

Mr. Flanigan Remembers

The letter of White House aide Peter Flanigan to the Senate Judiciary Committee concerning his involvement in the I.T.T. case is more informative than the testimony he gave during the entire day he spent before the committee last week. He now discloses that he discussed the I.T.T.'s antitrust case with a director of the firm and that he told Acting Attorney General Richard Kleindienst of I.T.T.'s refusal to accept the terms initially laid down by Richard McLaren, then head of the Antitrust Division. Furthermore, he indicates that Mr. Kleindienst was present when the report of an outside financial analyst was submitted to Mr. McLaren.

These pieces of additional information strengthen the evidence that Mr. Kleindienst, contrary to his own previous testimony, was decisively involved in working out the final settlement with I.T.T. This is a critical issue in weighing his nomination for Attorney General. Even if it is assumed that the Government followed the wisest course in not carrying these antitrust issues to the Supreme Court, Mr. Kleindienst has so consistently played down his own role that it now places his veracity in doubt. It also contributes to the impression that the Administration at the highest levels has something to hide in the I.T.T. affair.

The disclosures in Mr. Flanigan's letter also placed the Republicans and Southern Democrats on the Judiciary Committee in an unfavorable light. When he testified last week, it was predictable enough that Mr. Flanigan would contend—implausibly or not—that he was only a "conduit" in arranging for Richard Ramsden, a New York investment banker, to provide the Antitrust Division with an outside analysis of the financial consequences of I.T.T.'s divestiture of the Hartford Fire Insurance Company.

Having decided to appear, however, Mr. Flanigan was on weak ground in refusing to answer questions on conversations he may have had with I.T.T. personnel and with Government officials about the case. Such questions do not constitute a "fishing expedition." On the contrary, they go to the heart of the whole controversy as to whether improper influence was brought to bear upon antitrust prosecutors in arranging a settlement favorable to I.T.T.

Having failed to press for answers last week when they should have done so, the members of the committee now have no alternative except to recall both Mr. Flanigan, to follow up his written replies by oral cross-examination, and Mr. Kleindienst, to pursue the contradiction between his testimony and that of Mr. Flanigan. The unresolved issues in this case cannot be left hanging in the air.