

'It Was a Very Human Thing

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The crucial sentence in Herbert W. Kalmbach's testimony was an ugly duckling of twisted prose. Only a fellow lawyer could admire it as a work of art.

Sen. Lowell Weicker, who is a lawyer from Connecticut, was clearly impressed. He read the sentence aloud for the Watergate hearings yesterday with a mixture of awe and incredulity in his voice:

"My actions immediately following the break-in which involved the raising of funds to provide for the legal defense of the Watergate defendants and the support of their families was prompted in the belief that it was proper and necessary to discharge what I assumed to be a moral obligation that had arisen in some manner unknown to me by reason of earlier events."

Perfectly clear? Not to Sen. Weicker. He wondered if what the President's personal lawyer was trying to say could be paraphrased like this:

"I assumed I was acting properly based upon an assumption of mine that facts existed of which facts I had no knowledge."

Kalmbach waved aside the legalese. The crux of his defense was humanitarian. Behind the craggy exterior and the flat voice, behind the big reputation as a high-priced political lawyer, there was a regular Orange County softie, a guy who couldn't resist a chance to help his fellow men, even if they were nabbed in a scandalous burglary.

"I believed that a moral obligation was felt to exist on the part of someone," Kalmbach explained more directly, "and I never knew and do not know on the part of who or more than one person, that the money

should be given to these people for their legal defense and for the support of their families. And again, senator, I felt in my own mind that it was a very human thing to do."

So Kalmbach, the man who served four years as the President's personal attorney, did a lot yesterday to rehabilitate the good name of his profession. All through the Watergate hearings, people have been making bad jokes about the men of the bar, lawyers fashioning perjury, buying off potential witnesses, destroying documentary evidence, ac-

cusings other lawyers of leading them astray.

But Herb Kalmbach, by his own account, is a differ-

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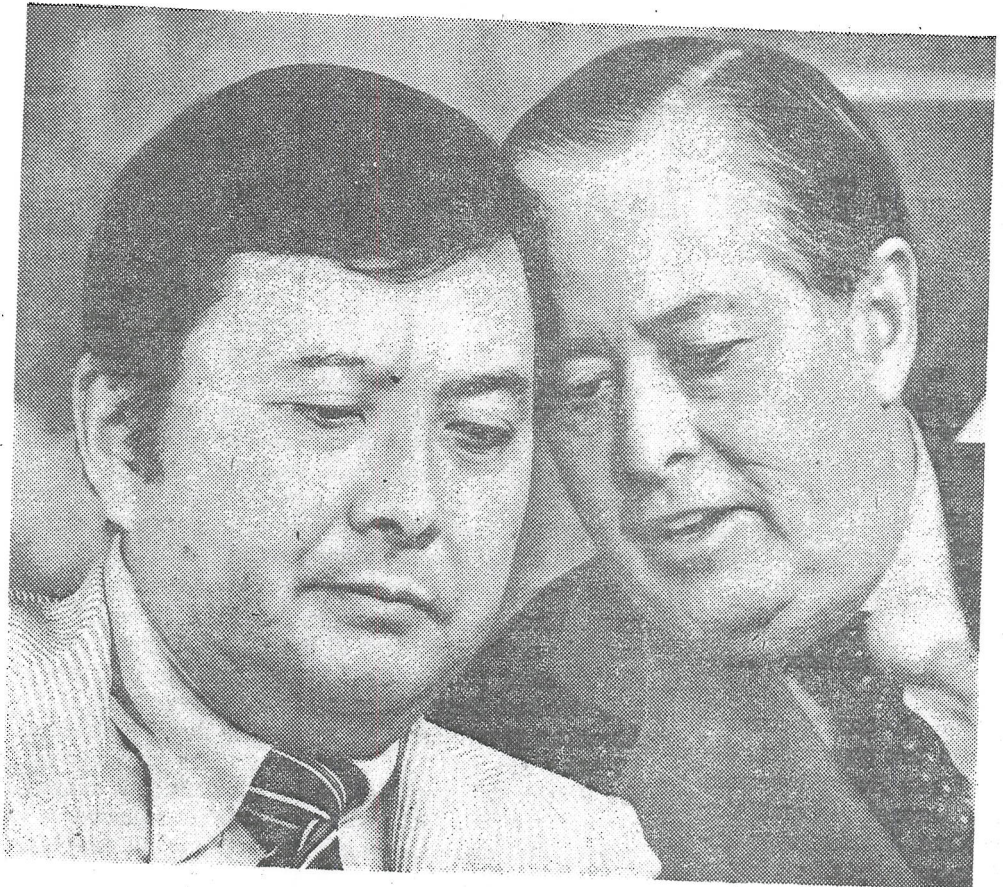
ent sort. He does the President's income tax. He counsels great corporations — United Airlines, Atlantic-Richfield, Travelers Insurance, Marriott and MCA, not to mention the University of Southern California and the Nixon Foundation.

He was sucked into the Watergate muck by the best

instincts — the desire to help out the unfortunate burglars and his own unwavering trust in two associates, presidential advisers John Dean and John Ehrlichman. Neither of them ever explained to him exactly why he should be packaging up bundles of cash, totaling \$220,000 for the Watergate defendants but Kalmbach figured it was all right with them.

Another senator, Inouye of Hawaii, who is also a lawyer, was likewise struck by the depth of Kalmbach's faith in his fellow man.

"I would gather from your



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Sens. Inouye and Montoya huddle during hearings.

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success that you must be a great lawyer," the senator observed dryly. "Therefore, like Senator Weicker, I find it extremely difficult to believe that you are not aware that illegal activities were being carried out."

Well, lawyer Kalmbach said he was just awed by those fellows who work at the White House. The California attorney, who once sat on a secret \$1.1 million nestegg in leftover campaign money for the President, earnestly explained himself:

"Senator, I was dealing with the Counsel to the President of the United States. It was a matter of absolute trust in the man's integrity and honesty. And again, as I say, it was absolutely inconceivable to me that this man could ask me to do an illegal act and I never have done an illegal act."

Later it became conceivable. Herbert Kalmbach listened to these former associates as they spilled their stories, and it was an awful shock. He now sees how maybe all that money he was secretly slipping around, hiding in airport lockers, using code names and untraceable telephones, maybe that money was supposed to purchase silence from those burglars, just like the newspapers and the Democrats kept saying.

"It's just as if I have been kicked in the stomach," said the President's lawyer.

Sen. Sam Ervin, who likes to emphasize his own simple origins as a country lawyer from way down in North Carolina, provided an appropriately rustic summary of lawyer Kalmbach's behavior.

"Some people," Chairman Ervin drawled, "unfortunately are lightning bugs—they carry their illumination behind them."