

## ITT Revisited

Over a year ago when the bizarre handling of the ITT antitrust case by the Department of Justice was being aired in the Senate Judiciary hearings on the nomination of Richard G. Kleindienst to be Attorney General, we had no inkling that it was, in effect, a sneak preview, so to speak, for the "look, Ma, no hands" defense that the White House was later to make in the Watergate affair. But clearly, the administration depiction of its handling of the ITT anti-trust case was designed to convince the Senate and the public that no one in authority did anything improper, that most high officials weren't even looking when the deeds were done and that any impropriety was to be found only in the eyes of the beholders.

Sound familiar? We thought so. The only trouble with such a presentation is that there always seems to be a paper lying around that somebody forgot to shred. And so, almost inevitably the other day, ghosts of ITT came back to haunt the administration in the Watergate hearings. The question in the Kleindienst hearings about ITT was how Richard McLaren—Assistant Attorney General for Antitrust at the time—was persuaded to drop his insistence on going to the Supreme Court to force ITT to divest the \$2 billion Hartford Insurance Company and thus to test the efficacy of the Clayton act in dealing with huge conglomerates.

The administration line at the time was that Solicitor General Erwin Griswold had doubts about the government's case. That, together with a financial analysis arranged by Peter Flanigan of the White House staff, was said to have caused Mr. McLaren to abandon his plan to force a Supreme Court test. John N. Mitchell, then the Attorney General, said he'd had nothing to do with it, that he was unaware of an ITT offer of \$400,000 to help support the Republican National Convention, and that he'd certainly not discussed it with the President. As a matter of fact, he said he took himself out of the case and turned it over to his deputy, Mr. Kleindienst. Mr. Kleindienst, for his part, said that the settlement had been "handled solely and exclusively" by Mr. McLaren.

The White House, it was said, had no involvement. Though there was a major assertion of executive privilege to prevent Mr. Flanigan from testifying, it was said that he had only found a fellow in New York who was uniquely qualified to do a study of the financial impact of Mr. McLaren's policies—having already done one in an earlier, comparable case—and that he'd merely passed the study on. No hands anywhere. Despite the fact that Mr. Kleindienst was later shown to have been at least neck deep in Mr. McLaren's consideration of the case, and the surfacing of some evidence that Mr.

Mitchell was at least aware of the ITT offer to put money into the Republican convention, Mr. Kleindienst was confirmed and the White House fingerprints went undetected—or at least unconfirmed.

But the other day, Samuel Dash, chief counsel to the Watergate Committee came up with a Charles Colson memorandum to H. R. Haldeman dated March 30, 1972, which seems to show that there were a lot of White House hands and fists in this stew and that they were a good deal larger than Peter Flanigan's. "There is a May 5, 1971 memo," Colson wrote, "from Ehrlichman to the AG alluding to discussions between the President and the AG as to the 'agreed upon ends' in the resolution of the ITT case . . ." Mr. Colson argued, "This memo would once again contradict Mitchell's testimony and more importantly directly involve the President."

Ironically, the Colson memorandum, which was on the subject of damaging pieces of paper floating around which bore on the ITT case, does exactly what all those other memos he was worrying about might have done. It implicates a lot of other White House and high administration hands and effectively shreds, if you will, the administration's position at the Kleindienst hearings. Mr. Colson says, for example, that Mr. Mitchell did in fact have "constructive knowledge" of the ITT pledge to the Republican National convention despite Mr. Mitchell's sworn testimony to the contrary. His memorandum also indicates that John Connally, then Secretary of the Treasury, Peter G. Peterson, then a White House aide, and Vice President Agnew, as well as John Ehrlichman, John Mitchell, Richard Kleindienst and Richard Nixon all pitched in one way or another to help ITT in its hour of need.

If the Colson memo is to be believed, and at this point there is no reason not to believe it, another cover-up has come unglued and a number of lies have been exposed. The fact that they are old lies and that there are other coverups being uncovered in the Senate Caucus Room does not lessen their impact. The Senate and the people were deceived and the evidence accumulates that a major governmental decision was turned around by pressure and special influence which appear improper.

It seems to us unfair for the nomination of William Ruckelshaus as Deputy Attorney General to be held hostage by the Senate Judiciary Committee to lies told last year when he was ably enforcing environmental protection laws—especially when the Senate and the people are not without other, far more effective recourse. The Ervin committee and Special Prosecutor Archibald Cox are particularly well positioned, even at this late date, to clean up this particular corner of the dismal swamp of big government, big business and shabby politics.