

MITCHELL AND STANS ARE ACQUITTED
ON ALL COUNTS AFTER 48-DAY TRIAL

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JURY OUT 26 HOURS

Ex-Nixon Aides Cleared
of Acting Illegally in
S.E.C.-Vesco Case

By MARTIN ARNOLD

John N. Mitchell and Maurice H. Stans were acquitted yesterday of all charges in their criminal conspiracy case, thus ending the first trial of former Cabinet officials since the Teapot Dome scandal.

A jury of nine men and three women deliberated 26 hours over four days to reach a verdict, which came on the 48th day of the trial.

Mr. Mitchell and Mr. Stans, former leaders of President Nixon's re-election campaign, were charged with 15 counts of conspiracy, obstruction of justice and perjury.

The Government had alleged that the defendants attempted to impede a Securities and Exchange Commission investigation of Robert L. Vesco, a financier, in return for a secret \$200,000 cash contribution that Mr. Vesco made to Mr. Nixon's re-election campaign.

Embraces Lawyer

After the 15th "Not guilty" was solemnly pronounced by Sybil Kucharski, a Westchester bank teller who served as the jury's foreman, Mr. Stans embraced one of his lawyers, then fell forward on the defense table and cradled his head in his arms. He appeared to be near tears.

"My heart stopped for 30 seconds, I feel reborn," the former Secretary of Commerce said moments later, amid pandemonium in the dark, rather old Federal courtroom that had been the scene of many historic moments.

Mr. Mitchell was all smiles and appeared to take the verdict somewhat more calmly. The former Attorney General said he had been confident of acquittal from the beginning, adding:

"The truth will out. We got to the jury system, and that always works. Our fate was resting with a very fine jury—a cross section of Americans."

Jurors' Explanation

The jurors said in interviews later that they had not found

the key government witnesses credible. But they did forward a note to Judge Lee P. Gagliardi praising the chief prosecutor, John R. Wing, for "performing brilliantly."

And in a waste basket in the deserted jury room, a piece of paper from a yellow legal tablet was found with these words, written by a juror, "Nixon and Vesco is needed for proof."

Presumably this referred to President Nixon, since both of his brothers, F. Donald Nixon and Edward C. Nixon, were witnesses at this trial. A third Nixon in the case was Donald A. Nixon, the President's nephew, who is now with Mr. Vesco. The financier, also indicted in this case, has fled the country.

Judge Is Notified

The end came at 12:57 P.M., seven minutes after the jury foreman, Miss Kucharski, notified the judge by note that a verdict had been reached. Word swept through the Federal Court House at Foley Square, empty on a Sunday afternoon except for guards, the defendants, their lawyers, the press and the courthouse buffs who spent the hot, sunny morning inside waiting for a possible verdict.

When the jury filed in, the courtroom was jammed. The defendants and their lawyers

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were seated at their tables. So, too, was the prosecuting team. The jurors looked stony.

Not one looked toward the defendants. Not one smiled.

James E. Matarese, the court clerk, seated just in front of the judge, first called the roll of the jurors, each of whom answered "Here."

Then he turned toward Miss Kucharski, who had postponed her wedding date because of this trial, and asked her, on each count, first those against Mr. Mitchell, and then those against Mr. Stans, "How do you find?"

Fifteen times he asked the question and 15 times Miss Kucharski replied clearly, "Not guilty."

Mr. Stans froze for a moment, as if suspended in air, and then, still seated embraced the lawyer seated nearest him, Robert Barker, before collapsing on the table. His chief lawyer, Walter C. Bonner, started to cry, and his third defense lawyer, Edward C. O'Connell, appeared ready to join him.

Peter Fleming Jr., Mr. Mitchell's lawyer, stood up, at 6 feet 6 inches towering over everyone, and started to cry. Then he embraced Mr. Bonner and was told by Mr. Mitchell, seem-

ingly the coolest man in the courtroom, to "take it easy, you worked hard." John E. Sprizzo, Mr. Mitchell's other lawyer, said over and over "Thank God for the jury system."

The prosecutors, a four-man team, impassively pushed carts filled with legal papers through the crowd milling about the defendants, apparently stunned, saying nothing.

The conspiracy that had been outlined in a 46-page Government indictment on May 10, 1973, was over, as far as the legal system was concerned; indeed, it had not existed, the jurors said.

It was the first time in the nation's history that two former Cabinet officials had been tried together. The trial that started on Feb. 19 had ended, and by a few minutes after 1 P.M. Courtroom 110 was empty of all but ghosts, the ghosts of the Mitchell-Stans trial and the ghosts of Julius and Ethel Rosenberg, who had been convicted there, among others.

Never Lost Faith

Mr. Mitchell, seated in a room adjacent to the jury room, a room that had been assigned to the defense for this trial, said, while puffing on his pipe, "I don't think Mr. Stans ever lost faith, and I didn't."

"If there is one place I'm fairly convinced you can get justice, that is from the American people. That's why I had great faith in America, and why I love this country."

At this point someone in the back of the small room shouted, "the fascist ruling class" and was quickly ejected.

