

Prosecutors Resist Giving Chapin Data

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Watergate special prosecutors have made a last-minute effort to block court-ordered production of grand jury testimony involving former White House aide Dwight Chapin.

U.S. District Court Judge Gerhard A. Hesell had ordered the prosecutors to submit the transcripts to him before closing time Friday along with an outline of any portions they felt should be kept confidential.

Gesell, who issued the ruling at Chapin's arraignment on perjury charges two weeks ago, held that President Nixon's appointments secretary was entitled to inspect the testimony since "he claims bias" in the federal grand jury that indicted him.

Instead, Watergate Special Prosecutor Leon Jaworski and his aides submitted an eight-page memorandum contending that production of the transcripts for Chapin this far ahead of his trial would be "unauthorized . . . unwarranted (and) premature."

They said that Chapin and his lawyers have yet to submit any sworn statement alleging

bias in the indicting grand jury and that his claims at this point are too speculative. They also contended that prejudicial publicity could not invalidate Chapin's indictment anyway.

Assistant Special Prosecutor Richard J. Davis maintained in a separate affidavit that production of all testimony "relating" to Chapin would violate the principle of grand jury secrecy, which "encourages witnesses to come forward and protects them from any improper influence or reprisals."

Under questioning by Gesell last week, however, prosecutor Davis acknowledged that he did not expect any harm to the government witness against Chapin.

A key witness is expected to be confessed political saboteur Donald H. Segretti who is now serving a prison term in California for violating federal election laws. Chapin, who reportedly recruited Segretti in 1971, has been accused of lying under oath during grand jury questioning about Segretti's activities.

Should Gesell reject the Watergate prosecutors' argument, Davis contended that some of the grand jury testimony "should still be withheld." He submitted a list of particularized claims for secrecy to the court with a request that Gesell order even that document sealed from the public. A similar White House analysis of the subpoenaed Watergate tapes was, by contrast, publicly filed.