

MITCHELL REBUFF OF I.T.T. LOBBYIST REPORTED BY NUNN

Anderson Allegation of Deal at Derby Party Denied by Kentucky Ex-Governor

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Special to The New York Times

WASHINGTON, March 7 —

Former Gov. Louie B. Nunn of Kentucky testified today that former Attorney General John N. Mitchell refused to discuss the International Telephone and Telegraph Corporation's antitrust problems with Dita D. Beard, a lobbyist, at a Kentucky Derby party.

Appearing before the Senate Judiciary Committee, Mr. Nunn made a point-by-point denial of most of the allegations made by Jack Anderson, the syndicated columnist, about the incident at the Governor's mansion last May.

Mr. Nunn, a Republican, denied allegations published by the columnist last week that Mrs. Beard and Mr. Mitchell had an hour-long talk, that Mr. Mitchell agreed in general to I.T.T.'s terms for settlement of the antitrust cases or that Mr. Nunn was privy to any arrangement.

'No Wrongdoing'

He said Mr. Mitchell was never out of his presence during the evening, and "I heard no offer of no wrongdoing there on that occasion."

His testimony came at the end of the fourth day of hearings into allegations that the Justice Department settled three antitrust suits against the corporation in exchange for financial support by an I.T.T. subsidiary company for the 1972 Republican National Convention in San Diego.

Other testimony today produced these developments:

¶Federal District Judge Richard W. McLaren, who was chief of the Justice Department's antitrust division at the time of the settlement, conceded that he had worked through Peter M. Flanigan, a White House aide, to obtain an analyst to prepare an "independent analysis" of I.T.T.'s settlement offer. Correcting his earlier testimony that he had not discussed the I.T.T. cases with Mr. Flanigan, Judge McLaren said he now believed he used Mr. Flanigan "simply as a conduit" to ask Richard J. Ramsden, a 34-year-old New York investment banker, to make the study, which later played a key part in persuading the Government to settle the cases.

¶The Justice Department disclosed that Federal criminal charges for Medicare overcharges might be brought against the wife of Dr. Victor L. Liszka. Dr. Liszka gave testi-

Continued on Page 21, Column 3

Continued From Page 1, Col. 5

mony yesterday that supported the Government's denials of wrongdoing. Saying he was speaking for Mrs. Beard, who is in a Denver hospital, the doctor said she had not intended to imply in a memorandum published by Mr. Anderson that an improper deal had been struck over the antitrust cases.

Today the Justice Department informed the Judiciary Committee in a letter that a Federal grand jury in Alexandria, Va., would consider next week whether to indict Dr. Liszka's wife, Dr. Catherine V. Green, also a physician. Acting Attorney General Richard G. Kleindienst told reporters that "absolutely, categorically, and unequivocally" the Justice Department had not agreed to consider Dr. Liszka's testimony when it decided what to do about his wife's case.

¶The committee was informed that Lawrence E. Walsh of New York, a lawyer for I.T.T., conceded in April, 1971, before the Justice Department agreed to drop prosecution of the three suits, that if the Government took its efforts to break up the huge conglomerate to the Supreme Court,

"there is a high probability that it will succeed."

This information was contained in a letter from Mr. Walsh to Mr. Kleindienst, which was written during I.T.T.'s efforts to win a delay of the Government's Supreme Court appeal of one of the cases. In the hearings, Mr. McLaren has said that one reason for settling the cases without obtaining a Supreme Court ruling was the strong chance that the Government might lose in the high court.

In Denver, where Mrs. Beard is in a coronary ward, one of her doctors said today that she suffered pains in her chest after

reading press accounts of Dr. Liszka's testimony that she was frequently irrational because of mental side-effects of her heart condition and consumption of alcohol and tranquilizers.

The Denver physician, Dr. L. M. Radetsky, said the pains had apparently been brought on by this testimony. He said that in a telephone conversation between himself and Dr. Liszka, Dr. Liszka had said that he had been misquoted by the press and that he had said Mrs. Beard "is far from being irrational, far."

Dr. Campbell Moses, medical director of the American Heart Association, said it was "non-sense" for Dr. Liszka to have

attributed mental confusion to Mrs. Beard's angina condition. Dr. Moses said some patients become temporarily confused during an attack as a result of fright, but that nobody writes memorandums during an angina attack.

Mrs. Beard's other physician in Denver, Dr. Dave T. Garland, said that her condition was improving and that she might be ready to leave the hospital early next week. He said he "can't see any problems of mental activity."

In his testimony, Mr. Nunn pictured Mrs. Beard as an old acquaintance who drank heavily and had become "obsessed about losing her job with I.T.T.

After Mr. Mitchell rebuffed her at the party, he said, she collapsed from a combination of exhaustion, her heart ailment, and alcohol, and "they laid her out on the floor" of the Governor's mansion.

Mr. Nunn quoted Mr. Mitchell as having told Mrs. Beard that "he didn't like the approach she was making or the pressures that had been brought."

In his column, Mr. Anderson said Mrs. Beard had told him that Mr. Mitchell made this statement by way of complaining about her efforts to bring pressure upon the Justice Department through Congress and the White House.