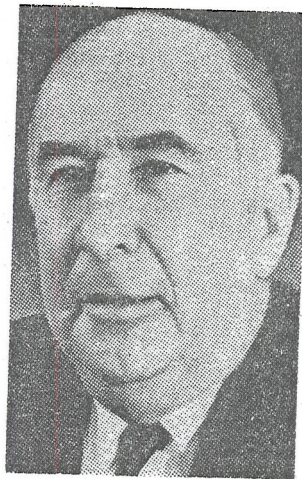
PRESSURE

The essence of the charges against Mitchell and Stans is that they cooperated with an attempt to ease SEC pressure on Vesco in exchange for his contribution. Mitchell



MAURICE STANS

Watergate links were indisputable



JOHN MITCHELL

and Stans say they are innocent.

If found guilty, they could become the first Cabinet officers sentenced for crimes since Harding's secretary of the interior, Albert Bacon Fall, was sent to prison for a year and a day after conviction of taking a bribe in the Teapot Dome scandal.

In the current trial, the timing of the Vesco and Watergate affairs has already become a major point of contention. Some of the same officials, for example, play major roles in both the Watergate matter and the Vesco case. Both dramas developed almost simultaneously. And both involve allegations of wrongdoing during President Nixon's re-election effort.

WATERGATE

Mitchell and Stans, in addition, are now under federal investigation of their roles in the Watergate case by special Watergate prosecutor Achibald Cox and by a Washington grand jury.

The fact that the cases have overlapped has had one immediate effect. Attorneys for Mitchell and Stans, in seeking a postponement of the conspiracy trial, have said the incessant demands by various federal investigators on their own and their clients' time has "effectively precluded any intelligent preparation for the trial of this case."

In the four months since the indictment was handed up May 10, for example,

Mitchell and Stans have both testified, at length, at the nationally televised Senate hearings on Watergate. The appearances obviously required elaborate preparation.

Yet the Vesco and Watergate cases are legally separate, defense attorneys and the presiding judge maintain.

NOT RELEVANT

In dismissing virtually all of the defense's pretrial motions for a delay two weeks ago, Judge Lee Gagliardi said that Watergate is "not relevant to and should not be equated the issues raised by the indictment in this case."

And Gagliardi put the government "on notice" that before the introduction of any Watergate-related evidence, he expects an "offer of proof" to be submitted to proof" to be submitted to the court.

In addition to the overlapping roles ascribed to Mitchell and Stans in both the Watergate and Vesco cases, John W. Dean III, the deposed White House counsel, has been named a coconspirator but not a defendant in the Mitchell-Stans indictment. Defense attorneys are also interviewing campaign officials such as Hugh Sloan, a former White House assistant and treasurer of the re-election committee.

Although Judge Gagliardi

has denied motions to dismiss, or delay, the trial or detour it to another jurisdiction, the judge has conceded that examination of potential jurors is a crucial issue.

In his 47-page opinion, handed up two weeks ago, Judge Gagliardi ordered the trial to proceed Sept. 11, but also said that the Stans-Mitchell motions on pretrial publicity "both frame the fundamental question of whether or not there can be a fair trial on the instant charges." The effect of such publicity on prospective jurors could not be "satisfactorily" gauged until the jurors were questioned on the issue, the judge said.

Beyond the issue of pretrial publicity, the charges in the case were "basically simple ones," the judge wrote — an assertion at which the defense attorneys scoffed. They have taken their case for a delay to federal appeals court and a hearing on the appeal — like the opening round of jury selection — is scheduled for Tuesday.