

**SENATOR
SAM ERVIN
SAYS**



The nomination of Richard G. Kleindienst to be Attorney General reached a critical stage last week. What started out as a request by Mr. Kleindienst to clear his name before the Senate Judiciary Committee following the publication of certain serious charges by columnist Jack Anderson reached an impasse when the White House refused to allow Presidential aide Peter M. Flanigan to testify as to his role in the ITT affair.

The Committee, after weeks of hearings, has yet to learn what transpired between Mr. Flanigan and ITT officials when they conferred about the Administration's anti-trust policy. The matter is one of importance by reason of the fact that several witnesses have testified before the Senate Judiciary Committee that Mrs. Dita Beard, an ITT lobbyist, indicated to them that she prepared a controversial memorandum. In essence, the memorandum conveyed the impression that there was an agreement that the Justice Department would settle certain ITT anti-trust cases out of court and, in turn, ITT would make a contribution of about \$400,000 to defray expenses of the forthcoming Republican National Convention in San Diego. By reason of the allegations, the Judiciary Committee is seeking to find out whether the Justice Department engaged in any questionable practices in approving the ITT settlement. At the time, Assistant Attorney General Kleindienst had the responsibility of making a final decision in the ITT cases.

In my judgment, Mr. Flanigan's testimony would be helpful to the Committee as it seeks to discharge its duty. Unfortunately, it appears that the White House is ready to invoke "executive privilege" to prevent Mr. Flanigan from testifying before the Committee, or to reveal any part he may have played in the ITT settlement. What this seems to mean is that the President is unwilling for the Committee to obtain information that it needs to arrive at a decision in respect to the nomination of Mr. Kleindienst.

There is evidence from the

testimony of other witnesses before the Committee that Mr. Flanigan played some part in the ITT affair. Whether Mr. Flanigan's conversations with ITT officials resulted in any significant action which had a bearing on the decision by Mr. Kleindienst in respect to the ITT settlement has yet to be revealed. The Committee and country ought to know.

I am at a loss to understand the White House position to invoke "executive privilege" to prevent the Committee from receiving Mr. Flanigan's testimony. I think that it is absurd to say that "executive privilege" is applicable to prevent the disclosure of essential facts about a matter which ought to be resolved one way or another. As I view "executive privilege," it prevents the disclosure of a communication between one advisor and the President or communications between two advisors to the President. It does not prevent the Committee from learning what transpired between Mr. Flanigan and a third party. Nor does "executive privilege" prevent the Committee from learning

whether Mr. Flanigan sought to give the Department of Justice any political direction when it approved the settlement of the ITT cases. These are matters beyond the sanctity of "executive privilege." As matters now stand, I do not

think that the Senate ought to confirm Mr. Kleindienst until and unless White House aides come and divulge to the Judiciary Committee what transpired between them and ITT officials in respect to this issue.

