

Kleindienst's Foes See 'Whitewash'

By Sanford J. Ungar *5-10-72*
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Four Democratic senators opposed to the confirmation of Richard G. Kleindienst as Attorney General charged yesterday that the two-month-long hearings on his nomination were a "whitewash."

"There is much that is wrong in the evidence received so far. There is much evidence not yet received. There is no justification for the Senate's failing to obtain it," said Sens. Edward M. Kennedy (Mass.), Birch Bayh (Ind.), Quentin N. Burdick (N. D.) and John V. Tunney (Calif.).

Their complaint came in a 19-page summary of the minority report of the Senate Judiciary Committee on President Nixon's nomination of Kleindienst to succeed John N. Mitchell in the Cabinet post.

The actual minority report of the four senators who voted against Kleindienst in committee, which will be submitted to the Senate next week, is expected to be about 75 pages long.

In the summary released yesterday, they contended that rather than clear up the "cloud" over Kleindienst's head, the reopened hearings on his nomination "broadened and darkened it."

"Everywhere the committee turned for answers, it found new questions," said the four dissenters. "Everywhere it turned for truth, it found forgetfulness, inconsistency, evasion and deception, and a reliance on semantics that casts doubt in retrospect on much testimony that seemed responsive when received."

Kennedy, Bayh, Burdick and Tunney said they had concluded it "is more probable than not" that a disputed memorandum linking the Justice Department's settlement of three antitrust cases against the International Tele-

phone and Telegraph Corp. to a political contribution by ITT was written by ITT lobbyist Dita D. Beard.

Whether Mrs. Beard's memo was true in every detail or not, they said, "there was a predictable and preventable appearance of impropriety" in the Republicans' acceptance of when antitrust cases were pending against the company.

"Taken separately, the ITT antitrust settlement and the ITT convention pledge might have generated serious questions in the public mind," the summary said.

But "taken together," the senators added, "they reflect a pattern of events which suggests that there was a connection in the minds of most of the parties involved."

Under the heading of "the nexus," they set out a timetable of incidents connected to the settlement and the contribution indicating parallels that they said are "uncanny" and "cry out for explanation."

They insisted that the White House was fully informed of the circumstances and details of ITT's convention pledge. "That is where the buck stops, and that is where the bucks should have been stopped," the summary said.

The four Kleindienst opponents also claimed that there had been a "cover-up" by the nominee, the Nixon administration and ITT. They complained, for example, about the "ebbs and flows" of Kleindienst's memory.

The committee minority wondered why Kleindienst had maintained "such a deep, personal and continuing interest in the ITT cases" when he contended that they had been "handled and negotiated exclusively" by former Justice Department antitrust chief Richard W. McLaren.