

Cox to Probe White House

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Special Watergate prosecutor Archibald Cox promised an investigation yesterday of White House maneuvering over a Civil Aeronautics Board nomination allegedly involving American Airlines.

He made the pledge at a hearing before the Senate subcommittee on Justice Department appropriations where he presented a \$2.8 million budget request that drew barely a question.

Sen. John O. Pastore (D-R.I.), the subcommittee chairman, took time out instead to protest the administration's decision not to reappoint CAB member Robert T. Murphy for another term.

Charging possible "corruption of the appointing power," Pastore contended that Murphy's impending exit was somehow tied to CAB votes unfavorable to American Airlines, which last week disclosed an illegal \$55,000 corporate contribution to President Nixon's re-election campaign last year.

"There's a lot there to raise a suspicion that ought to be investigated," Pastore said in urging Cox to look into the issue.

"We'll certainly follow up on your suggestion," Cox told him. "Any such case, in general, where there is a possible connection between a campaign contribution and a governmental action, will be carefully and thoroughly investigated."

The President has nominated a state judge from Oklahoma, Lee West, to replace Murphy, who is continuing to serve on the CAB until a successor is confirmed by the Senate. Both Murphy and West are Democrats.

West's sponsor, Sen. Henry Bellmon (R-Okla.), denied that American Airlines had anything to do with the Oklahoman's nomination, but acknowledged to newsmen at the same time that the airline "didn't like Commissioner Murphy" and wanted to get him off the CAB.

Pointing out that American Airlines has a big maintenance base in Tulsa, Okla., Pastore contended that one of Murphy's biggest supporters, Sen. Norris Cotton (R-N.H.), had a White House "commitment" that Murphy would be reappointed until Murphy took part in a CAB decision that rankled the airline.

Generally a staunch supporter of the administration, Cotton told newsmen later that he couldn't describe it as an "ironclad promise," but he said that White House aide Peter Flanigan did tell him last year that he would do what he could to secure another term for Murphy.

Cotton said he was anx-

ious to keep Murphy on the CAB because of his support for better air service to northern New England. A Rhode Islander initially sponsored by Pastore and appointed in the Kennedy administration, Murphy voted against CAB approval April 24, 1972, of a merger of Delta and Northeast Airlines because it failed to include "minimum service" obligations for air routes in New England.

The CAB approved the merger by a 3-to-2 vote. Mr. Nixon ratified the decision, which involved international routes, on May 19, 1972.

Cotton said he went to see Flanigan, whom he regarded as his best friend on the White House staff, "within a week" of the CAB decision. But, the senator said, "something happened afterwards."

"Flanigan called me up and said, 'I'm sorry, we can't go through with the re-nomination of Mr. Murphy,'" Cotton recalled. He said he didn't press Flanigan for the reason because "I'd heard rumors and I didn't want to embarrass him by bringing it up." The senator said he thought Flanigan's call came about a month after Cotton had met with him at the White House, but at another point, Cotton recalled the phone call as having taken place last fall.

The CAB, with Murphy voting with the majority, rejected a merger of American Airlines and Western Airlines by a 4-to-1 vote last July.

In any event, Cotton said he told Flanigan that "you'd better send a young man up (to replace Murphy). Your nominee may have a long white beard before he gets a hearing" before the Senate

Commerce Committee where Cotton is the ranking Republican and Pastore the second-ranking Democrat.

Cotton said he was subsequently approached by Bellmon, who wanted him to support West as Murphy's replacement. The New Hampshire Republican said Bellmon told him House Speaker Carl Albert (D-Okla.) was also sponsoring West.

"I said, 'Well, I've heard rumors that American Airlines didn't like Commissioner Murphy,'" Cotton recounted. "I thought he rather avoided—I won't say evaded. He (Bellmon) did say, 'Well, of course, American Airlines does mean a lot to Oklahoma but we (Bellmon and Albert) support West.' I told him I could not..."

In a separate interview, Bellmon said American Airlines had nothing to do with West's nomination, which the Oklahoma senator said he proposed to Flanigan at the White House. With a re-election campaign coming up next year, Bellmon said he'd been starving for some significant federal patronage and came up with West when "I found there was a CAB vacancy coming up."

"They wanted a lawyer and a Democrat," Bellmon said, adding that he had known West for years, having appointed him a state judge when Bellmon was governor of Oklahoma. "Neither Carl Albert nor American Airlines had anything to do with it," Bellmon

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declared. He said Flanigan was completely receptive to the appointment when Bellmon contacted him about it last fall.

Bellmon acknowledged, however, that "American Airlines wanted Murphy off the CAB. I think that's fairly public knowledge." Describing himself as a good friend of both American Airlines chairman George A. Spater and chief operating officer George Warde, Bellmon said, "When it came out that I was pushing West, they contacted me and asked whether they could do anything to help."

The senator said he didn't recall giving the airline any suggestions. In any event, he said, he felt sure American knew nothing of his backing West "until I told the White House who my candidate was."

The administration waited until March 12 to submit West's nomination to the Senate, but he has yet to get a hearing. Cotton has publicly announced that "the White House can go straight plumb to hell as far as nominating someone to replace Mr. Murphy is concerned."

Beyond promising to look into the controversy at Pastore's urging, special prosecutor Cox had no comment on it. His budget request was accorded all the deference that was once reserved for the late J. Edgar Hoover's. Cox said he needed \$1.8 million for salaries and the other \$1 million to pay "for rent."

Sen. Hiram Fong (R-

Hawaii) mildly asked about the preponderance of Democrats on Cox's growing staff, but Cox said simply that he hadn't been bothering to keep track of political affiliations.

The hearing ended with Cox apparently learning more about his budget than the senators. Asked about his salary, he said he thought it was \$35,000, but

acting Assistant Attorney General Glen E. Pommerening, sitting by his side interjected politely and said the correct figure was \$38,000.

"Oh," Cox said. "Good. Good."