

U.S. Delays ITT-Role Perjury Report

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By Sanford J. Ungar
Washington Post Staff Writer

The Justice Department will not report until well after the presidential election on whether it believes perjury was committed during the marathon hearings last spring on Attorney General Richard G. Kleindienst's nomination.

The Senate Judiciary Committee voted unanimously last June 27 to send its 1,751-page hearing record to the Justice Department for a written report within 30 days on contradictions in the testimony.

But more than 90 days

later, the review is "nowhere near completion," Justice Department sources have told The Washington Post.

"There are lots of pages to read," said John W. Hushen, the Justice Department's public information officer, when asked for an explanation for the delay.

The job will not be completed for a long time, the sources predicted. Even then, they said, the Department will probably report that it has found "a lot of political hair-splitting, but nothing that could be made

into a substantive case of perjury."

One reason for the delay, a Justice Department official explained, is that when the Judiciary Committee referred the transcript to the Criminal Division of the Justice Department, it gave no specific citations of which testimony was believed to include false statements.

Ordinarily, the department would send the hearing transcript back to Capitol Hill and demand specific leads to follow up.

This time, however, high-ranking Justice Department

officials decided that would be a risky step that could be misinterpreted — since much of the testimony involved the inner workings of the department itself.

Henry E. Petersen, who would usually supervise such a perjury study in his role as assistant attorney general in charge of the criminal division, has excused himself from taking any part in the matter because he was a witness during the hearings.

Instead, the review is being directed by one of Petersen's deputies, Harold

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Shapiro, who has assigned two lawyers in the criminal division's general crimes section to index the entire 1,751-page record.

Unlike Petersen, who serves at the pleasure of the President, Shapiro is a career employee.

One of the central issues in the Kleindienst confirmation hearings was the allegation that the Justice Department had settled three anti-trust cases against the International Telephone and Telegraph Corp. in exchange for the corporation's pledge to help underwrite the 1972 Republican National Convention.

At the time the transcript was sent to the Justice Department, Sen. John V. Tunney (D-Calif.) urged a close look at several contradictions concerning the ITT affair, including the testimony of former Attorney General John N. Mitchell.

Mitchell's name came up

again last week, when Sen. Birch Bayh (D-Ind.) urged that the Justice Department zero in on the former attorney general's testimony last March 15 that he had not yet taken on any responsibilities in President Nixon's re-election campaign.

Bayh was reacting to a report in The Washington Post that Mitchell, even while running the Justice Department, had control over a secret Republican fund that was used to gather information about the Democrats.

That fund has been linked to the June break-in and bugging of Democratic national headquarters at the Watergate.

"If the allegations in The Pos are accurate," Bayh said in a letter to Kleindienst, "we are confronted with the unfortunate but unescapable fact that the former Attorney General of the United States committed perjury

before a committee of the United States Senate."

But one Justice Department official, who asked not to be named, said it was inconceivable that the review of the hearing record would result in any such perjury case against Mitchell.

"Even if you assume that Mitchell was lying," the official said, "how the hell are you going to prove that?"

The Justice Department appears unconcerned about

being more than two months behind the deadline imposed by the Senate committee for submitting the perjury report. Committee Chairman James O. Eastland (D-Miss.) was notified on July 31 that the project was receiving priority treatment.

According to The Post's sources, the matter is being taken seriously, but "it is one horrendous job going through all the testimony" to compile the index.