

Anger at Stans Trial

New York

The defense rested yesterday in the Mitchell-Stans trial with Maurice H. Stans, badly shaken and ashen-faced, conceding that there were discrepancies between his grand jury and trial testimony, but angrily denying that they were lies.

Instead, in an emotional plea to the jury, the former secretary of commerce attributed these discrepancies to "my state of mind and anxiety over my wife's condition."

"Haven't you testified falsely under oath for the last two days?" demanded John R. Wing, the chief prosecutor, as he wound up a sweeping, damaging cross-examination of Stans.

"Absolutely not. That's a lie, Mr. Wing, and you know it," answered Stans.

"Weren't they (his grand jury testimony) complete fabrications?" asked the prosecutor, his own voice trembling in anger as he leaned over the lectern and faced the defendant.

"No," Stans replied. "They were my best recollection at the time in my state of mind and my anxiety over my wife's condition when she was so critically ill and about to die."

That answer was ordered stricken from the record after Wing objected to it.

The drama started early in the day, with Stans admitting to a discrepancy that goes to the heart of his defense.

He and former Attorney General John N. Mitchell are accused of accepting a secret \$200,000 cash contribution to President Nixon's re-election campaign, which they led at the time, from Robert L. Vesco, a financier, in return for attempting to impede and quash a Securities and Exchange Commission investigation of Vesco.

One of the main thrusts of

the defense has been that it was Vesco, now a fugitive, who insisted that the contribution be in cash and kept secret and not Stans, or Mitchell, as the government contends.

Buz Wing first read to the witness the testimony Stans gave his own attorney, Walter J. Bonner, under direct examination on Wednesday. Then, Wing reads the testimony on the same point that Stans gave when he first testified before the grand jury on March 5, 1973.

The Wednesday testimony was as follows:

"He (Vesco) said, 'How do you want this?' (the contribution). 'I said, 'Well, most people give by check, some people give in stock, and some people give in cash . . . that's up to you.' He said, 'If I give in cash, do I get the maximum privacy?'"

After reading this portion of Stans' Wednesday testimony, Wing asked "Well, you do recall that there was some indication by Vesco at that time, at that meeting, that he wanted privacy?"

"Yes. Absolutely," Stans replied.

Then Wing reads to Stans his March 5 grand jury testimony, which follows:

"Had Mr. Vesco asked that it (the contribution) be accepted anonymously?"

"No."

"Did Vesco ever request that he be reported anonymously?"

"No. I don't think so, no."

Wing then said, quietly, "Did you give those answers at that time, Mr. Stans?"

"Yes I did, Mr. Wing, but there was . . ." the witness began.

Here the prosecutor interrupted by asking, "And never in the grand jury did you say anything about Vesco asking for privacy, did you?"

"I am not sure. I would have to read the record," Stans said. "I think I did, but 'privacy' and 'anonymity' are not the same thing to me."

"When was the last time you read it (the grand jury testimony) partially?" Wing asked.

"Last night. Anonymity to me meant"

Again the witness was interrupted, with this comment by the prosecutor, "I don't think there is any question pending."

Wing then went on to refer to Stans' testimony before the grand jury on April 23, his second appearance, and he read to Stans this section from that testimony:

"You wanted to protect the privacy of Vesco?"

"Yes."

"What was it that was said or done by Vesco or any of his associates which caused you to act in that way?"

"Nothing that was done or said by Vesco or any of his associates. It was the time the contribution came in and the fact that we were shifting records from those that were confidential to those that were public, the fact that we were being harassed by the press . . ."

After Wing completed his cross-examination, Bonner went to re-direct examination of his client. It was then that, in answering a question, Stans turned toward the jury and made his recollection "hazy" during the period that he testified before the grand jury. He went on:

"It ruined my memory of the things I had done because I had worked without concentration on what I was doing. My mind was on her and her problems. Really, that was the situation, Mr. Bonner. I put people in wrong places, events in wrong dates, and confused situations. I have told the truth, Mr. Bonner."

"All the way?" Bonner asked.

"All the way," Stans answered.

"On your oath?"

"On my oath," as Stans' answer.

One discrepancy yesterday appeared to be particularly important.

It involved John W. Dean III, former counsel to the President, who has testified at this trial.

Stans admitted during his trial testimony that he had spoken with Dean about Vesco in the fall of 1972.

Before the grand jury, Stans had denied that those particular conversations had taken place. One count of the indictment charges that Stans committed perjury when he denied the conversations to the grand jury.

Stans also said yesterday that in a deposition on Aug. 28, 1972, he could not remember the names of the secret contributors to the campaign, including Vesco.

He did, however, recall all of those names yesterday.

"You had forgotten all about Mr. Vesco, Mr. Stans?" Wing said, sitting down, not waiting for an answer, ending his question ing.

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