

The ITT Affair: Hip-Deep in the Dismal Swamp

It is getting very nearly time to give an X-rating to the performance unfolding before the Senate Judiciary Committee—or at the very least an R.—because this is no place for impressionable young people, or for anybody, for that matter, who is in any way squeamish about government officials (or corporate executives) failing to tell the truth or acting with some degree of propriety and responsibility. If we were, let us say, knee-deep a week or two ago in that dismal swamp of American politics to which we have referred in the past—the habitat of Big Business and Big Government, of the fixers and influence peddlers and the wheeler-dealers and power brokers—we are hip-deep today, and sinking fast. Without pretending to have absorbed fully the welter of contradictions and almost mindblowing confessions of misconduct which have tumbled forth in just the first two days since the hearings have resumed, let us try simply to illustrate what it is that we are witnessing.

Stripped to bare bones, it could be said that this sordid affair began with a memorandum attributed by Columnist Jack Anderson to an ITT lobbyist, Mrs. Dita Beard, and addressed to her boss, Mr. William Merriam, which strongly implied a connection between last year's out-of-court settlement of three ITT antitrust suits and an offer by ITT to finance a large part of the costs of this summer's Republican convention in San Diego. Mr. Anderson simultaneously drew attention to a public declaration by Mr. Richard Kleindienst, who has been nominated to be Attorney General, that the antitrust settlement was "handled and negotiated exclusively" by the head of the antitrust division, Mr. Richard McLaren. When Mr. Anderson labeled that statement "an outright lie," Mr. Kleindienst asked the Judiciary Committee, which had already approved his nomination, to reopen the hearings so that he could deal with the Anderson charge. What then developed was convincing evidence that Mr. Kleindienst had been, to say the least, careless with words—that he and the White House and a number of other people in government and outside of the antitrust division had all had a hand one way or another in the process which led to the out-of-court settlement of three suits.

While that says something about Mr. Kleindienst's reliability, it did not settle the question of the manner in which the settlement was achieved and its relation to the convention financing and it seems safe to say the question was not exactly clarified by the astonishing testimony on Monday of Mr. Merriam, an ITT vice president and the head of the company's Washington office, who, among other things, conceded that he had consciously deceived Mrs. Beard at one point, and at least seriously misled Republican Congressman Bob Wilson at another point. Without going through it all, it is perhaps enough to note that Mr. Merriam swore he received no memorandum of the sort that Mr. Anderson attributed to Mrs. Beard, even though Mrs. Beard, while disavowing the Anderson version of

the memo, has herself sworn that she personally handed Mr. Merriam a memorandum on the convention financing which contained some of the substance of the Anderson version. Just to make it a bit more complicated, Mr. Wilson, for his part, told reporters in San Diego on March 3 that Mrs. Beard had acknowledged to him her authorship of the Anderson version.

As Senator Burdick put it "somebody's not telling the truth," and while this by itself may tell us much more about ITT than it does about Mr. Kleindienst's qualifications for Attorney General, the testimony on Tuesday was more directly relevant. This had to do with a charge in Life magazine that the U.S. Attorney in San Diego, Mr. Harry Steward, had quashed a grand jury subpoena against a prominent Republican fund raiser, Mr. Frank A. Thornton, and that it had been decided, by Assistant Attorney General Henry E. Peterson together with Mr. Kleindienst, to do nothing about it even though both knew that Mr. Steward had acted to protect a friend and a political benefactor. Mr. Peterson conceded to the Judiciary Committee that he thought Mr. Steward was guilty of "highly improper" conduct, and that the U.S. Attorney had actually explained at the time that he did what he did because Mr. Thornton "has been a

good friend of mine—he's going to recommend me for a judgeship." And yet—if you can stand any more of this—Mr. Peterson and Mr. Kleindienst decided only to admonish Mr. Steward, while supporting him publicly on the grounds that to do otherwise would undermine confidence in his conduct of an important tax case then pending. The theory apparently was that because no money changed hands, there was nothing corrupt or illegal about this—there being nothing more involved, after all, than a judgeship.

So the record of Richard Kleindienst builds up in these hearings: first, a clear effort to mislead the public about the true nature of the process which led the antitrust division to reverse itself and agree to an out-of-court settlement of the ITT antitrust suits; and now an undeniable attempt to conceal conduct by a U.S. Attorney which the Justice Department itself concedes to have been "highly improper." Meanwhile, the White House moved yesterday to block off a vital avenue of inquiry for the Judiciary Committee by seeking to invoke executive privilege and thus bar testimony by two White House aides who are said to have played important roles in the ITT affair, and the Judiciary Committee itself was locked in a largely partisan quarrel over how hard to press the issue, as if there was some way this business could be honestly resolved without pushing ahead for as long as it takes to get at some reasonable part of the truth.

Is there any further need to wonder why there is some kind of a crisis of confidence in those public and private institutions which have come to be known collectively among the disenchanted, both old and young, as the "System"?