

New Kleindienst Version of ITT

Washington

Former U.S. Attorney General Richard Kleindienst said yesterday he threatened to resign in 1971 if President Nixon forced him to give up an appeal of an antitrust case involving the International Telephone and Telegraph Corp.

But Kleindienst denied he had committed perjury when he told the Senate Judiciary Committee during his confirmation hearings in the spring of 1972 that no one in the White House had pressured him over the ITT matter.

Kleindienst said committee members had questioned him not about Mr. Nixon but about alleged attempts by Peter Flanigan of the White

House staff to pressure him to hold off an appeal.

Kleindienst issued a statement on the ITT case after Archibald Cox, the ousted Watergate special prosecutor, acknowledged before the Senate Judiciary Committee Tuesday that Kleindienst had told him about receiving a telephone call from Mr. Nixon in 1971 about the ITT case.

In his 1972 testimony Kleindienst had said: "I was not interfered with by anybody in the White House; I was not opportuned; I was not pressured; I was not directed."

LEAK

Information about the Nixon call to Kleindienst was leaked to the press on Monday, prompting a White House attack on Cox and his staff for an "inexcusable" breach of confidence. Cox then acknowledged he had privately told Senators Edward M. Kennedy (Dem-Mass.) and Philip A. Hart (Dem-Mich.) and two of their staff members about his conversation with Kleindienst.

(The New York Times reported today that Kleindienst told Cox of Nixon's

order only after Kleindienst became convinced that he might be indicted.

(The Times, citing sources familiar with the case, said Kleindienst had told friends that he was sure he would

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be indicted for perjury in connection with his testimony before the Judiciary Committee.

(The special prosecutor's office was believed to be ready to seek indictments against several persons including Kleindienst; Harold S. Geneen, the chairman of ITT, and Charles W. Colson, the former special counsel to the President, according to the Times' account.

INDICTMENTS

(Its sources indicated the prosecutor's staff had recommended that Geneen be indicted for giving false testimony to the Judiciary Committee, and that Colson be indicted for his role in financing the burglary of the office of Daniel Ellsberg's psychiatrist.

(When Kleindienst, believing himself to be in danger of indictment, decided to go to Cox, he informed the White House of his decision and said it was irrevocable.)

Kleindienst, in a statement issued through his attorney, Herbert J. Miller, said former White House domestic adviser John D. Ehrlichman had called him on April 19, 1971, "and stated that the President directed me not to file the appeal in the Grinnell case." At the time, the Justice Department was challenging ITT's proposed acquisition of the Grinnell Corp., a plumbing equipment company.

"That was the last day in which that appeal could be taken", Kleindienst said. "I informed him that we had determined to take that appeal, and that he should so inform the President. Minutes later, the President called me and, without any discussion, ordered me to

drop the appeal.

"Immediately thereafter, I sent word to the President that if he persisted in that direction I would be compelled to submit my resignation."

Kleindienst said he then asked the U.S. Supreme Court to extend the filing deadline for the appeal for 30 days "to enable the President to consider my position" on the case.

"The President changed his mind and the appeal was filed 30 days later in the exact form it would have been filed one month earlier. Thus but for my threat to resign, the Grinnell case would never have been appealed."

The White House said Monday that Mr. Nixon directed Kleindienst not to press the appeal because he objected to a Justice Department policy that "bigness per se was unlawful," but that Mr. Nixon withdrew his objection "when the specific facts of the appeal were subsequently explained in greater detail."

The White House statement made no mention of a Kleindienst threat to resign.

FOCUS

Kleindienst said the "focus of the hearings dealing with the ITT affair was the negotiations in May, June and July of 1971 leading to settlement of the pending cases on July 31. I was questioned at length concerning these negotiations and particularly with reference to any conversations or meetings I might have had with Mr. Peter Flanigan of the White House staff."

Thus Kleindienst said his testimony on the ITT affair referred not to the question of whether the ITT case should be appealed but to whether the White House pressured him during negotiations that followed filing of the appeal.

"In short, I did not perjure myself or give false information to the Senate Judiciary Committee. A fair and objective reading of the transcripts of my testimony will so indicate," Kleindienst said.

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