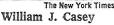
# Dean to Testify Today on Role In Sudden Shift of I.T.T.Files







United Press International John W. Dean 3d

### Transfer by S.E.C. Was Defended by Casey

By E. W. KENWORTHY Special to The New York Times

WASHINGTON, May 22 — John W. Dean 3d, dismissed White House counsel, is to testify under oath tomorrow on his role in the sudden shift of the International Telephone and Telegraph Corporation last October from the Securities and Exchange Commission to the Justice Department in order to fcrestall examination of the files by Congressional commit

At a hearing of the House Commerce subcommittee on investigations last Dec. 14, William J. Casey, then the S.E.C., chairman, gave two reasons for the removal to the Justice Department on Oct. 6 of 34 boxes of I.T.T. files and for twice denying the request of the chairman, Harley C. Staggers, Democrat of West Virginia, to let the subcommittee staff examine them.

First, Mr. Casey said that the S.E.C. investigation of the merger of I.T.T. and the Hartford Fire Insurance Company, begun in 1971, was still continuing, and examination of the vestigations last Dec. 14, Wil-

tinuing, and examination of the files by outsiders, including Congressional committees, might jeopardize the rights of defendants if a suit were filed, or of innocent third parties.

#### Investigation Cited

Second, Mr. Casey said, the Justice Department was simultaneously conducting an investigation for possible perjury by I.T.T. officials at the resumed hearings of the Senate Judiciary Committee the preceding spring into the nomination of Richard G. Kleindienst to be Attorney General.

These resumed hearings were requested by Mr. Kleindienst requested by Mr. Kleindienst following disclosure by Jack Anderson, the columnist, of a memorandum from Dita Beard to her superior, W. & Merriam, I.T.T. vice president for public relations. The memo suggested hat I.T.T. was trying to arrange a favorable settlement of an a favorable settlement of an antitrust suit against the Hartford merger in return for a \$400,000 contribution for the Republican Presidential con-

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## DEAN TO TESTIFY ON HIS I.T.T. ROLE

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vention, then scheduled for San Diego, Calif.

Mr. Casey told the staggers subcommittee that the full commission had met Oct. 4, 1972,

and decided, ina 10-minute session, to send the I.T.T. files to the Justice Department, where the two investigations might be consolidated. But he also made plain that, by dispatching them to the Justice Department, the S.E.C. would put the files out of reach of the Staggers subcommittee and the Senate Judiciary subcommittee on admin-istrative practices and procedures.

Senator Edward M. Kennedy,

Democrat of Massachusetts, the chairman of that subcommittee, had been trying since the pre-ceding April to get hold of the files to examine them for pos-sible perjury by I.T.T. officials in the Kleindienst hearings.

In the course of the Dec. 14 hearing, however, several things came out that raised doubts in the minds of the Staggers subcommittee that the principal motivation of Mr. Casey and the commission in

denying access to the docu-ments was the jeopardizing of a subsequent enforcement ac-

In reply to a question by Mr. Staggers on what Mr. Casey meant by saying the commission wished to avoid "improper publicity," Mr. Casey said:
"Mr. Chairman, I don't think any of us have to be naïve

any of us have to be naïve about this. There had been continuing efforts on the part of other committees in the Congress seeking the files not to examine our handling of the case but seeking particular documents . . . which might have political interest. . . . I think . . . the commission had to recognize that this was a

Then, under questioning, Mr. took place: Casey disclosed that, on Oct. 3, Mr. Staggers in his office and tice about this case? told him he would reconsider his request for the files, he had gone to see Mr. Dean at that you should transfer the fil to the Justice Department?

a matter before the independent son had called him that same In an event the commission, the 34 cartons, Mr. Whhiteman S.E.C., Mr. Casey said that it w day, Oct. 3, and requested that in a quickly summoned meet-said, there was a separate

a few days after he had visited you that he would talk to Jus-Erickson said that if the com-from Senator Kennedy's office

Mr. Casey: Yes, he did.

Q. Did Mr. Dean advise you

had called Mr. Erickson and the morning of Oct. 6, despite Q. Did Mr. Dean indicate to offered the files and that Mr. a call a few minutes earlier mission wanted to send them saying that the shipment be de-over, all right. over, all right.

#### 'Happy to Have Them'

(In an interview with the made copies.

particularly bad time for documents to be floating around."

The election was a month away.

Then the following exchange of the following exchange o discuss it with Mr. Casey, or at least until the S.E.C. had

In an interview with the made copies.

Mr. Casey said he had talked with Mr. Dean about sending Justice was conducting another the files to the Justice Department to keep them from the subcommittee. Asked whether it was not unusual to "involve the White House" in torney General Ralph W. Erick-mappy to have them.")

Ito the Justice Department?

Mr. Casey: No. He knew that Chicago Sun-Times last Sunday, Mr. Erickson was quoted as having said that "I did not initiate the contact," that Mr. Casey gave the Staggers subcommittee that Assistant At the committee an inkling of what and that he said, "We'd be happy to have them.")

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