

Court to Study Stans Data Sought in Jaworski Inquiry

By BEN A. FRANKLIN
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WASHINGTON, May 17 — President Nixon asserted the doctrine of executive privilege again today in an effort to block a Government subpoena for correspondence between himself or his White House aides and Maurice H. Stans, who was his chief fund raiser in the 1972 campaign.

There were repeated indications, however, that United States District Judge George L. Hart Jr. might overrule the latest attempt to withhold evidence from the office of the special Watergate prosecutor, Leon Jaworski.

Judge Hart said he would review the letters himself next week, and would then probably apply a recent decision by Judge John J. Sirica that overruled such claims of privilege.

Lawyers from Mr. Jaworski's staff told Judge Hart that they were seeking evidence for a Federal Grand jury here that has been investigating Mr. Stans's activities as chairman of the Finance Committee to Re-elect the President, the principal fund-raising organization of Mr. Nixon's 1972 campaign.

Evidence of Deals

Thomas McBride, one of the lawyers, said the prosecutors were looking for "evidence of any quid pro quo" offers of diplomatic or other Government posts or favors in return for contributions solicited by Mr. Stans.

Asked outside the courtroom whether the disputed letters contained any such references to "quid pro quo" arrangements with Nixon contributors, John M. Facciola, one of Mr. Stans's lawyers, replied, "I don't have any comment on that."

The assertion of privilege was contained in a letter from the President that Robert W. Barker, another Stans lawyer, handed Judge Hart today during on the special prosecutor's three-month attempt to enforce a subpoena for files and documents kept by Mr. Stans at the campaign finance committee office.

The subpoena for the files of Mr. Stans, Mr. Nixon's former Secretary of Commerce, was first served by the special prosecutor's office last Feb. 25.

Testimony at today's hearing disclosed that immediately on learning of the subpoena, Mr. Stans's lawyers sent for the keys to filing cabinets in which the subpoenaed papers were kept, and that Mr. Stans then asserted that the files were "personal" and therefore protected by his Fifth Amendment right not to incriminate himself.

Assistant Subpoenaed

The person named in the February subpoena, Paul Barrick, a Stans assistant who served as treasurer of the campaign finance committee, later appeared before the grand jury—but without the documents, saying that they were no longer in his custody.

In an attempt today to persuade Judge Hart that the Stans documents are, indeed, "official" papers subject to subpoena, Mr. McBride and Charles F. C. Ruff, Jaworski staff prosecutors, questioned several witnesses under oath, including Herbert W. Kalmbach of Newport Beach, Calif., Mr. Nixon's former personal



United Press International
Robert W. Barker, lawyer, for Maurice H. Stans, outside court in Washington after a hearing yesterday.

lawyer and a key fund raiser for him under Mr. Stans.

Mr. Kalmbach pleaded guilty last February to running an illegal Congressional campaign fund in 1970 that secretly raised millions of dollars for the Republicans and of promising a European ambassadorship to another donor in return for \$100,000 contribution.

Mr. Kalmbach said today that he had "asked Mr. Stans for his assistance in seeing that the commitment [the ambassadorship] was met."

Mr. Stans was acquitted on April 28 of joining in a conspiracy with former Attorney General John N. Mitchell to obtain favorable treatment for Robert Vesco, a secret contributor of \$200,000 in cash.

Papers Torn Up

On Mr. Stans's behalf, Mr. Barker asserted repeatedly today that several of the documents described by Mr. Kalmbach and other witnesses today "no longer exist." He also told the court that other material among Mr. Stans's "personal" papers had been "accidentally" torn up, and later patched together with Scotch tape.

The Government subpoena, covering his files dating from 1968, seeks Mr. Stans's telephone logs, appointment calendars, "ambassador lists" and other special contributor lists recommending appointments to Government posts, "political files" and a so-called "S list" of noncontributors.

Mr. McBride told Judge Hart that the last was "a list of persons solicited who either failed to contribute or "failed to contribute enough."

Although Mr. Stans's lawyers insisted that their client's files now contained no such lists, Mr. Kalmbach testified that an "ambassador list" had been kept.

White House Sued on Funds

WASHINGTON, May 16 (UPI)—The Congressional Rural Caucus filed suit in Federal District Court Thursday to force the White House to release nearly \$4.5-billion in impounded funds. The money was appropriated by Congress for nine separate Federal programs, including highway aid, but was frozen by President Nixon's Office of Management and Budget.