

Cox Probing Delay on ITT Memos

Washington

Special Watergate prosecutor Archibald Cox and his staff are trying to find why 13 "politically sensitive" documents essential to a Justice Department inquiry into possible perjury by high government officials and officers of the International Telephone and Telegraph Corporation were withheld from the department's criminal division during the 1972 presidential campaign.

This is one of the areas to be explored by a grand jury that convened here last Monday. The grand jury was requested by Cox to investigate Watergate-related matters — campaign financing, "dirty tricks," and possible perjury and obstruction of justice connected with the settlement of three antitrust suits against ITT in 1971.

The fact that former Attorney General Richard G. Kleindienst was the first witness suggested that Cox intends to take up the ITT case first.

The documents withheld from the criminal division are crucial to the determination of whether perjury or obstruction of justice were committed. These memos and letters by ITT officers contain statements conflicting with testimony by both ITT and government officials during the hearings in March and April 1972, on Kleindienst's nomination.

The fact of the withholding — at least until the end of October last year and possibly later — emerged from an examination of testimony last December and in May and June of this year before the investigations subcommittee of the House Commerce Committee.

The committee did not establish ultimate responsibility for the withholding. But under questioning by the chairman, representative Harley O. Staggers (Dem-W. Va.) and the committee

counsel, Daniel J. Manelli, the following was disclosed by William J. Casey, former chairman of the Securities and Exchange Commission, and John Dean III, former White House counsel:

- Former Attorney General John N. Mitchell had the politically sensitive documents possibly as early as March 1972, when the Kleindienst hearings began.

- Dean received a set of documents from Mitchell about the time of Mitchell's resignation as President Nixon's campaign director on July 1, 1972.

- Kleindienst received a set from Casey immediately after a conference of the two men at the White House on Aug. 25, 1972.

- Finally, the SEC, which had been investigating the merger of ITT and the Hartford Fire Insurance Co. for two years, had a set of the documents since early March 1972.

The significance of these dates is that on June 30, 1972, the Senate Judiciary Committee, simply on the basis of testimony at the Kleindienst hearings and

without any knowledge of the "politically sensitive" documents, had asked Kleindienst to conduct an investigation of possible perjury in the hearings.

Harold P. Shapiro, deputy assistant attorney general in the criminal division, was put in charge of the investigation.

Yet, it was not until Oct. 6, 1972, that a set of the documents was formally sent to the Justice Department. They came from the SEC at that time because Casey, after consultation with Dean, decided that this was how to keep them out of the hands of the Staggers subcommittee.

The documents were sent to deputy attorney General Ralph E. Erickson. He told the Staggers subcommittee on June 6, that he kept the documents in his safe "for some time . . . a matter of weeks, probably two weeks, three weeks, I am not sure" before sending them to Shapiro.

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