

KALMBACH PLEADS GUILTY TO 2 CAMPAIGN CHARGES; MAY BE JAWORSKI WITNESS

LAWYER TO NIXON

Faces 3-Year Term on Illegal Panel in '70 and Envoy Post Pledge

By ANTHONY RIPLEY
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WASHINGTON, Feb. 25 —

Herbert W. Kalmbach, President Nixon's personal lawyer and one of his chief fund-raisers, pleaded guilty today to allegations that he helped run an illegal Congressional campaign committee in 1970 and that he promised an Ambassador a better assignment in Europe for a \$100,000 campaign contribution.

In pleading guilty to a two-count information filed with Chief Judge John J. Sirica in United States District Court, Mr. Kalmbach became the closest associate of President Nixon yet to incur criminal penalties in the Watergate-related investigations of Leon Jaworski, the special prosecutor.

The two charges, the first a felony and the second a misdemeanor, are punishable by a maximum of 3 years in prison and \$11,000 in fines.

Varied Activities

In a letter filed with the court today, Mr. Jaworski said Mr. Kalmbach might be required as a Government witness or might be an unindicted co-conspirator in other Watergate-connected cases. In exchange for his cooperation and full disclosure of "all relevant information and documents," the letter said, other possible Watergate charges against Mr. Kalmbach have been dropped.

Mr. Nixon, in his news conference tonight, said ambassadorships were based on the qualifications of the men involved. Such appointments, he said, were not for sale.

Mr. Kalmbach, 52 years old,

of Newport Beach, Calif., has handled a number of controversial and sensitive matters for Mr. Nixon over the last five years. Among these are the purchase of the San Clemente,

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Associated Press

Herbert W. Kalmbach entering court yesterday.

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Calif., estate and Mr. Nixon's income taxes.

He has also raised millions of dollars in controversial dairy contributions, took part in the payment of money to the original seven Watergate defendants and their lawyers as part of the cover-up and handled payments to a confessed political saboteur, Donald H. Segretti.

Mr. Kalmbach stood next to his lawyer, James H. O'Connor, of Phoenix, and told Judge Sirica that he understood the charges and the consequences of his plea.

The deputy clerk, James P. Capitanio, asked him, "How do you plead?"

"I plead guilty," Mr. Kalmbach said, standing quietly, his hands crossed in front of him.

The felony charge grew from the old Federal Corrupt Practices Act, which was in force in 1970 when the committee was set up. Because it had no chair-

man, no treasurer and filed no reports of its activity, the Republican committee was in violation of that act, the special prosecutor alleged.

The assistant special prosecutor, Charles F. C. Ruff, told Judge Sirica that beginning in March, 1970, "three members of the staff of the executive office of the President" formed the committee to support candidates for the House and Senate.

He said a fourth individual, also unnamed, was put in charge of day-to-day operations.

Campaign Pledges

Mr. Kalmbach raised pledges of \$2.8-million to support the committee's work, Mr. Ruff said, and an additional \$1.15-million was contributed by a single unidentified individual.

Mr. Ruff said that on orders from a fifth individual, also unnamed, moneys pledged to the committee would be sent directly from the donors to individual candidates in 19 states.

Though Mr. Ruff did not identify it as such, the description fits that of operation townhouse, or "The Public Institute." This was a group that several sources have identified as having been set up by the late Murray Chotiner, Harry S. Dent and Charles W. Colson, who all were on the White House staff at the time.

Jack A. Gleason, another former White House aide, was in charge of the day-to-day operations and instructions on how to spend the funds were said to come from H. R. Halde- man, the President's former chief of staff.

More than three years ago, The Associated Press identified seven American Ambassadors who were listed on public records as having sent money through Mr. Gleason's operation to Senator J. Glenn Beall, Republican of Maryland, who was seeking election in 1970.

The Ambassadors were Walter H. Annenberg, Britain; Kenneth Franzheim 2d, New Zealand; Shelby C. Davis, Switzerland; John O. Humes, Austria; John D. J. Moore, Ireland; J. William Middendorf 2d, then Ambassador to the Netherlands and now Under Secretary of the Navy, and Kingdom Gould Jr., the Netherlands.

Nature of Misdemeanor

The second criminal information against Mr. Kalmbach was a misdemeanor. It was explained to Judge Sirica by the associate special prosecutor,

Thomas H. McBride.

Mr. McBride said that on Sept. 16, 1970, J. Fife Symington Jr., Ambassador to Trinidad and Tobago, offered Mr. Kalmbach \$100,000 "on the condition" that he be appointed Ambassador to one of five European nations instead of Trinidad and Tobago.

Mr. McBride said that Mr. Kalmbach had placed a call to an unidentified member of the White House staff and "received assurances."

"The pledge was firm. The deal was made," Mr. McBride told the judge.

Subsequently, Mr. Symington's wife sent a check for \$50,000 to the 1970 committee to support Congressional candidates, Mr. McBride said, and the remainder to the Finance Committee to re-elect the President "or one of its satellite committees" in 1972.

Mr. McBride said the donation did no good, however, Mr. Symington was not nominated.

"Kalmbach offered the money back, which was refused," Mr. McBride said.

Mr. Symington, a first cousin of Senator Stuart Symington, Democrat of Missouri, was not

available for comment. A call to his home in the Baltimore suburb of Lutherville brought a response from a housekeeper who said he was out of town.

Under Federal criminal laws it is illegal to "directly or indirectly" promise employment as a favor or reward for "any political party in an election."

Although it is a misdemeanor to violate the law, it has been common in politics for many years to offer ambassadorships, judgeships, Cabinet posts and other Federal jobs to persons who have been heavy contributors to campaigns.

Judge Sirica sentencing of Mr. Kalmbach while awaiting a pre-sentence report. Mr. Kalmbach was freed on personal recognizance.

Mr. Jaworski, as he has done in other cases, noted that Mr. Kalmbach could still be tried if he should perjure himself in future trials or grand jury appearances.

Mr. Kalmbach, who raised money for Mr. Nixon in his losing effort in the 1962 California gubernatorial campaign, became the No. Two man under former Commerce Secretary Maurice H. Stans in Mr. Nixon's 1968 Finance Committee.

Mr. Kalmbach and Robert H. Finch, a former counselor to Mr. Nixon and another long-time friend, were classmates at the University of Southern California Law School.

Admirers of Mr. Kalmbach in California said he was one of five men closest to Mr. Nixon.

Their present relationship is not entirely clear. Mr. Kalmbach said today as he was leaving the courtroom that he was still Mr. Nixon's lawyer in some matters.