Three Won't Sign Majority Report For Kleindienst

By Sanford J. Ungar 5-6-72
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Only a bare majority of the Senate Judiciary Committee will sign the committee report which enthusiastically endorses the nomination of Richard G. Kleindienst as Attorney General.

Although 11 members of the committee voted last week to send the Kleindienst nomination to the Senate floor, three among them decided yesterday against signing the committee report, on the grounds that it overstates the case for Kleindienst.

Instead, the three — Sens. Robert C. Byrd (D-W.Va.), Philip A. Hart (D-Mich.) and Charles McC. Mathias (R-Md.) — will stand on the "individual views" they are filing with the Senate.

A fourth member of the Judiciary Committee, Sen. Sam J. Ervin Jr. (D-N.C.), considered joining the three, but concluded last night that he would sign the majority report.

Thus, the report will carry the names of eight senators, including Committee Chairman James O. Eastland (D-Miss.).

Four Democratic senators who voted against reporting the Kleindienst nomination last week — Edward M. Kennedy of Massachusetts, Birch Bayh of Indiana, Quentin N. Burdick of North Dakota and John V. Tunney of California — will fill a separate minority report. The deadline for them to submit it has been extended to next Tuesday.

There are 16 senators on the Judiciary Committee, but Sen. John L. McClellan (D-Ark.) has taken no part in the extended hearings on the Kleindienst momination. He has had close ties with the International Telephone and Telegraph Corp.

A major focus of the reopened Kleindienst confirmation hearings has been the allegation that the Justice Department settled three antitrust cases against ITT in exchange for the company's pledge of at least $200,000 to help bring the Republican National Convention to San Diego this year.

Byrd, the Senate Democratic Whip, filed a terse two-paragraph statement yesterday saying he does "not necessarily concur in the recommendations of the majority."

He said that while he feels Kleindienst is qualified for the Cabinet post, he would delay his "considered judgment" on whether to vote for confirmation.

Also filed last night was the individual report by Hart. While no copy was made available to the press, The Washington Post learned that Hart had specifically disavowed the majority report and said he will support a motion on the Senate floor to recommit the Kleindienst nomination for further hearings.

Hart added that he had concluded the ITT settlement was not reached on the basis of pressure. If the Kleindienst nomination does come to an up-or-down vote on the floor, Hart indicated, he will vote in favor of the nominee.

It also was learned that Bayh will release this weekend a list of 25 major questions he feel were never satisfactorily answered during the two-month-long Kleindienst hearings.

In addition to his contribution to the minority report, Tunney was preparing a serarate statement critical of Kleindienst's handling of a case involving alleged improper conduct by U.S. Attorney Harry D. Steward of San Diego.

Tunney has argued that rather than being retained in office, Steward should have been fired for quashing a grand jury subpoena issued to a close political friend of his during an investigation of illegal campaign contributions.

The Kleindienst nomination is not expected to be taken up by the Senate for at least other week.