



The New York Times

WITH SUCCESSOR: John N. Mitchell, former Attorney General, with Richard Kleindienst, confirmed yesterday.

Senate Backs Kleindienst In Attorney General Post

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, June 8—The Senate approved by a 64-to-19 vote today the nomination of Richard G. Kleindienst to be Attorney General, thus bringing to an end the most prolonged controversy over a Cabinet appointment in the Nixon Administration.

Mr. Kleindienst, an Arizona conservative who has been Deputy Attorney General for the last three and a half years, was nominated nearly four months ago by President Nixon to be Attorney General.

After first being approved unanimously by the Senate Judiciary Committee, the nomination became involved in prolonged committee hearings into charges that the Justice Department had shown political favoritism in the settlement of three antitrust cases against the International Telephone and Telegraph Corporation.

At the end, however, Mr. Kleindienst's critics, drawn almost exclusively from the liberal Democratic ranks of the Senate, found themselves on the defensive, unable either to block the nomination or to send it back to the Judiciary Committee for further hearings.

By a 63-to-20 vote, the Senate rejected a motion by Senator Edward M. Kennedy to recommit the nomination to the Judiciary Committee for one more week of hearings with the understanding that a final Senate vote would come by June 21.

In urging additional hearings, Senator Kennedy argued that "substantial questions" remained as to Mr. Kleindienst's "fitness and competency" to serve as Attorney General.

Leaving the defense of Mr.

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Kleindienst, Senator Roman L. Hruska, Republican of Nebraska, said the critics in nearly five weeks of hearings had produced "a lot of conjecture and innuendo" but "no proof of wrongdoing or impropriety" on the part of the nominee.

The recommittal motion had been the last hope of Democratic liberals, who aside from their philosophical differences with Mr. Kleindienst had seen at one point in the nomination an opportunity to develop an election-year issue of Republican Administration favoritism toward big business.

In seven days of Senate floor debate, however, the small group of Democratic liberals lined up against Mr. Kleindienst was never able to generate much interest in the once-controversial nomination.

The debate turned largely into a monologue, with the critics, usually before a vacant Senate chamber, repeating the questions and charges raised in the 22 days of hearings by the Senate Judiciary Committee.

Mr. Kleindienst has been serving as acting Attorney General since March 31, when John N. Mitchell resigned to direct the re-election campaign for President Nixon.

"I am glad it is over," a smiling Mr. Kleindienst told reporters at the Justice Department after the votes. "If I had to do it again, I would hopefully do it the same way I did."

Changes by Anderson

While Mr. Kleindienst's strict "law and order" views of justice were questioned by many liberals and moderates in the Senate, these reservations were outweighed for many Senators by the consideration that the President should be given the benefit of the doubt when it comes to selecting members of his Cabinet.

Among those voting for the nomination on such a ground was Senator Philip A. Hart of Michigan, a leader among the Democratic liberals who is a senior member of the Judiciary Committee.

The Judiciary Committee hearings, which grew out of charges made by Jack Anderson, the syndicated columnist, revolved around the questions of whether Mr. Kleindienst had played a role in the out-of-court settlement of three antitrust cases against I.T.T. and whether the settlement was linked to the corporation's pledge of up to \$400,000 to help underwrite the Republican National Convention when it

Senate Roll-Call Vote Approving Kleindienst

WASHINGTON, June 8 (AP)—Following is the 64 to 19 roll-call vote by which the Senate confirmed today the nomination of Richard G. Kleindienst to be Attorney General.

FOR CONFIRMATION—64 Democrats—26

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|------------------|------------------|
| Allen (Ala.) | Jordan (N.C.) |
| Anderson (N.M.) | Long (La.) |
| Benson (Tex.) | Manfield (Mont.) |
| Bible (Nev.) | McGee (Wyo.) |
| Byrd (Va.) | Montoya (N.M.) |
| Chiles (Fla.) | Pastore (R.I.) |
| Eastland (Miss.) | Proxmire (Wis.) |
| Ellender (La.) | Randolph (W.Va.) |
| Ervin (N.C.) | Sparkman (Ala.) |
| Hart (Mich.) | Spong (Va.) |
| Hartke (Ind.) | Stennis (Miss.) |
| Hollings (S.C.) | Symington (Mo.) |
| Jackson (Wash.) | Talmadge (Ga.) |

