

Senate Confirms Kleindienst 64-19

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Washington

The Senate confirmed the nomination of Richard G. Kleindienst as Attorney General of the United States by a 64 to 19 roll-call vote yesterday, ending one of the bitterest fights in history over a presidential cabinet appointment.

Before approving Kleindienst, the Senate rejected, 63 to 20, a motion to send the nomination back to the judiciary committee for more study of Kleindienst's role in settlement of the 1971 antitrust case involving the International Telephone and Telegraph Corp.

Recommittal sponsors, led by Senators Edward M. Kennedy (Dem-Mass.), John V. Tunney (Dem-Calif.), Quentin N. Burdick (Dem-N.D.) and Birch Bayh (Dem-Ind.), contended that despite 24 days of judiciary committee hearings, the Nixon administration had failed to clear up charges that it settled the ITT case, on terms satisfactory to the company, in exchange for an ITT pledge of several hundred thousand dollars to-

wards the costs of the 1972 Republican national convention.

But the administration spokesmen responded that the hearings had produced no evidence that Kleindienst had acted improperly, that Democrats were attempting to stretch out the hearings in order to discredit the Nixon administration in an election year.

Not a single Republican

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voted against Kleindienst on either roll-call. Democratic presidential hopefuls George S. McGovern (Dem-S.D.) and Edmund S. Muskie (Dem-Maine) both voted in favor of recommittal and against the nomination, and aspirant Henry M. Jackson (Dem-Wash.) voted against recommittal and in favor of the nomination. Hubert Humphrey (Dem-Minn.) was present and took the same position as McGovern and Muskie, but was paired with an absent senator and didn't actually cast his vote. Democratic leader Mike Mansfield (Dem-Mont.) voted in favor of the nomination.

'HUMBLED'

After the vote, Kleindienst told reporters at an impromptu press conference at the Justice Department, "I'm humbled and flattered by this vote."

He said, "I'm glad that it's over. If I had to do it again, I would hopefully do it the same way as I did, content to let the processes of our government work."

He pledged to administer the laws "fairly, evenly," and "with compassion and with understanding."

Aides said he will be sworn in Monday at 11:15 a.m. at the White House.

Of major importance in the Senate outcome of the struggle was the position taken by Senator Philip A. Hart (Dem-Mich.), the senior northern Democrat on the judiciary committee.

DECISION

Hart's reputation for fair-mindedness and integrity is equalled by few other senators. When Hart concluded that despite disquieting unanswered questions, there was inadequate evidence which would justify denying Kleindienst the nomination, a great deal of the force disappeared from the challenge to Kleindienst.

Kleindienst, a 48-year-old graduate of Harvard College and Harvard Law School, a former state legislator in Arizona and political protegee of Senator Barry M. Goldwater (Rep-Ariz.), will now become attorney general in his own right. He has been serving as acting attorney general since February 15, when his predecessor, John N. Mitchell, stepped down as attorney general in order to head President Nixon's re-election campaign.

Kleindienst had served under Mitchell as deputy attorney general since the start of the Nixon administration.

HEARINGS

Despite severe misgivings about Kleindienst on the part of senators who considered his views as too conservative, it did not appear when Mr. Nixon sent the nomination to the Senate on February 15 that there would be substantial opposition.

After two days of hearings, the Judiciary commit-

tee approved the nomination by a 13 to 8 vote on February 24, and the way seemed clear for quick senate confirmation.

But the whole issue was reopened as a result of two columns by syndicated columnist Jack Anderson, which appeared in newspapers on February 29 and March 1.

One of the columns printed a purported memorandum from ITT lobbyist Dita Beard to a superior in the company. It strongly implied that Nixon administration officials had agreed to settle the antitrust case against ITT — seeking to force it to divest the Hartford Insurance Co. — on terms favorable to the company, in return for a \$400,000 contribution by ITT's Sheraton subsidiary to the costs of the GOP national convention then scheduled for San Diego.

ACCUSATION

The other column accused Kleindienst of an "outright lie" in his denial — in a letter to Democratic National Committee Chairman Lawrence F. O'Brien — that he had handled the ITT case.

