

Fat Jack: Copying Documents

By Lawrence Meyer
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John R. (Fat Jack) Buckley, an unreconstructed political spy, told the Senate select Watergate committee yesterday that his secret interception and copying of documents from Sen. Edmund S. Muskie's (D-Maine) presidential campaign for the Nixon re-election committee were "a normal transaction for an election year."

Buckley, a retired government employee who steadfastly refused to say that he had done anything wrong or unethical or illegal, said at one point, "I think political espionage goes on all the time. It has gone on for many, many years."

"I do not feel that I invented it," Buckley added. "I know of instances where five or six trained investigators have conducted surveillances and have participated in national elections. I expect that kind of thing."

"My theory," Buckley said at another point, "is that a candidate has a right and it is proper for him to gather intelligence on the opposition, and I expect it is done in most, if not all, campaigns."

Buckley, 53, who acknowledged that he worked for the Office of Economic Opportunity while conducting his espionage activities, was the fourth Nixon campaign operative to be called to tes-

tify before the committee in its inquiry into sabotage and espionage — so-called "dirty tricks" — during the 1972 campaign.

Prior to the opening of yesterday's hearing, committee counsel Samuel Dash told reporters that the committee would this week call Frank Mankiewicz, Sen. George S. McGovern's (D-S. Dak.) national political coordinator in the 1972 campaign to testify, along with Berl I. Bernhard, Muskie's campaign manager, and Fred Taugher, McGovern's California coordinator in 1972 campaign.

Dash said that the committee will recess until Oct. 29 or 30 after this Thursday's hearing, if the Senate goes ahead with its plans to recess for the rest of the month.

The committee plans to call former Nixon campaign

director Clark MacGregor to testify when it resumes hearings, Dash said, adding that Gary Hart, McGovern's former campaign manager, might also be called then.

Dash said Mankiewicz and Bernhard were being called so the committee could question them about whether the Nixon campaign committee dirty tricks had any effect on their respective campaigns.

Taugher is being called to answer questions about the use of McGovern campaign headquarter phones in Los

Angeles to organize support for a demonstration against President Nixon on Sept. 27, 1972. A McGovern aide conceded in October, 1972, that the phones were used by anti-war demonstrators but said, "When we found out about it, we stopped it immediately." The committee is expected to go into the matter more fully with Taugher.

Although Republican members of the Senate committee, who have been quietly conducting their own investigation for the past several weeks, were expected yesterday to present a list of witnesses they intend to call, they failed to do so. Sen. Howard H. Baker Jr. (R-Tenn.) said the Republicans have a tentative witness list that he will make public after the committee recess is over and the hearings resume.

Mankiewicz and Hart were among several Democrats interviewed by the Senate committee's minority staff, but Dash said yesterday that the full committee — not just its Republican members — was calling Mankiewicz and Bernhard.

Mankiewicz said in a telephone interview yesterday that he was looking forward to what he considered an opportunity to make it clear that the dirty tricks played on Democrats by the Nixon re-election committee's agents in 1972 were not "politics as usual. I know that we didn't do anything like that and based on what other people told me, it didn't happen in other campaigns either," Mankiewicz said.

The theme of "politics as usual" and the practice of political espionage was a sore point for the Senate committee, yesterday, as se-

veral senators tried to persuade Buckley that what he had done was wrong or to lecture him about political ethics.

"You know," Baker mused at one point, "politics has taken a bum rap . . . I have always held and still hold politics in the highest esteem. I have not an exaggerated view of the citizen responsibility to serve, maybe not all your life, but to serve, and I think of the early patriots who did serve for a while and then go back to farming or quarrying limestone or whatever they did, or practicing law."

"But politics . . . citizen participation in politics, is going to continue to take a bum rap if we leave this business with everybody deciding that's the way it is always done, that's the way it always happens, and that is the way it is always going to be because nobody is going to do anything about it. I am not tongue-lashing you, Mr. Buckley, but thinking out loud."

Buckley, a portly man with gray hair and black eyeglasses who testified under a committee grant of limited immunity told the committee how he was first approached in late 1971 by Kenneth Rietz, then youth director for the Nixon re-election committee, who asked him to help gather intelligence for the Nixon committee.

