

# Dirty Tricks' Defended as Political Purity Move

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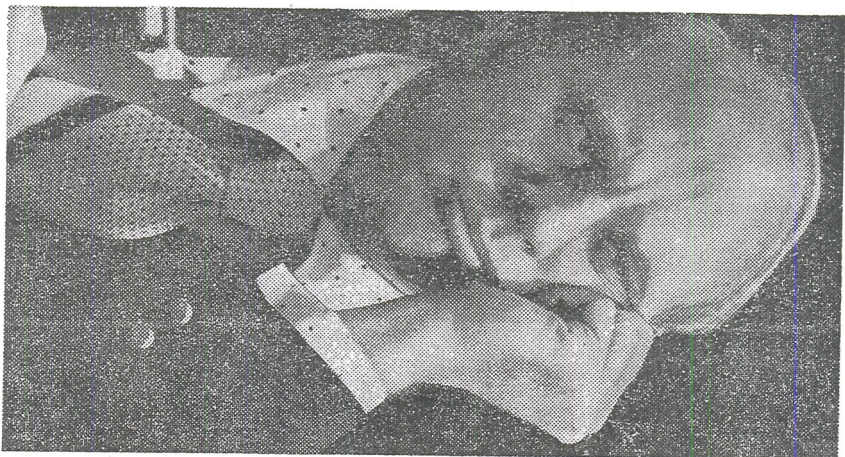
Robert M. Benz, who admitted his role yesterday in the mailing of a letter falsely accusing two Democratic senators of sexual misconduct, said he engaged in "dirty tricks" in the 1972 Florida presidential primary to give Democrats "a little dose of their own type of activities."

Benz, a hulking, baldish young man who sparred frequently with members of the Senate select Watergate committee as he testified yesterday, told the committee at one point, "I feel if my actions in any way clean up the political system, I have contributed something."

This statement prompted committee Chairman Sam J. Ervin Jr. (D-N.C.) to ask Benz, "Is it fair for me to infer from your testimony that you believe the way to clean up politics is to make it more filthy?"

"No, sir," Benz replied.

Benz, pressed for examples of dirty tricks committed by Democrats in Florida, said that he had worked in Rep. William Cramer's unsuccessful U.S. Senate campaign against Lawton Chiles in 1970 and that the Democrats had played dirty tricks on Cramer. Under questioning, however, Benz conceded that he had "no proof" that



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Robert M. Benz, jaw on hand, (left) listens as hearings chairman Sen. Sam Ervin poses an ethical question.

Democrats had been responsible for heckling and other harassment that he said Cramer had suffered.

Although Benz professed to be contrite and sorry for

the acts of political sabotage he participated in against Democratic candidates in the Florida primary, his statements to the committee fell short of penitence.

"I felt like I did what I should do," Benz told the committee. At the same time he maintained that he started feeling regretful about his activ-

ities "from the very beginning." Benz was one of two witnesses to appear before the committee in the first day. See HEARING, A26, Col. 1

## HEARING, From A1

that its hearings were not covered by live television. Benz's stated attitude was in sharp contrast to the witness preceding him, Martin Douglas Kelly, a 24-year-old Floridian, who repeatedly expressed sorrow for his political sabotage activities during the Florida primaries.

Kelly and Benz were both recruited in late 1971 by convicted political saboteur Donald H. Segretti, who testified before the committee on Wednesday. All three witnesses testified under a grant of limited immunity from prosecution by the committee.

Segretti testified Wednesday that he had written, on letterhead stationery stolen from the campaign office of Sen. Edmund S. Muskie (D-Maine), a letter that falsely accused Sens. Henry M. Jackson (D-Wash.) and Hubert H. Humphrey (D-Minn.) of sexual misconduct.

Benz testified yesterday that he received a pocket containing the letter and more Muskie stationery and that he passed the materials on to George Hearing, whom Benz said he had recruited to assist in the campaign of political sabotage.

This incident was cited in an indictment against Segretti, which led to his guilty plea Monday to three minor counts of political sabotage under an undisclosed arrangement with Special Watergate Prosecutor Archibald Cox.

