

FEB 23 1972

THE NEW YORK TIMES, WE

Kleindienst, at Senate Hearing, Opposes Legalizing Marijuana

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Special to The New York Times

WASHINGTON, Feb. 22—Richard G. Kleindienst said today that as Attorney General he would oppose legalization of the use of marijuana because it is a "euphoric substance" that permits youths to escape from reality.

At confirmation hearings before the Senate Judiciary Committee, Mr. Kleindienst, who has been nominated by President Nixon to succeed John N. Mitchell as Attorney General, also expressed reservations about elimination of capital punishment.

Generally, he explained, he does not favor capital punishment because in "most cases" it does not deter murders.

But he suggested that the punishment should be retained to deal with acts of "cold-blooded" crime, such as kidnaping, assassination or bombing, or with prisoners who commit murder while under life sentences.

Liberals Treat Him Gently

Mr. Kleindienst, who has been regarded as a conservative "law and order" figure in the Justice Department while serving as Deputy Attorney General, was treated gently by committee liberals, who voiced their policy differences with the Arizona Republican but made it clear that they would not actively oppose his nomination.

At a break in the hearing, which will continue tomorrow, Senator James O. Eastland, a conservative Democrat from Mississippi, predicted that the nomination would be approved "virtually unanimously" by the Senate.

Mr. Kleindienst took what liberals would regard as conservative positions on most issues. For instance, he opposed a ban on the inexpensive handguns as ineffectual and supported the use of wiretapping against domestic subversives.

But committee liberals such as Senators Birch Bayh of Indiana and Philip A. Hart of Michigan, who have fought in the past with Mr. Kleindienst and the Administration over Supreme Court nominations, said they would accept the nomination on the ground that the President had the right to choose his Cabinet.

Senator Hart, the father of eight, engaged Mr. Kleindienst, the father of four, in a philosophical discussion about marijuana such as has seldom, if ever, been heard before the conservative-dominated Judiciary Committee. The episode gave an indication of the changing attitudes on a subject that was once politically untouchable.

At times it was like a dis-

ussion between two fathers concerned about a common problem of their teen-age children.

Senator Hart's 19-year-old son James was arrested last year for use of marijuana and spent 20 days in the St. Ignace Jail in Michigan. Mr. Kleindienst said that to his knowledge none of his children, who range in age from 13 to 22, had smoked marijuana but that it had been a subject of family discussion.

On the basis of his "intensive personal involvement" as a father and as a Justice Department official, Mr. Kleindienst said, he opposes the legalization of the sale or use of marijuana because of the drug's "harmful" effects on youths.

Mr. Kleindienst said that he was "mindful" that marijuana was "a nonaddictive drug" and that it had not been demonstrated that it causes any physiological damage, but that he regarded it as "a euphoric substance that permits youths to depart from the realities around them."

'Fabric of Society'

Contending that marijuana could affect "character development" and the "attention span," Mr. Kleindienst argued: "You do not maintain the strong fabric of society if youth is permitted to have a substance by which they can remove themselves from the reality around them."

Noting that Mr. Kleindienst was smoking a cigarette, Senator Hart asked why marijuana should not be handled the same way as tobacco and alcohol, both of which, he observed, have demonstrated harmful effects. The Senator suggested that it was just such "inconsistency in public policy" that makes it "more difficult to appeal to younger people to stay in the system."

Mr. Kleindienst replied that the fact that alcohol had been legalized again after an experiment at prohibition did not represent "an argument to impose another such material on our society" that "has never been legalized." Furthermore, he said there is a "body of evidence" that in terms of "body health and character development," marijuana is "a very harmful substance."

Mr. Kleindienst will probably be serving as Attorney General when the National Commission on Marijuana and Drug Abuse, created in 1970 on the recommendation of President Nixon, submits a report next month that is expected to recommend that all criminal penalties for the private use of marijuana be eliminated.