



ED ESHLEMAN'S WASHINGTON REPORT

The jury's verdict in the Mitchell-Stans trial came as a shock to many people, particularly many news commentators. National news media coverage had pretty much leaned for weeks on the theme that both former Cabinet officers were guilty of the charges including conspiracy and perjury. The jury's decision was just the opposite.

What this example should say to each of us is that the American system of innocence until proven guilty remains quite powerful. The

Mitchell-Stans jurors were quite specific in their statements that the prosecution had failed to prove guilt beyond a reasonable doubt.

But guilt beyond a reasonable doubt has not been a news media standard as charges and counter-charges have been reported day after day. In fact, it has seemed that indictment has been automatically twisted to mean confirmed guilt, and that charges made must be accepted as truth.

The Mitchell-Stans verdict

shows that indictment does not necessarily mean guilt. It shows that all of the adverse publicity in the world may not add up to a strong legal case in the courtroom. And it shows that no final judgments can be made until all of the facts are in and have been examined and cross-examined.

There is a message here for the Congress, too. The impeachment proceedings we face are essentially judicial in nature. Precedent after precedent shows that House action on impeachment is a grand jury type undertaking while Senate action is a trial by jury. The same presumption of innocence until guilt can be proven must be a congressional consideration just as it is a basic part of our overall legal system.

That is why I have been so firm in my belief that Members of Congress who are expressing their views about the President's

position with regard to impeachment are acting irresponsibly. Some of these Members were publically making statements and judgments months ago, and yet it was apparent when the President turned over 1300 pages of transcript concerning Watergate that any statements made prior to that release of information were based on just some of the facts.

No Congressman should be willing to make up his mind about impeachment until he has all of the available facts before him. At a minimum those facts would have to include the final report of the Judiciary Committee.

To make judgments based upon news media accounts is a dangerous rupture in our willingness to protect the rights of all individuals and serious breach of a public trust held by every Congressman. The lesson of the Mitchell-Stans trial is that our courts are not tools of news media pressure. Should the Congress be any less willing to examine all the evidence before carrying out the judicial responsibilities the Constitution gives it in the impeachment power?

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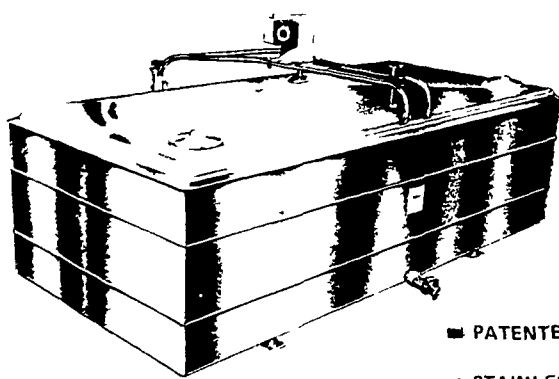
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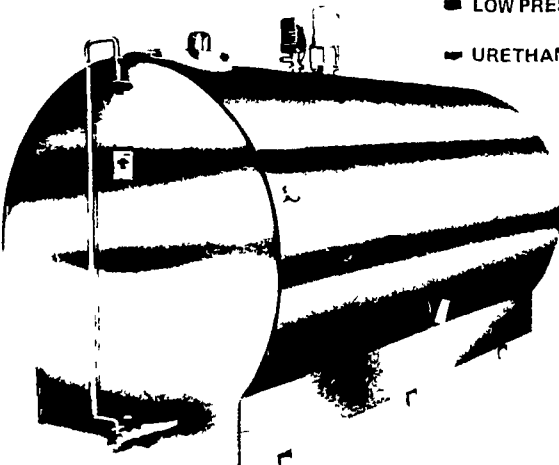
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