

Justice Under Pressure

The case of Attorney General-designate Richard Kleindienst, the lady lobbyist for the International Telephone and Telegraph Corporation, and the huge sum which ITT offered to contribute to the next Republican National Convention while its antitrust suit was being settled, grows ever more complicated and disturbing.

When a corporation with monopoly ambitions gets in trouble with the Justice Department's Antitrust Division, it has long been a routine—if deplorable—practice for the corporation's officials and lawyers to lean on anyone in the Government who could conceivably be helpful. It is the obvious duty of responsible public officials to stand firm against such pressures.

Fortunately the career attorneys in the Antitrust Division have a tradition of impartiality and of devotion to the spirit of the laws which they administer. But they cannot serve the public interest if their political superiors do not back them or, even worse, if their superiors tamper with cases and override professional judgments.

Against this pragmatic background, the attitude and actions of the Nixon Administration as they seem to be emerging in this ITT case look increasingly unsatisfactory. Former Attorney General John Mitchell withdrew because of a prior association with ITT; but if the memo of Mrs. Dita Beard, the ITT lobbyist, is accurate—a point still to be established—then Mr. Mitchell promoted a favorable settlement behind the scenes.

Several other anomalous facts are not in dispute. Mr. Kleindienst, to whom Mr. Mitchell delegated authority in the ITT case, misled the public when he asserted that he took no part in negotiations leading to a settlement. It is now clear that he took a significant role. It can only be surmised that he interverted not to back up his subordinates in the Antitrust Division but to influence them toward a settlement favorable to the company.

Moreover, Senator Eastland, chairman of the Judiciary Committee, read into the record yesterday a statement from Solicitor General Ernest Griswold that on Mr. Kleindienst's instructions last year, he held up an appeal which was about to be filed in the Supreme Court concerning another ITT subsidiary. Since Mr. Griswold is a lawyer of the highest professional reputation and since the decision taken was contrary to normal procedure, Mr. Kleindienst's meddling has to be explained.

The participation of White House aide Peter M. Flanigan in shaping the ITT settlement is—or ought to be—highly irregular. The work of the Antitrust Division will collapse if politically well-connected companies can go over its head and cook up deals at the White House.

Mr. Flanigan has no statutory authority to deal with antitrust matters. Yet it was he who recruited a young Wall Street broker to prepare an economic analysis of the issues in the ITT case. To no one's surprise, this analysis was markedly sympathetic to ITT's position. Since the Federal Government has many qualified economists, why was not one of them asked to prepare this analysis?

Mr. Flanigan's fishy activities in this case need to be fully explored. So does that \$100,000 — or was it \$400,000?—which an ITT subsidiary offered to subsidize the G.O.P. convention in San Diego.