

Prosecutor to Call Dean As Witness in Chapin Trial

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WASHINGTON, Jan. 23—The Watergate special prosecutor plans to call John W. Dean 3d as a witness in the perjury trial of Dwight L. Chapin, according to a memorandum filed today in United States District Court.

Mr. Dean, former counsel to the President, has been one of the key figures in the Watergate scandals. In recent days, suggestions have come from the White House that as yet undisclosed papers will shake his testimony.

Attorneys for Mr. Chapin, the President's former appointments secretary, argued in a motion filed Jan. 9 that Mr. Dean should have been excluded from the trial because of the secrecy of attorney-client relationships.

In an answer filed today with Judge Gerhart A. Gesell, the special Watergate prosecutor, Leon Jaworski, answered that Mr. Dean was not a lawyer for Mr. Chapin but instead for the United States and the Office of the President.

The memorandum also notes that the move to bar Mr. Dean's testimony is premature: "Defendant will shortly be informed of the substance of Mr. Dean's proposed testimony, and would not be hampered from a pretrial motion" to exclude Mr. Dean as a witness.

Change of Venue

Mr. Chapin's attorneys had argued for a change of venue, citing prejudicial publicity and a possible all-black jury drawn from the District of Columbia, which voted 78 per cent for Senator George McGovern in the 1972 Presidential elections.

Mr. Chapin's attorneys, Jacob A. Stein and Gerard E. Mitchell, noted that Mr. Chapin had been identified as Donald H. Segretti's "boss" in a series of campaign "dirty tricks" for which Mr. Segretti was later convicted. Some of these tricks, they argued, had racial and political overtones that Washington's black population would find particularly offensive.

The special prosecutor answered that the motion was premature because no jury had been selected yet, and that "we know of no case in which a member of a 'minority' race, creed, political party or other group has been allowed, ipso facto, to have his trial moved to a judicial district wherein members of his group constitute a higher percentage of the population than the

place where he committed his crime."

On pretrial publicity, Mr. Jaworski argued that, of 59 articles cited by Mr. Chapin's lawyers from local newspapers, eight made no reference to Mr. Chapin and that "in the great majority of exhibits he is not the subject of the articles, but merely gains of some brief mention in them."

The trial has been scheduled to start April 1, with arguments on motions to be held Jan. 31.

Mr. Chapin was indicted last Nov. 29 on four counts of perjury before the Watergate grand jury in connection with his dealings with Mr. Segretti.