

Segretti Evidence New, Officials Say

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WASHINGTON, May 4—Evidence linking Donald H. Segretti to a bogus campaign flyer distributed during last year's Florida primary election was obtained only a few weeks ago, nearly a year after the young California lawyer first came to the attention of the Justice Department, officials there said today.

Federal investigators first became aware of Mr. Segretti shortly after the Watergate break-in last June 17, through a number of long-distance calls placed to his telephone from the home and office of E. Howard Hunt Jr., one of five men who pleaded guilty in January to tapping Democratic party telephones at the Watergate.

Mr. Segretti, whose friends have said he headed a political sabotage operation for the Republicans, was interviewed three times in late June, 1972, by agents of the Federal Bureau of Investigation, and appeared before a grand jury investigating the Watergate case in August.

But Henry E. Petersen, who heads the Justice Department's criminal division, concluded on the basis of interviews and Mr. Segretti's grand jury appearance that his activities as a "political saboteur" were probably legal and did not merit a full-scale investigation.

Recruiting Job Cited

Relatively little is known of Mr. Segretti's undercover activities, for which he received more than \$30,000 in Republican campaign funds from Herbert W. Kalmbach, who until this week was President Nixon's personal lawyer.

However, a number of individuals have said that Mr. Segretti, a college classmate of Dwight L. Chapin, the former White House aide who authorized the payments, attempted to recruit them on behalf of Mr. Nixon to spy on Democratic Presidential hopefuls or otherwise disrupt the Democratic primary campaign last spring.

There has been considerable criticism of the Justice Department for not moving against Mr. Segretti earlier, notably from Democratic members of the Senate Judiciary Committee during hearings on the confirmation of L. Patrick Gray 3d.

As the acting director of the Federal Bureau of Investigation, a post he resigned a week ago, Mr. Gray was in charge of the bureau's investigation of the Watergate case and related matters. Mr. Gray explained to the committee in March that,



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"on the basis of the information available" last summer, "the conclusion was reached that we need not go into the area of the Segretti sabotage operation."

Policy on Voting Laws

Mr. Gray added that, after the Justice Department's decision to de-emphasize its investigation of the Segretti operation, the F.B.I. was powerless to pursue him on its own "because that involved the possibility of election laws violation, and there is a prescribed policy with the department for that."

"Political espionage and stuff like that's not a crime," a Justice Department official today in explaining the decision.

Another official added that, although the department had been aware of the Florida letter since last year, and had suspected that it might have in some way involved Mr. Segretti, no hard evidence to that effect was available until about three weeks ago.

"We were stymied," the official said. "We just couldn't establish who was responsible for it."

He said that the letter had earlier been linked to Robert M. Benz, a 25-year-old freight company employe from Odessa, Fla., who was named by the Justice Department today as an "unindicted co-conspirator."

Mr. Benz, who is alleged to have been Mr. Segretti's chief operative in Florida during that state's primary election in March of last year, was discovered through about 20 long-distance telephone calls he received from Mr. Segretti between March and July 1972.

In February, it was learned that the department's fraud di-

vision was looking into the possibility that the letter violated a Federal law, under which Mr. Segretti was indicted today, that prohibits distribution of unsigned or falsely signed campaign literature.

"We had suspected for some time that someone other than Benz was ultimately responsible for it [the letter]," the official said today, "but we just couldn't prove it."

But about three weeks ago, he said, Mr. Benz and Patricia Griffin, a 20-year-old Tampa secretary whom he hired to work as an undercover "volunteer" in Senator Edmund S. Muskie's Florida campaign, had been summoned before a Federal grand jury in Orlando, Fla.

Both Mr. Benz and Miss Griffin, the official said, initially invoked the Fifth Amendment privilege against self-incrimination when asked about the origin of the scurrilous letter.

But after being granted immunity from prosecution, they implicate Mr. Segretti in its manufacture and distribution, he said.

The official added that the department's investigation of Mr. Segretti's activities was "continuing."