

Kalmbach Says Dairymen Had to Reaffirm Pledge

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Herbert W. Kalmbach, the final witness before the impeachment inquiry, told the House Judiciary Committee today in a first-hand account that dairy industry leaders had been required to reaffirm their pledge of campaign contributions before President Nixon announced an increase in milk price supports.

Much of Mr. Kalmbach's story had already been told in other forums. But some Democrats on the committee seemed to feel the impact of his direct testimony and indicated that they were beginning to consider more strongly the possibility that an impeachable offense had been committed in the President's dealings with milk producers.

"We're beginning to establish a case of bribery," said Representative Elizabeth Holtzman, the Brooklyn Democrat.

Other Democrats who indicated that they were paying more careful attention to the milk case were Representatives George E. Danielson of California, Edward Mezvinsky of Iowa and Robert F. Drinan of Massachusetts.

An 'Understanding' Seen

Representative Trent Lott of Mississippi, one of the President's strongest Republican supporters, said at a recess in Mr. Kalmbach's testimony that he had "more of an impression from him that there was some sort of understanding."

He did not expand on his comment, but it was clear that he was referring to an "understanding" between the White House and the dairy industry officials.

Most Republicans found nothing damaging in Mr. Kalmbach's testimony because, even though he was the President's personal lawyer and a key campaign fund-raiser, he dealt with Mr. Nixon's aides rather than with the President himself.

"As for tying up the President with any misconduct, he didn't," said Representative David W. Dennis, Republican of Indiana.

The committee recessed for dinner tonight without having directly asked Mr. Kalmbach what many members believe to be the most significant question: How much attention did Mr. Nixon pay to his personal finances and tax returns?

On another matter, Mr. Kalmbach reportedly said that time and again he had discussed with potential contributors the possibility that they could obtain ambassadorships after the election. He said that in two instances, according to committee members, he had made commitments of ambassadorships in return for a campaign donation.

One Republican, Representative Lawrence J. Hogan of Maryland, called Mr. Kalmbach's testimony on ambassadorships "some of the most damaging stuff I've heard yet against the President."

But other Republicans noted, once again, that Mr. Kalmbach had received his orders on ambassadorships and contributions from H. R. Haldeman and John D. Ehrlichman, the President's top aides, and never discussed the subject with Mr. Nixon.

Now Serving Term

Mr. Kalmbach is now serving a term of six to 18 months in prison. He pleaded guilty to violating election laws and promising an ambassadorship as a reward for a campaign donation.

In the months after the Watergate burglary, he raised nearly \$250,000 in cash and arranged for its distribution to the Watergate burglars.

He described to the Senate Watergate committee last summer how the money had been raised and distributed and how he had refused in the fall of 1972 to raise any more when he began to suspect that the

money was not being used for legitimate purposes.

He reportedly repeated much of that testimony to the Judiciary Committee today.

Most members of the Judiciary Committee have apparently felt that the President's dealings with the milk producers could not be developed into an impeachable offense unless a clear-cut case of bribery could be proved.

In the past, some Democrats argued that the line between a bribe and a legitimate campaign contribution was so hazy that it would be difficult to establish that the President had been party to accepting a bribe.

The Constitution specifies that bribery is an offense punishable by impeachment.

Some Republicans — Representative Wiley Mayne of Iowa and Representative Robert McClory of Illinois, for example — said today that they had heard no evidence about the milk producers' contribution that would justify impeachment.

But Representative George E. Danielson, a California Democrat, felt differently. "You've got to be blind if you don't tie these things together," he said, referring to the pledge of money and the decision to raise milk price supports.

The facts in the milk case are not in dispute. The dairy officials pledged \$2-million to the President's re-election campaign, and Mr. Nixon, in 1971, overruled his Secretary of Agriculture and budget officials and ordered an increase in milk price supports. The question is whether the President's decision was a direct result of the pledge.

Dealings Are Reported

Mr. Kalmbach reportedly gave the following account of his dealings with the milk producers in March, 1971:

On March 23, John D. Ehrlichman, then the President's chief adviser on domestic policy, called Mr. Kalmbach in California, told him to come to Washington and to plan on an 11 o'clock meeting the next night.

When he arrived in Washington the next day, Mr. Kalmbach went directly to a meeting with Mr. Ehrlichman. He was told that the President had decided the day before to raise price supports but had not announced the decision.

Mr. Ehrlichman said further that Mr. Kalmbach was to meet that night with Harold S. Nelson, an official of Associated Milk Producers, Inc., to get a reaffirmation of the \$2-million pledge.

At the meeting, Murray M. Chotiner, a long-time Nixon aide who had just left the White House to become a lawyer for the dairy cooperative, made the price support increase conditional on a reaffirmation of the pledge.

Mr. Nelson apparently did renew the pledge, and the higher price supports were announced the next day.

The White House has said that the President did take into account "traditional political considerations" in making the decision. He believed, according to White House statements, that Congress would raise the support level if he did not, and he wanted the political mileage in farm states that would accrue from the increase.

But the President and his associates have insisted that the pledge of money was not a factor in the President's decision.

The Judiciary Committee has sought the tape recordings of 46 conversations between Mr. Nixon and his aides that allegedly concerned the price support increase.

Mr. Nixon has refused to supply any of these tapes, although he did give the committee the tape of his meeting on March 23 with dairy officials and part of the tape of a later meeting that he had with his aides. The tapes were said by committee members to have provided no evidence of a bribe.