Benz, who received limited immunity from prosecution, was named as an undicted coconspirator by the Florida federal grand jury that originally indicted Segretti. Hearing is now serving a one-year maximum sentence after pleading guilty to one count of the indictment charging him for his role in distributing the letter.

Segretti also told the committee Wednesday that he was recruited for his job of dividing and confusing the Democrats in 1971 by Dwight Chapin, then President Nixon's appointments secretary, and Gordon Strachan, then an aide to White House chief of staff H. R. (Bob) Haldeman.

Segretti was paid about \$46,000 salary and expenses for less than a year's work by Herbert W. Kalmbach, President Nixon's personnel lawyer.

According to documents

filed by the Finance Committee to Re-elect the President, Kalmbach took the money from a trust fund left over from 1968 Nixon campaign contributions. The documents state that the payments to Segretti were approved by Haldeman and then presidential domestic adviser John D. Ehrlichman.

Benz and Kelly both admitted their roles in various activities against Democratic presidential candidates, which included hiring pickets, placing false advertisements, ordering food, flowers and transportation and charging it to the Democrats, and planting "stink bombs" in Muskie campaign headquarters.

Under questioning by Sen. Daniel K. Inouye (D-Hawaii), Kelly explained his motivation for agreeing to join Segretti:

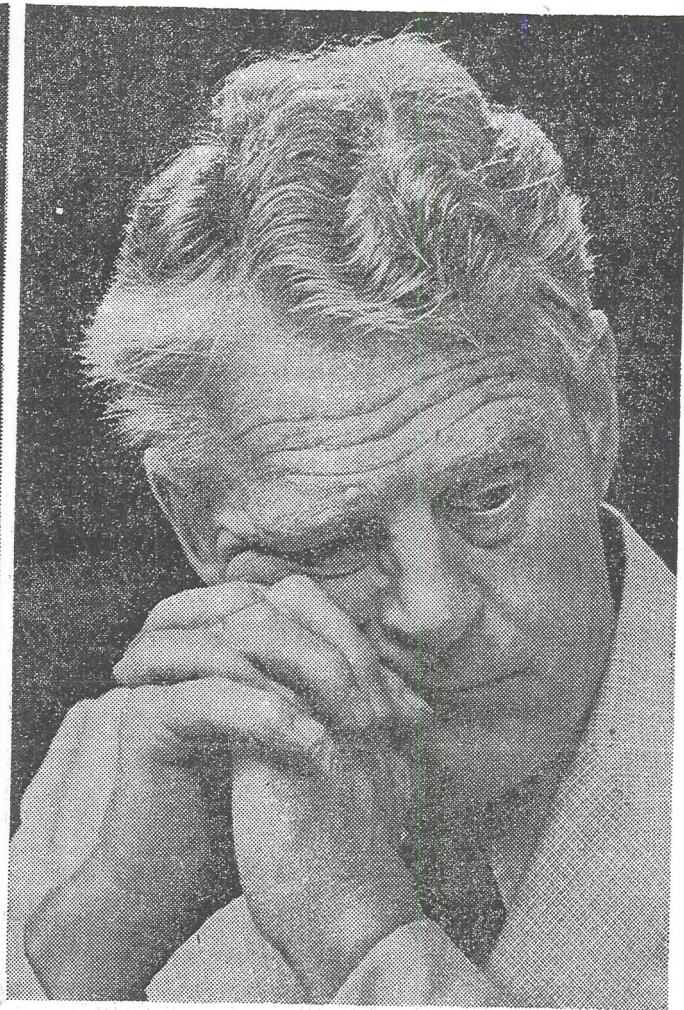
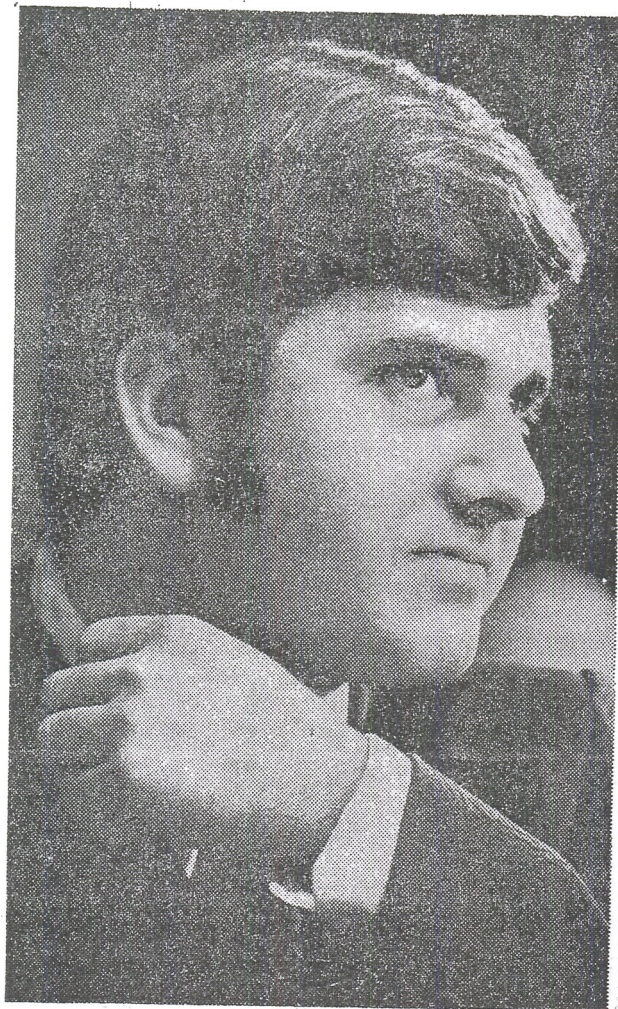
"I attributed it to being politically immature," Kelly said. "I guess I envisioned too many things, too much of it bad. I guess I was overly ambitious and frankly, I was expecting to have high contact. I was not sure exactly who I was working with, but I had an idea it was maybe the White House or the Re-election Committee and my ideas of short-term success I am afraid, were very unfortunate.

