

New York Jury Deliberates Mitchell-Stans Evidence

By Stephen Isaacs

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NEW YORK, April 25 —

Twelve "middle Americans" tonight began deciding the fate of John N. Mitchell and Maurice H. Stans, the first U.S. Cabinet officials in half a century to face criminal charges.

The jurors, three women and nine men—who range from subway conductor to bank executive—received the case at 4:55 p.m. today, after 45 days of trial, testimony from 59 witnesses and hundreds of pieces of evidence.

Mitchell and Stans listened stoically as the judge in their case, Lee P. Gagliardi, painstakingly read a 137-page charge to the jurors today, and then they waited with their lawyers in an anteroom as the jurors began deliberating.

Earlier today, chief prosecutor John R. Wing finished his summation — which took a total of 6½ hours — contending that Mitchell and Stans were little more than common liars.

At the conclusion of Wing's summation, Mitchell lawyer Peter E. Flemming asked, as he has many times in the case, for a mistrial, this time on the ground that Wing's calling the defendants liars was improper name-calling.

Judge Gagliardi refused his request.

Wing ridiculed Stans' argument that his testimony before a grand jury investigating the case was skewed because he was worried about his wife's health.

If Stans blanked out then—almost a year ago — asked Wing, "How was he able to bring them [his recollections] all back with such remarkable precision by the time of this trial?"

Wing sarcastically referred to suggestions from the defense that the two former Cabinet officials had not been warned that they were targets of the investigation, saying, "In the old days, they used to say the prosecutor was beating them over the head. Now they're doing it the other way — they're too nice to them."

"This case," Wing told the jurors, "is about something as simple as the truth, as simple as the Eighth Commandment — 'Thou shalt not lie.' It's as simple as the law that says you can't lie under oath."

"No matter who you are, no matter how big or how small,

you can't do it. The oath is the cornerstone of the judicial system. Without the expectation that people will tell the truth, this system breaks down. It doesn't work. It's no good.

"People are required to tell the truth . . . John Mitchell and Maurice Stans testified falsely to the grand jury — not just once, not just twice, but many times.

"The evidence has shown that Mitchell and Stans lied to the grand jury, that they lied to you . . ."

Concluding, Wing said:

"Ask yourselves, why did they lie? Ask it, keep it in your mind. What reason is there?"

If convicted of all counts, each could receive a maximum of 45 years' imprisonment and more than \$50,000 in fines.

The prosecution charges that they intervened in an investigation of financier Robert L. Vesco by the Securities and Exchange Commission in exchange for a secret \$200,000 cash payment from Vesco to President Nixon's re-election campaign, which they headed, and that they then tried to cover up the fact of the contribution and lied about it to the grand jury here.

Vesco, originally indicted in the case along with Mitchell and Stans, has remained outside the country. He is now a fugitive living in Costa Rica.

Mitchell and Stans are the first former Cabinet officers to go to criminal trial since the administration of President Warren Harding in the 1920s.

Then, Secretary of the Interior Albert B. Fall was convicted of bribery in connection with the leasing of government oil reserves at Teapot Dome, Wyo.

Tension rose in the courtroom here—the same one where Julius and Ethel Rosenberg were convicted of treason two decades ago—as Judge Gagliardi read on and on in his four-hour explanation of the law to the jurors.

Then, finally, he completed it; and released the five alternate jurors to go home—and smiles quickly broke across their faces. They had been sequestered along with the other jurors for nearly nine weeks.

There was no indication how long the jury would take to reach its verdict.

Another Illegal Donation Request Laid to Stans

WINSTON - SALEM, N.C., April 25 (UPI)—Maurice H.

Stans, chief fundraiser for President Nixon's re-election campaign, tried unsuccessfully to solicit an illegal \$45,000 contribution from the Wachovia Corp., in October, 1972, an official of the corporation said today.

The story was first published in the Winston-Salem Journal.

John F. Watlington Jr., chairman of the board of Wachovia Corp., later said that The Journal's story was accurate, but said, "I don't feel I should make any further comment."

The Journal said Stans, former Secretary of Commerce and chairman of the Finance Committee to Re-elect the President, made the request during a motel-room meeting with Watlington.

Stans, along with former At-

torney General John N. Mitchell, is on trial in New York on federal charges of attempting to impede a Securities and Exchange Commission probe of financier Robert L. Vesco in exchange for Vesco's secret \$200,000 cash donation to the 1972 Nixon campaign.

The Journal, which based its story on unnamed sources, said Stans had told Watlington that he had "appraised" the Wachovia Corp. and concluded that an appropriate contribution to the campaign would be about \$45,000.

The sources said Watlington rejected Stans' request on the ground that corporate contributions to political campaigns are prohibited by federal law. They said Watlington also told Stans that the Wachovia Corp. would not provide any funds under any circumstances.