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Former Attorney General John Mitchell and his lawyer, Peter Fleming, arrive at New York court where Mitchell is on trial.

By Arthur Everett  
Associated Press

NEW YORK, April 24—The government closed its criminal conspiracy case against former Attorney General John N. Mitchell and one-time Commerce Secretary Maurice H. Stans today by charging that "they felt they were above the

law, that it didn't apply to them."

"What this case involves is telling the truth," Assistant U.S. Attorney John Wing told the U.S. District Court jury, which is expected to begin deliberations Thursday.

"These two men sat at the very pinnacle of government in this country," the 37-year-

old Wing declared. "Ladies and gentlemen, John Mitchell has no more right to lie under oath than you and I, and if you buy it, that John Mitchell has lied under oath and he gets away with it, what man in this country can have any respect for the law?"

Earlier, Mitchell's defense lawyer, Peter Fleming Jr., de-

nounced the government's case as "a prosecutorial vision—a vision that they set out to give life to."

"They have failed," added Fleming.

"This case is one ball of wax," Fleming went on. "John Mitchell is a corrupt fixer and a liar or he is neither."

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However, as he reviewed the government evidence, Wing said at one point: "That, ladies and gentlemen, is hard evidence! It is not fog. It is not vision. It's straight fact."

"What this case is about, in part, is political influence on justice, an attempt to use political influence to impede justice."

Mitchell, 60, and Stans, 66, are accused of conspiring to obstruct a Securities and Exchange Commission fraud investigation of multimillionaire Robert L. Vesco in return for Vesco's secret \$200,000 cash contribution to President Nixon's re-election campaign.

Mitchell and Stans left the

Cabinet early in 1972 to direct the campaign. They are charged with conspiracy, obstruction of justice and lying to a grand jury and are liable if convicted for up to 45 years each in federal prison.

Mitchell followed Fleming's 4½-hour summation, leaning back in his chair, his left arm on the defense table, his right draped over the chair's back, his left leg crossed over his right.

In an apparent reference to Watergate, Fleming declared:

"A prosecutor's vision, you may find, engendered in the heat of a terrible national trauma. Two Cabinet officers. I'm a Democrat. I don't care about politics. But I care about justice. A vision—and any fact that does not fit that vision either is changed or not brought to your attention."

"This case is a mess, a confusion, this case is vile," continued the tall angular Fleming, stabbing his right forefinger on the railing in front of the jury of nine men and three women.

"A criminal case must be a case of fact, not vision. It has got to be a case of truth, and

not conjecture. It has to be a case with some kind of coherence, not of suspicion, surmise, innuendo or—and I say this advisedly—brutishness.

"This case makes no sense. I think you know in your hearts, and no sense means not guilty. The government of the United States, whoever they are, cannot be allowed to insist that because they think something happened, it did."

"This case is not Alice in Wonderland, it is not the Wizard of Oz, it is not Christmas, it is not the Easter bunny. This is a felony case. I believe that from every bit of evidence the government gave, nothing is proved."

Fleming ridiculed the government's contention of a conspiracy to fix the SEC case against Vesco. He pointed out that on Nov. 27, 1972, the SEC filed a \$224 million fraud complaint against Vesco. It was one of the largest suits of its kind.

"This must be the only fix case in modern times, or ancient times, or Biblical times, or prehistoric times, when the payoff was made in April and afterwards everything gets worse," Fleming argued.

"We go home at night and joke with Mr. Mitchell about what a lousy fixer he is . . . every piece of evidence they offered is a derogation of conspiracy to fix. Vesco sure did get a lot for his money."