Mr. Stans said that when he was first indicted, "I said I had confidence in God and the American judicial system. I said I was innocent and was certain to be found innocent when it was all over. What's happened is that I've been vindicated by this jury."

The verdict prompted immediate speculation about the effect it would have on public opinion, for in a way the trial, despite the disclaimers by Mr. Mitchell, was the most dramatic of the recent series of referendums on the Nixon Administration, many persons felt. It was for instance, the first major trial growing out of the aftermath of the Watergate scandal.

The defendants and many witnesses at the trial had been high officials in the Administration including Mr. Nixon's former counsel John W. Dean 3d, perhaps the chief Government witness. Others had been close associates of the President.

The Government Allegations

The thrust of the Government case was what it perceived as a subtle abuse of power by "sophisticated men" doing "sophisticated things," according to Mr. Wing.

This involved, he said, a call from Mr. Mitchell at campaign headquarters to Mr. Dean at

the White House, who in turn called William J. Casey, then chairman of the S.E.C., asking Mr. Casey the "status" of the S.E.C.-Vesco case. These allegedly were attempts to impede the S.E.C. investigation.

It showed "the White House was interested," the prosecutor said, contending there had been no need for anyone to be so "gauche" as to say "Help Vesco." Just the knowledge that Mr. Mitchell and Mr. Dean were interested was enough, Mr. Wing argued.

To prove this contention was difficult. Of the 45 witnesses who testified for the government, the great majority were hostile, to the Government, putting into their first moments of testimony the fact that they still considered the defendants their friends, men to be greatly admired.

It became, in the end, a classic defense. As Mr. Fleming had put it to the jurors, "The question is whom do you believe? John Mitchell or John Dean?"

Clearly, the jury believed the 60-year-old former Cabinet officer.

Rebuffs Watergate Query

Mr. Mitchell, when asked if the verdict would affect Watergate, said he had no opinion. "You are off bounds with your question," he added.

Asked if the Nixon Administration had been exonerated by the verdict, Mr. Mitchell said, "I don't believe the Nixon administration was involved."

Still, many observers thought

that it was an exoneration of sorts, for the jurors were a cross section of Americans, a banker and a Western Union messenger, a telephone company installer and a retired life insurance company employe.

Those who thought it was an exoneration asked how different was this group, as a cross section of Americans, from the voters who had flocked to special elections recently in Michigan and Ohio and in California to cast their votes for or against the Republicans, and by extension the President?

The 66-year-old Mr. Stans was asked if he had any anxious moments during the trial. He replied, to laughter, "If we said that, it would be perjury."

"Have you talked with Martha yet?" Mr. Mitchell was asked.

Deadpan, the smoke from his pipe rising before him, he said, "Who?"

Mr. Stans, on the other hand, said that he had called his wife to tell her the verdict. "I'm anxious to get uptown to my wife, who was unable to attend the trial because of her physical condition," he said.

Faces Another Trial

Mr. Mitchell still faces another trial. On March 1, 1974, he was one of seven men indicted in Washington on charges of covering up the Watergate break-in.

In the trial that ended yes-

terday, he and Mr. Stans were charged jointly with one count of conspiracy and two counts of obstruction of justice, and each was charged with six counts of perjury. A third obstruction of justice count was dismissed by the judge early in the trial.

On the courthouse steps, where a crowd of about 150 attracted by the television cameras had gathered, the defendants were greeted with cries of "fascist pig" by some of the crowd and "God Bless America" by others.

Asked then if he had been surprised by the verdict, Mr. Mitchell, standing sun-drenched on the grimy steps, replied, "No way, baby, no way."

Mr. Stans said, "We had great faith in a man, the President, to do everything we could to get him elected. Everything in that cause was proper and just."

Wing Feels 'Rotten'

Mr. Wing said he felt "rotten" about the verdict, and that he thought it might have been different had Mr. Vesco been here to stand trial along with Mr. Mitchell and Mr. Stans. This possibility was apparently supported by the jurors, who seemed to feel that Mr. Vesco was the missing link in the Government's case.

Room 123, a small narrow room, is called the "gold room" in the Federal Court House. It has in it an old wooden conference table, wooden chairs, two rest rooms and several shelves.

It was the room in which the verdict was reached. In it, along with the note about Nixon and Vesco, a copy was also found of a note that the jurors had addressed to the judge, asking him to pass it along to the prosecutors at his "exclusive discretion."

"The verdict speaks for itself," the note said in part. "Mr. Wing and his colleagues have performed brilliantly, with great skill and dignity. We thank them. We express to them our respect and our esteem."

The table was littered with tiny scraps of yellow paper, on which the jurors had made notes while deliberating. They had mostly been shredded.

Several moldering sandwiches were scattered about. The prongs on a standing coat rack were decorated like a Christmas tree, with multi-colored paper coffee cups. The room had three sets of windows, but very little sun managed to get into it because they were blocked out by the rear of St. Andrews Roman Catholic Church, which at that point presses very close to the courthouse building.

Today custodians will clean up the room and prepare it for the next jury.