

Lawyer Says Rebozo Met Kalmbach on Hughes Gift

By SEYMOUR M. HERSH
Special to The New York Times

WASHINGTON, April 8—William S. Frates of Miami, the lawyer for Charles G. Rebozo, acknowledged today that Mr. Rebozo had discussed, at President Nixon's suggestion, a controversial \$100,000 campaign contribution by Howard R. Hughes during a White House meeting last April with Herbert W. Kalmbach.

But Mr. Frates emphatically denied in the telephone interview that Mr. Rebozo had told Mr. Kalmbach, as Mr. Kalmbach has reportedly testified, that he disbursed the cash to President Nixon's two brothers, the President's personal secretary and others.

"He did have a conversation with Mr. Kalmbach," Mr. Frates said of his client, one of the President's closest personal friends, "as he did with several people in the White House about what to do with the money and how to return it."

Mr. Rebozo has said in previous interviews that he received the cash in allotments of \$50,000 each in 1969 and 1970 from Mr. Hughes's representatives but had not turned it over to the President's campaign personnel because of the subsequent internal squabbling inside the Hughes organization. The cash remained in his safety deposit for three years until it was returned in June of 1973, Mr. Rebozo has said.

Well-placed sources have told The New York Times and The Washington Post that Mr. Kalmbach testified before the Senate committee on March 21 that Mr. Rebozo told him last April 30 of cash payments or

loans to the Nixon brothers, Edward C. and F. Donald, as well as to Rose Mary Woods, the President's personal secretary.

Mr. Kalmbach also testified, the sources said, that Mr. Rebozo called him again in January, 1974, and said he had made a mistake in their previous conversation because the \$100,000 in cash, all in \$100 bills, was still in his safe deposit box.

Mr. Frates indirectly challenged Mr. Kalmbach's credibility during the telephone interview, saying that the President's former personal attorney "was under tremendous personal pressure" at the time of his talk with Mr. Rebozo, "plus the fact that they had the axe hanging over his head."

On April 30, President Nixon announced the resignation of his two top aides, John D. Ehrlichman and H. R. Halde- man, along with the resignations of John W. Dean 3d, the White House counsel, and Richard D. Kleindienst, the Attorney General.

Mr. Kalmbach subsequently became one of the first White House insiders to begin talking to Federal investigators about his role in the White House cover-up of the Watergate break-in. He recently pleaded guilty to a felony charge and a misdemeanor charge filed by the Watergate special prosecutor's office in connection with his fund-raising activities.

At the White House today, Gerald L. Warren, deputy Presidential press secretary, declared that Mr. Nixon stood on his previous assertion that Mr. Rebozo had returned the \$100,000 contribution untouched.

Mr. Warren turned aside further questions, saying, "We are not going to inject the White House into a process of discussing reports of information leaked from secret testimony."

Mr. Frates, however, assailed the Watergate committee investigators and accused them of "twisting and perverting" Mr. Rebozo's secret testimony.

In a conversation yesterday with The New York Times, Mr. Frates specifically accused Scott Armstrong, one of the Senate investigators, of "violating every statute and rule of the committee by leaking testimony." The Miami attorney said he would request Samuel Dash, chief counsel of the committee, to take "some action, maybe even criminal action, against Mr. Armstrong."

Asked about the matter again today, Mr. Frates said he had subsequently learned that information was being supplied to the news media from other sources. He added, "I don't want to criticize the Senate staff. Lord knows, they've done enough bad things in the past."

Investigator Defended

Mr. Dash, in a telephone interview today, defended Mr. Armstrong as "one of our finest investigators" and added that he personally knew of no unauthorized disclosures by the 28-year-old staff employe.

Mr. Dash added that the committee's inquiry into the Hughes contribution, being led by Terry F. Lenzner, a former assistant United States Attorney, was officially still in progress although the committee is scheduled to cease functioning on May 28. He said that if the investigation could not be completed by that

date, all relevant material would be turned over the House Judiciary Committee and the Watergate prosecutor's office.

Mr. Lenzner's investigators are known to believe that Mr. Rebozo sought out Mr. Kalmbach for their White House meeting in the hope that the former campaign fund-raiser would volunteer to obtain an additional \$100,000 to replace the Hughes cash. When that failed, the Senate investigators are known to believe, Mr. Rebozo turned to others.

The New York Times reported today that Mr. Rebozo flew to a Catskill mountain fishing retreat owned by Robert H. Abplanalp, another close friend of the President, one week before the cash was returned last June. The money was delivered to the Hughes organization by William E. Griffin of Yonkers, Mr. Abplanalp's attorney and business associate. Mr. Abplanalp has denied that the \$100,000 contribution was discussed during the June meeting with Mr. Rebozo, sources said.

Asked about the Senate committee's theory, Mr. Frates said that his client had begun a discussion of the contribution with Mr. Kalmbach solely because of Mr. Kalmbach's expertise in fund-raising. At the time, Mr. Rebozo was under investigation by the Internal Revenue Service and, Mr. Frates said, "it was a real uestion how to get the money back."

Asked why Mr. Rebozo later telephoned Mr. Kalmbach to say that he had been mistaken about the use of the cash during their first conversation, Mr. Frates said he had no comment.