

# Sorensen Withdraws As Nominee for CIA

## <sup>1-18-77</sup> Carter's First Defeat

By Robert G. Kaiser  
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The forced withdrawal of Theodore C. Sorensen's nomination to be Director of Central Intelligence—the first defeat of Jimmy Carter's still-unborn presidency—was a painfully public display of Carter's limited influence on Capitol Hill.

Carter's associates tried quickly to minimize the political significance of Sorensen's withdrawal. It was argued that Sorensen's personal liabilities were substantial, so his rejection was not simply a slap at Carter.

But the President-elect did try to save Sorensen, with

### News Analysis

public statements of full support and with private telephone calls to key senators on the Intelligence Committee.

Perhaps the most revealing aspect of the entire tale was Carter's inability to convince at least four senators of his own party to give him and Sorensen the benefit of the doubt.

This could be an omen of the political realities in the first months of the Carter administration. The Democratic members of Congress—most of whom ran ahead of Carter in their home districts last fall—feel no special debt to the President-elect. And thus far he has not

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## Succumbs to Controversy

By Lee Lescaze  
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Theodore C. Sorensen succumbed yesterday to the sudden controversy surrounding his nomination as Director of Central Intelligence by withdrawing from Senate consideration.

His dramatic action came at the opening of his confirmation hearings after he and President-elect Jimmy Carter apparently counted votes in the Senate Intelligence Committee and concluded that his nomination for the nation's top intelligence job would not be approved.

After reading to the end of a strong defense of his past actions against what he called "scurrilous and unfounded personal attacks," Sorensen added his startling final four paragraphs in which he said:

"It is now clear to me that a substantial portion of the United States Senate and the intelligence community is not yet ready to accept as director of central intelligence an outsider who believes as I believe . . ."

In Plains, Carter called Sorensen's action "characteristically generous and unselfish, designed to spare the administration and the country the effects of a divisive and emotional controversy."

That controversy would have dragged on through Carter's inaugural. Senate Minority Leader Howard H. Baker (R-Tenn.) and GOP National Chairman Bill Brock

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Associated Press

Sorensen, back to camera, is hugged by Carter aide Jack Watson after Hill hearing. His wife, Gillian, is at right.

# Sorensen, in Face of Opposition, Withdraws as Nominee for CIA

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had been leading the attack on Sorensen which mushroomed over the weekend.

Sen. Charles McC. Mathias (R-Md.) said he had been undecided on the nomination but added: "I think Mr. Sorensen made a wise decision. Whatever the facts may prove to be, there was going to be a bitter and prolonged controversy which would have weakened him and weakened the CIA."

Over the weekend, following criticism of Sorensen's past handling of classified information and his registration for non-combatant status with his draft board, a number of Democratic committee members spoke with Carter on the telephone.

All, including two of the most liberal members of the committee, Sen. Joe Biden Jr. (D-Del.) and Sen. William Hathaway (D-Maine), expressed reservations about Sorensen.

The committee's senior Republican, Sen. Jake Garn (Utah) said after the withdrawal that he was confident the nomination would have been defeated.

Sen. Robert B. Morgan (D-N.C.), who opposed Sorensen, said there were probably 10 "no" votes on the 15-member committee. "The burden of proof had shifted by this morning," he said.

That Carter was dealt an unusual rebuff by having one of his nominees fail at the start of his administration and that there was widespread animosity toward Sorensen were clear, but the reasons for the animosity were complicated.

Thomas B. (Bert) Lance, Carter's choice to head the Office of Management and Budget, told reporters that the withdrawal wasn't politically damaging to the President-elect. "It's not like he had brought the nomination out and had been defeated," Lance said.

Most of the anonymous and attributed criticisms of Sorensen over the weekend went to his taking seven boxes of classified material home with him when he left the White House in February, 1964, and his use of these in his book, "Kennedy."

Sorensen described these actions in affidavits he provided in two court

cases involving the publication of the Pentagon Papers.

The defendant in one case was The New York Times and in the other was Daniel Ellsberg, who gave the classified Pentagon Papers to The Times for publication.

Sorensen's affidavits said his actions were not unusual, and he said yesterday: "My handling of classified information was at all times in accordance with the then-existing laws, regulations and practices."

He reminded the committee that President Ford, at his confirmation hearing, acknowledged using classified documents to aid preparation of his book on the Warren Commission.

None of Sorensen's critics spelled out what damage his actions had done to the national security, but the affidavits became a rallying point for them. And the controversy that swirled up around the affidavits doomed the nomination, it appeared, because controversy is something many senators made clear they want divorced from the Central Intelligence Agency.

The role of the intelligence community in stirring opposition to Sorensen was not clear. Sorensen told reporters:

"It's become apparent to me that some individuals in the intelligence community wanted someone of a different philosophy."

He refused to elaborate and said only that "one senses these things" when asked for his evidence. He said he had no intention of condemning the intelligence community and that some of its members had been very supportive of his nomination.

Sorensen accused his attackers of fastening on the affidavits and his registration for non-combatant status while hiding their differences with him over whether an outsider like himself and a man with his record of advocating less government secrecy, more government accountability and the use of covert action only in emergencies should head the intelligence community.

It seemed clear the the storm that arose and demolished Sorensen's nomination would not have spread so

quickly had several committee members not had doubts about him before the affidavits took center stage.

