

Nixon Contradicts Kleindienst

By Morton Mintz
Washington Post Staff Writer

President Nixon has acknowledged for the first time that he played a personal role in the controversial antitrust case against International Telephone & Telegraph Corp. In doing so, he has contradicted sworn testimony by former Attorney General Richard G. Kleindienst.

Kleindienst testified at his confirmation hearing that no suggestion had come from the White House as to what action should be taken by the Justice Department.

"I was not interfered with by anybody at the White House," Kleindienst told the Senate Judiciary Committee on March 8, 1972. "I was not importuned; I was not pressured; I was not directed."

Kleindienst was similarly emphatic when he was questioned about a possible White House role several weeks later, on April 27.

"I would have had a vivid recollection if someone at the White House had called me up and said, 'Look, Kleindienst, this is the way we are going to handle that case. People who know me, I don't think would talk to me that way, but if anybody did it, it would be a very sharp impact on my mind because I believe I know how I would have responded.'"

"No such conversation occurred," Kleindienst swore.

The White House said yesterday, however, that the President had directed Kleindienst not to press an appeal in which the Supreme Court would have ruled on the legality of conglomerate mergers—those in which a corporation acquires a firm that is in a different line of business and is therefore not a direct competitor.

The White House also said it erred Monday night in saying the ITT acquisition in question was of the Canteen Corp. Rather, it was of the Grinnell Corp.

The Monday night White House statement as corrected was, "The President's direction to Mr. Kleindienst was based on his belief that the Grinnell case represented a policy of the Justice Department with which he strongly disagreed, namely, that bigness per se was unlawful. When the specific facts of the appeal were subsequently ex-



RICHARD G. KLEINDIENST
... "not importuned"

plained in greater detail, the President withdrew his objection and the appeal was prosecuted in exactly the form originally proposed."

The statement was inconsistent with a statement Mr. Nixon made, on another matter, at a press conference on Aug. 22. The statement was:

"The President does not pick up the phone and call

the Attorney General every time something comes up on a matter; he depends on his counsel or whoever he has given the job to—or he has given that assignment to do the job."

At the same time, Kleindienst's sworn testimony does not square with a statement he gave recently to Archibald Cox, the former Watergate special prosecutor.

Kleindienst told Cox that the President phoned him in 1971 to order him not to press the Grinnell appeal, The New York Times disclosed yesterday.

Ralph Nader's ITT specialist, Reuben Robertson III, charged that the White House statement is "irreconcilable" with the testimony Kleindienst gave under oath.

Kleindienst, who was in Washington yesterday, refused to make any comment. He resigned as Attorney General on April 30.

At the White House, deputy press secretary Gerald L. Warren defended the pro-

priety of Mr. Nixon's phoning Kleindienst.

As Warren saw it, the president was engaging in "a policy discussion" about antitrust matters and was not intervening. He said there was no conflict with Kleindienst's testimony.

In a related development, Cox cast doubt on the thoroughness of a Justice Department inquiry into the possibility that perjury had been committed at the Kleindienst confirmation hearings.

The Senate Judiciary Committee referred the hearing record to the department in June, 1972. In July, the department said the matter was getting priority treatment.

But the FBI was not asked to look into it until Dec. 5, then acting FBI Director L. Patrick Gray III testified in March. As of that time, he said, "our investigation is virtually complete, and full reports have been furnished to the department."

As late as May 7, however, some key witnesses at the hearing, including ITT president Harold S. Geneen and Senior Vice President and general counsel Howard J. Aibel, were saying they had not been interviewed.

Elliot L. Richardson, at his Attorney General confirmation hearings in May, promised the committee a report. He resigned without submitting it.

Yesterday, Cox was asked by Sen. Robert C. Byrd (D-W. Va.) how close to completion and how thorough the investigation was when Richardson referred it to him in June. "I don't recall that there has been any significant investigation before it was referred to us," Cox replied.

ITT was a leader of the conglomerate merger movement of the 1960s, which proceeded without resistance from the Justice Department in the Kennedy and Johnson administrations. The Democratic anti-trust chiefs claimed nothing could be done under existing laws.

Mr. Nixon's first antitrust chief, Richard W. McLaren,

disagreed. And in 1969, in a blitz of anti-conglomerate merger suits, he sued to break up ITT's acquisitions of Canteen (food vending), Grinnell (plumbing supplies) and Hartford Fire Insurance.

The Grinnell case was crucial, because it was the first to provide McLaren the opportunity to test his belief shared by ITT lawyer Lawrence E. Walsh, a former deputy attorney general—that the Supreme Court would strike down all such mergers.

The department filed a routine notice of appeal of a lower-court decision upholding the Grinnell merger. On April 20, 1971, the deadline for filing the appeal, the department sought a delay. On May 17 the department filed

the appeal, although it remained free to settle out of court.

A settlement with ITT, later disclosed to have pledged up to \$400,000 for the 1972 Republican National Convention, was announced on July 31, 1971.