

Lobby Unit Wins Round In Court

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At least five persons—including President Nixon's former personal attorney, Herbert Kalmbach, and close friend, C. G. (Bebe) Rebozo—can be questioned concerning the accuracy of a financial report filed by the President's re-election organization, a federal judge ruled yesterday.

The ruling by U.S. District Court Judge Joseph C. Waddy has the effect of keeping alive a suit by Common Cause, despite arguments by attorneys for the re-election unit that the filing of the report was intended to end the litigation.

The permitted depositions amount to "harassment . . . (and are) irrelevant" in this case, said attorney Kenneth Wells Parkinson, who represents the Finance Committee to Re-elect the President. The committee filed a motion to dismiss the suit on Oct. 2, four days after it filed the report.

Common Cause maintained, however, that the self-named citizens' lobbying unit has a right to verify the report.

"Are you suggesting that contributions may not be listed?" Judge Waddy asked Common Cause attorney Mitchell Rogovin at one point during a hearing yesterday.

"It may be, your honor," Rogovin replied.

Later, turning to Parkinson, Waddy said:

"(Common Cause) may be on a wild goose chase, but they have a right to go on it."

The organization said it intended to take the depositions of:

- Patrick J. Hillings, an attorney for Associated Milk Producers, Inc. He will be questioned Monday concerning a promise he made to the President in a letter written Dec. 16, 1970, that AMPI would contribute \$2 million to the President's re-election campaign.

That promise was later cut to \$1 million, according to a memo from presidential

aide Gordon Strachan to presidential chief of staff H. R. (Bob) Haldeman, Rogovin said. However, according to the report filed by the committee, only \$232,000 was identified as being from AMPI sources.

Parkinson, defending the financial report as "complete and accurate as humanly possible," tried to explain any possible discrepancy that would arise by saying that additional contributions could have come from dairy farmers, for example, who did not identify themselves as such.

- Herbert Kalmbach. He is to be questioned Wednesday concerning disbursements from a trust fund maintained in his name. Rogovin said Kalmbach's previously disclosed role as "an active solicitor" of campaign funds in general makes his questioning necessary.

- C. G. (Bebe) Rebozo. He is to be questioned Dec. 20. Parkinson said Rebozo was never an employee or an agent of the committee, but that an election campaign bank account was maintained in a bank he owns on Key Biscayne.

Rogovin said Common Cause wants to find out how the bank "facilitated contributions" and whether these contributions mentioned in the report were accurately reported.

- George Webster. His deposition is to be taken on Dec. 23. Rogovin described Webster as the creator of a number of committees for the solicitation of campaign funds, and said he understands that Webster "may have been involved in expenditures not reported to the court."

- An official of Robert Brian Associates, a New York firm that Parkinson said sent out "12,500 crystal stars imbedded with the presidential seal to persons who gave time, energy or money to the presidential campaign." The deposition is to be taken Jan. 7.

Rogovin said that it was his understanding that the firm sent many of the medals to persons who contributed more than \$10,000 each to the campaign, and the firm's mailing list would be an "important checklist" against the names already reported by the committee.