

# Kalmbach Given Jail Term Of 6-18 Months by Sirica

## Nixon's Former Lawyer Is Also Fined \$10,000 for Illegal Fund-Raising on Behalf of the President

NYTimes

BY ANTHONY RIPLEY JUN 18 1974

Special to The New York Times

WASHINGTON, June 17 — Herbert W. Kalmbach, President Nixon's former personal lawyer, was sentenced today to a minimum of six months in prison and was fined \$10,000 for illegal fund-raising activities on the President's behalf.

The sentence was imposed by Judge John J. Sirica in United States District Court. Mr. Kalmbach, a low-key figure who usually operated in the background and raised millions for Mr. Nixon's re-election campaign and other political activities, told the judge:

"Your honor, I'd like to let you know how deeply embarrassed I am and how much I regret standing here before you this afternoon."

He pleaded guilty Feb. 25 to a two-count criminal information drawn by the Watergate special prosecutor, Leon Jaworski, and had promised to cooperate with the Watergate investigation.

His sentence followed the general pattern of light penalties imposed on Watergate figures who have negotiated pleas and agreed to cooperate. Judge Sirica said he had recommended that Mr. Kalmbach, who is 52 years old, be placed in a minimum security prison such as the Federal Prison Farm at Allenwood, Pa. He gave Mr. Kalmbach two weeks to clear up his personal affairs before beginning his sentence.

Mr. Kalmbach had pleaded guilty to a charge of operating an illegal campaign committee—illegal in that it had no chairman or treasurer and had filed no reports—that raised just under \$4-million to support Congressional candidates



The New York Times  
Herbert W. Kalmbach after he was sentenced.

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in 19 states in the 1970 election.

The charge was a felony, punishable by two years in prison and a \$10,000 fine. Judge Sirica sentenced him to six to 18 months on this count and fined him the \$10,000.

### Post in Europe

The second count, a misdemeanor, charged that Mr. Kalmbach had promised J. Fyfe Symington Jr., former Ambassador to Trinidad and Tobago, a post in Europe in exchange for a \$100,000 contribution to the President's 1972 re-election campaign.

It is illegal to promise employment or "any other benefit" in exchange for such "political activity." The law, however, has been little enforced in the past and ambassadorial posts have traditionally gone to heavy campaign contributors.

The charge is punishable by a \$1,000 fine and a year in prison. Judge Sirica sentenced Mr. Kalmbach to six months in prison on this count but ordered that it be served concurrently with the other six-month term. The \$1,000 fine was not imposed.

Mr. Kalmbach's lawyer, James H. O'Connor of Phoenix, Ariz., spoke at length to the judge before the sentencing.

As Mr. O'Connor spoke, Mr. Kalmbach, in a navy blue suit, white shirt and gray striped tie, stood to one side, his hands clasped in front of him.

The lawyer cited Mr. Kalmbach's "very distinguished career" and said that one man who knew him had written to the court that Mr. Kalmbach "is a man who accepts without hesitation the truth of the statements of those he has accepted as his friends."

He said that statement went to the "core of why Mr. Kalmbach became involved."

He called Mr. Kalmbach "an intermediary" for the "White House management team" whose actions were "deplorable." He said Mr. Kalmbach was "not in on the scheming" but that he had raised funds at the request of White House figures he believed to be honorable men.

Mr. O'Connor said that when Mr. Kalmbach began to realize through news reports that the money he had raised might be going for questionable purposes, he refused to raise any more. He said that Mr. Kalmbach, began cooperating with Watergate investigations on April 19, 1973.

G. Gordon Liddy, former counsel to the Committee for the Re-Election of the President, was convicted in the original Watergate burglary case stemming from the raid on Democratic National Headquarters at the Watergate Office Building two years ago today.

Mr. Liddy, whose case is now before the United States Court of Appeals, was sentenced to six years eight months to 20 years. In addition, he has been sentenced to 18 months for contempt of a Watergate grand jury for refusal to testify. A third conviction, for contempt of Congress, drew a suspended sentence.

**Other Matters**

The mildest penalty thus far was the one-month sentence and \$100 fine, both suspended, given to former Attorney General Richard G. Kleindienst, who failed to testify fully and accurately before a Senate committee.

**Stiffest Sentence**

"I told Herb, 'Be Responsible. Tell the truth but don't volunteer,'" Mr. O'Connor said.

The entire affair, Mr. O'Connor said, has brought "devastation to Herb and his family."

Mr. Kalmbach and Mr. O'Connor declined comment after the sentencing.

Fourteen Nixon Administration or re-election campaign workers have pleaded or been found guilty thus far in the Watergate affair.

The stiffest sentence went to

Nixon, payments for "dirty tricks" to Donald H. Segretti, raising money to pay defendants and their lawyers in the Watergate burglary, the purchase of Mr. Nixon's estate at San Clemente, Calif., and Mr. Nixon's controversial \$576,000 tax deduction for the donation to the National Archives of his Vice Presidential papers.

During Mr. Nixon's first term, Mr. Kalmbach's former law firm, Kalmbach, DeMarco, Knopp & Chillingworth of Newport Beach, Calif., mush-roomed with such clients as United Air Lines, Dart Industries, The Marriott Corporation, the Nixon Foundation, which is planning the Presidential Library, Travelers Insurance and others.

Frank DeMarco Jr., one of the partners, served as Mr. Nixon's tax lawyer.

Mr. Kalmbach is a close friend of Robert H. Finch, former Cabinet member, former White House counselor and long-time friend of the President. Mr. Finch and Mr. Kalmbach were classmates at the University of Southern California Law School.

With Maurice H. Stans, former Commerce Secretary, Mr. Kalmbach was listed among the President's top political fund-raisers. Polite, soft-spoken and well-dressed, he moved easily in corporate offices and with such groups as the Lincoln Club of Orange County, a group of wealthy Republican conservatives from the Los Angeles suburbs.