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Chapin Denies Lying to Grand Jury

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Former presidential appointment secretary Dwight L. Chapin, testifying in his defense for nearly three hours yesterday, categorically denied that he intentionally lied to a federal grand jury investigating his connections with political saboteur Donald Segretti.

Chapin admitted, however, that he made what he called "misstatements" to FBI agents investigating Segretti's activities because he was concerned about leaks of FBI information to the press. Lying to FBI agents is a federal crime, but Chapin is not charged with that offense.

As both the prosecution and the defense concluded their cases yesterday, U.S. District Judge Gerhard A. Gesell threw out one of the four counts with which Chapin had been charged.

Gesell ruled that the government had failed to produce enough evidence to prove that Chapin lied when he told a federal grand jury in April, 1973, that he did not know the details of how Segretti was paid for carrying out his political "dirty tricks" during the 1972 presidential primary campaigns.

That count of the indictment against Chapin was dismissed by Gesell after the government produced a memorandum on Segretti's

activities that Chapin had prepared in November, 1972, for then-White House counsel John W. Dean III. In that memo Chapin had written that he did not remember the financial arrangements made with Segretti.

President Nixon's personal attorney, Herbert W. Kalmbach, who paid Segretti out of a secret cash fund of leftover 1968 Nixon campaign money, testified Tuesday that he once told Chapin the details of Segretti's compensation in the summer of 1971. But Gesell said the salary arrangement was a "housekeeping detail" that a man with Chapin's schedule could have forgotten.

In the remaining three

counts, Chapin is charged with lying when he denied knowing about Segretti's distribution of campaign materials, denied telling Segretti to focus his dirty tricks activities on U.S. Sen. Edmund Muskie (D-Maine), and denied that he advised Segretti to avoid talking to the FBI.

The trial jury, which also heard testimony yesterday from two other defense witnesses and from Dean and FBI agent Angelo Lano for the prosecution, will retire to consider its verdict after final arguments by both sides today.

Chapin's two defense

See CHAPIN, A6, Col. 3

CHAPIN, From A1

witnesses were Nellie Yates, his personal secretary while he was at the White House, and Dr. John C. Whittaker, a former coworker at the executive mansion who is now an under secretary at the Interior Department. Both testified that Chapin had a good reputation for honesty, a busy official schedule and a poor memory.

Chapin, who resigned from the White House staff early in 1973 and is now on leave of absence from United Airlines, was yesterday's most important witness.

Calmly and deliberately, he answered questions put to him by defense attorney Jacob Stein concerning his hiring of Segretti to, in Chapin's words, "cause confusion with the front-running Democratic candidate at any one time."

He explained the intense secrecy of the project about which Segretti testified on Tuesday as necessary to hide White House involvement in the operation.

"I wanted to keep it a step removed from me because of the possibility of it becoming a political football in the hands of the opposition... which is what it ended up to be," Chapin said.

He said Segretti operated on his own, without any detailed guidance from Chapin. Segretti did not tell him in detail about the distribution of campaign literature that he had faked, nor did he file any detailed reports, Chapin added.

In any event, said Chapin, he was too busy with the planning of President Nixon's 1972 trips to China and Russia to keep up with Segretti's activities in detail.

Segretti testified Tuesday that he had a "general practice" of sending all of his faked documents to Chapin's home here.

Chapin testified yesterday that "as incredible as it may seem," he didn't even open

many of the envelopes. "I was bored by what I had seen before" in Segretti's documents, Chapin explained.

The former presidential aide was vague about the details of which Segretti documents he actually remembered receiving in the mail and opening, and which ones he did not remember ever having seen before his trial began.

Much of Chapin's testimony had to do with the November, 1972, document that he had compiled for Dean's examination as a chronology of Segretti's activities. The government says the memorandum, with its listing of specific acts that Segretti was involved in showed Chapin knew much more about Segretti's activities than he told investigators.

The defense, however, seemed to want to turn the memo to its own advantage.

In that memorandum to Dean, with its secrecy designation as "eyes only", he left blanks where there should have been names when discussing who had approved the Segretti project.

Those blanks, Chapin testified yesterday, were to represent the names of then top presidential aide H.R. (Bob) Haldeman and former Attorney General John N. Mitchell.

Chapin said he did not want to testify about the involvement of Haldeman when he appeared before the grand jury "out of a deep sense of loyalty for him." Chapin had worked for Haldeman for several years.

However, Chapin said he was asked questions about Haldeman's involvement before the grand jury, and rather than lie, gave his name anyway.

Under cross-examination by assistant Watergate prosecutor Richard Davis, Chapin was pressed on earlier testimony that he had wanted "all the facts to get out" about his involvement with Segretti.

If he was so anxious to

get the facts out, Davis asked, why did he prepare in November, 1972, at least four rough drafts of possible public statements about Segretti's operation without any mention of some details he later admitted knowing about the project.

Chapin answered that he was preparing these as various alternatives to the memo he finally prepared for Dean.

Davis also honed in on what appears to be the strongest perjury count: Did Chapin tell Segretti to focus on Muskie's presidential campaign?

Segretti's testimony on that count was that Muskie was described as the focus, but also that the general philosophy of the political dirty tricks was to divide the Democratic candidates in general.

"I guess I did tell him that," he answered when Davis asked if Segretti had been told to concentrate on Muskie in the Florida primary. But, Chapin hastily added, "I didn't say 'not to the exclusion of anyone else.'... I could have stated Muskie was the top contender in Florida."

At one point, Chapin said President Nixon "never in any way was aware of Mr. Segretti's activities." He also said, "If I had been concerned that Segretti was going to do something that was embarrassing to the President of the United States, he would not have been out there."

As for his "misstatements to the FBI," Chapin testified that he was "willing to cooperate with the FBI to bring the whole thing to a conclusion... but not to be put on the front pages of newspapers to demagogue people who might be innocent."

He said he complained to agents that his testimony was leaked after the first of three interviews, and so in the third interview "I was very careful what I told the FBI... I made misstatements."