

Judge in N.Y. Halts Mitchell-Stans Trial



AP Wirephoto

MAURICE STANS
A defendant

New York

Federal Judge Lee P. Gagliardi abruptly adjourned the Mitchell-Stans conspiracy trial yesterday and said he will give "very serious consideration" to calling a mistrial because of "apparent excesses of the prosecution."

Gagliardi adjourned the trial five hours after it began because of a remark in the prosecution's opening statement calling on the jury to "put yourself in the place" of the grand jury that indicted former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans.

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prosecution in its reference to the grand jury and its functions."

Mitchell sat through the morning session without knowledge that he had been indicted in Washington on conspiracy and perjury charges in the Watergate affair. Stans was not named in the Washington indictment.

Leaving U.S. District Court at 3:50 p.m. by a side door, Mitchell paused before climbing into his limousine, and said, "I have no comment whatsoever on what happened in Washington."

Gagliardi, who spent days of painstaking questioning and questioning of prospective jurors to pick a qualified panel, reinstructed the jury before he sent it back to its midtown Manhattan lodgings.

He told the jury that an in-

The two are charged with using their influence to impede a federal investigation of fugitive financier Robert L. Vesco in exchange for his secret \$200,000 cash donation to the 1972 Nixon campaign, and of lying about it to the grand jury.

Later in his two-hour opening statement yesterday morning, Assistant U.S. Attorney James W. Rayhill called on the jury of eight men and four women, to "put yourself in the place of the grand jurors who investigated this case, citizens like yourself."

Stans' attorney, Walter J. Bonner, immediately arose

and shouted his motion for a mistrial.

He told the judge that Rayhill's remarks indicated, "Contrary to your instructions, that because people just like this petit jury had indicted these two men, that they should draw the natural inference from that fact that these men were guilty. This is an outrageous thing to do in this courtroom, and this case should be dismissed."

Following the lunch break, Judge Gagliardi, in adjourning the trial and ordering the jury locked up until Monday, said Rayhill had expressed "personal conclusions as though he were a

witness in the matter."

The judge said he was "gravely concerned (over) the apparent excesses of the

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dictment is merely an accusation and that the defendants "start with a clean slate."

"You are the first men and women to hear evidence of guilt or innocence in this case," he said.

In his opening statement, Rayhill also pictured Mitchell and Stans as conspiring "to sell political influence for \$200,000 in cash."

"This case is about a briefcase full of \$100 bills to buy the political influence of Mitchell and Stans," he said.

"The purpose of this conspiracy was to get \$200,000 in cash into the campaign and to keep anyone from learning anything about it."

He said the defendants once had tremendous power but "their prominence in this nation does not entitle them to any special treatment — they once were two

of the most powerful men in this country, once two of the most influential advisers to the President."

"The government will prove," he said, "that the means they used to obstruct justice were not crass and crude. Their influence was subtle and sophisticated — over drinks in Mitchell's apartment, in a private club in New York, in a private room in the White House, on a goose hunt in Texas."

In outlining its case the government disclosed that Harry L. Sears, former Republican leader of the New Jersey state senate who was indicted as a co-conspirator in the case along with Vesco, will testify for the prosecution under a grant of immunity.

If found guilty, Mitchell and Stans could get 50 years in prison each.

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