

KALMBACH TESTIFIES IN TRIAL IN BROOKLYN

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Other Aides to Nixon in Watergate Period Appear in Tax-Violation Case of an Ex-Police Officer

By MAX H. SEIGEL

In what appeared to be a capsule replay of the Watergate hearings, members of former President Nixon's White House staff turned up in United States District Court in Brooklyn yesterday to testify in the tax violation trial of Anthony T. Ulascewicz, the retired New York City police officer who worked as a confidential investigator for the former President.

Herbert W. Kalmbach, who served as personal counsel to President Nixon from March 1969 to the end of February 1974 and who was the first witness for the prosecution, testified that he had arranged to pay Mr. Ulascewicz \$20,000 in 1971 and \$25,000 in 1972 in salary and expenses through John J. Caulfield, a White House aide. But Mr. Kalmbach said he did not know whether the private investigator ever received the money.

Two other Watergate figures—John D. Ehrlichman, former White House chief of staff, and John W. Dean 3d., former White House counsel, were also able to shed little light on the payments to Mr. Ulascewicz.

Mr. Ehrlichman, who was brought to the courthouse in Brooklyn from the Federal Prison Farm at Safford, Ariz., where he is serving a sentence for his involvement in Watergate, said he had met Mr. Ulascewicz only once, briefly, at La Guardia Airport in the spring of 1969 in connection with the possible employment of the investigator to do special political errands and personal chores for President Nixon. "We didn't even take our coats off," he said.

Described as 'Private Nature'

"The work we wanted him doing," Mr. Ehrlichman added, "was of a private nature. The President wanted a piece of information checked into, and it was not appropriate for a Government employee to do so, so he passed it along to me and I passed it along to John Caulfield. Caulfield recommended Mr. Ulascewicz. He was paid out of private funds."

Mr. Dean testified that he had met Mr. Ulascewicz once in Mr. Caulfield's office at the White House and that the conversation had been purely of a "How do you do? Pleased to meet you" social kind.

The testimony of the formal White House aides came in the first day of Mr. Ulascewicz's trial on charges of filing false income tax returns for 1971 and 1972. The Government charges he did not report as income the \$20,000 he received in 1971 and \$25,000 he received the following year.

Mr. Ulascewicz admitted receiving the money. But, according to an investigator for the Internal Revenue Service who had interviewed him, he had not reported the \$20,000 he received in 1971 because "it was a prepayment for future services—not reportable until he performed the services and earned it." The I.R.S. investigator, Leo Libowitz, added that Mr. Ulascewicz told him that after getting the \$25,000 in 1972 he planned to report the total of \$45,000 in income on his 1972 return. But early in 1973 the Watergate scandal broke and he found himself indirectly involved.

Testimony by I.R.S. Aide

"He told us," Mr. Libowitz testified, "that he was afraid the \$45,000 would come to the attention of the Watergate conspirators and investigators. It might cause the investigators to involve him more deeply, he felt, or to use the information against President Nixon to whom he was loyal."

"He said he also feared," Mr. Libowitz added, "that the conspirators might use the information to blame him for some aspects of Watergate."

About a year before his interview with the Internal Revenue Service agents, Mr. Ulascewicz had filed amended returns for both 1971 and 1972 listing all the income he received and paying both the interest and penalties that added up to more than \$7,000 for the two years.