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N.Y. Verdict
Is Gain for President

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The trial in which former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans were acquitted in New York yesterday was not technically a "Watergate" trial.

The two former cabinet officers were being prosecuted by the U.S. attorney's of-

News Analysis

...fice in New York and not by the special Watergate prosecutor's office here. The charges against them grew out of the 1972 election campaign but were not directly connected to the Watergate bugging, cover-up or other so-called "White House horrors" that became inextricably caught up in the Watergate affair.

Yet in many significant ways, the Mitchell-Stans trial was linked legally and psychologically to the pending Watergate prosecutions here. And the outcome of the New York trial provides an obvious if somewhat incalculable boost for Mitchell and his six codefendants in the Watergate cover-up conspiracy case here, as well as for President Nixon in the impeachment investigation in Congress.

In what could be seen by some as a rehearsal of the Watergate cover-up conspiracy trial, scheduled to begin here in September, the jury in New York chose to believe Mitchell's testimony in his own defense while rejecting all or part of the prosecution testimony of former White House counsel John W. Dean III.

Dean was a principal witness against Mitchell and Stans in the New York trial and he is expected to be a

See WATERGATE, A10, Col. 1

WATERGATE, From A1

major government witness in the Watergate cover-up conspiracy trial here. Dean also is the chief accuser of President Nixon.

Whether the jury's verdict in New York implied a rejection of Dean's particular testimony or merely reflected weakness in the prosecution's entire case is

one of many imponderables. But attorneys for the seven defendants in the Watergate cover-up trial can find some hope in the outcome of the first major trial where Dean played an important role as a government witness.

From a substantive point of view, President Nixon was always a remote figure in the trial of Stans and Mitchell on charges that they conspired to help obstruct a Securities and Exchange Commission investigation of international financier Robert L. Vesco in return for a \$200,000 cash contribution to the 1972 Nixon re-election campaign.

No one has suggested publicly that President Nixon played any role in the Vesco matter, although financier Bernard Cornfeld has made an unsubstantiated charge that Vesco and Mr. Nixon met in 1972.

The benefit of yesterday's acquittal to Mr. Nixon, as the House Judiciary Committee undertakes its examination of charges against the President, is psychological rather than substantive. The White House can point to the Mitchell-Stans case as the first major trial involving Watergate-related charges and Mr. Nixon's principal accuser, John Dean.

Considering the obvious damage that a conviction of both former Nixon cabinet officers and close friends of the President could have had in complicating Mr. Nixon's already severe problems, an acquittal — even if it brings no direct legal benefits to Mr. Nixon — must be good news for the White House.

Mitchell, facing trial here with six other former Nixon White House and campaign aides in the Watergate cover-up conspiracy, can make the same sort of calculation for himself. If he takes the witness stand to testify in his own defense here, as he did in New York, he need not fear the prosecution's informing the jury — as it could otherwise have done — that Mitchell had been convicted in New York. That sort of legal disadvantage — which Mitchell has now avoided — surely would have given pause to his lawyers in considering whether to allow him to testify in the Watergate cover-up trial.

When Dean testifies here, the possibility exists that he will be asked whether he testified against Mitchell in New York and whether that trial ended in acquittal.

Such a question, if permitted at the trial here, could also have an effect on the jury's deliberations.

One juror, questioned after the verdict was returned yesterday, said of Dean, "I don't think anybody arrived at a decision on the basis of 'this guy is a liar' or 'this guy told the truth.'" Another juror said that the jury did feel that Dean's testimony "was in conflict with everyone else's" but this ju-

...r said she would not use as "harsh a term" as calling him a liar.

These random comments by two jurors suggest, but do not prove, that Dean did not have a profound impact on the Stans-Mitchell trial. If that is so and if the New York jury was not impressed with Dean as a witness (rather than his role in the Vesco affair's merely being inconclusive) then the special prosecutor has further cause for concern.

The task for the special Watergate prosecutor here may be made more difficult in still another way. The special prosecutor's office has had considerable success in persuading some Watergate defendants to

plead guilty to reduced charges and to testify for the government against other defendants. The New York acquittal could persuade defendants who were considering such a bargain to take their chances on a trial.

But for all the benefits to President Nixon and the defendants in the Watergate cover-up conspiracy that the Stans-Mitchell acquittal may imply, that verdict still is only one element in a complex equation.

Long before the Stans-Mitchell trial began, news men began hearing reports in legal circles that the New York federal prosecutor had a weak case, including the

absence of fugitive Robert Vesco from the trial.

Some observers here believe that the special prosecutor, especially now that he has been forewarned by the New York verdict, will try to present a stronger case to the jury here, taking special pains to shore up Dean's testimony by corroborating it in as great detail as is possible. The prosecution witnesses in New York were frequently contradictory in their testimony.

The special Watergate prosecutor's office also still has an unblemished record of convictions, all but one

by guilty pleas. In the only case brought to trial here so far by the special prosecutor, former White House aide Dwight L. Chapin was convicted on two of four perjury counts. Many legal observers considered the case against Chapin to be weaker than the evidence against Stans and Mitchell.

And if the White House can find good news in the Stans-Mitchell acquittal, that verdict does not alter the very real and profound problems that still confront President Nixon in the pending impeachment proceedings.