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Donald H. Segretti talks with newsmen outside courthouse after agreeing to plead guilty to political sabotage.

Segretti to Plead Guilty to 'Dirty Tricks'

Hunt Wants to Change Plea

Now Cooperating in Probe

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Attorneys for convicted Watergate co-conspirator E. Howard Hunt asked a federal judge yesterday to allow Hunt to withdraw his guilty plea and to dismiss charges against him because, among other reasons, Hunt thought that top White House officials had approved the Watergate burglary.

Hunt's lawyers told Judge John J. Sirica in a long written motion that Hunt helped plan and participated in the burglary because he had been led to believe the mission was approved by the White House "pursuant to the President's power to protect the national security."

Hunt's motion traced the

origin of the Watergate break-in back to the formation of the White House "plumbers" unit by President Nixon to investigate leaks of classified information, and the subsequent approval of "Gemstone," a large-scale intelligence and counter-intelligence program. Hunt specifically accused G. Gordon Liddy, who participated in both groups, of leading him to believe the Watergate break-in was a legitimate act.

"Defendant was led by Mr. Liddy to believe that program (Gemstone) was required by the Attorney General, John N. Mitchell, and that it was approved also by Messres Liddy; Jeb Stuart

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Donald H. Segretti, an undercover operative hired with the approval of high White House aides, agreed here yesterday to plead guilty to a four-count indictment involving political sabotage, against Democratic presidential candidates.

Spokesmen for Watergate Special Prosecutor Archibald Cox said that Segretti is "now cooperating" in their investigation of so-called "dirty tricks" employed on behalf of President Nixon's re-election campaign.

In return, they hinted, the charges against Segretti will be confined to the four misdemeanors set out in a new federal indictment made public in a short hearing in

the U.S. courthouse yesterday morning.

Segretti, who turned 32 yesterday, was reportedly recruited for his job in 1971 by Dwight L. Chapin, then Mr. Nixon's appointments secretary. He was secretly paid about \$35,000 for his spying activities by Herbert W. Kalmbach, then the President's personal attorney.

Chapin has apparently been notified that he is one of the "targets" of the investigation. Now an executive with United Air Lines in Chicago, he was recently sought for federal grand jury questioning here, but he was excused. The Washington Post learned, on the grounds that he planned to

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invoke his privilege against self-incrimination.

Under a policy instituted by Cox's office, any "targets" subpoenaed for grand jury questioning are automatically excused from appearing if they plan to invoke the Fifth Amendment privilege.

Government investigators have also been trying to obtain diaries Chapin reportedly kept in 1971 and 1972, but it is not known whether they have been successful.

Neither Chapin nor his attorney could be reached for comment.

The new indictment against Segretti—replacing one handed up in Tampa last May — accuses him of conspiring in the distribution of cards at a rally for Alabama Gov. George C. Wallace in the 1972 Florida presidential primary that said:

"If you like Hitler, you'll love Wallace .. Vote for Muskie."

A big favorite with Florida voters for his opposition to compulsory school busing, Wallace crushed his opponents in the Democratic primary there. Sen. Edmund S. Muskie of Maine finished a poor fourth.

Segretti was also accused of having a hand in the mailing of posters in the Tampa area reading: "Help Muskie Support Busing Our Children Now." The posters were ostensibly put out by "Mothers for Busing."

The indictment reiterated earlier charges against Segretti of fabricating and distributing two letters on Citizens for Muskie stationery.

One, distributed three days before the Florida primary, accused Sens. M. Jackson (D-Wash.) and Hubert H. Humphrey (D-Minn.), the two other leading Democratic candidates at the time, of sexual misconduct.

The other letter alleged that congressional equipment and personnel from the offices of Rep. Sam M. Gibbons (D-Fla.) were being used at Muskie's Tampa headquarters.

A federal grand jury in Tampa under U.S. Attorney John L. Briggs secretly handed up the new indictment Aug. 24. It includes one count of conspiracy and three counts of illegally distributing political literature without identifying who was responsible for it. The maximum penalty on each count

is a year in prison and a \$1,000 fine.

Segretti had pleaded not guilty to a two-count indictment that the Tampa grand jury returned in May, but he turned up at the U.S. courthouse here yesterday morning to signify his willingness to plead to the new set of allegations, which replace the old ones.

The new indictment names Robert M. Benz, 25, a former president of the Tampa Young Republicans, and George A. Hearing, 40, a Tampa accountant, as co-conspirators but not defendants. Hearing had pleaded guilty to the first indictment and was sentenced to a year in prison. Benz was never indicted in the case.

The prosecutor in charge of Cox's task force on political espionage, Richard Davis, said the hearing here was needed to record Segretti's willingness to have his case transferred to Washington.

U.S. Magistrate Lawrence S. Margolis released the short, dark-haired defendant on his own recognizance and

scheduled another hearing for Oct. 1 at 9:30 a.m. to receive a status report. Segretti is expected to plead guilty then.

Davis told the magistrate at the seven-minute hearing that Segretti is "now being cooperative with the government." Speaking with reporters later, the prosecutor added that the investigation of political espionage is "very broad," but refused to give any details.

