

By Sanford J. Ungar
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"A year ago, Richard Kleindienst would have had real trouble being confirmed by the Senate for any job," said a Senate aide last week. "But today he's in great shape."

That assessment was repeated over and over again by Republicans and Democrats alike as they looked ahead to Senate consideration of the appointment of one of the Nixon administration's most controversial figures to be Attorney General.

The prospect is that, barring any sensational accusations or disclosures against the Arizona conservative, his nomination will sail through the Senate with only a handful of dissenting votes.

This is not to say that Kleindienst's confirmation hearing before the Senate Judiciary Committee, which opens Tuesday at 10:30 a.m., will be dull or routine.

Key Democrats on the committee are poised to use this opportunity for a review of the Justice Department's record over the past three years, while Kleindienst has been exercising substantial influence as Deputy Attorney General.

Want Explanations

Sens. Birch Bayh of Indiana, Edward M. Kennedy of Massachusetts, Philip A. Hart of Michigan and Sam J. Ervin Jr. of North Carolina, among others, are expected to push hard for explanations of Kleindienst's views on wiretapping, the expansion of power for the Subversive Activities Control Board and other civil liberties issues.

It is also expected that he will be on the firing line over his decision to cancel Justice Department anti-trust action in connection with the merger of two large drug companies, Warner-Lambert Pharmaceutical Co. and Parke, Davis, Inc.

And some senators have been eager for an opportunity to quiz Kleindienst on why it took him a week to report that Robert T. Carson, a former aide to Sen. Hiram L. Fong (R-Hawaii), had offered him a \$100,000 "cam-

paign contribution" to help quash an impending indictment.

When it is time to vote, however, even some of Kleindienst's most ardent critics are planning to vote for him, if only to remain consistent with their earlier positions on other nominees for major positions.

Bayh, who has led the fight against several of the Nixon administration's choices for Supreme Court seats, said in an interview last week that he views cabinet appointments "in a different vein" from lifetime judgeships.

Set for Scrutiny

Because the Attorney Generalship is a quasijudicial position, Bayh said, he will carefully scrutinize Kleindienst's record.

But he, like others, feels that the President is entitled to have his own men in the Cabinet.

"I just don't think we're going to get anybody (as Attorney General) cut from a different cloth as long as Richard Nixon is President," Bayh said.

Democratic aides also observed that the senators they work for are "tired out" from opposing other Nixon appointees and, while they

might have waged a battle against Kleindienst a year ago, now feel they have already "shot their wad."

Only Sens. Fred Harris (D-Okla.) and George S. McGovern (D-S.D.) have said publicly that they intend to vote against Kleindienst.

Republican ranks in the Senate, which have been sharply divided on such recent administration nominees as Agriculture Secretary Earl L. Butz, are firmly united behind the Kleindienst nomination.

A survey by the Republican Senate leadership last week confirmed that all but Republican senator were certain to vote for Kleindienst. The one was listed as indefinite only because he was out of Washington and could not be reached.

Nonetheless, Kleindienst has clearly been concerned about his prospects. He spent more than the usual amount of time last week visiting senators in both parties to seek their support.

"We had a very nice 'Dick and Birch' conversation," Bayh said on Friday. "He is a personable, likable guy. But we have a gentlemen's agreement to disagree on matters of policy."

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