

Griswold, C.I.A. Panel Member, Called A Target of '74 Watergate I.T.T. Inquiry

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By SEYMOUR M. HERSH
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WASHINGTON, Jan. 7—Erwin N. Griswold, the former Solicitor General who was named this week to the Presidential commission on alleged domestic spying by the Central Intelligence Agency, was warned by the special Watergate prosecutor's office last year that he was a target of a grand jury inquiry, highly reliable sources said today.

The sources, with first-hand knowledge of the case, said Mr. Griswold had been told that he was under investigation for possible perjury in his Senate and subsequent grand jury testimony in connection with the Watergate prosecutors' inquiry into the case involving the International Telephone and Telegraph Corporation.

He was not indicted.

The information about Mr. Griswold was made known to the New York Times shortly after Mr. Griswold's appointment to the commission was made public Sunday. The sources said they were concerned over the possibility that Mr. Griswold had not raised the issue of his suspected involvement in the I.T.T. matter with the White House before his appointment to the "blue-ribbon" panel.

Link to Resignations

Mr. Griswold, a former dean of the Harvard Law School, who served as Solicitor General from 1967 until 1973, refused to comment on the report. "I have no statement," he said.

His attorney, Robert W. Meserve of Boston, a former president of the American Bar Association, initially replied "no comment" when reached by a reporter. A few moments later, however, he telephoned the following statement: "Mr. Griswold was asked some questions by the special prosecutor's office and he cooperated fully with them."

It could not be immediately learned whether the White House had screened Mr. Ford's hand-picked candidates for the C.I.A. commission with the special prosecutor's office. "It once was part of the routine," Ron Nessen, White House Press secretary, said today, "but I don't know if it still is."

A number of sources, who asked not to be identified, said

that the decision not to prosecute Mr. Griswold, made last year by Leon Jaworski, then the special prosecutor, had been one of the factors in the sudden resignations last May of at least two members of the I.T.T. task force in the prosecutor's office. Mr. Jaworski, now back home in Houston, could not be reached for comment.

Another factor was Mr. Jaworski's decision, much criticized at the time, to permit Richard G. Kleindienst, the former Attorney General, to plead guilty to a misdemeanor charge. Mr. Kleindienst was fined \$100 and given a 30-day suspended sentence last June on charges that he misled the Senate Judiciary Committee during 1972 hearings into the I.T.T. case.

The two lawyers reportedly resigned in part over the Griswold matter were Paul R. Hober and Lawrence A. Hammond. A third lawyer, Joseph G. J. Connolly, also resigned at the time in protest over Mr. Jaworski's actions in the I.T.T. case, but he was known to have separated himself from the Griswold case because he had once served with the Solicitor General's office. That office is responsible, among other things, for arguing the Government's cases before the Supreme Court.

At one point last year, two sources familiar with the case said, Mr. Griswold and his attorney were involved in extensive discussions in the prosecutor's offices here with Richard J. Davis, head of the I.T.T. task force.

James S. Doyle, the spokesman for the special prosecutor's office, refused to comment on the report and added that "it is inappropriate for anyone who works here now, who used to work here, or who will work here in the future to talk about any case we have here—no less he talks about it in court."

The I.T.T. dispute, which became a factor in last year's House Judiciary Committee's impeachment proceedings, revolved around the Nixon Administration's decision in 1971 to stop antitrust action against the corporation and reach an out-of-court settlement that critics believed unduly favored I.T.T.

Mr. Kleindienst's guilty plea was based on his admission to

the special prosecutors that he misled the Senate Judiciary Committee by specifically denying that he had not had pressure put on him. "By anybody in the White House" in April, 1971, to seek a delay in a then-pending Supreme Court appeal in connection with the Justice Department antitrust actions against I.T.T.

In fact, Mr. Kleindienst had been telephoned on April 19 by President Nixon who, after calling him a vulgar name, ordered him to delay the appeal.

According to a statement filed by Mr. Griswold in March, 1972, before the Judiciary Committee, he was summoned to Mr. Kleindienst's office on the afternoon of April 19 and requested to delay filing the Supreme Court appeal. The case involved the Justice Department's effort to force the company to divest itself of the Grinnell Corporation.

During his testimony on March 8, 1972, before the Senate committee, Mr. Griswold testified that he knew of no extraneous reasons, other than legal questions, that had prompted Mr. Kleindienst to request him to seek a delay.

In a statement about the requested delay that he released on Aug. 1, 1973, Mr. Griswold said: "There was a delay. Mr. Kleindienst directed me to ask the court for an extension of time in order to consult with other Government agencies. I knew somebody wanted a delay, but I never figured out who."

Accord Reached With I.T.T.

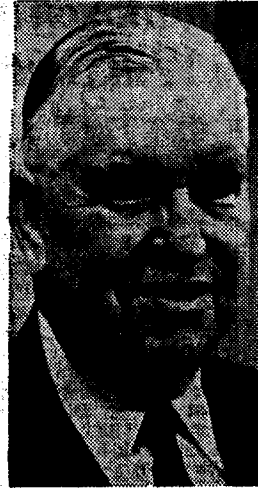
It was during the delay that the Nixon Administration reached its out-of-court agreement with I.T.T.

During the Senate questioning, Mr. Griswold praised the accord with I.T.T. as "not merely a good settlement, but a very good settlement."

The Times's sources said that what some lawyers considered a solid perjury case was based on the Senate testimony and the statement more than a year later, and on discrepancies that arose during Mr. Griswold's secret grand jury testimony.

The Times's sources said it was their opinion that no indictment had been sought because of what they termed "a technicality" in the perjury laws that makes successful prosecution difficult.

Mr. Griswold, who began



Associated Press
Erwin N. Griswold

teaching at Harvard in 1934, is a distinguished member of the bar who has been awarded at least 25 honorary degrees since 1949, according to a list provided in 1972 to the Senate Judiciary Committee. He has also served as president of the Association of American Law Schools and president of the American Bar Association.

A conservative Republican, Mr. Griswold became known in the nineteen-fifties as a champion of civil liberties for his work in fighting the efforts of Senator Joseph R. McCarthy.

Freeing of Allende Kin Gains

SANTIAGO, Chile, Jan. 7 (UPI)—The Chilean military government today offered to free from prison Laura Allende, sister of the late president, Salvador Allende Gossens, and allow her to fly to Mexico. Her name was on a list of 200 prisoners Mexico has been asked to accept. Mexico has not yet responded.