

Flanigan Nomination as Envoy

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The controversial nomination of former White House aide Peter M. Flanigan as ambassador to Spain is likely to die when Congress goes into its scheduled recess Friday, it was learned yesterday.

Because of strong reservations about the nomination within the Senate Foreign Relations Committee and the tightness of the congressional timetable, President Ford may have to renominate Flanigan after the elections if he still wants him for the Madrid job.

This was the prospect facing one of President Ford's first ambassadorial nominees on the eve of a closed Senate Foreign Relations Committee meeting today to decide how to handle the next stage of the Flanigan affair.

While most ambassadorial nominations are perfunctory rites, the choice of Flanigan has stimulated demands for further testimony on alleged improprieties during his tenure as a White House adviser.



PETER M. FLANIGAN
... panel meets today

Flanigan sought to reply to these charges during his nomination hearing last week.

The tall, urban, former Wall Street financier was not a popular figure on Capitol Hill during his five years as a Nixon adviser. He was thought of as a White House "hard-

nose" with little regard for congressional process.

Beyond that, various members of the Foreign Relations Committee have asked for more testimony on Flanigan's role in the sale of ambassadorships, the International Telephone and Telegraph Corp. antitrust case, the 1970 Sansinena shipping deal as well as other matters raised at his confirmation hearing last week.

Unless the committee acts on the nomination before the recess this weekend, it is virtually certain that the nomination will be vacated.

This is because of the announced intention of Sen. Robert C. Byrd (D-W. Va.) to oppose any unanimous consent move to let the nomination remain standing during the impending 33-day recess. Nominations pending during any recess of more than 30 days, under Senate rules, expire unless an exception is made by unanimous consent.

Committee Chairman J. W. Fulbright (D-Ark.) is reported

by qualified Senate sources to have indicated his willingness to extend the Flanigan hearing for further testimony.

Members of the committee have specifically expressed an interest in the testimony of Herbert W. Kalmbach, attorney to former President Nixon now serving a jail term, and former U. S. senator from Maryland Joseph D. Tydings on the Sansinena case.

The Sansinena was a ship in which Flanigan had held a financial interest. He was accused of—and denied—interceding to get a valuable Treasury Department ruling permitting the foreign-flag vessel to engage in U.S. domestic commerce.

Kalmbach told the House Judiciary Committee that Flanigan called him in mid-1971 and asked him to meet with Dr. Ruth Farkas, now ambassador to Luxembourg, to discuss a diplomatic job. Flanigan described her as being "interested in giving \$250,000 for Costa Rica," Kalmbach testified.

Flanigan last week said

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Kalmbach remembered incorrectly. Dr. Farkas ultimately gave \$300,000 to the Nixon re-election effort and received the more coveted Luxembourg assignment. The Farkas matter is still reported to be under investigation by Watergate Special Prosecutor Leon Jaworski.

A spokesman for Jaworski said yesterday that while no charge is pending against Flanigan as a result of the Watergate investigation, "no one in this office has spoken in terms of a clean bill of health or a dirty bill of health" for the former White House aide.

The statement was prompted by published suggestions that Jaworski had conferred upon Flanigan a "seal of clean behavior."

Sen. Hugh Scott (R-Pa.) also said during Flanigan's confirmation hearing last week that Jaworski told him "we know the whole story" and indicated that Flanigan was conclusively cleared of any improper behavior in Watergate-related activities.

Flanigan's most outspoken Senate critic has been Sen. Thomas F. Eagleton (D-Mo.), the sole witness against his nomination at last week's hearing.