

Prosecutors Back Dean's Credibility

By George Lardner Jr.
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Watergate prosecutors said in federal court yesterday they have "no basis for believing" that former White House Counsel John W. Dean III lied under oath.

Assistant Watergate Special Prosecutor Richard J. Davis publicly backed Dean's reliability at a hearing on pretrial motions filed by former White House aide Dwight L. Chapin.

"Insofar as the government is concerned, based on the evidence accumulated so far, we have no basis for believing that Mr. Dean has committed perjury in any proceeding," Davis told U.S. District Court Judge Gerhard A. Gesell.

The assessment directly contradicted assertions by Senate Minority Leader Hugh Scott (Pa.) that Dean should be charged with perjury for his Senate testimony implicating President Nixon in the Watergate cover-up. (Meanwhile, a Scott aide said the senator had begun his own investigation into the controversy over his report on White House Watergate evidence.)

The issue was raised again by lawyers for Chapin who faces trial here April 1 on charges of lying to a grand jury — with Dean slated as a key government witness against him.

Chapin's chief lawyer, Jacob Stein, said they were entitled to any evidence the government might have that Dean lied, "even in matters extraneous to this case."

Prosecutor Davis replied that "we would have no basis for . . . bringing any charge of perjury against Mr. Dean, either for what he told the Senate Watergate committee or for his subsequent grand jury testimony.

Disposing of other pretrial issues raised by Chapin's lawyers, Judge Gesell crisply denied their attempts to move the trial from Washington because of its heavily black, Democratic population.

Chapin's attorneys had maintained they could not get a fair trial here because potential jurors here would be "particularly offended" by racial campaign tactics that he allegedly approved in the 1972 Florida presidential primary.

The judge called the argument "an affront to the jury system."

"Juries in this city are fair, impartial and deliberate," Gesell declared. Should the prosecution make any appeal to racial emotions, he said, "I am very confident that Mr. Chapin would walk out of court a free man."

Chapin's lawyers called to the witness stand a black psychiatrist, Dr. Elvin Mackey Jr., who maintained that "widespread feelings of anger, hostility and rage in the black population" stemming from political and social conditions here could prevent a fair trial for former employees of the Nixon administration which

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has had "very few visible blacks" in its ranks.

Gesell flatly rejected the argument along with accompanying motions based on pretrial publicity. With all the national attention focused on the Watergate investigations, the judge said, "the best way to create the most publicity in this case is to transfer it to some backwoods town and then move into that town the national press. The trial will be here."

At the same time, the judge said he would sequester the jury that is chosen and issue other orders to keep the trial free of "any atmosphere of carnival or circus."

Citing a federal court rule applicable to widely publicized or sensational cases, Gesell said he would issue the orders after receiving suggestions from defense and prosecution lawyers and "responsible members of the press."

Accused of lying about his knowledge of the activities of political saboteur Donald H. Segretti, Chapin has also served notice that he intends to invoke the attorney-client privilege in an effort to block Dean's testimony. Watergate Special Prosecutor Leon Jaworski has denied that such a relationship existed between the two men.

Gesell said he needed more facts before issuing a ruling and set a hearing for Feb. 15 to take Dean's testimony. He said the dispute should be settled "well before trial."