

Rowland Evans and Robert Novak

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Political 'Dirty Tricks' and 'Justice'

Before the Watergate scandal broke open this spring, the Justice Department's investigation of Nixon campaign "dirty tricks" in the 1972 Florida presidential primary either ignored or suppressed a key FBI report, possibilities under study by forthcoming Senate and federal probes of Nixon administration prosecution—or lack of it—of illegal political espionage.

On March 5, 1973, U.S. Atty. John L. Briggs of Jacksonville, Fla., wrote Sen. Henry M. Jackson that an investigation of a scurrilous letter about him had been completed without success. Yet, according to high FBI officials, a Feb. 6, 1973, FBI report provided enough information to lead to indictments. Indeed, once the Watergate scandal cracked, Nixon political espionage chief Donald Segretti was indicted in Florida May 5.

The Feb. 6 FBI report is now in the hands of special Watergate prosecutor Archibald Cox. Moreover, Sen. Sam Ervin's Senate Watergate committee plans autumn hearings into the Segretti operation. Inevitably, both inquiries will judge political slanting of law enforcement.

The Florida case involves a spurious March 1972, letter on the campaign letterhead of Sen. Edmund S. Muskie, falsely accusing two Florida

primary opponents, Jackson and Sen. Hubert H. Humphrey, of illicit sexual acts. A Florida Jackson supporter promptly supplied a copy to the U.S. attorney's office.

But Briggs, an ardent Republican, did not request an FBI investigation until last October when a column by Jack Anderson revealed Jackson's request. Even then, Briggs declared it "absurd" to connect the letter with Republicans or the Nixon administration (a judgment he now admits was based on no facts).

On Feb. 8, Jackson wrote Briggs joggling him about the investigation. Briggs' original reply was so insulting, according to Justice Department sources, that it was "cleaned up" in Washington before delivery to the senator. The sanitized version, dated March 5, informed Jackson the investigation "has now been completed and we have been unable to establish the identities of" who wrote the letter.

An enclosed eight-paragraph investigative summary dealt mostly with Briggs' inability to pin the letter on a right-wing extremist. After disposing of this red herring in seven paragraphs, Briggs' eighth paragraph asserted that Patricia Griffin, a Muskie headquarters employee, was ques-

tioned and "denied any knowledge" of the letter.

But strangely, as Watergate unraveled, Briggs' office stepped up prosecution of the Florida case so successfully that on May 5 a grand jury indicted Segretti and another man. Two Nixon operatives directly involved, Miss Griffin and Young Republican leader Robert Benz of Tampa, testified before the grand jury (Benz under immunity) and were not indicted.

Why so fruitful in May when the investigation was so barren in March? Briggs told us he received unspecified new information.

In fact, high FBI officials have informed us their investigation, begun Oct. 21, 1972, was essentially completed in late January. The "final" report was dated Feb. 26, 1973, although there were later supplementary reports. According to these sources, the report did by itself not provide sufficient evidence for indictments but did give any self-respecting prosecuting attorney obvious paths to follow.

The FBI report contained much material about Benz and Miss Griffin. The implication, according to FBI sources, was that if these two young people were summoned before a grand jury, they probably would tell all. In-

deed, most details of the case were reported in newspapers the previous October—duly noted in the FBI report. But none of this was in Briggs' report to Jackson. Nor did Briggs reveal that Miss Griffin, on advice of counsel, refused to answer FBI agents' questions.

Justice Department sources told us they "believe" the FBI sent its report to Briggs. However, FBI sources told us the bureau sent it to the Justice Department's criminal division, headed by Assistant Atty. Gen. Henry Petersen, but not to Briggs. A source close to Briggs denied that Briggs has seen the Feb. 6 report—or any "final" FBI report—to this very day.

This leaves two possibilities: Briggs saw the Feb. 6 report and ignored it until Watergate erupted; or, he never saw it at all. In either event, the Justice Department, which deleted rough language from Briggs' March 5 letter, went along with his barren investigative summary, omitting vital information developed by the FBI.

This one aspect of the Justice Department's investigation of Segretti nationwide operations suggests many things: blind partisanship, stunning incompetence, a possible cover-up. The story of how the Nixon administration enforced the law is still unfolding.