

Kalmbach to Testify For the Prosecution

Washington

Herbert W. Kalmbach, President Nixon's former personal attorney and long-time associate, has agreed to testify for the prosecution against H. R.

Haldeman and John D. Ehrlichman and other former White House officials during any Watergate criminal trials, sources close to the case said yesterday.

Kalmbach, who served as a chief Republican fundraiser for Mr. Nixon's presidential campaigns in 1968 and 1972, "has not asked for nor has he been given immunity" from prosecution in return for his testimony, the sources said.

Kalmbach is specifically prepared to testify, they added, that he received personal assurances from Ehrlichman before collecting cash to be used to pay the Watergate defendants and their attorneys after the break-in at the Democratic National Committee headquarters.

They said Kalmbach is prepared to state that he received most of his day-to-day orders concerning campaign contributions from Haldeman and Haldeman deputies in the White House.

One of Kalmbach's associates said that his cooperation was expected to help him to avoid federal indictment in the cover-up of the Watergate scandal or, at the least, result in far less serious charges being placed against him.

RECORDS

The Kalmbach associate said that the Newport Beach, Calif., lawyer decided eight weeks ago* to cooperate fully and has turned over all his available records and files to the federal

prosecutors and to the Senate Watergate Committee.

Kalmbach has been linked in newspaper reports and federal grand jury and Senate testimony to a variety of secret Republican campaign funds. These were used, among other things, official sources said, to finance the sabotage activities of Donald H. Segretti beginning in late 1971 and in an unsuccessful attempt to defeat George C. Wallace in his 1970 race for the Democratic nomination for Governor of Alabama.

Segretti, allegedly acting under White House orders, organized a widespread net of undercover provocateurs and espionage agents to operate against Democratic candidates in the 1972 primary elections.

CASH

In a report released last month, the General Accounting Office accused Kalmbach of raising at least \$210,000 in cash after the Watergate break-in June 17, 1972, for distribution to "the Watergate defendants or their attorneys" through unnamed intermediaries.

The Kalmbach associate, in a telephone interview yesterday, denied the oft-published assertion that Kalmbach is a close personal friend of Mr. Nixon's.

"He's the President's personal attorney," the associate said, "so most people think he would be privy to everything in the white House."

ROLE

"That's not so," the associate added. "Herb did not see the President frequently; perhaps only five times in the past four years. A number of his assignments came from Ehrlichman and Haldeman."

In a deposition to a civil suit taken April 30 and released yesterday, Kalmbach

responded "yes" when asked whether he considered his relations with Mr. Nixon to be close.

The Kalmbach associate gave the following account of Kalmbach's role in the



HERBERT KALMBACH
Mr. Nixon's friend

disbursing of coverup payments to the Watergate defendants:

"He was asked at the outset (after the break-in) by John Dean (the former White House counsel) to raise some funds for the purpose of paying fees to the attorneys who would be retained by the Watergate defendants and for their families. He was told that this was perfectly proper, and that this would be done in a secret fashion so that the opposition—the Democratic party—would not learn of it and make political capital.

"So far, so good — no red flags were raised. But as this went on, Herb began to get queasy about it — perhaps because of some press articles or other signs — and he wants to confirm the authority of the directive from John Dean. He goes to Ehrlichman and receives this assurance.

"So, he makes a second request for funds (among Republican contributors) and acts again as a disbursing agent. Thereafter, there's more talk about the thing, and Herb's uneasiness prevails to the point that from September on through January (1973) he just does no more fund-raising."

ORDERS

The Kalmbach associate described Kalmbach as "an honest man who was simply a big boob" in his dealings on campaign funds with Haldeman and Ehrlichman.

One government official, however, who has been involved in many of the recent discussions with Kalmbach, had a sharply contrasting view of the presidential attorney's responsibilities.

"Look," the official said, "he knew what he was doing, and he still did his job."

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* WEEK BEGINNING SATURDAY