Sen. Birch Bayh (D-Ind.) stated this baldly after Sorensen's withdrawal, saying: "Some of the people are out to get you not because of the affidavits, but because they don't want a clean broom at the CIA."

Sorensen told reporters that the attacks on his past appeared to have originated with the American Conservative Union, the Liberty Lobby and the John Birch Society as well as other conservative groups. Many conservative spokesmen were waiting to testify against Sorensen.

After Sorensen announced his withdrawal, a number of committee members whose attitude toward Sorensen had ranged from neutral to cold made short statements praising him.

Chairman Daniel K. Inouye (D-Hawaii) made public for the first time that the committee had received an FBI report giving Sorensen "a four-star rating," which means he could be considered for any position handling classified material.

Garn said he knew that there was never any question of Sorensen's honesty or integrity.

"I hope you will not leave this room with bitterness," Inouye said.

According to committee sources, the committee investigation of Sorensen showed there was no substance to two other charges made against him in recent days—that a conflict of interest existed because of his representation of foreign governments and multinational corporations and that he had knowledge of CIA assassination plots as a result of his position as special counsel to President Kennedy.

Baker said he hoped Sorensen understood that it was the nature of the American process to have "a frank, open, candid appraisal" of nominees.

Only Sen. Gary Hart (D-Colo.) pointed out that there hadn't been any public appraisal. He criticized his colleagues, saying Sorensen's case "was prejudged at the outset." Hart added: "He didn't have his day in court."

*Washington Post Staff writers Spencer Rich and Edward Walsh contributed to this article.*

## Painful Evidence That Carter Has Limited Hill Clout

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generated the kind of popular support that might convince the Congress he is too popular to take on.

Carter's unusually ardent courtship of Congress during the transition period suggests a realization that his position needs strengthening. His decision not to fight harder for Sorensen may be a sign of strategic political tractability.

And Sorensen obviously did pose a special set of problems. He had few enthusiastic supporters and many critics from all sides of the political arena.

Moreover, Sorensen's candid affidavits on behalf of Daniel Ellsberg and *The New York Times* in the Pentagon Papers case inflamed the powerful intelligence lobby on Capitol Hill—the same forces that routed Sen. Frank Church (D-Idaho) and other would-be reformers who sought to strengthen congressional control over the intelligence community last spring.

So Carter's defeat this time does not necessarily foreshadow a series of additional defeats in the future. But it does demonstrate his vulnerability.

And it leaves him with an enormous problem: who can he find to run the Central Intelligence Agency?

Several names circulated among well-placed speculators yesterday: Thomas L. Hughes, president of the Carnegie Endowment for Peace, who asked Carter not to consider him for the CIA post before Sorensen was picked; Burke Marshall, deputy dean of the Yale Law School and an assistant attorney general in the Kennedy administration; and Paul C. Warnke, Washington lawyer and former assistant secretary of defense, who has just turned down the directorship of the Arms Control and Disarmament Agency.

Another name mentioned was Ger-

ard C. Smith, also a Washington lawyer, who was the leader of the American delegation to the Strategic Arms Limitation Talks (SALT) in the early 1970s.

All four would fit the description of the type of person the President-elect, according to his press secretary, still seeks in a director of the CIA: "someone . . . from outside the intelligence community, someone with a degree of independence but with experience."

Several members of Washington's foreign policy establishment speculated privately yesterday that Carter may also need a candidate for the job who will seem less than ideal to the right-wing elements in the Senate which avidly pressed the fight against Sorensen during the last week.

According to this theory, if Carter now names someone with a hawkish reputation to the CIA job, he would be conceding an important victory to the right at the very outset of his administration.

The conservatives have already pushed Carter hard on his choice of a Defense Secretary, though he resisted pressure against Harold Brown, the man he eventually picked for that job. Several sources speculated yesterday that the withdrawal of Sorensen's nomination may embolden the hawkish members of the national security community to press for a more hawkish figure at the CIA.

One of the Democratic senators quoted anonymously over the weekend as opposing Sorensen suggested that Carter needed a man like James R. Schlesinger in the CIA. Schlesinger, whom Carter has chosen to be his energy "czar," is a favorite of the harder-line interests.

## Kirbo Is Named Trustee of Carter Financial Assets

PLAINS, Ga., Jan. 17, (AP)—President-elect Jimmy Carter announced today that the trustee for his sizable financial holdings while he is in the White House will be Atlanta attorney Charles Kirbo, one of his oldest and closest friends and advisers.

The announcement was made on Carter's behalf by press secretary Jody Powell, who said he did not know whether Kirbo would collect a trustee's fee for his work.

Under terms of a trust agreement to be made soon, the lands controlled by Carter Farms, Inc., owned by the President-elect and his immediate family, will be leased for four years at a fixed amount.

Carter's Warehouse, a partnership with Carter's brother, Billy, and their mother, Lillian, in which the President-elect is majority partner, will either be leased for four years at a fixed maximum annual sum or sold. Billy Carter has first option to buy or lease the business, which processes and markets peanuts.

Powell said Kirbo's principal task as trustee will be to handle the leases or sale envisioned in the trust agreement.

Asked if he thought it was appropriate for Carter to call on a close friend to act as trustee, Powell said the transactions Kirbo will handle would



**CHARLES KIRBO**

... longtime Carter friend, adviser

be those that Carter "would be quite free to do himself if he had the time."

Powell noted that should any sizable liquid assets accumulate under the trust agreement, their investment would be handled by an independent financial institution rather than by Kirbo.