

Intervention on ITT Is Denied by Nixon

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President Nixon's defense in the International Telephone and Telegraph Corp. case rests on repeated claims of administration officials that he did not intervene in settling the big antitrust action.

As presented to the House Judiciary Committee, his defense does not deal directly with evidence showing that he personally ordered the Justice Department not to appeal a key court ruling that had favored ITT.

A 208-page collection of information defending Mr. Nixon's role in the ITT case was presented to the impeachment inquiry by the President's counsel, James D. St. Clair. It was released yesterday.

It consists mainly of previous testimony in which administration officials say that the decision to settle three antitrust cases against ITT was made entirely within the antitrust division, headed then by Richard W. McLaren.

"There exists no testimonial or documentary evidence to indicate that the President had any part, directly or indirectly, in the settlement of the ITT antitrust cases," the statement asserts.

The committee investigation has turned on questions of whether Mr. Nixon intervened in the cases in exchange for ITT's agreement to underwrite part of the 1972 Republican National Convention, initially planned for San Diego.

One key element was McLaren's reluctant decision not to seek to force ITT to divest itself of the Hartford Fire Insurance Co. McLaren, who was regarded by Mr. Nixon as too aggressive in antitrust action, initially had favored divestiture.

McLaren explained in August, 1971, that he finally agreed that the giant conglomerate would be severely crippled financially if forced to give up the Hartford firm. His testimony and the advice of some financial experts comprise much of the President's defense released yesterday.

McLaren also testified that no one at the White House attempted to communicate with him in any way about the ITT case. He also denied that either Attorney General John N. Mitchell or Deputy Attorney General Richard G. Kleindienst attempted to influence his decision.

The President's defense does not deal with tape-recorded evidence showing that Mr. Nixon vigorously intervened at one point in an effort to stop McLaren from filing an appeal in a crucial court case involving another of ITT's holdings, a division of the Grinnell Co.

In a telephone conversation on April 19, 1971, Mr. Nixon told Kleindienst in

strong language that McLaren should be told not to appeal a court decision that favored ITT's interest in retaining the Grinnell company.

In a tape recording of that conversation, Mr. Nixon is heard saying: "... I want something clearly understood, and, if it is not understood, McLaren's ass is to be out within one hour. The ITT thing—stay the hell out of it. Is that clear? That's an order."

Prior testimony is presented in the President's defense to show that after that phone conversation McLaren agreed to seek an extension of time to file an appeal with the Supreme Court. Ultimately Mr. Nixon rescinded his order and the appeal was made.

The document presented by St. Clair argues that Mr. Nixon, in opposing his own Justice Department, was attempting to establish an administration policy that conglomerates should not be sued and broken up merely because they were big.

The case for Mr. Nixon argues that there was no connection between his intervention in the ITT-Grinnell case and the corporation's offer to contribute money for the San Diego convention.

Mr. Nixon's only actions in the antitrust case were taken in April, 1971, several weeks before the ITT pledge was made to civic interests in San Diego, the brief contends.

The President's defense also includes a memorandum in which presidential aide Charles W. Colson contends the administration is being unfairly treated by the press in the ITT affair.

Colson wrote, "In two weeks of hearings before the Senate Judiciary Committee there has not been one scintilla of evidence of any wrongdoing, not one scintilla of evidence that there was any connection between the antitrust decree in the ITT case and ITT's offer to a civic committee in San Diego to help San Diego make a bid to obtain the Republican National Convention."