

NYTimes NOV 1 1973
Text of Kleindienst Statement on I.T.T.

Special to The New York Times

WASHINGTON, Oct. 31—
Following is the text of a statement issued by former Attorney General Richard D. Kleindienst in defense of his role in an antitrust case against the International Telephone and Telegraph Corporation:

Three weeks ago I had a conversation at the Special Prosecutor's office with Mr. Cox and two of his assistants concerning the handling of the I.T.T. antitrust case during my tenure as Deputy Attorney General. A story in The New York Times yesterday, which was repeated on the networks and in newspapers around the country, contained a very specific report of one part of that conversation.

As a result of the leak to The Times, I have been accused on national television of having given false information to the Senate Judiciary Committee at the time of my nomination as Attorney General. That accusation is false.

My conversation with Professor Cox was held under strict assurances of confidentiality, and as Professor Cox has stated, was a serious breach of faith on the part of the Special Prosecutor. I continue to regard my conversation with Professor Cox as confidential, but because of the distorted and misleading accounts of my conduct that have appeared in the press, I feel compelled at this time to relate an important aspect of the event which was not leaked.

On Monday afternoon, April 19th, 1971, Mr. Ehrlichman abruptly called and stated that the President directed me not to file the appeal in the Grinnell case. That was the last day in which that appeal could be taken. I informed him that we had determined to take that appeal, and that he should so inform the President. Min-

utes 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 this direction I would be compelled to submit my resignation. Because that was the last day in which the appeal could be perfected, I obtained an extension of time from the Supreme 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. Thus, but for my threat to resign, the Grinnell case would never have been appealed and we would never have been able to obtain what even Professor Cox has characterized as a settlement highly advantageous to the United States.

At the time of my testimony before the Senate Judiciary Committee, I was not asked whether I had had any contacts with the White House at the time of this decision, and I did not deny any such contacts.

Focus of the Hearings

The focus of the hearings dealing with the I.T.T. affair was the negotiations in May, June and July of 1971 leading to settlement of the pending cases on July 31. I was questioned at length concerning these negotiations and particularly with reference to any conversations or meetings I might have had with Mr. Peter Flanigan of the White House staff. It was in the context of those questions that I made the statement quoted on C.B.S. news last evening, as follows:

"In the discharge of my responsibilities as the Acting Attorney General in these cases, I was not interfered with by anybody at the White House. I was not importuned: I was not pressured I was not directed."

It was also in response to

a question by Senator Fong concerning Mr. Flanigan that I made the other statement quoted by C.B.S., as follows:

"... I would have had a vivid recollection if someone at the White House had called me up and said, 'Look, Kleindienst, this is the way we are going to handle that case.' People who know me, I don't think would talk to me that way, but if anybody did it would be a very sharp impact on my mind because I believe I know how I would have responded. No such conversation occurred."

Both of these statements, taken in the context in which they were made, were completely accurate.

In short, I did not perjure myself or give false information to the Senate Judiciary Committee. A fair and objective reading of the transcript of my testimony will so indicate.

I deeply regret the circumstances which have compelled me to make this statement. However, in view of the serious breach of faith by the Special prosecutor and the distorted treatment of my testimony in the press, I have no other choice. I have done no wrong.