Republicans—38

- | | |
|-------------------|------------------|
| Aiken (Vt.) | Hruska (Neb.) |
| Allott (Colo.) | Javits (N.Y.) |
| Bellmon (Okla.) | Jordan (Idaho) |
| Bennett (Utah) | Mathias (Md.) |
| Boags (Del.) | Miller (Iowa) |
| Brock (Tenn.) | Pearson (Kan.) |
| Brooke (Mass.) | Percy (Ill.) |
| Buckley (N.Y.) | Roth (Del.) |
| Cook (Ky.) | Saxbe (Ohio) |
| Cooper (Ky.) | Schweiker (Pa.) |
| Cotton (N.H.) | Scott (Pa.) |
| Curtis (Neb.) | Smith (Maine) |
| Dole (Kan.) | Stafford (Vt.) |
| Fannin (Ariz.) | Stevens (Alaska) |
| Fong (Hawaii) | Taft (Ohio) |
| Goldwater (Ariz.) | Thurmond (S.C.) |
| Griffin (Mich.) | Tower (Tex.) |
| Gurney (Fla.) | Wicker (Conn.) |
| Hansen (Wyo.) | Young (N.D.) |

AGAINST CONFIRMATION—19 Democrats—19

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|------------------|------------------|
| Bayh (Ind.) | McIntyre (N.H.) |
| Burdick (N.D.) | Metcalf (Mont.) |
| Byrd (W.Va.) | Mondale (Minn.) |
| Church (Idaho) | Moss (Utah) |
| Eagleton (Mo.) | Muskie (Maine) |
| Fulbright (Ark.) | Nelson (Wis.) |
| Harris (Okla.) | Ribicoff (Conn.) |
| Hughes (Iowa) | Stevenson (Ill.) |
| Kennedy (Mass.) | Tunney (Calif.) |
| McGovern (S.D.) | |

Paired: Cannon, D.Nev., for; Humphrey, D-Minn., against. Pairs are used to denote the opposing positions of Senators when one or both are absent.

was scheduled for San Diego, Calif.

The hearings, which at one point included a session in a Denver hospital room to hear Mrs. Dita Beard, an I.T.T. lobbyist, were called at the specific request of Mr. Kleindienst to "clear away any cloud" that might hang over his nomination.

As a result of the hearings, the committee, by a 11-to-4 majority, concluded that Mr. Kleindienst had not engaged in any improper or illegal action that disqualified him to be Attorney General and found no direct connection between the settlement of the antitrust cases and the I.T.T. financial pledge to the Republican convention.

The rebuttal of Senator Kennedy, who led the fight against the nomination, was that the committee had not heard all the relevant records from the Justice Department and I.T.T. and that therefore, it would be "a whitewash" for the Senate to approve the nomination without further hearings.

Charging that the Justice Department had hindered the com-

mittee investigation by withholding information, Senator John V. Tunney, Democrat of California, contended that "Richard Kleindienst and his relationship to I.T.T. has become a symbol of what is wrong with our entire system of government."

Whether there was a "pay-off" between the I.T.T. fledge and settlement of the antitrust case is not clear, Senator Tunney said in the concluding debate. But, he continued, "it is clear that I.T.T. got special treatment from Richard Kleindienst and when confronted with the evidence he refused to face up to it and chose instead to camouflage and obscure his role."

In other moves today, the Senate unanimously approved, by a 83-to-0 vote, the nomination of George P. Shultz to be Secretary of Treasury.

Mr. Shultz, who has been director of the Office of Management and Budget and formerly was Secretary of Labor, was named by President Nixon to replace John B. Connally.

By voice vote the Senate also approved the nominations of Charls E. Walker to be Deputy Secretary of the Treasury, Edwin S. Cohen to be Under Secretary of the Treasury, John Michael Hennessy to be an Assistant Secretary of the Treasury, and Lee H. Hankel Jr. to be chief counsel of the Internal Revenue Service.

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