

Nixon Counsel Says Tapes Refute Dean

By William Claiborne
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President Nixon's chief Watergate defense lawyer declared yesterday that the presidential tape recordings "do not support" the testimony of fired White House counsel John W. Dean III.

"The evidence does support what the President has said on this matter," said James D. St. Clair, referring to Mr. Nixon's repeated statements that he knew nothing of the plan to cover up the Watergate scandal until last March 21.

The Watergate special prosecutor's office said yesterday that it stands behind its courtroom declarations of confidence in the veracity of Dean's sworn testimony before the Senate Watergate committee. Special Prosecutor Leon Jaworski had said the same thing in a television interview Sunday.

Dean, a chief witness against the President, told the Senate panel last summer that he believed Mr. Nixon was aware of the Watergate cover-up as far back as Sept. 15, 1972.

The White House yesterday gave no indication whether tapes or documents that could support Mr. Nixon's version will be made public, or whether the President will honor Jaworski's request for additional evidence.

St. Clair, in a two-paragraph statement issued at the regular White House briefing, obliquely raised the specter of possible perjury charges against Dean.

"I do not intend, nor would it be appropriate for me, to discuss the technical issues of perjury. I suggest that the time and place for discussing such matters is in court, or

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perhaps before the House Judiciary Committee, not in the public media," St. Clair said.

St. Clair was critical of Jaworski, saying that the special prosecutor and his staff "have seen fit to discuss in public their views" of Dean's veracity.

Obviously angered by St. Clair's assertions, staff members of the special prosecutor's office said that the subject of Dean's truthfulness

was first brought up on Jan. 20 by Senate Minority Leader Hugh Scott (R-Pa.). Scott said he had seen some White House evidence that would refute Dean and exculpate the President.

Jaworski's first comments about Dean's reliability were not made until Jan. 23 in U.S. District Court, according to

James Doyle, spokesman for the special prosecutor. Doyle said the response was at the prodding of defense lawyers for former White House aide Dwight L. Chapin, and was made in the form of a written memorandum to the court.

Last Thursday the issue came up again when Jacob Stein, Chapin's attorney, asked Assistant Special Prosecutor Richard J. Davis in court if there was any challenge to Dean's veracity. If there was any, Stein said, it should be raised.

Davis replied that the special prosecutor's office had no reason to doubt Dean, and planned to use the former presidential counsel as a witness in prosecuting Chapin for allegedly lying to a federal grand jury.

Doyle noted that the special prosecutor's office declined to comment about Dean even,

after Scott repeated his charges at a White House briefing last week.

Jaworski was traveling in Texas yesterday and could not be reached for comment on St. Clair's assertions.

The division between the White House and the Watergate Special Prosecution Force also appeared to widen yesterday over Jaworski's request for further documentation.

In the weekend television interview, the special prosecutor said St. Clair had told him on Friday that "on Monday there would be a final decision" on the request for more evidence, and Doyle said yesterday that Jaworski would stand by that statement.

However, White House deputy press secretary Gerald L.

Warren sidestepped questions about whether a decision had been reached. He said only

that the question will be discussed in "confidential conversations" between St. Clair and the special prosecutor.

"I'm sure Mr. St. Clair and his office will be in touch with the special prosecutor's office," Warren said.

Warren stressed that the White House has already provided the special prosecutor with "new and additional" evidence, including 17 tapes and more than 700 documents relating to Watergate.

The special prosecution force is believed to have asked the White House for about 20 more documents, including one tape.

Jaworski is known to have made it clear to his staff that if the White House refuses to honor the requests for more evidence, he will take an appeal to the Senate Judiciary Committee. Committee members had suggested to Jaworski that he discuss with them any problems he encountered in collecting evidence.

The options, an aide to Jaworski said, would be to seek the documents during the course of upcoming Watergate trials, or to delay the indictments and subpoena the President for the evidence now.

The latter course would set the stage for a repeat of the constitutional confrontation created when former Special Prosecutor Archibald Cox subpoenaed tapes and documents from Mr. Nixon last summer.

Cox won in the federal district and appellate courts, but was fired Oct. 20 by the President when he refused to promise to give up further court pursuit of other evidence.

After Cox's firing, the President turned over seven tapes to U.S. District Court Chief Judge John J. Sirica, one of which had an 18½-minute erasure.

Some members of the prosecution force said they did not expect the White House to completely shut off access to other tapes and documents, but to stall as long as possible and then release evidence in a piecemeal fashion.

At the same time, a staff member said, the White House would continue to divert attention from the issue of the

tapes and documents by impeaching Dean's credibility.

While Scott has been at the center of the challenges of Dean's Senate testimony, he has also led an increasing number of appeals to the President to settle the question by making public the tapes of several key Watergate-related conversations.

On Jan. 30, after Jaworski had defended Dean's testimony, the Senate Republican leader angrily told reporters that he will not "be a patsy for anyone," and that he had renewed his demands to the White House for release of any relevant tapes.

Vice President Gerald R. Ford also has urged that Mr. Nixon make public taped conversations that could reflect on the credibility of Dean's testimony.

In his statement yesterday, St. Clair said:

"I can say categorically, however, that the tapes and other evidence furnished to the special prosecutor — at least as far as the President is concerned — do not support sworn statements before the Senate select committee made by Mr. Dean (as to what the President knew about Watergate, and especially when he knew it.)"