"It began with pranks," Kelly said. "It started getting more and more intense. I was aware that some of the things I was doing were not legal. I would be lying if I told you otherwise, I knew some of them were illegal.

"I kind of . . . was weaving my own spiderweb. I could not get out of it. I was in a hole too deep. I should have, it is easy for me to look back and say, 'gosh! why didn't I just say forget it? Don't bother me anymore.' But as I said earlier, I can only attribute it to being immature, to being overly ambitious, and I have asked myself a thousand times, 'Why did I do it?'"

In the course of his testimony, Kelly admitted, among other things, that he had hired a young woman to run naked in front of the hotel where Muskie was staying in Florida shouting, "Muskie, I love you."

"There was a girl that was hungry for money," Kelly said. "I gave her \$20, \$10, I don't remember how much, and asked her if I gave this to her if she would be willing to take off her clothes



Photos by James K. W. Atherton—The Washington Post

The probe's taxing pace is reflected in faces of Sen. Edward J. Gurney (left) and witness Martin D. Kelley.

and run in front of his hotel, screaming, 'I love you'—which she did—unfortunately—but she did."

Kelly, a stocky, clean-cut Young Republican, responded easily to questions from the committee. Although Ervin chided Kelly for his assertion that the sabotage activities were not intended to influence voters, Ervin approached Kelly after the morning session to shake his hand and wish him well.

Ervin, however, had no such kind words for Benz, a reluctant, combative witness who forced assistant chief counsel Terry F. Lenzner to outline most of Benz's activities himself while Benz responded periodically, "That is correct."

By the time Ervin began his questioning, Benz had told the committee that he had committed political sabotage and espionage to give the Democrats "a little bit of a dose of their own type of activities."

In addition, Benz had ob-

served, "I think that in most all the elections, including probably some of the senators who are sitting around this table here, have always desired information on their opponents and this was our same desire to gather this information."

The exchange that followed between Ervin and Benz on this subject was heated from the outset:

Ervin: Do you believe the fact that somebody did evil yesterday justified you to do evil today?

Benz: No, I do not believe that.