Dressed in a gray pin-striped suit, Segretti cheerily declined all comment and hurried off with his lawyer, Victor Sherman of Los Angeles, in a limousine provided by Cox's office.

Asked what Segretti is doing now, Sherman said: "Not too much. You could say he's between jobs." He has been living with his father in a Culver City, Calif. apartment.

Once described by a federal investigator as "just a small fish in a big pond," Segretti was hired in mid-1971 on the recommendations of Chapin and another ex-White House aide, Gordon Strachan. Chapin and Se-

gretti had been classmates at the University of Southern California and both were members of several campus organizations together. Strachan was two years behind them.

In his testimony before the Senate Watergate committee in July, Mr. Nixon's former chief of staff, H. R. Haldeman, said he approved the hiring of Segretti, but insisted that he was taken on as a sort of "political prankster" whose assignment "specifically excluded anything remotely connected with the Watergate type of activity."

Haldeman said payments to Segretti were made through Kalmbach out of surplus funds from Mr. Nixon's 1968 campaign.

According to excerpts of testimony obtained last spring by columnist Jack Anderson, Chapin told the Watergate grand jury here that he received regular written reports from Segretti but called them "virtually useless." Chapin reportedly told the grand jurors that he destroyed the reports, "usually the day that they were received."

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Magruder, a former White House aide; John W. Dean III, counsel to the President, and Charles W. Colson, special counsel to the President," the motion stated.

Liddy was convicted in the Watergate break-in and has refused to talk about its origins to any government body. Magruder has pleaded guilty to participating in a cover-up of the scope of the original break-in; Dean and Mitchell face possible indictment by a grand jury investigating that cover-up; and Colson is reportedly under investigation by a second Watergate-related grand jury here.

As another reason for changing his guilty plea, Hunt's lawyers cited alleged government misconduct "in the White House and down through the executive office of the President and the Department of Justice.

"The investigation and prosecution of this case were replete with deliberate obstruction of justice, destruction and withholding of evidence, perjury and subordination of perjury—all by responsible government officials," Hunt's attorneys said.

Hunt had pleaded guilty to charges of conspiracy, burglary and wiretapping at the beginning of the Watergate break-in trial last January. His motion yesterday to vacate his plea follows by three days a similar attempt by four Miamians who pleaded guilty in the same trial to change their pleas to innocent.

The four Miamians had claimed that their pleas were entered because they felt they were under pressure to do so from Hunt and "high officials of the executive branch of government." They had claimed they had participated in the Watergate break-in because they had been told it was a legiti-

mate government intelligence operation.

In explaining Hunt's claim of two "valid defenses" to the charges against him in the break-in, his lawyers, headed by Sidney S. Sachs, said in yesterday's motion.

"The first is that his acts were lawful because they were performed pursuant to the President's power to protect the national security.

"The second, assuming (for the sake of argument) that the acts were not lawful, is that he was justified in believing they were lawful."

Hunt was "coerced into abandoning these defenses," the motion claimed, because the government "unconstitutionally deprived him of evidence to support them."

Testimony to back him up concerning much of that evidence, Hunt claims, has since been unearthed by subsequent grand jury investigations, testimony before the Senate Watergate committee and depositions in civil suits growing out of the Watergate scandal.

Yesterday's motion contained a summary of such evidence in the case to show "that the investigation and prosecution of this case were contaminated by misconduct by many responsible White House and law enforcement officials."

Hunt pointed specifically to the destruction of materials from his White House safe by acting FBI Director L. Patrick Gray III; failure of the White House to disclose that President Nixon had taped conversations in the White House, and instances of perjury by government officials before the original Watergate grand jury and in the trial.

Hunt's attorneys supported their claims that his announced defenses are valid by relying on the President's constitutional powers

to "preserve, protect and defend the Constitution of the United States.

"On this authority, the Watergate entry can be strongly defended as a valid exercise of the President's national security power...

"The Watergate entry, a part of the Gemstone program, was based on a report by (an undisclosed) government agency (transmitted to Hunt by Liddy) that foreign governments were supplying funds to the Democratic Party campaign," the motion stated.

Even if the acts were illegal, Hunt's lawyers claim their client "cannot be convicted for acts committed within the scope of his employment at the direction of high government officials."

The motion referred often to alleged government misconduct in the case as a reason all charges against Hunt should be dismissed.

"Surely in the history of this country there has been no case in which the government more outrageously has perverted the administration of justice and subverted the Constitution," according to the motion.

To illustrate what the attorneys claimed was "the depth to which the corruption penetrated the government," the motion named 11 top government officials allegedly involved.

In addition to Colson, Mitchell, Gray, Magruder and Dean, the motion listed H. R. Haldeman and John D. Ehrlichman, Maurice H. Stans, Egil Krogh Jr., David R. Young and Frederick L. LaRue.

Ironically, Hunt's attorneys cited the decision of Federal Judge Matthew Byrne in dismissing charges against Pentagon Papers defendant Daniel Ellsberg as a reason Hunt's charges should be dismissed. A break-in at Ellsberg's psychiatrist's office engineered by Hunt was one example of "government misconduct" in that case.