

How Jury Reached Its Decision

New York

A majority of jurors in the Mitchell-Stans trial at first favored conviction of the two former Nixon cabinet officers on some charges but finally agreed the evidence failed to prove the government's case, the forewoman said yesterday after the verdict acquitting the two men.

Sybil A. Kucharski, 21, of suburban Port Chester, N.Y., the jury forewoman, said that after the jury started deliberations Thursday evening the first vote on three charges — conspiracy and obstruction of justice — was seven for guilty, four for acquittal and one undecided.

By yesterday morning, though, they had all agreed to find John Mitchell, former attorney general, and Maurice Stans, former Commerce secretary, not guilty.

Miss Kucharski said that the credibility of key government witnesses Harry L. Sears, a New Jersey Republican fund raiser; John W. Dean III, former White House counsel, and G. Bradford Cook, former general counsel to the Securities and Exchange Commission, weighed heavily with the jurors.

"We started talking about the credibility of the wit-

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nesses and why they were talking now," she said.

"We had a reasonable doubt because of these witnesses and because we didn't feel the evidence was substantiated."

Asked about Dean's testimony which he gave after he was granted immunity from prosecution, she replied: "Not only Mr. Dean but Mr. Cook and Mr. Sears admitted perjury. We took all of this into consideration.

"As for Dean, he admitted guilt, possibly looking for favor."

Miss Kucharski, who was

forced to delay her May 18 marriage because of the ten-week trial during which time the panelists were sequestered in a mid-Manhattan hotel, said the jury debated the charges until early Saturday afternoon.

Still deadlocked, they then decided to take up the six perjury counts against each defendant.

"When we started, in the back of our minds we all had personal opinions, but arguing it out we realized this is not what we were here to do," the bank teller said.

"It was because we looked at the evidence — there were doubts in our minds: We cannot convict them on our feelings but on the case before us. This is the case, this is the fact, not substantiated by the evidence."

She said that a total of nine perjury counts were decided upon by Saturday evening. On Sunday morning, the remaining three perjury counts were decided upon in the defendants' favor.

"We decided that just because they were innocent on one (perjury count) they were not necessarily innocent on the others . . . We weighed each count separately, one at a time, and we didn't rush," she said.

Only after all the perjury counts were formally voted on, one by one, did the jury take up the thorny question of the conspiracy and obstruction of justice charges.

"Once we got set in our minds what the law was, what the evidence was, and what the charge was, we were able to make headway," she said.

Asked why they didn't find either guilty on the conspiracy count, she replied: "We figured there couldn't be any conspiracy if there was no perjury."

Juror Clarence Brown, 50, a postal worker from Ossining, N.Y., described himself as a "law and order man" and said:

"They (the Vesco people) wanted to get something going, but I don't think that Stans or Mitchell ever fell for it. Vesco was trying to get to any top figure to embarrass the President."

Juror Andrew Choa, 49, who migrated to the U.S. from Hong Kong after bank-



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JURY FOREWOMAN SYBIL KUCHARSKI.

'We didn't feel the evidence was substantiated'

ing experience in China before the Communist takeover and is now a vice president of First National City Bank, said:

"We all reached these conclusions in discussions one by one. If we were not comfortable with the facts in each count, we left it and came back to it later. It was rational decision; it was not an emotional decision."

Questioned about the credibility of Dean as a witness, Choa replied: "I don't think

anybody arrived at a decision on the basis of 'this guy is a liar' or 'this guy told the truth.' "

On that same question, Miss Kucharski said the jury did feel Dean's testimony "was in conflict with everyone else's." But she said she wouldn't use as "harsh a term" as calling him a liar.

A.P. & U.P.