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Jury for Conviction at First; Witness Credibility an Issue

From News Dispatches

NEW YORK, April 28—A majority of the 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 today 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 Sunday morning, though, they had all agreed to find John N. Mitchell, former Attorney General, and Maurice H. Stans, former Commerce Secretary, not guilty.

Mitchell and Stans were accused of trying to block a Securities and Exchange Commission investigation of



SYBIL A. KUCHARSKI
... reasonable doubt

financier Robert L. Vesco in connection with a secret \$200,000 cash contribution to President Nixon's 1972 re-election campaign.

Miss Kucharski said the credibility of key govern-

ment 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 witnesses 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."

See DELIBERATE, A8, Col. 5

DELIBERATE, From A1

Asked whether the jurors felt Dean was not a credible witness, she said: "I'd rather not say."

Miss Kucharski, who was forced to delay her May 18 marriage because of the 11-week trial during which 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. 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," Miss Kucharski said.

She said a total of nine perjury counts were decided upon by Saturday evening. On Sunday morning, the remaining three perjury charges 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.

Juror Andrew Choa, 49,

who migrated to the United States from Hong Kong after banking 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 a rational decision; it was not an emotional decision."

Another juror, Clarence Brown, a postal employee, said the jurors did not believe Dean. He said credibility was a large issue, and that it was impossible to believe a man "who had perjured himself so many times."

Brown also said: "They [the Vesco people] wanted to get something going, but I don't think that Stans and Mitchell fell for it. Vesco

was trying to get to any top figure to embarrass the President."

Forewoman Kucharski and juror Choa said consid-

eration of the first two or three perjury counts was the roughest.

In the beginning, Miss Kucharski said, "We were off in little groups screaming and yelling across the table."

Asked why the jury didn't find either defendant guilty of conspiracy, she said: "We figured there couldn't be any conspiracy if there was no perjury."