

# Sirica's Quiz Of Kalmbach

## Washington

Judge John J. Sirica interrupted the Watergate cover-up trial yesterday to challenge the testimony of former Nixon lawyer Herbert W. Kalmbach, who broke down in tears while telling how he betrayed a friend to collect payoff money for the Watergate burglars.

Kalmbach, lost control when he recalled getting money for the payoffs, which he insisted to a friend were for humanitarian purposes and not hush money.

Sirica, conducting the seven-week-old trial in U.S. District Court, excused the jury and challenged Kalmbach's testimony that he thought the \$220,000 he raised and disbursed to the bugging team was solely for family support and legal fees.

Kalmbach became tearful when he related that in early August, 1972, about two months after the burglary, he called Thomas V. Jones, board chairman of the Northrop Corp., to solicit \$50,000 in cash for a "special need."

Chief prosecutor James F. Neal asked Kalmbach—who is serving time for his part in the Watergate scandal—if Jones knew the purpose for the money.

"Absolutely not," Kalmbach replied, fighting for control. "I'm glad you asked that question. Mr. Jones is a fine man."

Asked if he felt he had betrayed Jones, Kalmbach whispered: "Yes," choking back a sob. Sirica immediately called a brief recess, and Kalmbach walked rapidly from the courtroom, his chin quivering.

As he did during the Watergate burglary trial 21 months ago, Sirica excused the jury after Kalmbach returned and took over the questioning himself.

He demanded why Kalmbach, a lawyer, "didn't get suspicious."

"You knew, did you not, that this money was being used, didn't you, to hush up these people? Didn't you hear that?"

"No sir," Kalmbach replied. "My clear understanding was that it was for attorney fees and family support and I continued on that basis."

Kalmbach said he got out

of the operation in August, 1972, when he finally realized that paying the bugging defendants might be an illegal activity.

"And you are telling this court and that jury that you never became suspicious that these payments were for an illegal purpose, a coverup, and not for humanitarian purposes until you decided to get out?" Sirica asked.

Kalmbach replied that he had a "Very pronounced degree of concern" but did not respond to it until two months after he was asked to raise money for the bugging team.

Sirica was widely criticized for questioning witnesses during the original burglary trial in January last year. But last week a federal appeals court upheld the conviction of G. Gordon Liddy at that trial and praised Sirica's pursuit of the truth during its course.

On cross-examinations, Kalmbach said that neither H. R. Haldeman nor John Ehrlichman — top aides to former President Nixon and now two of the five coverup defendants — had ever asked him to do anything improper.

Although denying the payments were "hush money," Kalmbach conceded they were made "in absolute secrecy" so no one would know that the Nixon campaign was connected with the bugging raid.

In the most dramatic testimony since the trial began seven weeks ago, Kalmbach said it was his good friend Ehrlichman who assured him the payments were "proper" but later tried to duck responsibility.

"He assured me that I had no culpability in this matter," Kalmbach recalled of a discussion with Ehrlichman while they sat overlooking the Pacific Ocean on April 6, 1973.

"And I remember this with absolute clarity," Kalmbach said. "Herb," said he said, 'I want you to be certain to identify John Dean as the one who directed you in this effort, in this program.'

"I remember with total certainty I turned and said, 'You, too, John?' He just looked at me straight and nodded his head in agreement."