

# Kleindienst Recalled for Testimony on I.T.T. Suits

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The Senate Judiciary Committee decided today to recall Richard G. Kleindienst for one more day of testimony before voting tomorrow afternoon on his nomination to be Attorney General.

The expectation was that the committee would reaffirm tomorrow its endorsement of the nomination, with the controversy then to be renewed on the Senate floor by Democratic liberals.

The committee decision to have one more day of testimony from Mr. Kleindienst and then vote on his nomination represented a compromise between Republicans, who wanted an immediate vote, and Democratic liberals, who wanted to reopen the hearings into whether there was a link between the Justice Department's settlement of three antitrust suits against the International Telephone and Telegraph Corporation and I.T.T.'s pledge to help finance the Republican National Convention in San Diego.

The decision was taken by a 9-to-5 vote after the committee had rejected a proposal by Senator Edward M. Kennedy to hold at least three more days of hearings.

## Clarification Sought

The principal purpose of the one-day hearing, as described by Senator James O. Eastland, the committee chairman, will be to give Mr. Kleindienst an opportunity to clarify certain inconsistencies that appear to have arisen in his earlier testimony about his role in the settlement of the I.T.T. cases.

The decision to recall Mr. Kleindienst was prompted in large measure by a statement submitted to the committee earlier this week by Peter H. Flanigan, a Presidential aide.

In testimony on March 8, Mr. Kleindienst stated that he had had "no conversation" with Mr. Flanigan about the I.T.T. cases. In contrast, Mr. Flanigan stated to the committee that he had told Mr. Kleindienst that I.T.T. had found the settlement proposed by the Justice Department to be too "tough." The conversation was said to have taken place shortly before the cases were settled on terms more favorable to the company.

The expectation of Senator Eastland and many other committee members was that the one-day hearing would facilitate rather than complicate the nomination and that at least nine or 10 of the 16-man committee would vote to report the nomination favorably to the Senate leadership.

Before the question of a link between the settlement of the antitrust cases and an I.T.T. contribution to the Republican National Convention was raised in late February by the columnist Jack Anderson, the committee had unanimously ap-

proved the nomination, submitted by President Nixon on Feb. 15.

Technically, the nomination is still before the Senate. The purpose of the six-week committee hearings, originally requested by Mr. Kleindienst, has been to determine whether he engaged in any improper conduct in the settlement of the I.T.T. cases.

With the expected committee decision in effect "lifting the cloud" from the nomination, the fight will shift to the Senate floor. Senator Robert C. Byrd, the assistant majority leader, believes the nomination will be confirmed.

The problem that may develop on the Senate floor, however, is bringing the nomination to a vote.

Senator Kennedy announced that on the Senate floor he would move to recommit the nomination to the Judiciary Committee for further hearings to clear up what he described as "a number of inconsistencies" in the testimony.

If the Senate votes along partisan lines, with Southern Democrats joining Republicans, a vote on such a recommittal motion would be close.

In addition to Mr. Kleindienst, Senator Kennedy suggested that the committee should recall Howard J. Aibel, I.T.T. general counsel; Mrs. Dita D. Beard, the I.T.T. lobbyist whose alleged memorandum generated the controversy, and Mr. Flanigan, as well as other witnesses.

Should a recommittal motion fail, there was a growing like-

lihood that liberal Democrats, led by Senators Kennedy and John V. Tunney of California, would seek to block an immediate vote through extended debate.

Senator Tunney suggested to reporters that there were "so many inconsistencies" in the testimony that it would probably take "several weeks of debate to explore all the facts."

In a statement read to the Judiciary Committee, Senator Tunney, a member of the panel, charged that Mr. Kleindienst's testimony was "filled with lapsed memory, minimized recollection and vastly understated involvement."

Senator Tunney suggested at one point that the committee refer the entire hearing record to the Justice Department to determine if perjury had been committed, but then withdrew his proposal when it was apparent that a majority of the committee wanted to act first. If the liberal Democrats are buster—and Senator Byrd expressed some doubt that they could—it would become problematical whether it would be possible to round up the two-thirds vote required to shut off debate in the Senate.

The outlook for the Kleindienst nomination has brightened considerably in recent days, largely as a result of a White House concession permitting Mr. Flanigan to testify before the committee last week.

So long as the White House—on the ground of executive privilege—refused permission for Mr. Flanigan to testi-

fy, an institutional issue was raised in the Senate that began to cause some conservatives and moderates to raise questions as to whether they could vote for the nomination.