

Jury Deliberating Chapin Verdict

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The federal jury that is deciding the guilt or innocence of former presidential appointee secretary Dwight L. Chapin deliberated for four hours yesterday without reaching a verdict. It will resume deliberating this morning.

Chapin is charged with three counts of intentionally lying to a federal grand jury that was investigating the activities of political saboteur Donald Segretti.

After closing arguments by the prosecution and defense yesterday morning, and U.S. District Judge Gerhard Gessel's instructions of the laws applicable to the case, the jury began its deliberations at 1:50 p.m. in a beige-walled second-floor jury room of the U.S. Courthouse here.

At 3:50 p.m., the jury sent two notes to the judge. One asked for the entire trial transcript, and the judge denied it with the additional instruction that he would read to the jury any specific portions it asked for. The second asked merely for 12 additional copies of a government exhibit that had been sent to the jury room.

The judge called the jury back into the courtroom at 5:42 p.m. and asked foreman Charles Wesley if the jury was close to a verdict.

"No, sir," Wesley replied. The jury then ended its deliberations for the day.

The jury has before it three specific instances in which the Watergate special prosecutor

says Chapin deliberately intended to mislead the grand jury during his appearance last April.

Chapin is charged with lying when he denied knowing about the distribution of campaign literature by Segretti, denied telling Segretti to avoid talking to the FBI, and denied telling Segretti to focus his activities on the presidential campaign of U.S. Sen. Edmund Muskie (D-Maine).

While the government says the lies were intentional, the defense contends the statements merely reflected that Chapin was too busy to remember many details of the Segretti operation and that he was confused by some of the questions he was asked when he appeared before the grand jury.

In his closing argument, assistant Watergate special prosecutor Richard Davis hit hardest on Chapin's lapses of memory on receiving some of the strongest literature prepared by Segretti.

Rereading some of the racist-oriented documents to the jury of seven blacks and five whites, Davis repeatedly demanded after each: "Could Mr. Chapin have forgotten that?"

Davis described some of the literature as "bivotal, outrageous, disgusting. . . . How could Mr. Chapin forget it?"

To counter a defense contention that Chapin had given accurate information to the jury about his relationship with Segretti, Davis said that Chapin was worried about his image and therefore refused



DWIGHT L. CHAPIN . . . charged with lying

to own up to exactly how much he knew about the "dirty tricks" operation.

If Chapin had wanted to get all the facts out about his relationship with Segretti, as Chapin claimed on the witness stand, why did he give as an excuse for lying to the FBI that he was afraid the information would be leaked to the press, Davis asked.

"That explanation doesn't make sense. Mr. Chapin engaged in a pattern of deceit . . . that culminated with his taking his oath before the grand jury . . . and deciding to lie," Davis said. The prosecutor spent 51 minutes going over the indictment count by count.

As for the charge that Chapin ordered Segretti to concentrate on the candidacy of Muskie, Davis pointed to what he called the "high percentage" of Segretti's fake documents that concerned Muskie.

Davis said that Chapin's testimony on that point was ambiguous. Chapin had testified that he did tell Segretti to concentrate on Muskie, but not to the exclusion of other candidates, and that the general game plan for the dirty tricks project was to focus on the Democratic front-runner at any given time.

Defense attorney Jacob Stein, meanwhile, took 59 minutes to try to get the jury's thoughts away from documents, saying they appealed to "emotions" and had nothing to do with the specific charges that Chapin had lied to the grand jury.

"Mr. Chapin is not charged with initiating a scheme which led to this mess," Stein said.

Stein said that the Segretti project was "only a small part" of Chapin's activities and that what he essentially is being charged with is not remembering each detail of it and refusing to volunteer information about it to the grand jury.

He said Chapin answered all the questions asked him by the prosecutors and the grand jury.

"A grand jury proceeding is not a casual conversation . . . it's not gossip. He's not under any obligation to volunteer anything," Stein said.

As for the count about the Muskie campaign, Stein conceded that Chapin probably

told Segretti to focus his attention there. But the point of the operation, Stein said, was to cause confusion and "hopefully to have an arrow in the back" of every Democratic candidate.

The main thing he wanted the jury to remember, Stein said, was that "Dwight Chapin answered these questions the best he could . . . there was no atmosphere of lying in that grand jury room."