

Judge Demands Nixon-Stans

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U.S. District Chief Judge George L. Hart Jr. ordered attorneys for former Commerce Secretary Maurice Stans yesterday to produce for his inspection correspondence between Stans and President Nixon concerning possible federal job appointments.

Attorneys for the President have said the President will invoke a claim of executive privilege on those documents, according to a letter submitted to Judge Hart yesterday. However, any such formal claim apparently would not come until the documents are produced Monday, according to attorneys in the case.

The Nixon-Stans correspondence consist of 10 to 15 documents, according to one attorney, and are among masses of Stans' papers that have been subpoenaed by a federal grand jury that is investigating allegations of job-buying by political contributors during the Nixon administration.

Judge Hart indicated that he would inspect privately the Nixon-Stans correspondence along with several other documents that Stans is claiming should not be turned over in response to the subpoena. If Hart finds that any of the documents are covered by the subpoena, he would order them turned over to the grand jury.

Stans' attorney, Robert W. Barker, said that the files should not be turned over because they consist of personal papers and that the Watergate special prosecutor's office is conducting a fishing expedition by issuing a "dragnet subpoena." The subpoena goes back to 1968, and includes records kept by Stans during his three years as Secretary of Commerce.

Assistant Watergate Special Prosecutor Thomas McBride contends however, that the files are the property of the Finance Committee to Re-Elect the President, which Stans headed during the 1972 presidential campaign, and are subject to a subpoena.

To support his contention, McBride produced two of

Stans' aides and former presidential personal attorney and fund-raiser Herbert Kalmbach to testify that lists were maintained of campaign contributors who were recommended for federal jobs and that Stans was actively engaged in Nixon fund-raising activities while he was Commerce Secretary.

Barker told Judge Hart that Stans already had provided 131 file drawers of material to the special prosecutor's office, and that the remaining controversy was over what amounts to documents that would fill about one-half of a file drawer.

He pointed to four stacks of documents on the defense table. They were wrapped in blue folders and tied with string, and ranged in height from about four inches to about 8 inches.

"The papers on the defense table represent those files," Barker told Hart.

Among items specifically being sought by the special prosecutors are lists allegedly maintained by Stans of campaign contributors that were recommended to the White House for federal jobs, and another list known as the "S" List for persons who were solicited for contributions and either did not contribute or did not contribute enough to the campaign.

The "S" is believed to stand for "expletive deleted, to use a current phrase," McBride told the judge at one point yesterday.

Barker said that there is no such list and "we cannot produce what doesn't exist." In the remaining files, the prosecutors "would find nothing to carry out their preconceived notion" that campaign contributors were promised jobs or favorable government action in return for their campaign donations.

Stans' personal confidential assistant and a secretary in his office, however, testified yesterday that such lists did exist.

The assistant, Arden Chambers, said one folder contained a list of "persons who he (Stans) thought would be worthy of consideration for a government position" and would be brought to the attention of the White House.

A separate list was kept

for persons wanting ambassadorial posts, Miss Chambers said, and she said she herself helped prepare the "S" list after the November, 1972, presidential election.

She was asked no questions concerning names on the "S" list, which she described as being one page long and containing about 20 names.

Mary Elaine O'Gorman, a secretary to Stans, said she also remembered the lists, and filed the "S" list herself.

Kalmbach's testimony mainly centered on repeated contracts he had with Stans while Stans was Commerce Secretary. Stans had appointed Kalmbach as trustee over \$1.6 million in left-over campaign funds at the end of the 1968 campaign, and Kalmbach said he advised Stans of the status of that fund on several occasions.

He said that on one occasion, Stans gave him checks totaling \$1 million from Jack Mulcahy, an industrialist and heavy Nixon campaign contributor. That meeting occurred in 1970 in Stans' Commerce Department office, Kalmbach said.

Kalmbach, who has pleaded guilty to offering an ambassadorship for a \$100,000 contribution, said he met or talked with Stans between 100 and 300 times over a three-year period from 1969 to 1972.

Presidential attorney J. Fred Buzhardt said the President would invoke a claim of executive privilege on his communications with Stans because "it is critical to the President's ability to perform his appointive function that he receive candid and uninhibited advice and comments on prospective appointees from persons within or without the government."

Buzhardt said the President had waived his privilege with respect to four persons who were nominated to ambassadorships, but would not waive it in connection with anyone else. He identified those persons as Ruth Farcas, Vincent DeRolet, C. V. Whitney and J. Fyfe Symington.

Prosecutors are investigating possible violation of bribery, conspiracy and cam-

paign financing laws in connection with the Nixon presidential campaign, according to court papers that have been filed in connection with the Stans subpoena

Documents



Associated Press

Herbert Kalmbach, President Nixon's former personal lawyer, leaves courthouse.