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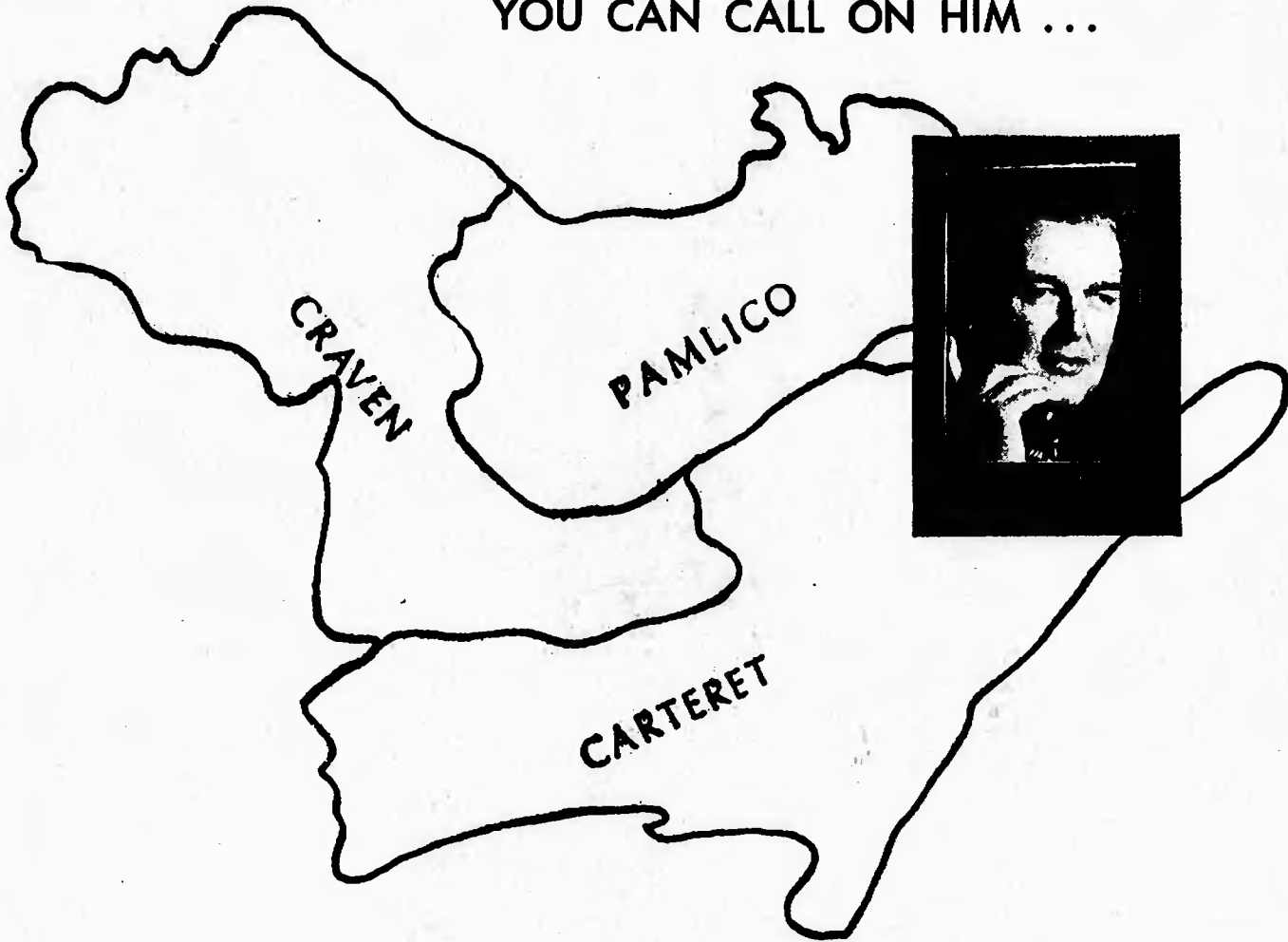


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SOME AREAS OF CONCERN:

1. Eliminate DISCRIMINATION at Morehead City Port — Separate sales staff, and move director out of Wilmington.
2. Work for immediate DEEPENING of Morehead City Channel.
3. ROADS — HIGHWAYS: "Getting Our People Out of the Mud!"
4. STRENGTHEN TECHNICAL INSTITUTE PROGRAMS, and convert to Community College Systems wherever possible.
5. VOCATIONAL TRAINING in the middle grades and total educational programs comparing with the best — we can't afford to do less.
6. EDUCATIONAL FACILITIES, at the local level, for the children needing special attention. Where institutional care is needed, provide by the State without penalty to parents.
7. INDUSTRIAL DEVELOPMENT on a sound basis, protecting our natural environment at all costs.
8. LAW ENFORCEMENT programs and policies designed to encourage officers, affording them better protection of life and adequate security for themselves and their families.
9. SENIOR CITIZENS.
10. KEEP IN TOUCH with the people so that the citizen will feel an involvement in his government.
11. All possible speed to STRENGTHEN LOCAL GOVERNMENTS, working closely through the regional approach.
12. AUTO INSURANCE.

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