

# A SHAKEN STANS DENIES ANY LYING AS DEFENSE RESTS

## He Lays Discrepancies in Testimony to His Anxiety Over Wife's Illness

By MARTIN ARNOLD

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 cross-examination of Mr. Stans.

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

### Response Stricken

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

The drama started early in the day, with Mr. Stans's 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 squash a Securities and Exchange Commission investigation of Mr. Vesco.

One of the main thrusts of the defense has been that it was Mr. Vesco, now a fugitive, who insisted that the contribution be in cash and kept

secret and not Mr. Stans or Mr. Mitchell, as the Government contends.

But Mr. Wing read to the witness first the testimony Mr. Stans gave under direct examination by his own attorney, Continued on Page 15, Column 5

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Walter J. Bonner, on Wednesday, and then the testimony on the same point that he 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?'"

### Earlier Testimony

After reading this portion of Mr. Stans's Wednesday testimony, Mr. 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," Mr. Stans replied.

Then Mr. Wing read to Mr. Stans his 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."

Mr. 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.

### Second Appearance

Here the prosecutor interrupted, and asked, "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," Mr. 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?" Mr. 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."

Mr. Wing then went on to refer to Mr. Stans's testimony before the grand jury on April 23, his second appearance, and

he read Mr. 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."

Mr. Stans and Mr. Mitchell are accused of perjury, conspiracy and obstruction of justice in this case.

After Mr. Wing completed his cross-examination, Mr. Bonner went to re-direct examination of his client, and it was then that, in answering a question, Mr. Stans turned toward the jury and made his emotional plea. In it he said his wife's illness had made his recollection "hazy" during the period that he testified before the grand jury. He went on:

### "Ruined My Memory"

"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?," Mr. Bonner asked.

"All the way," Mr. Stans answered.

"On your oath?"

"On my oath," was the answer.

Then Peter Fleming Jr., Mr. Mitchell's lawyer, conducted his own brief cross-examination. The jury sat somewhat impassively through Mr. Stans's testimony, including his discussion about his wife.

Mr. Fleming injected a moment of further emotion by

gulping two or three times, as one would before breaking into tears, before he asked his few questions, which he ended with,

"You have my respect, Mr. Stans."

At this, Mr. Wing asked that the sentence be stricken from the record, and Judge Lee P. Gagliardi ordered it stricken.

After a few more questions of re-cross-examination by Mr. Wing, the afternoon recess was called. The moment the jury filed out of the courtroom, the prosecutor jumped to his feet, and said, "I move that you advise the jury to disregard the performance of Mr. Fleming, and I have no doubt it was a performance."

Judge Gagliardi agreed that "it was a remark that should not have been made at all."

Prosecutor Presses

And Mr. Wing, still angry, countered with, "I am referring to the complete performance."

Mr. Fleming's questioning Mr. Stans "as if he were half in tears — is a gross miscarriage of justice," Mr. Wing said. "I don't think Mr. Fleming should get away with it."

At this Mr. Stans's lawyer,

Mr. Bonner jumped from his seat, and shouted, "I almost wept myself. I had to use all my self-control. Are no emotions allowed in a courtroom?"

At this Mr. Wing snapped, "You'll weep enough at the summation."

"I hope you'll weep with me," said Mr. Bonner.

"Now, now gentlemen, we're getting to the end of the trial," said the judge, adding that throughout the trial he had been admonishing the jurors not to pay attention to the lawyers and what they say, and so the jury was not again instructed to ignore the "performance."

Throughout the day, among the discrepancies that were developed by the prosecution, two of them appeared to be particularly important. One involved John W. Dean 3d, for-

mer counsel to the President, who has testified at this trial.

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

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

Mr. Stans also said yesterday that in a deposition on Aug. 28, 1972, in the civil case when the Democrats sued over the Watergate break-in he could not remember the names of the secret contributors to the campaign, including Mr. Vesco. He did, however, recall all those names yesterday.

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

Mr. Bonner then got Mr. Stans to say that the context of that suit was the Watergate break-in—the first time the jury was ever allowed to hear the word Watergate—and then moved for a mistrial on that ground, a motion which was denied.

After the defense rested, the Government started its rebuttal case, with Richard Vine, the director of Offices of European Affairs at the State Department, who testified about Mr. Mitchell's calling him when Mr. Vesco was jailed for a short time in Switzerland in 1971.

Mr. Vine will continue on the stand on Monday.