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Mr. Cox and ITT

Part
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Investigation of the ITT affair by Special Prosecutor Archibald Cox has advanced so far that some of the incriminating memoranda were in his hands when their existence was first revealed by the Senate Watergate committee last week.

Moreover, Cox is pressing a reluctant White House to release its secret ITT file. Whether or not that succeeds, Cox has sufficient evidence to seek indictments of high-level figures, including former Attorney General John Mitchell. What's more, evidence showing political influence in antitrust decisions will come perilously close to President Nixon.

Nowhere is the danger to a beleaguered president greater than in Cox's probe of how a government antitrust suit against the merger of the International Telephone and Telegraph Corp. with the Hartford Fire Insurance Co. was blocked. Although Cox is tight-lipped, Justice Department sources believe he is not far from going to the grand jury.

Actually, Cox was not aware of the March 30, 1972, memorandum by Charles W. Colson, then White House special counsel, unveiled by the Ervin committee last Wednesday. But he was well aware of some of the incriminating documents listed by Colson. Of six intragovernmental memoranda that Colson warned might tie the White House to the ITT affair, at least two—and possibly more—are believed in Cox's possession.

Seeking more evidence, Cox for weeks privately requested ITT documents held by Fred Fielding, deputy White House counsel. As in many other requests for papers, White House Special Counsel Fred Buzhardt did not say yes or no, but stalled. Frustrated, Cox went public July 27, demanding the Fielding file (which received little attention amid the uproar over White House tape recordings).

In the eyes of White House lawyers, Cox's informal demand for the Fielding file poses fuzziest problems than his subpoena for the celebrated tapes. To flatly refuse the Fielding file would seemingly contradict Mr. Nixon's May

22 pledge not to claim executive privilege "concerning possible criminal conduct."

Consequently, a key presidential assistant informed us, the Fielding file is not the same as the tapes and no decision has yet been made to claim executive privilege. Contrary to widespread fears, he added, the Fielding file still exists and was not fed to the White House paper shredder.

Although Cox believes the White House tapes may prove inconclusive and not imperative to prosecution of the Watergate case, the Fielding file may well contain the missing papers described by Colson. Therefore, it could prove critical to the ITT case.

Furthermore, the ITT case, by tracing political influence over antitrust policy to high places in the administration and possibly the Oval Office, poses a threat to Mr. Nixon potentially greater than Watergate.

This partially explains why the White House senior staff, while dismissing the Ervin committee as bumbling its partisan onslaught against the President, worries about Cox. Mr. Nixon's top advisers would have preferred that the special prosecutor limit himself to the narrow confines of Watergate and finish his business quickly. Instead, Cox operates on a wide horizon: illegal political contributions, political dirty tricks, the "plumbers" unit—and ITT. He will be around for years.

Nor is there much chance Cox will resign because of White House non-cooperation ("It will take a crowbar to pry Archie out of here," says a friend). Thus, hot-headed middle-level aides at the White House threaten that the President may have to fire Cox even if that also means firing his sponsor, Attorney General Elliot Richardson.

Senior presidential aides resent such wild talk. Cox is too dangerous to be dispensed with by simply sacking him. But they are deeply uneasy as the crewcut professor from Harvard pokes into hidden corners of the Nixon White House. The fact that he now has secret papers about ITT and is demanding still more fully justifies that unease.