

Eagleton Says to Make Flanigan Envoy Would

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, Oct. 2—Senator Thomas P. Eagleton told the Senate Foreign Relations Committee today that a vote to confirm Peter M. Flanigan as Ambassador to Spain "will disgrace the United States."

In urging the committee to "reject the Flanigan nomination forthwith," Mr. Eagleton, a Missouri Democrat, repeatedly criticized Mr. Flanigan's activities while an assistant to former President Richard M. Nixon. He particularly criticized allegations that Mr. Flanigan had once participated in the sale of an ambassadorship.

Mr. Flanigan, who followed the Senator as a committee witness, denied emphatically that he had ever acted improperly in the White House or had ever been guided by an considerations beyond "the national interest."

The charges that he had helped to secure an ambassadorship for Ruth L. Farkas, a major contributor to Mr. Nixon's 1972 campaign, were simply the product of a misunderstanding of a telephone conversation he once had with Herbert W. Kalmbach, Mr. Flanigan contended.

Said Flanigan Phoned Him

Mr. Kalmbach, who served as a lawyer and campaign fund-raiser for Mr. Nixon, told the House Judiciary Committee last summer that Mr. Flanigan had telephoned him and described Dr. Farkas as "interested in giving \$250,000 for [an ambassadorship to] Costa Rica."

Mr. Kalmbach, a Californian, testified at the Judiciary Committee's inquiry into the possibility of impeaching President Nixon that, in his capacity as a campaign fund-raiser, he had subsequently met with Farkas, who had explained that she was "interested in Europe" and considered \$250,000 "an awful lot of money for Costa Rica."

She eventually gave \$300,



The New York Times/Mike Lien

Peter M. Flanigan, left, listening as Senator Thomas P. Eagleton argued at a hearing of the Senate Foreign Relations Committee yesterday against his confirmation as Ambassador to Spain.

000 to Mr. Nixon's 1972 campaign. She was nominated as Ambassador to Luxembourg shortly thereafter and still holds the post.

Mr. Flanigan, who sat impassively today as Senator Eagleton read to the Foreign Relations Committee excerpts from the Kalmbach testimony, rejoined that it was Mr. Kalmbach who had called him, not the other way around. Mr. Flanigan declared that the California lawyer had misinterpreted his remarks on that occasion.

'Strong' Nixon Backer

He said he recalled Mr. Kalmbach's asking him in the summer of 1971 to single out potential campaign contributors. He said he had mentioned Dr. Farkas as a "strong" Nixon supporter, "well-to-do" and a "good prospect."

Mr. Flanigan added that he had told Mr. Kalmbach that Mr. Nixon had intended, shortly after taking office in 1969,

to name Dr. Farkas as Ambassador to Costa Rica, but that the plan had been dropped when the Internal Revenue Service began an investigation of Alexander's, the New York department store chain that her husband, George, had founded.

Mr. Flanigan said he had told the fund-raiser in 1971 that he had the intention of appointing her to Costa Rica now that the legal cloud had been removed. But he denied knowledge of any connection between Dr. Farkas contribution and her subsequent nomination.

"The best answer to the charges made against me is the answer given by the special [Watergate] prosecutor," Leon Jaworski, Mr. Flanigan said.

In a letter to Senator Eagleton dated yesterday, Mr. Jaworski said his office had told the White House in response to an inquiry that "based on the evidence now in this office, no charge was

contemplated against Mr. Flanigan."

The special prosecutor's staff is known to be looking into the alleged selling of ambassadorships by the Nixon Administration, a charge to which Mr. Kalmbach pleaded guilty in February.

"It was not possible to judge, from the questions asked Senator Eagleton and Mr. Flanigan, precisely where the sentiments of the committee members lay. But one Senate aide said he expected that the confirmation vote, when it came, would follow closely along party lines.

Mr. Flanigan said that, contrary to Mr. Kalmbach's assertions, he had maintained a policy while in the White House of separating campaign contributions and extraneous factors from the qualifications of individuals under consideration for Government posts, including ambassadorships.

Loses His Authority

When he learned that, in three separate cases, Mr. Kalmbach had made commitments of ambassadorships to contributors, he became angry and told the lawyer that Mr. Kalmbach had no authority to make such agreements, Mr. Flanigan said.

He then went to H. R. Halde- man, the White House chief of staff, and asked for permission to tell Mr. Kalmbach to give the three contributions

'Disgrace' U.S.

back, Mr. Flanigan testified. He added that "this is the action that was taken."

Another result, apparently, was Mr. Flanigan's removal from the chain of authority. On Dec. 2, 1971, according to evidence, Mr. Halde- man received a memo from Gordon Strachan, his young aide, that stated:

"Concerning ambassadorships, Kalmbach will get a case by case determination from the Attorney General [John N. Mitchell] as he did in the case of John Safer."

Mr. Safer, another ambassadorial hopeful, was listed as having given \$250,000 to the Nixon campaign through Mr. Kalmbach, but never received a nomination. The memo, released by the House Judiciary Committee, continued:

"Kalmbach has tried to approach Flanigan but continues to have the same problems of having telephone calls returned and reaching an understanding."

Senator J. W. Fulbright, Democrat of Arkansas and chairman of the Foreign Relations Committee, old reporters today that the committee would meet in executive session to consider the next steps it would take on the nomination of Mr. Flanigan. Committee aides said later that the meeting would probably not be held until next week.