

TUNNEY REBUFFED BY KLEINDIENST

Justice Official Criticizes
2 Antitrust Proposals

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Acting Attorney General Richard G. Kleindienst has responded negatively to two proposals by Senator John V. Tunney for giving the public more information on how antitrust cases are settled out of court.

The Senator's suggestions were an outgrowth of disclosures that Mr. Kleindienst and at least one key member of the White House staff had been personally involved in bringing about the settlement of three antitrust cases against International Telephone and Telegraph Corporation.

In a letter to Mr. Tunney, a California Democrat, Mr. Kleindienst did not state outright that he was rejecting the proposals, but this analysis of them added up to that.

He used particularly harsh language in discussing the Senator's proposal that all meetings and telephone conversations between antitrust defendants and Government officials at various levels—including the White House—be listed and described, publicly, when antitrust settlements were formally announced.

"The more I thought about your suggestion," Mr. Kleindienst wrote, "the more clear it became that your proposal seems to assume that antitrust officials, and other Government officers, when dealing with antitrust matters are so suspect

that their every coming and going should be recorded by them and made public.

"Unfortunately, if this is so, the records kept by such people would be similarly suspect."

Mr. Kleindienst said that the honesty and integrity of antitrust officials "under Administrations of either party" had been "exemplary."

Therefore, he said, to single out antitrust enforcement for special treatment of the type which you suggest seems ironic, unwise and demeaning. . . . If there be merit to your proposal, it seems to me that it should be applied to all public officials."

Mr. Kleindienst also criticized Senator Tunney's suggestion that the Justice Department make public, at the time an antitrust case is settled, more details of its reasoning as to why the settlement is considered an adequate remedy or punishment for the antitrust offenses that had been alleged.

Critics of antitrust settlements contended long before the controversy arose over the I.T.T. case that many antitrust settlements involved merely a commitment on the part of the offending companies not to continue to engage in the allegedly illegal conduct, but nothing that undid the damage caused by the conduct.

Mr. Kleindienst said that it

would be a poor idea for the Justice Department to issue public statements explaining the impact of settlements.

"The tendency to make claims of 'victory' at a time when a controversy is being ended might tend to put a restraint upon the desire of defendants to seek an out-of-court settlement," he said.