

Lying at Issue in Mitchell

New York

Government prosecutor John R. Wing, striking back at the defense contention that John N. Mitchell and Maurice H. Stans were innocent of criminal conspiracy and perjury, charged yesterday that the former Nixon cabinet officers "felt they were above the law."

Beginning a lengthy summation, Wing told the U.S. district Court jury that former Attorney General Mitchell and former Secretary of Commerce Stans

"sat at the very pinnacle of the government of this country and because of their power and influence they felt they were above the law."

Mitchell, Wing said, "had no right to lie under oath, and if he gets away with it, what man in this country will have any respect for law."

"You are not asked to destroy anyone," Wing said to the jury, "only to determine the facts in this case."

In his summation, Wing

continually drove home his point that the trial had developed one indisputed fact — "that some of the people that have testified here have lied to you." He suggested that Mitchell and Stans lied, "fully, completely and thoroughly."

Wing failed to finish his summation last night. The jury expressed a wish to go on to the end, but after a 12-hour court delay, Judge Lee Gagliardi adjourned the trial until this morning. He said Wing could have 90 more

minutes at that time and that he then would charge the jury.

Earlier yesterday in his half of the defense summation, Mitchell's attorney, Peter Flemming, accused the government of a "shameful and immoral abuse of power," and said the case "is not even close to proved."

In a reference to Watergate, Fleming told the jury the criminal conspiracy case against Mitchell and Stans was "a prosecutor's vision, engendered in the heat of a

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terrible national trauma."

He told the panel it couldn't ignore "that trauma, but you must do the best you can to reach a just verdict."

Pointing a finger at the prosecutor's bench, Fleming said, "They are going to argue abuse of power, and I am going to argue abuse of power by those men at the front table."

Stans and Mitchell are accused of conspiring to impede a Securities and Ex-

change Commission investigation of 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.

Fleming told the jury that the government prosecutors had painted Mitchell as the "second most powerful man in America" in his post as attorney general in the Nixon administration.

"We go home and joke with him at night about what a lousy fixer he is,"

Fleming said.

"This case is not even close to proved," Fleming said. "The duty of free men is to give freedom unless they (the government) prove their case to the point where you can live the rest of your life with it."

"This case is one ball of wax," Fleming said. "Either Mitchell is an attempted fixer and a liar — or he is neither."

"I submit the government . . . gave you half a loaf and a half a loaf is nothing."

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