

SENATE UNIT, 11-4, AGAIN APPROVES KLEINDIENST POST

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Way Is Cleared for a Debate on Floor After 6 Weeks of Hearings on I.T.T. Case

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WASHINGTON, April 27—

Richard G. Kleindienst won the approval of the Senate Judiciary Committee today, 11 to 4, clearing the way for the full Senate to consider his nomination to become Attorney General.

Bringing to a close the longest hearings in history on the confirmation of a Presidential appointment, the committee reaffirmed its earlier approval of the nomination, which had been unanimous. The record vote came after six weeks of hearings into a controversy surrounding the Justice Department's settlement of three anti-trust suits against the International Telephone and Telegraph Corporation.

Senator Birch Bayh of Indiana, one of the four Democrats to vote "no" today, said afterward that, in view of the heavy margin in favor of Mr. Kleindienst, "the odds are very strong" that he will be confirmed.

Eastland Doubts Filibuster

Senator James O. Eastland, Democrat of Mississippi, the committee chairman, said that floor debate might begin as early as mid-May. He added that the debate would probably be extensive but that he did not expect Mr. Kleindienst's opponents to mount a filibuster.

The slim negative vote came as a surprise because Mr. Kleindienst's Democratic critics had consistently mustered six or seven votes on procedural issues in the 22 days of reopened hearings.

Today, three of those seven Democrats—Philip A. Hart of Michigan, Sam J. Ervin Jr. of North Carolina and Robert C. Byrd of West Virginia—joined Senator Eastland and the committee's Republicans in voting for the nomination.

That left only Senators Bayh and Edward M. Kennedy of Massachusetts, Quentin N. Burdick of North Dakota and John V. Tunney of California in opposition. Senator John L. McClellan, a Democrat, who missed the entire controversy while campaigning for renomination in Arkansas, and did not vote.

The Judiciary Committee reopened its hearings on Mr. Kleindienst, who is now Acting Attorney General, after a controversy arose linking the settlement of the International Telephone suits with financial aid to the Republican National Convention from a subsidiary of the corporation. President Nixon nominated Mr. Kleindienst, the Deputy Attorney

Continued on Page 14, Column 3

KLEINDIENST WINS IN SENATE PANEL

Continued From Page 1, Col. 5

General, to replace John N. Mitchell, who has resigned to head Mr. Nixon's re-election campaign.

The failure of Mr. Kleindienst's critics to persuade Senator Hart, a respected liberal, or any of the committee's conservative Democrats or moderate Republicans is expected to make it difficult for them to sustain a long debate on the Senate floor. There had been reports that they might try to talk the nomination to death if they could muster the necessary one-third vote to defeat a motion to close debate, but that prospect appeared to have dwindled.

The committee voted after Mr. Kleindienst spent his fifth day in the witness chair, to which he had been recalled because of apparent contradictions that developed since he first testified in early March.

Mr. Kleindienst emerged unscathed, after pleading a hazy memory on several key points.

Specifically, he was asked about a statement by a White House aide, Peter M. Flanigan, that disputed his earlier testimony that he had not discussed the International Telephone case with Mr. Flanigan, or at least did not recall doing so.

Mr. Flanigan said that he had telephoned Mr. Kleindienst to tell him about an International Telephone director's complaint about the Justice Department's reluctance to come to terms; that he had called the Deputy Attorney General again to say that an independent financial expert's report on the company's arguments of "hardship" had been received, and that he had delivered the report to the former chief of the Anti-trust Division, Richard W. McLaren, in the presence of Mr. Kleindienst.

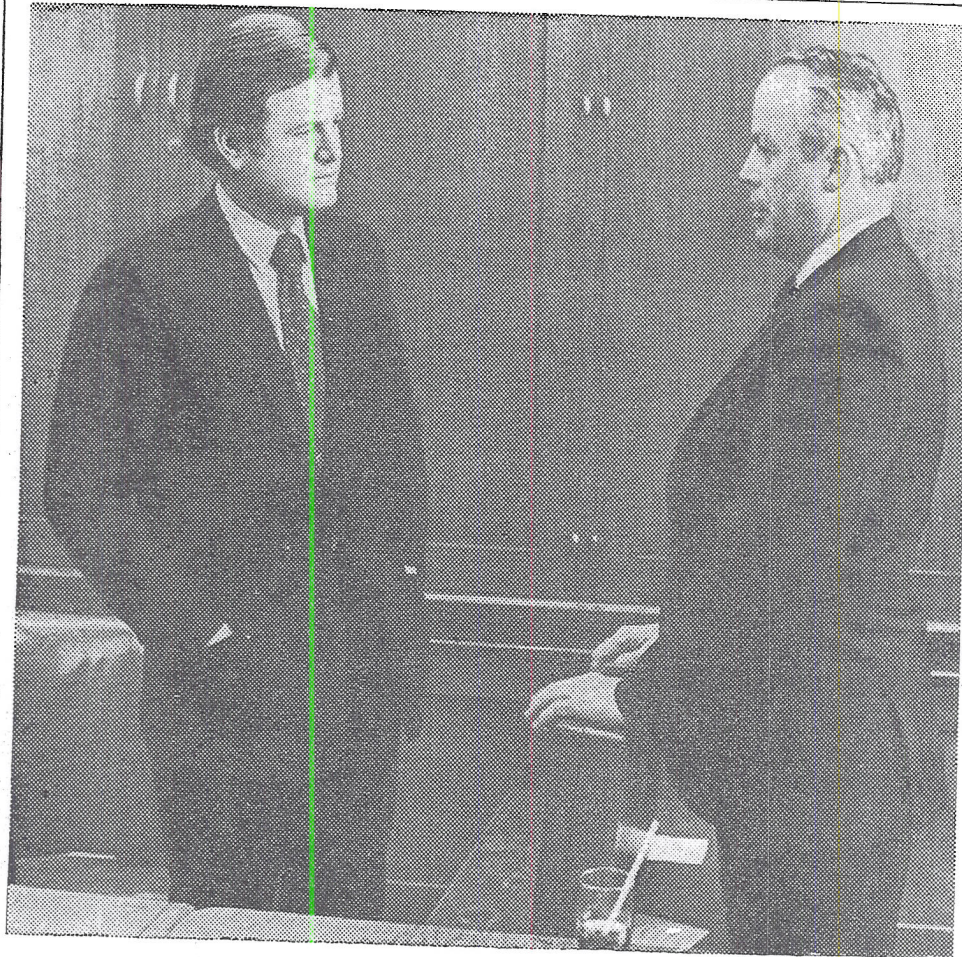
Mr. Kleindienst replied that

he could not call any of these incidents. He termed them "insignificant and immaterial" matters that had made no impression on him because of his full daily schedule of calls and meetings, and because Mr. McLaren was making the decisions in the case.

He added that Mr. McLaren, now a Federal district judge in Chicago, had taken "a pretty

rigid attitude about all the I.T.T. cases" and had been unswayed by "all the attempts one way or another to, let's say, interfere with his prosecution of these cases."

Mr. Kleindienst, a burly, plain-spoken man who is considered a tough law-and-order conservative, appeared relaxed and confident. At one point he sat sideways in his chair and dangled his leg over its arm.



BEFORE COMMITTEE VOTED: Senator Edward M. Kennedy and Richard G. Kleindienst at hearing of Senate Judiciary panel, which backed Mr. Kleindienst for Attorney General.

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