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# Mitchell-Stans Trial: 'Thank You, Miss

Maybe it is too harsh to say that boiling in oil would much improve the human flavor of former Attorney General John Mitchell, former Secretary of Commerce Maurice Stans and some other members of the pre-Watergate Nixon administration. The matter is arguable, however.

Thus it is not pro-Mitchell or pro-Stans to say, loudly and clearly, "Thank you, Sybil Kucharski." Miss Kucharski is an almost alarmingly composed, shrewd and high powered 21-year-old bank teller. She served as foreman in the jury in the government's case against Mr. Mitchell and Mr. Stans. On behalf of the jury, she declared the defendants "not guilty" on all counts.

The reason for saying, "Thank you, Sybil Kucharski," furthermore, has nothing whatever to do with the verdict of the jury over which she presided. It has to do, rather, with the jury's agreeably old-fashioned, almost antique-American refusal to abandon the presumption of innocence, to which the former Nixon cabinet members had a right under the American system. The jury, as Miss Kucharski made plain, did not think much of the defendants.

But Miss Kucharski also explained that she and the rest of the jury did not regard the main government wit-

nesses as "credible" enough to prove the guilt of Mr. Mitchell and Mr. Stans. The witnesses were Harry L. Sears, G. Bradford Cook and John W. Dean III. All were practitioners of that widely admired new specialty, high level plea bargaining, and John Dean, of course, was the specialty's grand founder.

"Not only Mr. Dean but Mr. Cook and Mr. Sears admitted perjury," said Miss Kucharski after the trial was over. "We took all this into consideration. As for Dean, he admitted guilt possibly looking for favor."

In other words, Miss Kucharski and the other members of the jury concluded that they could not possibly tell whether the three admitted perjurers were now telling the truth. The jury wondered, in fact, whether these men were not singing a song the prosecutors suggested to them, in order to escape punishment for their known crimes. Thus the jury and Miss Kucharski have raised a major point that should not be shoved under the rug any longer.

In the present climate, removing the rug will be unfashionable in the political community. It was not fashionable, either, when this reporter and his brother, Stewart, then partners, kept suggesting that it was just a bit im-

proper for the FBI to maintain a stable of hired perjurers. The proofs that these men sang for their suppers, and sang falsely, too, were ample and irrefutable.

But that was the dread McCarthy-time; the FBI's hired perjurers were "anti-Communists"; and not a soul in Washington picked up the story about them, although, God knows, the evidence was freely offered. The hired perjurers might still be around, in fact, if one of the more active, the late Paul Crouch, had not finally grown just a mite too incautious for any judge's stomach.

The potential parallel between the hired perjurers and the high level plea bargainers is uncomfortable, nowadays, to anyone with a halfway open mind — a rare human commodity in Washington at the moment. Consider, for instance, Mr. Dean, who plainly inspired greater distrust than the others in Miss Kucharski and her colleagues.

The record shows that John Dean was not held back by any twinge or scruple from what literally amounted to a long course of crime. As long as he thought he was earning brownie points from his boss, H. R. Haldeman, and as long as he also thought it was all quite safe, he plunged onward without a moment's hesitation. The plea

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## Kucharski'

bargaining only began when he felt safe no longer

So is one to suppose that John Dean would be any more scrupulous about earning brownie points with prosecutors, than he was about earning brownie points in his early, criminal phase? And just who is to go bail for all the current prosecutors being utterly, totally, absolutely different from those who freely used the late Crouch — and thereby made themselves heroes in the eyes of a large part of the contemporary press and public?

Sometimes, the results of this newly widespread practice of high level plea bargaining have been downright shocking. By lavish plea bargaining, for instance, Maryland financier" Joel Kline got off with four and a half months in jail. Yet this was after "committing every white collar crime but forgery" by his own admission including continuous criminal tax evasion, usury, kickbacks to bank officers, bribery of zoning officials, stock manipulation, and obstruction of justice.

Over all, then, it is fortunate the tapes will decide between President Nixon and his chief accuser, John W. Dean III.