

NYTimes OCT 31 1973  
**WHITE HOUSE SAYS  
I.T.T. DISCLOSURE  
SHOWS COX'S BIAS**

**Ex-Prosecutor Tells Panel  
That He May Have Been  
the Source of Article**

By **JOHN HERBERS**  
Special to The New York Times

WASHINGTON, Oct. 30—The White House charged today that the disclosure of President Nixon's intervention in an antitrust case supported the Administration's contention that Archibald Cox had been running a partisan investigation for months before he was dismissed as special Watergate prosecutor.

The statement, apparently approved by the President, was made by his deputy press secretary, Gerald L. Warren, after Mr. Cox acknowledged in Congressional testimony that he may have been the indirect source of the disclosure.

Mr. Cox referred to an article in today's New York Times that said Mr. Nixon ordered the Justice Department in 1971 not to appeal a phase of the case against the International Telephone and Telegraph Corporation even though Administration officials had testified repeatedly that the President had no such role in the case.

**More Reverberations**

The disclosure set off several reverberations in a capital that was still reeling from the Cox dismissal and the Justice Department shakeup. They included the following developments:

¶ Senator Hugh Scott of Pennsylvania, the Senate Republican leader, joined the White House in the attack against Mr. Cox and his staff of lawyers, saying that he found the news leak "very disturbing" and that the lawyers, who are still on the Government payroll, should be questioned as to their "loyalty."

¶ The White House, while decrying the leak of confidential information, maintained that President Nixon had every right to intervene as he did in the I.T.T. case in his legitimate interest of directing "antitrust policy." This is believed to be the first time it has been

proved that a recent President has directly intervened in an antitrust case in the courts, although there have been frequent allegations of such action in the past.

¶ The future of the staff of about 40 lawyers that Mr. Cox had assembled was more than ever in doubt as both the White

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House and Senator Scott accused them, too, of partisan action against the President.

¶ Senator Edward M. Kennedy, Democrat of Massachusetts, said that Mr. Cox, after he was discharged, told him about the President's action, not as part of a criminal case but as a "single shocking example" of how the Judiciary Committee had been lied to by Administration officials earlier this year in the confirmation hearings for Richard G. Kleindienst as Attorney General.

**Appeal Was Postponed**

The Times article this morning said that sources close to the case disclosed that President Nixon had telephoned Mr. Kleindienst, then Deputy Attorney General, and ordered him not to appeal a ruling in the I.T.T. case to the Supreme Court. The appeal was postponed and an out-of-court settlement was reached.

The settlement came after the corporation's officials promised to help finance the 1972 Republican National Convention with a corporate gift reported variously at \$100,000 to \$400,000.

In a statement last night, the White House accused Mr. Cox of a breach of confidence, for leaking information that Mr. Kleindienst had given him, and said that when the "specific facts" of the case became known to the President he withdrew his objection to the appeal and that it was prosecuted "in exactly the form originally proposed."

This morning, Mr. Cox appeared before the Senate Judiciary Committee, which is investigating the controversy surrounding his dismissal on Oct. 20.

Mr. Cox said he did not supply any of the information to The Times, but added that he had spoken of the matter to Senator Kennedy and a member of his staff, and to two law associates of Mr. Cox who had helped him set up the office of special prosecutor, James Vornberg and Philip B. Heyman of Cambridge, Mass.

**'Greatly Upset'**

"I was greatly upset," Mr. Cox said when he saw the article this morning. "I may have spoken more freely than perhaps I should have."

"It is quite clear I broke the Attorney General's confidence," he said. "I feel terrible this morning."

But he said his staff had been very diligent in protecting the confidentiality of information gathered in its investigation and he had assurances from the two Senators they had not leaked the information.

"Of course, I shouldn't have done it," he said. "It was carelessness, not malice."

But the apologies did not prevent the White House from saying that the leak substantiated its allegations of partisanship against Mr. Cox and his staff.

Mr. Warren, after talking to President Nixon, said at the daily White House news briefing that the leak "makes clear to us at the White House his partisan attitude that has characterized his activities in recent months." And he pointed out that of the 10 top lawyers on the Cox staff, all but one had strong Democratic connections.

**Scott Hits 'Innuendoes'**

Senator Scott, who had condemned Mr. Nixon's dismissal of Mr. Cox, took up the White House argument, saying he was concerned about the "innuendoes" against the President in a series of news leaks in recent days.

"Let me predict," he said. "Future releases will continue tomorrow and tomorrow and tomorrow. I think a process is going on to deal not with the facts but with innuendo. To simply make statements is not to prove a damn thing."

The Cox staff, he said, is "a hostile adversary staff."

Acting Attorney General Robert H. Bork, who is now in charge of the Watergate investigation, said in a news conference last week that he planned to dismiss none of the personnel in the Cox office. Mr. Cox has said that if a new staff had to be assembled, the prosecution would be delayed for many months. But their situation, nevertheless, was tenuous, especially after today's developments.

Mr. Warren's defense of the President's action met with some surprise in view of the repeated statements of Administration officials in the past that Mr. Nixon was not involved, beyond his policy declaration that he did not consider the bigness of a corporation as wrong in itself.

"He had every right as President of the United States to discuss antitrust policy with the Justice Department," Mr. Warren said.

In this regard, the President received some support from Mr. Cox.

"It was proper for the President to have an interest in such a major case," he said. "There was nothing improper in voicing his own opinion." He added that he thought the Government received a fair settlement

in the case.

The main point Mr. Cox and others were concerned about was the previous testimony before the Judiciary Committee.