Letters to the Ed.

Handling of the I.T.T. Case

To the Editor:

The Times' editorial of March 3 is entirely correct in pointing out that Mr. Kleindienst's admitted interventions in the settlement of the I.T.T. antitrust suit constitute "impropriety." There has never been in recent history a more flagrant and potentially dangerout violation of principles both of antitrust law and insurance regulation than I.T.T.'s take-over of Hartford, one of the nation's largest insurance companies. This offense would surely not have been countenanced had the Antitrust Division litigated the case and taken it to the Supreme Court, rather than having it settled under pressure from Mr. Kleindienst.

While the Senate Judiciary Committee is investigating Mr. Kleindienst's misuse of discretion in antitrust matters to advance political ends and the interests of Attorney General Mitchell's former clients, the public would be served if he and Judge McLaren were asked about at least two other reported interventions.

Many believe that Mr. Kleindienst had earlier intervened on behalf of I.T.T. to prevent the Antitrust Division from filing a suit for an injunction against its acquisition of Automatic Canteen Corporation. And earlier, in 1969, he is reported to have intervened to kill the Antitrust Division's proceeding against the proposed acquisition of Parke-Davis & Company by Warner Lambert Pharmaceutical Co., another client of Mr. Mitchell's former law firm. This acquisition was a less spectacular affront to the public interest than I.T.T.'s but an even clearer violation of established antitrust law.

HARLAN M. BLAKE
Professor of Law, Columbia Univ.
New York, March 3, 1972

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To the Editor:

There is a curious contrast in the standards of conduct imposed by the Justice Department in its handling of the two cases in which it is currently so heavily involved, the investigation of the settlement of the I.T.T. antitrust suit and the conspiracy case against Father Berrigan et al.

In the I.T.T. case, the Acting Attorney General, Herbert Kleindienst, and other Administration witnesses have bitterly assailed the competency of Mrs. Dita Beard, lobbyist for I.T.T., claiming her drinking habits and health have rendered her unfit to recall what transpired in her conversations with former Attorney General Mitchell.

In the Berrigan trial, however, a considerably different standard prevails. There, Boyd Douglas, the prosecution's chief witness and an admitted criminal who has perjured himself many times before, is touted by the Justice Department as a competent, truthful witness, to be believed without reservation.

It's all very confusing, these contrasting standards, particularly in an Administration dedicated to raising the moral tone of the nation.

RAY HUGOS
New York, March 12, 1972

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To the Editor:

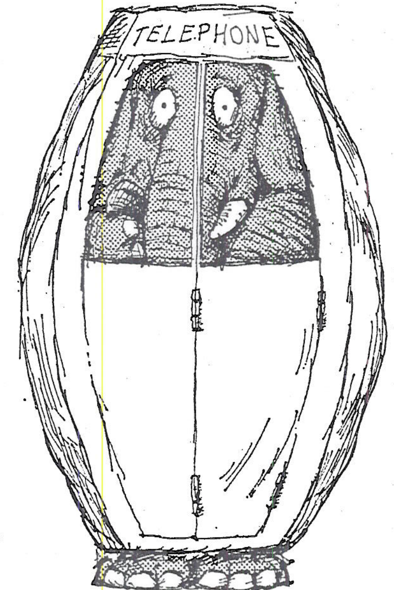
In attributing the best of motives to the settlement reached between the Justice Department's Antitrust Division and I.T.T., it is logical and credible to assume that Richard W. McLaren genuinely made his decision, objectively, and with an eye on the over-all economy in the best interest of the Government—especially when confronted with an alternative like: "Could we afford to win in the public interest?"

Whether this is a real or charitable assumption, it follows that Attorney General Mitchell, Richard G. Kleindienst, et al., had to be fully aware of all the factors involved and the settlement about to be reached, prior to its disclosure to I.T.T.

The next logical sequitur, from a careful reading of all the news releases to date and from the timing involved, suggests that persons concerned about funding the 1972 Republican National Convention used this advance knowledge subjectively.

If this reasoning is valid, then the Senate Investigating Committee might well have to decide between the ethics of "making deals," and the indulgence in subtle extortion.

A. J. ROSENSTEIN
Canaan, Conn., March 13, 1972



Stan Mack

To the Editor:

It should be remembered that the I.T.T. scandal is not the first this industrial giant has experienced with the Justice Department. Around 1958 Clark Clifford, successful *amicus curiae* on behalf of big business interests, acted as I.T.T.'s intermediary when their attempted take-over of A.B.C. was challenged by the antitrust division.

The easy access of corporations to venal Government officials demands that at least the Justice Department be above suspicion when "noble commitments" come to light. If law and order is to become more than a cynical cliché, the Department should prove itself to be as unyielding in its prosecution of corporative illicitness as it is of individuals.

EILEEN O'BRIEN
New York, March 14, 1972

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