Ervin: That is what you said you did in this. You said Democrats had done this. Can you tell me any time in the history of the United States that aides in the White House and the President's personal attorney made money available to people to spread lies and libel on candidates of the opposition party?

Benz: I do not know if that has been proven or not, Senator.

Ervin: I have been engaged in and concerned with politics for a long time and I have been interested in the political history of the United States and I challenge you or anybody else to point out a single instance in the history of this nation where money donated to advance the political fortunes of a President was used with the consent of the President's assistants in the White House to spread libels against the candidates of the opposition political party?

Benz: Are you asking me that question?

Ervin: Yes, there was a question mark after that.

Benz: I think the first thing to answer that, can you tell me whenever a President has been investigated by the news media and by a committee as much as this one? Second, where were you in 1960 when it was accused that an election was stolen out in Chicago? We are talking now about a campaign being influenced and I believe you were a

member of the Senate when it was accused that a campaign was stolen. Where were you then? Where were you in 1964 and 1968?

Ervin: I was right here in the United States Senate and I never heard of a campaign being stolen on the credible testimony of any individual. And this is the first time in the history of the United States that the Senate of the United States, by a unanimous vote, has been moved by reports of rescality on a national scale to set up a committee to conduct an investigation.

Now you helped to circulate a report that a candidate for President was guilty of homosexuality, did you not?

Benz: That is correct.

Ervin: Are you proud of that achievement?

Benz: I am not proud that I felt I had to do that, no, sir.

Ervin: You did not have to do it. Nobody compelled you to do it, did they?

Benz: What people tell me is not the most compelling force involved with me, Senator.

In his testimony yesterday, Benz said of his actions, "I have always felt this was improper campaigning activities." Under questioning by Sen. Herman E. Talmadge (D-Ga.), Benz said he was contrite and regretful, but not so regretful that he ever approached law enforcement officers to tell them what he had done, even after Segretti told him to do so.

Talmadge also questioned Benz about a man referred to by Benz only as "Duke," reputed to be a former member of the Nazi party and recruited by Benz for political sabotage.

Although Benz disagreed with the comparison, Talmadge likened Benz's activities in Florida to those employed by Adolf Hitler. "I read about a good many falsified documents during that era and libels and slander about the opposition," Talmadge said. "It was one of the ways, as I recall, that Adolf Hitler achieved power. Do you think Duke carried on his activities in an exemplary fashion in that manner, do you?"

"Yes, sir," Benz replied.

During a break in the hearings, Benz declined to answer any questions from reporters, responding "No comment," when asked his age, which has been previously reported to be 25 years. He gave his occupation as dock superintendent. A committee staff member said Benz was a truck dock superintendent.

"Assuming that there were instances of dirty tricks during any Democratic campaign in Florida in 1970," Benz was asked by Sen. Joseph M. Montoya (D-New Mexico), "do you feel that this justified you in maligning or vilifying honorable men who are seeking the presidency of the United States?"

"Not completely, Senator," Benz replied, "but if somehow that my actions, if it helped to clean up the system of politics and I think it could be justifiable."

"What makes you think that you would be the great American vehicle for purity in politics after what you did?" Montoya asked.

"I don't think I would be a great American vehicle,

but if I did play some small role, that would help out in that area, Senator."

Sen. Lowell P. Weicker Jr. (R-Conn.), who questioned Benz closely on his motive of vengeance, told Benz, "I still fail to find any reason, based in 1970, on your actions on the fact situation at that time to go ahead and have that as your justification and, very frankly, I think I know Republicans of Florida fairly well, and certainly the senator who sits with me on this committee (Sen. Edward J. Gurney, a Florida Republican), he certainly does not subscribe to what you throw out here and I am certain the people that I know in Florida would not either."

Gurney was absent from the afternoon session, as was committee vice chairman Sen. Howard H. Baker Jr. (R-Tenn.) who came in shortly before the hearings recessed. Baker had asked to be excused earlier to attend an executive session of the Senate Public Works Committee.

The hearings will resume Tuesday at 10 a.m. with the witness scheduled to be John (Fat Jack) Buckley.