Buckley said he enlisted the aid of a semiretired cab driver, Elmer Wyatt, to help him get information from Muskie's headquarters. Under a scheme Buckley said he devised, Wyatt presented himself at Muskie headquarters in Washington and volunteered to spend part of his day carrying messages and running errands for Muskie without pay.

Wyatt contacted Buckley whenever the Muskie staff gave Wyatt messages to carry to Muskie's Senate offices, Buckley said. They met and Buckley attempted at first to photograph relevant documents while sitting in the back seat of Wyatt's cab.

That arrangement proved unsatisfactory, Buckley said, so he rented an office near the Muskie headquarters, purchased some photographic equipment and cop-

ied what he considered of interest from the Muskie materials delivered by Wyatt.

From time to time, Buckley said, he met with Rietz

to turn over the films to him. After several months, Buckley said, Rietz's place was taken by a man who identified himself as "Ed Warren," whom Buckley later identified after the Watergate break-in as Watergate conspirator E. Howard Hunt Jr.

For his own part, Buckley said, he used the name "Jack Kent" in his dealings with Warren-Hunt. "I do not think he trusted me completely and I did not trust him," Buckley said in explaining why he spoke little to Hunt during their meetings.

Although Buckley said he did not know what was done with the information he turned over to Rietz and Hunt, at least one item apparently found its way into the nationally-syndicated column of Rowland Evans and Robert Novak.

When Wyatt told him that the Muskie staff was concerned about the publishing of an internal memo in the paper, Buckley said he told Rietz "it was not our purpose to be furnishing any internal memoranda of Sen. Muskie to the newspapers or to anybody else and if they were doing that with that we would discontinue also."

Buckley said that Rietz initially denied that the memo had been leaked by the

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Nixon re-election committee to Evans and Novak but that later Rietz acknowledged that he had lied to Buckley.

Although Rietz figured prominently in Buckley's testimony, a committee source said that Rietz would not be called to testify because the staff had concluded after interviewing him that he did not have a great deal that was significant to add to Buckley's testimony.

Eventually, Buckley said, as Muskie's campaign hopes faded, his intelligence operation "dwindled" and then ultimately died altogether

some time in April, 1972.

Despite his employment as the chief of OEO's inspection division while he was conducting the political espionage for the Nixon re-election committee, Buckley said he did not believe that he had violated the Hatch Act, a federal law prohibiting partisan political activity by most federal employees.

Several times during his testimony yesterday, Buckley was called on by members of the Senate committee to defend his espionage activities, a challenge that Buckley apparently accepted willingly.

"Did you think theft was permitted by the Hatch Act?" Sen. Herman E. Talmadge (D-Ga.) asked Buckley.

Buckley: I did not give it any thought.

Talmadge: You did not know that that was specifically—you thought that was permitted under the Hatch Act?

Buckley: I had no reason to consider it theft under the circumstances.

Talmadge: Do you not think taking someone else's personal documents and photographing them and delivering them elsewhere is theft?

Buckley: No, sir, I do not.

Talmadge: What do you think it is?

Buckley: I am not sure what I think it is.

Talmadge: You do not think it is singing in a choir, do you?

Buckley: I do not know how to respond to that, Senator.

Talmadge: You would not think it is one of the highest virtues of mankind, would you? I will put it that way?

Buckley: Senator, I think it is political espionage, I think it is infiltration, I think it is penetration, I think it is something that occurs in every major election that happens in this country.

Later, Sen. Daniel K. Inouye (D-Hawaii) asked Buckley, if his conduct was "absolutely proper as far as you are concerned?"

"As far as I am concerned it was, Senator," Buckley replied.

Sen. Lowell P. Weicker Jr. (R-Conn.) was one of several committee members to lecture Buckley yesterday.

"Well, you know, sometimes," Weicker said, "when I go back to Connecticut, I think the whole world is turned upside down by what seems to be natural around this town. But I suggest you get out of Washington, D.C., because it isn't natural for the state of Connecticut, and I will let the other senators speak for themselves."

The hearings will resume today at 10 a.m. with the testimony of Michael W. McMinoway, another political spy for the Nixon re-election committee.