

Senators Reach Compromise: 9 More Days on Kleindienst

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The Senate Judiciary Committee agreed tentatively yesterday to extend its hearings on the nomination of Richard G. Kleindienst as Attorney General for another nine days.

Under the terms of a compromise drafted by Senate Majority Whip Robert C. Byrd (D-W.Va.), the hearings will continue through April 20, and the committee will send its recommendation on the Kleindienst nomination to the Senate floor a week later.

In a victory for Sen. John V. Tunney (D-Calif.), the committee provisionally agreed to in-

vestigate charges in a recent Life magazine article that Justice Department officials and prominent supporters of President Nixon interfered with criminal prosecutions in Southern California.

It also approved a lengthy prospective witness list that includes White House aides Peter M. Flanigan and William Timmons.

The strict time limit imposed by Republicans, however, makes it a practical impossibility that the committee can question all of the people sought by the Democrats.

Committee Chairman James O. Eastland (D-Miss.) pre-

dicted that the Byrd compromise would be formally approved at another executive session of the panel called for this morning.

But Democrats, including Sen. Edward M. Kennedy of Massachusetts, who forced a delay of the vote until today, warned that they may turn against the compromise unless they obtain "procedural protections to make the hearings effective."

Kennedy explained that this could include an arrangement to submit written questions in advance to some witnesses,

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which might limit their testimony to brief cross-examination.

The committee is also awaiting the Justice Department's response to a demand by the Democrats for internal documents and files relating to Nixon administration antitrust policy and other matters.

Among the documents sought by the Democrats is a list of the materials available to Kleindienst when he cleared Harry Steward, U.S. attorney in San Diego, of any wrongdoing in connection with the failure to prosecute cases involving allegedly illegal political contributions.

Tunney charged yesterday that Kleindienst, as deputy attorney general, may have ignored a negative report from the FBI on Steward.

Also pending is the Democrat's long-standing request for the entire Justice Department file on the settlement last summer of three antitrust cases against the International Telephone and Telegraph Corp.

The extended hearings on the Kleindienst nomination were kicked off more than a month ago after columnist Jack Anderson wrote about a memorandum, allegedly written by ITT lobbyist Dita D. Beard, which linked the antitrust settlement to the company's pledge of at least \$200,000 to the Republican National Convention.

The committee witness list of more than 60 names provided for recalling Mrs. Beard, who collapsed with a heart sei-

zure while testifying before a subcommittee in her Denver hospital room March 26.

Kennedy noted Mrs. Beard's "miraculous recovery," which permitted her to film a television interview last weekend.

New interest was stirred in the memo yesterday, when Tunney released the transcript of a March 3 interview by a reporter for The San Diego Union with Rep. Bob Wilson (R-Calif.), who was instrumental in arranging the ITT commitment to the GOP convention.

In that transcript, Wilson is quoted as saying that Mrs. Beard told him she wrote the memorandum published by Anderson.

Both Wilson, who was on an inspection tour of Navy facilities in the Caribbean, and the San Diego newspaper released statements yesterday, however, insisting that Wilson had never meant to imply a link between the antitrust settlement and the convention contribution.

During yesterday's day-long executive session of the Judiciary Committee, some Republicans on the committee persisted in their efforts to sever the Kleindienst nomination from the ITT hearings and send it to the floor for an immediate vote.

Eastland prevented a vote, however, on a motion by Sen. Roman Hruska (R-Neb.) to do just that. The chairman instead permitted Tunney and Byrd to offer substitute proposals.

Hruska and Senate Minority Leader Hugh Scott (R-Pa.)

were clearly angered by that tactic and vowed to vote against the Byrd compromise today.

The Nebraskan, ranking Republican on the committee, labeled the Byrd motion an "abomination." Scott charged that some Democrats, including Kennedy, "would like to keep these hearings going clear up to the Democratic nominating convention."

Kennedy acknowledged to reporters after the meeting that on April 20 the Democrats may try to force a further extension of the Kleindienst hearings on the basis of information elicited in the meantime.

He insisted that if the Byrd compromise is adopted, "we will not be bound to conclude" the hearings. Other Democrats suggested that on April 27 the committee could submit an interim report on Kleindienst to the Senate rather than a final recommendation.

Tunney's proposal—which would have permitted an indefinite continuation of the hearings—was abandoned in favor of Byrd's motion after it appeared to have only five favorable votes in the committee.

Senate sources said those five were Tunney, Kennedy, Philip A. Hart (D-Mich.), Quentin N. Burdick (D-N.D.) and Charles McC. Mathias (R-Md.).

Mathias was reported to be under considerable pressure from the White House to vote with the Republicans, and thus welcomed the opportunity to switch to the Byrd compromise measure.

Four committee members—John L. McClellan (D-Ark.), Sam J. Ervin (D-N.C.), Birch Bayh (D-Ind.) and Hiram L. Fong (R-Hawaii)—were absent from the executive session yesterday.

Under a unanimous consent agreement pressed by the Republicans, they will be permitted to vote by proxy on the Byrd compromise today.

Tempers flared during yesterday's executive session, committee sources said, with Hruska and Tunney quarreling frequently over the proper scope and length of the Kleindienst hearings.

Several Democrats complained privately that Senate Majority Leader Mike Mansfield (D-Mont.) may have pulled the rug out from under them with his suggestions earlier this week that the Kleindienst nomination be

severed from the investigation into the ITT affair.

He backed down somewhat from that position yesterday, saying that "every legitimate question raised should be answered and every legitimate witness should be called." Mansfield added, however, that he does not want to see "a witch hunt."

In other comment on the case yesterday, Sen. J. Glenn Beall (R-Md.) accused the Democrats of "gross hypoc-

risy" for allegedly using the hearings to "cover up their own party's failures in anti-trust cases against conglomerate corporations."

As in the past, statements by Beall and other Republicans in defense of Kleindienst and against continuing the hearings were distributed to newsmen in envelopes with the return address of the Republican National Committee.

Tunney suggested yesterday that if the San Diego Union interview with Wilson holds up, there is "a possibility of three counts of perjury" against Mrs. Beard, ITT President Harold S. Geneen and William R. Merriam, head of ITT's Washington office.

The transcript contradicts Mrs. Beard's assertion that she never wrote the Anderson-

published memo, Geneen's claim that no more than \$200,000 was ever suggested as ITT's contribution to the convention, and Merriam's insistence in an affidavit that he never received the memo.

In the interview, Wilson told San Diego reporter Robert E. Cox that "Jack Anderson had the original, not just a copy, but the original memo."

Wilson also appeared to confirm the last sentence in the memo published by Anderson: "Please destroy his, huh?"

Mrs. Beard has subsequently claimed that she wrote a memo to Merriam concerning the convention, but that it did not include that sentence or several others in the version obtained by Anderson.

Gene Gregston, editor of The San Diego Union—a position once held by Herbert G. Klein, director of communications for the White House—said yesterday that portions of the Wilson interview were not published after it was taped on March 3, because "a lot of these things didn't seem important at the time."

He explained that the significance of some of Wilson's statements was not clear until the tape had been carefully reviewed by Cox and reporter Walter Gordon of The Baltimore Sun last week.

Gregston also complained that Tunney had "violated an implied source-reporter relationship" by releasing the transcript of the interview yesterday.