

Nixon Aide Will Talk If-

Examiner News Services

WASHINGTON — White House aide Peter M. Flanigan said today he will appear before the Senate Judiciary Committee in its investigation of the International Telephone and Telegraph case if the panel agrees to limit the scope of its questioning.

Three committee Democrats appeared to reject the idea.

And Chairman James O.

Eastland (D-Miss.), indicated an executive session will be held later to determine if Flanigan's offer is acceptable.

Flanigan agreed to appear if the questioning is restricted to the role he played in hiring a financial consultant for the Justice Department in its antitrust suit against ITT and to his meeting with ITT President Harold S. Geneen.

"Since when has the com-

mittee let the witnesses set the conditions under which they will appear?" asked Sen. Edward M. Kennedy (D-Mass.).

"I think we have a responsibility here," said Kennedy. "I will feel no restraint by the conditions he's established."

Kennedy was joined by Sens. Birch Bayh (D-Ind.) and John Tunney (D-Calif.),

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in opposing such conditional testimony.

Tunney also suggested that since Flanigan has agreed to appear, the committee should also call White House aides William Timmons and Charles Colson as well as Herb Klein, the Nixon Administration's communications director.

Sen. Hiram Fong (R-Hawaii) said everything else outside the area which Flanigan agreed to discuss is "not relevant to matters before the committee."

Executive Privilege

At the White House, press secretary Ronald Ziegler said Flanigan was authorized to testify on a limited basis on the theory that his involvement in the ITT matter did not relate to the performance of presidential duties — meaning confidential interaction between the chief executive and Flanigan.

Nixon never did invoke executive privilege, as the White House sees it, even though counsel John W. Dean III cited the doctrine's major precepts in initially reporting to the Judiciary Committee that Flanigan was declining an invitation to testify.

"It's not a matter of reversing a position on executive privilege," said Ziegler. "That question never came before us."

In a letter to Chairman James Eastland (D-Miss.) Flanigan said "if the committee feels that my testimony . . . would be of assistance in its consideration of Mr. Kleindienst's confirmation and the scope of my appearance is limited accordingly, I would welcome the opportunity to appear and testify before your committee."

Block Nomination

Flanigan had refused previous committee requests for him to appear before the committee which is considering the nomination of Richard G. Kleindienst to be attorney general.

His refusal and the report that the White House would invoke executive privilege if he should be subpoenaed have caused Democrats, especially Sens. Sam Ervin of North Carolina and Robert Byrd of West Virginia, to say they would attempt to block Kleindienst's nomination first in the committee and then on the Senate floor.

Ervin said he was satisfied with Flanigan's offer, because it seemed to avoid a serious constitutional confrontation between the executive and legislative branches.

Letter Quoted

In his letter dated today, Flanigan said that on April 10 John Bean, counsel to the President, told the committee that Flanigan cannot accept an invitation calling for testimony relating to the performance of his duty as a member of the President's immediate staff.

"Since that time," Flanigan said, "several members of the Judiciary Committee have indicated that the testimony sought from me relates solely to my limited involvement in assisting former Assistant Attorney General McLaren in obtaining an independent financial analysis and Mr. Geneen's participation in a group meeting in Feb. 1971," he said.

Flanigan said he would expect the committee, if it accepts his offer, to limit the questioning to his involvement with Richard McLaren, now a U.S. District Court judge in Chicago and his meeting with Mr. Harold Geneen, president of ITT.

Democrats on the committee contend the Justice Department misused a consultant's report which administration officials have testified was a key factor in settlement of the antitrust suit against ITT.