

NYTimes MAR 7 1972

Doctor Testifies Lobbyist Suffered Mental Lapses

Asserts Dita Beard Had Recurring Disorder at Time of I.T.T. Memo

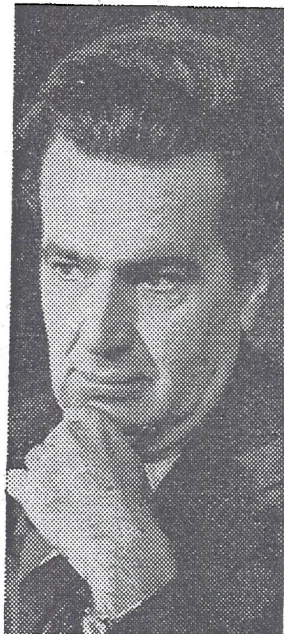
By FRED P. GRAHAM
Special to The New York Times

WASHINGTON, March 6—The heart surgeon for Mrs. Dita D. Beard, the International Telephone and Telegraph Corporation's Washington lobbyist, told the Senate Judiciary Committee today that she was suffering from periodic "distorted and irrational" behavior at the time she wrote a controversial memorandum about the Justice Department's settlement of three antitrust suits against the company.

The surgeon, Dr. Victor L. Liszka, said that Mrs. Beard had told him in a Denver hospital she never meant to imply in her memorandum that there was any connection between the settlement of the merger cases and a contribution by an I.T.T. subsidiary company of money to the 1972 Republican Convention in San Diego.

The committee was also given information bearing upon an assertion by the acting Attorney General, Richard G. Kleindienst, that he had nothing to do with the handling of the settlement.

Dr. Liszka said that Mrs. Beard, who is isolated in the coronary ward of a Denver hospital, had at times been so disoriented that she would



Associated Press

Victor L. Liszka, Mrs. Dita D. Beard's doctor, before Senate committee.

have been incapable of a legal act, such as signing a will or contract.

He linked her mental lapses to inadequate blood circulation to the brain, caused by her weak heart, and also to the periodic heavy use of alcohol and sometimes tranquilizers. He said he did not consider her mentally ill.

Dr. Liszka quoted her as having said she was "mad and disturbed" at an unidentified person when she wrote the memorandum and that a "men-

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al block" prevented her from remembering the composing of t.

According to Dr. Liszka, Mrs. Beard telephoned him last year in a state of high excitement, saying she had met Attorney General John N. Mitchell at a Kentucky Derby party in Kentucky and had tried to argue the merits of I.T.T.'s case with him.

She said he had given her "a dressing down such as I never had in my life," saying that "I should proceed in proper channels," and refusing to discuss the matter, Dr. Liszka said.

The current controversy was touched off when Jack Anderson, the syndicated columnist, published Mrs. Beard's memorandum, which linked the corporation's hope for a favorable settlement to "our noble commitment" of some \$400,000 in convention expense money. The memorandum said, "Mitchell is definitely helping us, but cannot let it be known."

After the hearing today, Mr. Anderson's investigator, Brit Hume, asserted: "We have been told she is going to be thrown to the wolves, and now we have seen the beginning of that process."

He said he had been astonished to hear Dr. Liszka testify that Mrs. Beard had told him nothing of what had happened when she went to I.T.T.'s New York headquarters after publication of her memorandum.

In an interview tonight, Dr. Liszka said that Mrs. Beard had told him that corporation officials had been "unpleasant" to her, had told her to "get lost" and had refused to let her talk to the company's presi-

dent, Harold S. Geneen. Dr. Liszka said he had not mentioned this to the committee because it was "negative" information.

He said he examined her in Denver over the weekend and estimated that she should be well enough to leave the hospital in one or two weeks.

Senator James O. Eastland, chairman of the Judiciary Committee, said that a subcommittee of Senators might be sent to Denver early next week to take her testimony in the hospital.

Some See Long Hearings

However, some committee members are said to feel that the hearings will go on until she recovers enough to testify here.

Dr. Liszka appeared voluntarily to testify under oath as to the illness that prevented Mrs. Beard from appearing tomorrow in response to a subpoena that was served on her in her hospital room Saturday night.

When Democrats on the committee began to draw him out on matters beyond that, several Republican members protested that they were attempting a "fishing expedition" for information adverse to Mr. Kleindienst or Mr. Mitchell. One Republican, Marlow W. Cook of Kentucky, reminded Dr. Liszka that his testimony might be an illegal disclosure of privileged doctor-patient conversations.

"I just don't want you to be sued," Senator Cook said.

Dr. Liszka, who is Mrs. Beard's personal physician in Arlington, Va., and flew to Denver to see her, said that Mrs. Beard had authorized him to testify about her condition. He said he was confident that she would not mind if he also

gave some nonmedical information.

Senator Edward M. Kennedy of Massachusetts suggested that the doctor might want to call her to get express permission, but Dr. Liszka proceeded without it.

The statement from Mr. Griswold stated that on April 18 or 19 he was summoned to Mr. Kleindienst's office, where Mr. Kleindienst and Richard W. McLaren, then chief of the Justice Department's Antitrust Division, were waiting.

According to Mr. Griswold's statement, he was told of the letter from Mr. Walsh, "Requesting that the Government re-examine the question whether conglomerate mergers should be reviewed by litigation or through requests of further legislation."

Mr. Kleindienst then asked Mr. Griswold to obtain a delay from the Supreme Court for the filing of a Government appeal in its suit to make I.T.T. sell the Grinnell Corporation.

The Supreme Court granted the delay. The Justice Department never appealed the case, and the eventual settlement allowed I.T.T. to keep a portion of the Grinnell Corporation, a water sprinkler manufacturer.

Mr. Walsh, a former deputy Attorney General in the Eisenhower Administration, who was also formerly President Nixon's personal representative to the Paris peace talks, said his law firm had not been involved in litigation of any of the three I.T.T. cases before he had been asked by Mr. Geneen to ask the Justice Department for the delay.

Mr. Walsh said his firm, Davis, Polk & Wardwell, was I.T.T.'s primary legal counsel and had advised it on the legality of two of the three merg-

ers involved in the settlements.

He said he had asked for the delay on the ground that various branches of the Government are consulted before there is a change in policy through legislation and that therefore the Treasury and Commerce Departments should be consulted before a change was made in the antitrust law through an appeal of the I.T.T.-Grinnell suit to the Supreme Court.

An economic adviser to the President, Peter Flanigan, who hired a financial analyst who advised the Justice Department to accept I.T.T.'s suggested settlement, said in answer to a reporter's question that he would decline under the "executive privilege" rule to testify before committee. For that reason, he said, he would not answer any questions from the press on the case.