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# Chapin Jury Hears Segretti, Kalmbach

By Timothy S. Robinson  
Washington Post Staff Writer

Political saboteur Donald Segretti and President Nixon's personal attorney, Herbert Kalmbach, testified yesterday that former presidential aide Dwight L. Chapin was familiar with Segretti's secret "dirty tricks" operation on behalf of the Nixon campaign during the 1972 elections.

Chapin, who was President Nixon's appointments secretary until his resignation early in 1973, is charged with lying to the federal Watergate grand jury in April, 1973, about the extent of his knowledge of four aspects of Segretti's activities.

Assistant Watergate Special Prosecutor Richard J. Davis told a U.S. District Court jury here yesterday that Chapin lied willfully and repeatedly in an attempt to mislead the grand jury in its investigation of the Watergate affair.

Defense attorney Jacob Stein contended, however, that Chapin did not lie, but answered questions put to him by the grand jury "as best he could." Any misstatements made by Chapin before the grand jury, Stein argued, were unintentional consequences of Chapin's busy work schedule and his befuddlement and lack of preparation in appearing before the grand jury.

Although Segretti spent nearly three hours on the witness stand telling how he sent Chapin copies of his faked campaign documents and how Chapin swore him to secrecy on the White House connection with the project, Segretti's answers on cross-examination indicated that he did not provide Chapin the most explicit details of his activities.

Kalmbach, the second of four scheduled government witnesses, testified that as Segretti's paymaster he informed Chapin that he had decided to

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pay Segretti \$16,000 plus expenses. But Kalmbach reiterated under cross-examination that he talked to Chapin about Segretti's pay only once—in September, 1971.

Chapin is charged with intentionally misleading the grand jury when he denied

knowing about the distribution of faked campaign documents by Segretti, denied knowing how much money Segretti was paid, denied telling Segretti to concentrate on the presidential primary campaign of U.S. Sen. Edmund Muskie (D-Maine) and denied later advising Segretti not to talk to the FBI.

To convict Chapin, the trial jury would have to conclude that he lied knowingly to the grand jury. Prosecutor Davis said in his opening statement that he intended to prove that Chapin had a "pattern" of lying during the Watergate investigation, beginning with his statements to FBI agents who first questioned him.

The government's case proceeded quickly yesterday with the testimony of Segretti and Kalmbach, who have both pleaded guilty to political campaign law violations charged by the special Watergate prosecutor. An FBI agent and former White House counsel John W. Dean III are expected to testify for the prosecution today.

Segretti, a short, slight man with a boyish face, fidgeted nervously while recounting the relationship between Chapin and the dirty tricks project. He told how he was recruited by former college pal Chapin for a "job to further the re-election of the President . . . He (Chapin) referred to it as pulling pranks."

Chapin promised him a year that would include a "great deal of fun and travel," Segretti testified.

Segretti, a lawyer facing a disbarment investigation in California, has just finished serving a 4½-month prison term after pleading guilty in connection with his illegal campaign activities.

He testified yesterday he was told by Chapin and former White House aide Gordon Strachan in late 1971 that he was to disrupt the Democratic Party with his pranks during 1972 primaries. Secrecy was stressed, Segretti recounted yesterday, as he had in testimony last summer before the Senate Watergate committee, and a set of code names was devised for communication.

According to his testimony yesterday, Segretti met face-to-face with Chapin at least seven times during his year as

a political trickster, from the summer of 1971 to the summer of 1972.

At one of those meetings near the San Clemente White House, Segretti testified, Chapin told him that Sen. Muskie "was the one I should concentrate myself with primarily." He said Muskie was described as "the focus . . . the frontrunner."

Many of Chapin's remarks, Segretti continued, dealt with planting of pro-Muskie pickets among unruly demonstrators and planting anti-Muskie questioners in Muskie press conferences.

But on cross-examination Segretti was much less direct in his accusations about Chapin on the Muskie count of the indictment. Segretti agreed that Muskie was the main focus "because he entered more primaries," and that the general philosophy

outlined by Chapin was one of "divide and conquer" the Democratic candidates.

Many of the documents, faked by Segretti and used against Democratic candidates were read into the record as evidence. Many of them carried racial overtones, and Judge Gesell once warned the jury of seven blacks and five whites to ignore the contents and concentrate on whether Chapin lied to the grand jury about them.

Segretti said he had a general practice of sending all of the faked documents to Chapin and occasionally discussed the documents with Chapin directly. Chapin once laughed loudly about one of the more personal false accusations made against one candidate, Segretti said.

But again, on cross-examination by the defense, Segretti said, "I don't recall any discussion with Chapin where I sat down and said I personally distributed . . . this literature."

On the charge that Chapin was familiar with his rate of pay, as accused by the grand jury, Segretti once again said: "I don't recall sitting down with Chapin and telling him I received 'X' amount."

Kalmbach, however, was quite sure that he told Chapin the specifics of Segretti's pay arrangements. Chapin had sent Segretti to Kalmbach to discuss salary, Segretti testified.

"I told Mr. Chapin that Mr. Segretti . . . had agreed . . . that \$16,000 a year would be fair," Kalmbach testified.

Kalmbach said he provided Segretti a total of \$45,000 in salary and expenses in his year on the job.

Defense attorney Stein questioned Kalmbach's mem-

ory and pointed out that at one time Kalmbach had difficulty reaching the \$45,000 total for all of Segretti's payments. However, Kalmbach did not budge on his recollection of the September, 1971, conversation with Chapin.

"I wanted to be certain that Chapin would approve of the salary level and of the (\$5,000) expense advance. I was a dispersal agent acting as his authorization," Kalmbach said.

Kalmbach spent only one-half hour on the witness stand, his testimony focusing entirely on the Segretti transaction. It was his first appearance as a government witness after pleading guilty to campaign fund-raising violations. He is awaiting sentencing.

Kalmbach testified yesterday that he paid Segretti out of funds left over from Nixon's 1968 presidential campaign. Kalmbach was a major fund-raiser for the Republicans in the 1968, 1970 and 1972 elections and has been identified as the manager of two secret funds of large cash contributions for use during the 1970 and 1972 campaigns. Those funds have been said to total about \$6 million.

In the fourth count of the indictment, Chapin is charged with lying to the grand jury when he said he had not told Segretti to avoid talking to the FBI after Segretti's phone number was found in a phone book found on one of the original Watergate conspirators. He had not told Segretti to avoid talking to the FBI.

Segretti told prosecutors that he did not recall that conversation "one way or the other." And, on cross-examination, Segretti told defense attorney Stein that if Chapin had told him not to call the FBI, "that would certainly have stuck in my mind."

However, Segretti testified on redirect questioning that Chapin had advised him to meet with former White House counsel Dean before meeting with the FBI. He said Dean told him to try to keep Chapin's name out of the FBI interview.

"When you talked to the FBI, did you mention Mr. Chapin's name," Prosecutor Davis asked.

"No sir," Segretti replied.

Dean will be the first witness on the stand today. There have been indications that transcripts of White House tapes may be used by the defense to impeach Dean's testimony about long conversations he might have had with Chapin.



By Bob Burchette—The Washington Post

**Herbert Kalmbach would say only "No comment."**