

Kleindienst Denies Hill Perjury in '72

Senators Call For Inquiry

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Former Attorney General Richard G. Kleindienst denied yesterday that he had perjured himself in Senate testimony last year and said he threatened to resign in 1971 when President Nixon told him to drop a major antitrust case against International Telephone and Telegraph Corp.

Kleindienst said his sworn testimony that "I was not interfered with by anybody at the White House" was given in connection with the settlement of ITT cases during the summer of 1971, not the recently disclosed White House attempt to force him to drop an ITT case in April, 1971.

"I did not perjure myself or give false information," Kleindienst said. "I have done no wrong."

The former top Justice Department official issued a four-page statement through his attorney as members of the Senate Judiciary Committee pressed anew for investigations of possible perjury during Kleindienst's confirmation hearings last year.

Senate Majority Whip Robert C. Byrd (D-W. Va.) called on the Judiciary Committee, of which he is a

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member, to reopen the 1972 inquiry to determine, "Did the government lie about the ITT case and also did high government witnesses commit perjury?" Sen. Birch Bayh (D-Ind.) called on the Justice Department to answer promptly a 16-month-old committee request for a perjury investigation.

Kleindienst, defending his handling of ITT matters, said his threat to resign forced a turnaround by President Nixon and enabled the government to settle the case favorably.

White House deputy press secretary Gerald L. Warren said he would not dispute Kleindienst's assertion that he had threatened to resign, but added, "The President's actions and decisions were based on policy discussions and nothing else."

On Monday Warren acknowledged the telephone contact with Kleindienst and said the President had changed his mind after being furnished "specific facts" about the case.

An ITT spokesman, Robert Jurisch, said, "We had no prior knowledge that President Nixon intervened personally in connection with the ITT antitrust cases."

Kleindienst, who in 1971 was deputy attorney general, assumed command of the ITT cases became his boss, former Attorney General John N. Mitchell, said his New York law firm had handled ITT matters and it would be improper for him to participate.

Charges that Kleindienst had lied to the committee stemmed from his broad answers to senators who suspected that the government's ultimate settlement of ITT antitrust cases had been linked to a pledge by the powerful conglomerate of as much as \$400,000 in support for the 1972 Republican National Convention.

Critics noted that ITT had expected to lose a Supreme Court test of whether existing law covered mergers between companies that were in different lines of business and therefore were not direct competitors. It was an issue the antitrust division had been anxious to test in the high court.

Nevertheless, administration officials, backed by former Watergate Special Prosecutor Archibald Cox, said they considered the settle-

ment an impressive victory for the government.

Adding new details to the startling disclosure of White House intervention, Kleindienst said calls from former presidential aide John D. Ehrlichman and President Nixon came on April 19, 1971, the last day for the government to appeal to the Supreme Court contesting ITT's acquisition of the Grinnell Corp.

A federal judge in Connecticut had ruled that the merger was lawful. Ehrlichman said Mr. Nixon did not want him to file the appeal, Kleindienst said.

Kleindienst said he informed Ehrlichman that he was determined to take the appeal "and that he should so inform the President. Minutes later the President called me and, without any discussion, ordered me to drop the appeal. Immediately thereafter, I sent word to the President that if he persisted in that direction I would be compelled to submit my resignation."

Rather than drop the case, Kleindienst said he obtained a last-minute extension of time from the high court "to enable the President to consider my position. The President changed his mind and the appeal was filed 30 days later in the exact form it would have been filed one month earlier."

Settlement negotiations followed during which ITT agreed to give up Grinnell, a manufacturer of fire protection equipment, and other proposed acquisitions and the government gave up its challenge to the merger with the huge Hartford Insurance Co.

Since no settlement could have been reached in the entire cluster of ITT cases if the Grinnell appeal had not been filed, Kleindienst said the government would have lost heavily "but for my threat to resign."

Failure to disclose this under committee questioning was not perjury, Kleindienst said, because "the focus of the hearings dealing with the ITT affair was the negotiations in May, June and July of 1971 leading to the settlement," not the April decision on whether to appeal.

Committee aides yesterday challenged Kleindienst's view of the "focus" of the hearings, saying that Bayh asked Kleindienst during the confirmation hearing whether "in the course of this whole business" he had talked with the President.