

# Segretti Indicted in Florida Charged With Faking Letter

By Edward Walsh

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Donald H. Segretti, an alleged undercover agent in President Nixon's re-election campaign, was indicted by a federal grand jury in Orlando, Fla., yesterday amid charges by a Democratic senator that federal investigators delayed and mishandled the investigation that led to the indictment.

In a two-count indictment, Segretti and George A. Hearing of Tampa, Fla., were charged with fabricating and distributing a letter designed to damage three Democratic candidates in the 1972 presidential primary in Florida.

The letter, distributed three days before the March 14 primary, was written on the stationery of the "Citizens for Muskie Committee," a campaign organization for Sen. Edmund S. Muskie (D-Maine). The unsigned letter accused Sens. Henry M. Jackson (D-Wash.) and Hubert H. Humphrey (D-Minn.), two of Muskie's primary opponents, of sexual misconduct.

On Capitol Hill yesterday, Jackson, calling the investigation into the source of the letter "reprehensible," said Sen. Sam J. Ervin (D-N.C.), chairman of the Senate select committee investigating the Watergate case, had agreed also to probe the way the Florida investigation was handled.

Jackson charged that John L. Briggs, the U.S. Attorney in central Florida, refused to investigate the source of the letter until last October, when The Washington Post and other newspapers reported that Segretti was involved in a massive campaign of political espionage and sabotage designed to disrupt the primary cam-

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paigns of Democratic presidential hopefuls.

"I think the delay was so serious and the conduct so improper it warrants an investigation by the Ervin committee to determine if there was willful misconduct," Jackson said. "I'd like to know if there was some direction by higher authorities."

Ervin's office said he would have no comment on Jackson's statement.

Segretti, 31, a California

lawyer, has been subpoenaed to testify under oath before the committee about alleged political espionage and sabotage activities. However, Ervin said in an interview last month that he would be reluctant to subpoena any person under indictment in connection with the Watergate case because the witness undoubtedly would plead the Fifth Amendment against self incrimination.

Jackson, chairman of the Senate Permanent Subcommittee on Investigations, said last night that the indictment will prevent Erin's committee from taking testimony from Segretti.

"It blocks him, there's no question about it," Jackson said. "We've had all kinds of cases and court decisions that a person under indictment has a right to refuse to testify on the grounds his trial should be in the courtroom . . . I think that would also apply to questions about similar activities in states other than Florida."

Jackson yesterday also released a copy of a letter written by U.S. Attorney Briggs last March 5 in which Briggs indicated that federal investigators were closing their investigation into the source of the letter.

" . . . We have been unable to establish the identities of the persons or organizations responsible for the publications and distribution of this material," Briggs wrote to Jackson.

Briggs wrote that the investigation received "my personal attention and I am convinced that all logical leads have been pursued."

"This does not mean that our interest is ended or that the matter is completely closed," Briggs said in the letter. "If your office, the Senate committee, or as a matter of fact, anyone, receives any additional leads, the investigation will be immediately reopened."

Jackson said he questioned why Briggs did not investigate the letter until seven months after it had been given his office, and why, after apparently closing the case, Briggs suddenly discovered new evidence after the Watergate case had "heated up" again.

Two weeks after Briggs wrote the letter to Jackson, President Nixon announced there were "major developments in the Watergate case.

Since then, there has been a series of sensational disclosures involving White House involvement in the Watergate bugging, political espionage and sabotage and alleged attempts to cover up the case.

Except for the seven convicted Watergate conspirators, Segretti and Hearing are the first persons to be indicted in connection with the Watergate scandal.

Last October, The Washington Post reported that Segretti was one of more than 50 undercover agents who operated in the Nixon re-election campaign and that one of his "contacts" in Washington was Dwight L. Chapin, President Nixon's former appointments secretary. The Post reported that in a sworn statement, Lawrence Young, a California lawyer, had said that Segretti told him "Dwight Chapin was a person I reported to in Washington."

In subsequent stories, The Post reported that Segretti had been paid more than \$30,000 from a secret campaign fund by Herbert W. Kalmbach, the President's personal attorney.

In addition to Segretti and Hearing, the Florida indictment named Robert M. Benz, 25, of Odessa, Fla., as an unindicted coconspirator in the letter fabrication. Justice Department officials refused to say whether Benz was granted immunity from prosecution in return for testifying against Segretti and Hearing.

The indictment alleges that in December, 1971, Segretti and Benz met at a Tampa motel restaurant and discussed disrupting the campaigns of Jackson and Muskie, and that Segretti paid Benz \$50 to conduct disruption activities.

About Feb. 20, 1972, the indictment alleges, Segretti mailed to Benz a supply of "Citizens for Muskie" stationery and the proposed contents of the bogus letter. Benz then turned the stationery and proposed contents over to Hearing for printing and distribution of the phony letter, the indictment says. It could not be learned how many of the letters were mailed.

Benz is a former president of the Tampa Young Republicans and was the campaign manager in 1972 for an unsuccessful Republican candidate for the Flori-



**DONALD SEGRETTI**  
 . . . faces charge

da state legislature. Justice Department officials said they know little about hearing except that he is believed to be a friend of Benz.

Segretti and Hearing face maximum sentences of one year's imprisonment and a \$1,000 fine on each of the two counts in the indictment.

The Florida primary was won by Alabama Gov. George C. Wallace, who had 42 per cent of the vote. Humphrey finished a poor second, with 18 per cent of the vote, while Jackson was third and Muskie fourth in the 11-candidate field.

Muskie entered the Florida primary as the leading contender for the Democratic presidential nomination despite a disappointing showing earlier in the New Hampshire primary. Muskie received only 9 per cent of the Florida vote, a showing that severely damaged his presidential aspirations.

According to investigators in the Watergate case, the primary objective of political sabotage activities conducted against Democratic nominees was to help the candidacy of Sen. George S. McGovern (D-S.D.), the eventual nominee who was considered the weakest opponent for President Nixon. McGovern finished sixth in the primary.