

Judge Urges Talk On Dean to Stop

Washington

A federal judge said yesterday there should be an end to public discussion of whether John Dean testified truthfully about the Watergate affair.

He also chided special Watergate prosecutor Leon Jaworski for appearing on a television talk show.

"I obviously cannot direct the President, the vice president or the Senate minority leader to cease doing what they are doing," U.S. District Judge Gerhard A. Gesell said.

"The President in a letter to me has indicated his concern about pretrial publicity. I hope every effort will be made by appropriate authorities to stop discussing matters that are before this court."

The judge made the statement at a pretrial hearing for Dwight L. Chapin, President Nixon's former appointments secretary who is

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charged in four counts with lying to a Watergate grand jury.

Chapin's lawyer said that remarks in the television interview of Jaworski prejudiced Chapin's right to a fair trial.

Gesell denied the motion to dismiss the charges but called the special prosecutor before him and said:

"I do fear that any further lapse will have increasingly serious consequences. It seems to me your good sense would keep you off talk shows. I do urge you to stay off these catch-as-catch-can shows."

Jaworski appeared on ABC's "Issues and Answers" February 3 and repeated what his assistant once said in court: "We have found no basis for a charge of perjury" against Dean. Jaworski also said Dean, President Nixon's former counsel, would not be called as a witness in any trial if the prosecutor be-

lieved he had lied.

The 35-year-old Dean is one of the main witnesses expected to be called at Chapin's trial April 1.

Gesell closed his courtroom to spectators while lawyers argued whether an attorney-client relationship existed between Dean and Chapin that would prevent Dean from testifying.

Chapin testified during the closed hearing but the government did not call Dean to the stand.

The Dean-veracity discussion in court yesterday was the latest in a round of claims and counterclaims started by Senate Minority Leader Hugh Scott of Pennsylvania on an earlier Sunday talk show interview.

Scott said he had seen White House documents that proved Dean lied when he said that President Nixon knew about the Watergate coverup before last March 21. Chapin's lawyer, Jacob Stein, raised the question of Dean's believability later in a pretrial hearing and assistant prosecutor Richard Davis made his statement that there was no evidence on which to base a perjury charge.

Shortly thereafter, Jaworski appeared on ABC-TV's "Issues and Answers."

Yesterday, Judge Gesell told Jaworski: "I'm aware that highly unfavorable remarks about the credibility of witnesses were made by people in a position much higher than your own. I don't believe the defendant's trial has been prejudiced . . . I fear any further lapse will have increasingly serious consequences."

The judge said that prospective jurors will be questioned closely about whether they had seen the television interview.

Jaworski, making a rare court appearance, told the judge "there is not going to be any intent any time to violate these rules . . . the greatest of care will be exercised. There was a tremendous amount of publicity that made it appear there was a concerted effort being made to destroy a government witness."

But Jaworski said that was no excuse and he thanked the court "for placing me in a position where it will be easier for me to say no" to such future interview invitations.

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