

2 Tapes Seem to Aid Nixon In Controversy Over I.T.T.

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By JAMES M. NAUGHTON JUN 5 1974

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WASHINGTON, June 4—The House Judiciary Committee heard today two White House tape recordings that apparently rebutted charges that President Nixon was aware of a plan by the International Telephone and Telegraph Corporation to contribute to his 1972 re-election campaign when he intervened in an antitrust case against the conglomerate in 1971.

But the impeachment inquiry, denied a score of other tapes for its I.T.T. investigation, continued to pursue the possibility that the President joined in or knew of illegal efforts in 1972 to prevent the disclosure of his actions in the antitrust case.

Albert E. Jenner Jr., the committee's chief Republican Counsel, said tonight that he had presented material to the panel

from which an individual "could reasonably draw the inference" that Mr. Nixon knew subordinates had perjured themselves before the Senate Judiciary Committee.

Mr. Jenner said that failure by the President to report perjury to the proper authorities could constitute, if proved, either obstruction of justice or "failure to carry out a constitutional duty" to enforce the law.

Democrats and Republicans on the Judiciary Committee said that the conversations played for them today appeared to support Mr. Nixon's longstanding contention that he first stepped into the controversial I.T.T. case because of a basic disagreement with the Justice Department over antitrust

Continued on Page 29, Column 2

Continued From Page 1, Col. 3

policy.

At the same time, however, some committee members said privately that the President's refusal to turn over 20 other tapes bearing on the I.T.T. matter raised the suggestion that Mr. Nixon's subsequent actions in the case may have been less honorable.

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, said that he would seek a decision by the panel later this week to issue its fifth subpoena, for the I.T.T. tapes, and a sixth subpoena for about 46 other conversations bearing on Mr. Nixon's relations with the nation's dairy industry.

The committee, after nearly seven hours of closed-door meetings on the I.T.T. issue today, is scheduled to examine tomorrow whether the President's decision in 1971 to raise the level of Government milk price supports was influenced by pledges of dairy industry groups to make large contributions to Mr. Nixon's campaign for re-election.

Nixon Outburst Reported

The two recordings that the Judiciary Committee heard this morning were of Mr. Nixon's conversations on April 19, 1971, about the I.T.T. antitrust actions one day before the deadline for the Justice Department to appeal to the Supreme Court an adverse ruling in one of the cases.

Mr. Nixon reportedly erupted angrily at a meeting at which John D. Ehrlichman, then White House adviser on domestic matters, and George P. Shultz, then the Director of Management and Budget, informed him that the appeal would be filed.

One Republican committee member, who took notes on the taped conversation, said that Mr. Nixon had declared:



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Peter W. Rodino Jr., the House Judiciary Committee chairman, arriving for hearing yesterday.

"I don't know whether I.T.T. is good, bad or indifferent. There's not going to be any more antitrust actions of this nature as long as I'm in this chair."

Both Democrats and Republicans on the impeachment inquiry said that the conversation appeared to support Mr. Nixon's contention that he had been concerned with antitrust policy rather than with details of the I.T.T. cases.

Mr. Nixon has also denied knowing, at the time he intervened in the I.T.T. transactions, that the conglomerate had pledged a substantial sum of money — reported variously as \$200,000 or \$400,000 — to underwrite the cost of the Republican National Convention of 1972.

'Not Even a Contributor'

The same Republican who took notes on the April 19 meeting said that Mr. Nixon had remarked, at one point, that he hardly knew Harold S. Geneen, the chief operating officer of I.T.T., and had said: "Hell, Geneen, he's not even a contributor."

During the meeting April 19, the President telephoned Richard G. Kleindienst, then the Deputy Attorney General, and, by all accounts of Judiciary Committee members, angrily

demanding to know why Richard W. McLaren, the Assistant Attorney General for antitrust matters, was not adhering to Mr. Nixon's antitrust philosophy.

According to one Democrat on the committee, Mr. Nixon told Mr. Kleindienst to ease Mr. McLaren out of his post, saying, "God damn it, get the son of a bitch out of there."

Eight months later, after Mr. McLaren had arranged a settlement of the I.T.T. cases, the President nominated him to serve as a judge of the United States District Court in Chicago.

The two recordings were turned over to the Judiciary Committee last March, after the White House had voluntarily supplied them to the Watergate special prosecutor.

But Mr. Nixon has refused to volunteer 20 other tape recordings sought by the Judiciary Committee for the I.T.T. segment of the impeachment inquiry.

The 20 recordings of White House conversations, between March 6 and April 5, 1972, deal with what may be a more pertinent impeachment issue, the question of Mr. Nixon's knowledge of alleged efforts to impede the I.T.T. investigations in early 1972 of two Congressional committees and the Securities and Exchange Commission.

In a letter sent to the White House last month by John M. Doar, the committee's special counsel on impeachment, the

20 recordings were described as relevant to Mr. Nixon's awareness of "a plan or course of action, if any, which was designed to or did withhold from the Senate Judiciary Committee [in 1972] evidence to which it was entitled."

The Senate committee was conducting hearings in the spring of 1972 on the nomination of Mr. Kleindienst to succeed John N. Mitchell as Attorney General.

During the Senate hearings, both Mr. Kleindienst and Mr. Mitchell gave sworn testimony that subsequently appeared to be misleading, and perhaps false, about the Administration's dealings with I.T.T.

Mr. Kleindienst pladed guilty last month to a misdemeanor charge of having refused to answer "accurately and fully" questions put to him at the Senate confirmation hearings.

Moreover, attempts by both the Senate Committee and the House Commerce Committee to obtain 13 I.T.T. corporate documents that had been turned over to the Securities and Exchange Commission were thwarted by a sudden decision to transfer the documents to the Justice Department, beyond

reach of the Congressional investigations.

Two committee members who asked to be unnamed, a Republican and a Democrat, said during a recess in the hearings today that it was "curious," as the Republican put it, that Mr. Nixon volunteered tapes that appeared helpful to him and refused to provide other recordings. The presumption, these members said, is that the additional tapes would not be helpful to the President's case against impeachment.

Some Republicans appeared elated, however, that the tapes played for the committee this morning seemed to eliminate the suggestion that Mr. Nixon decided the I.T.T. case on a political basis.

"It was clear to me that McLaren was not following Administration policy," Representative Delbert L. Latta of Ohio told reporters.

Asked what the contents of the recording were, another Republican, Representative Harold V. Froehlich of Wisconsin, replied, "The President was establishing policy for this Government — very strongly and emphatically."