

3 Senators Balk at Signing Report on Kleindienst

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WASHINGTON, May 5— Three members of the Senate Judiciary Committee who had voted to approve Richard G. Kleindienst's nomination as Attorney General declined today to endorse the majority's report, which concluded that the Justice Department's settlement of I.T.T. antitrust suits was "not the product of political influence."

The majority report also said that Mr. Kleindienst had "acted properly in the conduct of his office in the matter of the settlement of these cases" involving the International Telephone and Telegraph Corporation.

The report of the majority, who voted 11 to four in favor of Mr. Kleindienst, was released today.

Senator Charles McC. Mathias of Maryland, the only Re-

publican on the committee who did not sign the majority report, said the recent hearings had convinced him that I.T.T.'s Washington lobbyist, Dita D. Beard, was the author of a controversial memorandum linking the settlement with a \$400,000 pledge by the conglomerate for expenses of the 1972 Republican National Convention.

Mrs. Beard denied under oath being the author of the memorandum, which was published by the columnist Jack Anderson and which she denounced as a forgery. Four other witnesses quoted her as having admitted she wrote it.

Justice Department Scored

Senator Mathias accused I.T.T. of having staged "a massive corporate assault on Government" in an effort to obtain a favorable settlement. He said that the \$400,000 pledge "was like a windstorm insurance premium since it sustained the general level of protection even if it were not immediately offset by reimbursement for storm damage."

He also criticized the Justice Department for working through Peter M. Flanigan, a White House aide, to obtain an "independent" analysis of I.T.T.'s financial arguments.

Mr. Mathias added that he

was "disappointed" that the former chief of the Antitrust Division, Richard M. McLaren, relied heavily in his testimony on points that were alleged to be in the analyst's report, "but which cannot be found there nor which its author ever discussed with Mr. McLaren nor anyone else in the Justice Department." Mr. McLaren is now a Federal District Judge in Chicago.

Senator Mathias concluded, however, that the settlement was "substantial, significant and reasonable" from the Government's point of view. He added that Mr. Kleindienst was a good choice for Attorney General, and that any mistakes he made in the I.T.T. matter "result from a highly pressured life" and not from a scheme to aid a contributor to the Republican party.

The two other Senators who voted for Mr. Kleindienst but did not join the majority report were Democrats: Philip A. Hart of Michigan and Robert C. Byrd of West Virginia.

No Judgment on Author

Senator Hart filed a brief statement saying that the evidence did not connect Mr. Kleindienst with any wrongdoing that might have occurred.

Senator Byrd said that the entire Senate was entitled to vote on the nomination.

The 29-page majority report made no judgment as to whether Mrs. Beard had written the disputed memorandum. It focused instead on Mr. Kleindienst's role in the affair, and concluded that the settlement "was reached on the merits after arm's length negotiations" and that Mr. Kleindienst's actions were proper.

It also declared that Mr. Kleindienst had not lied when he stated that the negotiations were handled exclusively by Mr. McLaren or when he testified about his contacts with the White House.

On a side issue raised by Senator John V. Tunney of California, the majority reported that Mr. Kleindienst acted properly in not discharging the United States Attorney in San Diego, Harry Steward, after he had quashed a grand jury subpoena for a man who was a friend and political benefactor.

The four dissenters, Democratic Senators Tunney and Edward M. Kennedy of Massachusetts, Birch Bayh of Indiana and Quentin N. Burdick of North Dakota, have been given until Tuesday to file their statements.