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Richard G. Kleindienst, flanked by home-state Senators Paul J. Fannin and Barry Goldwater, awaits questioning on his qualifications to become Attorney General.

# Kleindienst Defends Security Wiretapping

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Richard G. Kleindienst, President Nixon's nominee for Attorney General, vowed yesterday to continue using wiretapping without court authorization in a limited number of cases, unless the Supreme Court bans that practice.

The primary purpose of such national security wiretaps, Kleindienst said, is "intelligence-gathering . . . a lot of it is done without the thought of prosecuting" the subjects of the wiretapping.

Testifying at a Senate Judiciary Committee hearing on his nomination, Kleindienst said he made "no distinction between foreign and domestic threats to the national security."

That testimony drew a rebuff from Sen. Birch Bayh (D-Ind.) that wiretapping without the intent of prosecution is "a fishing expedition . . . a Big Brother type of thing."

Bayh, who has announced that he will vote to confirm Kleindienst despite major policy differences with him, led off the questioning of the man who has served as Deputy Attorney General for the past three years.

They sparred on several issues, as did Kleindienst and Sen. Philip A. Hart (D-Mich.), but the hearing was a calm one, punctuated by mutual expressions of politeness and goodwill.

"You've been very patient," Bayh said.

"Senator, I have nothing else to do today," the Cabinet nominee replied, to the laughter of the committee.

Kleindienst took issue with a bipartisan House subcommittee report, quoted by Hart, that contended the Justice Department had, under attorney

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# Kleindienst Defends U.S. Policy On National Security Wiretaps

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General John N. Mitchell, insufficiently enforced the Voting Rights Act of 1965.

The nominee contended, on the contrary, that civil rights enforcement has been "more vigorous" than under previous administrations, although he favored turning some fact-finding functions under the Voting Rights Act over to the courts.

In answer to Bayh Kleindienst observed that a federal ban on handguns "for all practical purposes would be unenforceable."

He urged that "the federal role should be limited" in gun control, leaving the enactment of appropriate laws to each state.

Bayh complained, however, that federal legislation is required to outlaw "Saturday night specials," to "get these cop-killer weapons off the streets." He said that half the deaths of policemen last year involved use of the cheap handguns.

During much of the hear-

ing, as he was quizzed on his own views and on the Justice Department's record, Kleindienst smoked one cigarette after another.

But he stopped abruptly after a discussion with Hart of the relative harmful effects of tobacco, alcohol and marijuana, and did not smoke during the remaining 30 minutes of the hearing.

Hart pointed out, with Kleindienst's assent, that while it had not yet been conclusively proved that marijuana is harmful, there is substantial evidence that alcohol and tobacco have negative effects.

The Michigan Democrat said that "logic breaks down" when marijuana remained illegal while alcohol and tobacco are permitted to be used freely.

Kleindienst insisted, however, that he was opposed to the "decriminalization" of marijuana, because it is a threat to "the basic fabric and vitality of our society," as well as to "mental health," "attention span," "character development" and "discipline."

Pressed by Sen. Bayh, Klein-

dienst said he had no regrets for his vigorous advocacy on behalf of President Nixon's unsuccessful nomination of G. Harrold Carswell of Florida to the Supreme Court.

Both men said they regretted the heat of the confrontation over Carswell, but Bayh—who led the Senate fight against that nomination—said, "if you come up with another Judge Carswell, there's no way to avoid it."

"So be it," Kleindienst replied softly.

In response to other questions, the nominee said he favored the use of capital punishment under limited circumstances and insisted that the Nixon administration was doing enough to combat juvenile crime.

On the wiretap issue, he promised "to make each decision personally" and to "accept and assume full responsibility" for every tap without court authority.

The Kleindienst hearing resumes today, with negative testimony scheduled from Clarence Mitchell, on behalf of the NAACP, and a representative of consumer advocate Ralph Nader.