

Pretrial Publicity Cited

Chapin's Lawyers Ask Change of Trial Site

Post 9/10/74

Attorneys for former White House aide Dwight L. Chapin asked U.S. District Court yesterday for a change of location for his April 1 trial because of "Massive pretrial publicity."

In three separate motions, the lawyers also moved:

- To dismiss Chapin's Nov. 29 indictment on four charges of lying to a grand jury because of chief U.S. District Court Judge John J. Sirica's alleged failure to admonish the Watergate grand jury against publicity.

- Not to waive the attorney-client relationship they said existed between Chapin and former White House Counsel John W. Dean III. This move was intended to keep the government from calling Dean as a witness at Chapin's trial.

Chapin, who was President Nixon's appointments secretary, was indicted on the basis of his testimony about his relations with Donald Segretti, whom he had hired for undercover political espionage and sabotage in the 1972 campaign. Segretti is serving a six-month sentence in federal prison for conspiracy and distributing illegal campaign literature.

In a memorandum in support of the motion for a change of venue, Chapin's lawyers said:

"The nationwide television coverage of the Senate hearings and the publicity of Watergate and 'dirty tricks' by national media had undoubtedly created a substantial risk of jury prejudice against any person alleged to be involved in these matters, and to an extent this risk may be said to exist in every federal district. However, nowhere does the likelihood of preju-

dice so clearly achieve certainty as in the District of Columbia.

"This is so for two reasons: first, the publicity originated from and has been most intensive here: second, the people of the District of Columbia are more likely to become aroused by the matters publicized."

The lawyers attached affidavits comparing coverage in Washington newspapers with that of Des Moines, Iowa newspaper.

"One source of this publicity, deliberately caused by the government, was the extensive local television coverage and resulting press coverage of the Senate hearings with regard to Watergate and 'dirty tricks,'" the lawyers said in another memo.

They said Sirica "failed to take adequate precautions to ensure that the jurors were not infected by prejudicial publicity from the various communications media. Specifically, the court did not admonish the members of the grand jury not to read news accounts or watch or listen to television or radio accounts of the matters pending before them."

Chapin's lawyers said the government "knowingly and deliberately" elected to go forward with the Senate Watergate hearings last year "despite the obvious peril to the right of the defendant and others to a fair trial."

They also said several of the incidents attributed to Segretti might arouse black persons in Washington.

"Several of the incidents related by Segretti in his Senate committee testimony suggest a motive to exploit racial issues for political purposes," the lawyers said. "It is reason-

able to expect the predominantly black citizenry of Washington, D.C., to be particularly offended by such conduct."

The memorandum noted that Segretti had prepared statements suggesting that Rep. Shirley Chisholm (D-N.Y.) had been confined in a mental institution, that Sen Edmund S. Muskie (D-Maine) was seeking a black vice president and that Segretti had placed this ad in a college newspaper.

"Wanted. Sincere gentleman seeks running mate. White preferred but natural sense of rhythm no obstacle. Contact E. Muskie."