

3 DISSENTERS GIVE KLEINDIENST VIEW

Senators Say Confirmation
Could Be a 'Whitewash'

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WASHINGTON, May 9 —

Three members of the Senate Judiciary Committee who voted not to approve Richard G. Kleindienst's nomination as Attorney General said today that the Senate would become "a party to whitewash" if it confirmed the nomination without resolving a number of unanswered questions about the International Telephone and Telegraph Corporation.

"There was an inherent conflict of interest" in the Justice Department's settlement of three antitrust cases against I.T.T. when the Republican party was accepting a \$200,000 pledge from I.T.T. to bring the 1972 Republican National Convention to San Diego, the three Senators said.

"The clearest blame falls upon the White House," said Senators Birch Bayh of Indiana, Edward M. Kennedy of Massachusetts and John V. Tunney of California. But they added that "the incompleteness of the hearings and of the memory of the nominee" made it impossible now to know how much he knew of the convention pledge by I.T.T.

In a detailed review of the six weeks of hearings that preceded the Judiciary Committee's 11-to-4 vote in favor of Mr. Kleindienst's nomination, three of the four dissenters gave their reasons why they believe he should not be confirmed until more facts are known.

The Other Dissent

The other dissenter, Quentin N. Burdick of North Dakota, also a Democrat, issued his statement last week.

Today's statement, cast in the form of a legal brief, traced the parallel series of events that occurred in the spring and summer of last year, as I.T.T. officials pressed for settlement of the suits while the company was agreeing to become the largest single underwriter of the proposed San Diego convention.

"Taken separately, the I.T.T. antitrust settlement and the I.T.T. convention pledge might each have generated serious questions in the public mind," the Senators charged. "Taken together, they reflect a pattern of events which suggests that there was a connection in the minds of most of the parties involved."

The report placed primary blame of the White House because, it asserted, the testimony showed that several staff members there knew about both the settlement and the pledge. The report added that John N. Mitchell, who was then Attorney General, should have had the pledge rejected because, it said, he should have known "there would be a lot of heat about a huge gift from an antitrust target."

It criticizes Mr. Keindienst for playing "a determinative role" in the events leading to the settlement, and for announcing later that the negotiations were handled exclusively by a subordinate.

Another Issue Cited

It also criticizes him for publicly clearing the United States attorney in San Diego, Harry Steward, of wrongdoing in intervening in an investigation of Republican fund-raising, when a Justice Department inquiry had found his conduct "highly improper."

The report also stressed an incident that was handled gingerly during the hearings, apparently because it involved the former administrative assistant of a committee member, Senator Hiram L. Fong of Hawaii.

This was an offer of a \$100,000 campaign contribution made by Robert Carson, the former senate aide, on behalf of a man who was under grand jury investigation. Mr. Kleindienst rejected the offer but did not report it until he learned that Carson was under investigation for bribery. He has since been convicted.

Mr. Kleindienst refused to discuss the incident at the hearings, because Carson is appealing his conviction. In today's report, the three Senators say his actions raise "the most serious questions about his fitness to be Attorney General."

Last week the committee majority said in its effort that the hearings had produced no proof that Mr. Kleindienst knew about any wrongdoing in connection with the I.T.T. case, if any occurred.

Debate on his nomination is expected to begin next week unless the current international crisis commands the attention of the Senate. His opponents are expected to talk for perhaps two weeks, but he is thought to have enough votes to win confirmation if and when the nomination is brought to a vote.