Kleindienst, after a series of conferences, demanded that the Senate Judiciary Committee reopen its hearings so that he could clear himself. There then ensued one of the most improbable scenarios seen on Capitol Hill in years.

Evidence brought out at the hearings showed that Kleindienst had discussed the ITT case with several ITT spokesmen, had channeled material presenting ITT's side of the anti-merger dispute to the Justice Department antitrust division and had even acted to delay a go-ahead on the Supreme Court proceeding by the Justice Department.

AIDE

At the same time, it was revealed that White House aide Peter Flanigan, whom Tunney has described as a pro-business fixer, had participated in some aspects of the case and had provided a private business analyst, Richard Ramsden, to the antitrust division to produce an analysis of the economic impact of the forced divestiture of Hartford from ITT.

It was on the basis partly of this document that antitrust chief Richard W. McLaren (now a federal judge) decided not to pursue the matter in the courts, but to reach a settlement allowing ITT to keep Hartford while wholly or partially divesting itself of several much smaller companies.

McLaren maintained that his decision on the case was his own, without pressure from Kleindienst or others in the government.

When the hearings ended, the committee approved the nomination a second time, 11 to 4.

Hart, one of the most prestigious northern Democrats

Roll Call On Vote for Kleindienst

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Here is the 64 to 19 roll call vote by which the Senate confirmed the nomination of Richard G. Kleindienst to be attorney general.

FOR CONFIRMATION—64 Democrats—26

Allen (Ala.)	Jordan (N.C.)
Anderson (N.M.)	Long (La.)
Bentsen (Tex.)	Mansfield (Mont.)
Bible (Nev.)	McGee (Wyo.)
Byrd (Va.)	Montoya (N.M.)
Chiles (Fla.)	Pastore (R.I.)
Eastland (Miss.)	Proxmire (Wis.)
Ellender (La.)	Randolph (W.Va.)
Ervin (N.C.)	Sparkman (Ala.)
Hart (Mich.)	Spong (Va.)
Harkin (Ind.)	Stennis (Miss.)
Hollings (S.C.)	Symington (Mo.)
Jackson (Wash.)	Talmadge (Ga.)

Republicans—19

Aiken (Vt.)	Hruskia (Neb.)
Allot (Colo.)	Javits (N.Y.)
Bellmon (Okla.)	Jordna (Idaho)
Bennett (Utah)	Mathias (Md.)
Boggs (De.)	Miller (Iowa)
Brock (Tenn.)	Pearson (Kan.)
Brooke (Mass.)	Percy (Ill.)
Buckley (N.Y.)	Roth (Del.)
Cook (Ky.)	Saxbe (Ohio)
Cooper (Ky.)	Schweiker (Pa.)
Cotton (N.H.)	Scott (Pa.)
Curtis (Neb.)	Smith (Maine)
Dole (Kan.)	Stafford (Vt.)
Fannin (Ariz.)	Stevens (Alaska)
Fong (Hawaii)	Taft (Ohio)
Goldwater (Ariz.)	Thurmond (S.C.)
Griffin (Mich.)	Tower (Tex.)
Gurney (Fla.)	Weicker (Conn.)
Hansen (Wyo.)	Young (N.D.)

AGAINST CONFIRMATION—19 Democrats—19

Bayh (Ind.)	McIntyre (N.H.)
Burdick (N.D.)	Metcalf (Mont.)
Byrd (W.Va.)	Mondale (Minn.)
Church (Idaho)	Moss (Utah)
Eagleton (Mo.)	Muskie (Maine)
Fulbright (Ark.)	Nelson (Wis.)
Harris (Okla.)	Ribicoff (Conn.)
Hughes (Iowa)	Stevenson (Ill.)
Kennedy (Mass.)	Tunney (Calif.)
McGovern (S.D.)	

Paired: Cannon, (D-Nev.), for Humphrey (D-Minn.), against. Pairs are used to denote the opposing positions of senators when one or both are absent.

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in the Senate, said he saw nothing in the record to show that McLaren (whom Hart greatly respects) had been forced into a settlement that he thought inconsistent with the public interest, and no "substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in, any effort to link the settlement to the ITT convention commitment."