

Flanigan Nomination Likely to Die Procedural Death

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WASHINGTON, Oct. 8—The Senate Foreign Relations Committee is expected to withhold final action on the confirmation of Peter M. Flanigan, President Ford's nominee as Ambassador to Spain, when it meets tomorrow in a closed session. Senate sources said the nomination would probably die a procedural death during next month's Congressional recess.

At least 10 of the committee's 17 members are reported to be either opposed to Mr. Flanigan's confirmation or disinclined to vote without more extensive hearings into accusations he was involved in the selling of ambassadorships and other controversial matters while an official of the Nixon White House.

Further hearings, the sources said, could not possibly be completed before Thursday, when Congress is scheduled to begin a 34-day campaign recess. Under Senate rules, nominations not acted on must be returned to the White House after the Senate has been in recess for 30 days, the fate that is being predicted in Mr. Flanigan's case.

Byrd Is Opposed

The Senate often agrees by unanimous consent to hold over nominations during a recess as a courtesy to the Administration, which must otherwise resubmit them individually after Congress reconvenes.

But Senator Robert C. Byrd of West Virginia, the Democratic whip, has gone on record in opposition to the Flanigan nomination and has said that he would fight any attempt to waive the 30-day rule, a course that several Democrats on the committee and elsewhere in the Senate are said to agree with.

Despite criticism of the nomination, including a protest by the American Foreign Service Association, the White House said last week that President Ford was "standing by" his choice of Mr. Flanigan.

But Senate aides said today that if the nomination expired under the 30-day rule, they would be surprised, given the charges raised against the former White House business and economics adviser, to see it resubmitted by the President.

The Foreign Relations Committee began its consideration of the controversial nomination last week, with charges by Senator Thomas F. Eagleton of impropriety and wrongdoing on Mr. Flanigan's part during the five and a half years he served as an assistant to Richard M. Nixon when he was President.

In urging the panel to "reject the Flanigan nomination forthwith," Mr. Eagleton, a Missouri Democrat, recited sworn allegations by Herbert W. Kalmbach that Mr. Flani-

gan, while in the White House, had helped to secure an ambassadorship for Ruth L. Farkas in return for a sizable contribution to Mr. Nixon's 1972 election campaign.

Mr. Kalmbach, Mr. Nixon's former personal lawyer and one of his principal campaign fundraisers, told the House Judiciary Committee this summer that Mr. Flanigan had represented Dr. Farkas to him as someone who was "interested in giving \$250,000 for Costa Rica."

Mr. Flanigan, who followed Senator Eagleton as a committee witness, denied in its entirety Mr. Kalmbach's version of the events surrounding the appointment of Dr. Farkas, who eventually contributed \$300,000 to Mr. Nixon and received a nomination as Ambassador to Luxembourg.

Some members of the Foreign Relations Committee who were said to be troubled

by Mr. Flanigan's alleged involvement in the Farkas matter were understood to be prepared to insist on hearing Mr. Kalmbach, if not the Ambassador herself, before deciding whether to vote for confirmation.

Others, however, were reportedly most concerned about Mr. Flanigan's role in the International Telephone and Telegraph case and in the "Sansinena matter."

The Sansinena, a tanker of Iberian registry owned by a shipping company in which Mr. Flanigan had retained an interest while in the White House, was granted an unprecedented waiver in 1970 by the Treasury Department that would have allowed it to engage in domestic shipping.

The waiver was canceled, however, after Joseph D. Tydings, then a Democratic Senator from Maryland, disclosed that Mr. Flanigan had made

inquiries to the Maritime Administration about the Sansinena's status while the matter was under consideration at the Treasury.

Senate aides said that a number of committee members, including some Republicans, felt strongly that Mr. Tydings ought to testify about the Sansinena before any vote was taken within the committee on sending the nomination to the floor.

Mr. Flanigan pointed out last week that the waiver, even had it remained in force, would not have benefited him financially since the ship was leased to an oil company for a flat fee. However, Mr. Eagleton testified that on Feb. 25, 1970, a week before the exemption was issued, Mr. Flanigan's stock in the shipping company had been sold by his father, Horace Flanigan, "to avoid an appearance of conflict of interest."