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By MIKE SHANAHAN

Associated Press Writer

WASHINGTON AP - The Senate Judiciary Committee Wednesday avoided a confrontation with President Nixon by refusing to order or invite testimony from White House aides in its ITT hearings.

In another action, the panel voted to have two Denver heart specialists examine Dita Beard to determine whether the lobbyist for International Telephone & Telegraph Corp. is well enough to testify for a second time.

The hearings now in their seventh week were precipitated by Columnist Jack Anderson's publication of an intraoffice memo attributed to Mrs. Beard. It appeared to link the Justice Department's out-of-court settlement of antitrust actions against ITT to the big conglomerate's pledge of financial support for the Republican National Convention in San San Diego next August. Mrs. Beard has denied she wrote the memo.

Anderson's allegations involved acting Atty. Gen. Richard G. Kleindienst who was deputy attorney general at the time of the settlement. As a result, Kleindienst asked the committee to reopen hearings on his nomination to succeed John N. Mitchell as attorney general, even though his off2uif3-T HAD WON UNANIMOUS COMMITTEE ENDORSEMENT PRIOR TO PUBLICATION OF Anderson's accusations.

The Wednesday success of committee Republicans in blocking any committee subpoenas or requests for testimony from White House aides headed off, at least temporarily, any direct clash between the panel and Nixon. A White House spokesman had said the doctrine of executive privilege would be invoked to prevent such testimony.

Presidential aides Peter Flanigan and William Timmons have been identified by some witnesses as h5ving played some role in the ITT case.

Sen. Sam J. Ervin, D-N.C., moved in an executive session to summon Flanigan, Timmons and other executive department employes to be named by the committee. This was defeated by a 6-6 party-line vote with the Democratic committee chairman, Sen. James O. Eastland of Mississippi, declining to cast the tie-breaking vote.

An identical vote blocked a motion by Sen. Quentin Burdick, D-N.D., that Flanigan alone be called.

Finally, a 9-4 vote defeated a compromise proposal by Sen. Robert C. Byrd, D-W. Va., that Flanigan be asked to testify in a closed session.

Sen. John V. Tunney, D-Calif., said the committee's votes will jeopardize Kleindienst's chances for Senate confirmation. "There is no way we can get the truth until Flanigan testifies," Tunney said.

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Byrd indicated later that he would vote against the nomination if Flanigan is not heard, sources close to the senator said. Byrd earlier Wednesday told newsmen he was only c9nsidering such action if executive privilege was invoked.

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Sen. Edward M. Kennedy, D-Mass., said he expects the matter of Flanigan's testimony to come up in the committee again before the agreed-upon April 20 cutoff of the hearings.

The unanimous committee vote for another examination of Mrs. Beard traced to the disclosure that a physician who examined her earlier is under investigation for possible fraud in connection with Medicare fees. This physician, Dr. Lewis M. Radetsky, is an osteopathic with a specialty in cardiology.

Kennedy said the new examinations are to be made in Denver by Drs. Ray Pryor and Joseph Snyder.

While Mrs. Beard was being questioned two weeks ago on her hospital bed, Radetsky cut short the hearings after she suffered what he said was an attack of angina pectoris, sometimes a symptom of a heart attack.

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Before she was discharged from the Rocky Mountain Osteopathic Hospital last week, Mrs. Beard gave a filmed television interview to a CBS network reporter. Kennedy has since referred to what he called her "miraculous recovery."

Radetsky has said Mrs. Beard, recuperating at a private residence in Denver, will be unable to testify before the committee for at least six months.

Kennedy said 4th graf from end

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Kennedy said Tuesday that while the U.S. attorney's office in Denver was investigating Medicare claims by Radetsky, the doctor was advising the committee on Mrs. Beard's ability to testify before the committee.

Much of her testimony has been contradicted by later witnesses.

The Department of Health Education and Welfare has suspended Medicare benefits payments to Radetsky.

The Justice Department said Tuesday, however, officials in Washington including Kleindienst knew nothing about Radetsky's Medicare problems until Tuesday.

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After its closed meeting, the committee held another open session to question New York attorney Lawrence Walsh, a former federal judge and deputy attorney general himself, about a letter he wrote to Kleindienst while the antitrust suit was still under review.

The letter written by Walsh at the request of ITT President Harold S. Geneen, predicted that the Supreme Court probably would order the conglomerate to divest itself of all subsidiaries mentioned in the three Justice Department suits.

Walsh told the committee his letter was not aimed only at the ITT suits, but was intended to cover the high court's general attitude toward antitrust actions.

Walsh said also Geneen wanted to approach President Nixon personally on the matter, but was dissuaded by Walsh who said it would have been ineffective.

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