

Nomination**Kleindienst Has
Easy Hearing****Washington**

Defending wiretapping, laws against marijuana and the death penalty in some cases, Richard G. Kleindienst won a friendly reception yesterday at hearings on his nomination to be Attorney General.

—Relaxed and smiling, the assistant attorney general promised the committee that he would personally make every decision on the use of electronic surveillance and that he would continue to "oppose the legalization, possession or use of marijuana."

Although some liberals had threatened to sharply challenge Kleindienst, Judiciary Committee Chairman James O. Eastland (Dem.-Miss.) predicted the vote on President Nixon's choice to succeed Attorney General John N. Mitchell would be approved unanimously. The vote was expected later this week.

Senator Birch Bayh (Dem.-Ind.), a liberal who has opposed several of Mr. Nixon's nominees, said, "I will probably vote for him myself, though I disagree with him vigorously on means of guarding our personal liberties."

HARD-LINER

There had been indications that Kleindienst's confirmation hearings might touch off an election-year wrangle over the law-and-order policies of Mitchell, who resigned to head President Nixon's reelection campaign. In his three years as Mitchell's No. 1 assistant, Kleindienst has acquired the reputation of being a hard-liner on law enforcement.

Closely questioned by Bayh about the Justice Department's eavesdropping policy, Kleindienst said

there were about "43 or 44" electronic surveillances now in use. He said the number had constantly declined but did not specify the higher figure.

PLEDGE

Promising that he would personally authorize each one if he is confirmed as attorney general, Kleindienst said there was no danger that the President would abuse the law by using electronic surveillance "to spy, or snoop on people with different political philosophies." Wiretaps, he promised, would be used only in cases involving the security of the United States.

Questioned by another liberal, Senator Philip A. Hart (Dem.-Mich.), Kleindienst said marijuana "is a euphoric substance that permits young people to depart from reality."

Citing the lack of knowledge about it, he said, "I don't want to see our society make it easy to obtain marijuana."

Kleindienst also said he opposed capital punishment except in certain cases. "... it is not a deterrent as in crimes of passion," he said, "... but there are situations where you have cold-blooded, calculated, premeditated acts" in which he said capital punishment was appropriate.

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