

## ...Mr. Nixon's I.T.T. Role

The effect of White House efforts to put into "fair and accurate perspective" the 1971 order issued by President Nixon to stop Justice Department prosecution of one phase of the I.T.T. antitrust suit is only to confirm that the President did intervene personally in a case heavily freighted with politics.

The Administration has a right to feel aggrieved that material turned over in confidence by the White House and by former Attorney General Kleindienst has leaked in incomplete and perhaps unbalanced form, especially since Archibald Cox, the ousted special prosecutor, acknowledged that he was at fault in talking too freely about the data to friends in the Senate.

But there would be much more warrant for the White House show of outrage if the President himself had not fired Mr. Cox and abolished his office because he was pressing harder than Mr. Nixon wanted for all the evidence needed to prosecute criminal acts and obstruction of justice at any and all levels of the Administration. Even now there is no White House apology to the American people for its studied insistence through the last two years that the President had had no personal role in attempting to quash the I.T.T. prosecution. On the contrary, not only does the White House contend that Mr. Nixon has every right to do what he did but it still withholds key elements in the story.

Its response to the leak is to admit for the first time that the President did direct Mr. Kleindienst to drop one of the Government's three actions against the giant conglomerate. The order, which came after Mr. Kleindienst had rejected a similar directive from Presidential assistant John D. Ehrlichman, stemmed—according to the White House version—from Mr. Nixon's belief that the Justice Department was acting under a philosophy he found unacceptable—namely, that "bigness per se was unlawful." When the full facts were explained to him, says the White House, the President withdrew his objections and the appeal went forward unimpeded.

Left out of its account—but disclosed by Mr. Kleindienst in an independent statement yesterday—was the fact that Mr. Nixon's change of mind followed notice from Mr. Kleindienst that he would feel compelled to resign if the President's order stood.

Unquestionably, the President does have the right to set broad parameters of policy for the Justice Department in line with his own philosophical approach to antitrust or other matters. But that is very different from injecting himself directly into the disposition of a particular case, especially one whose special characteristics made intervention highly inappropriate.

Quite apart from the political links reflected in the I.T.T. pledge to help underwrite the 1972 Republican Presidential Convention through a gift from one of its subsidiaries, Mr. Nixon might well have felt constrained to keep hands off by the same considerations that had

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impelled John N. Mitchell, then the Attorney General, to eliminate himself—at least nominally—from any direct role in the case. Mr. Mitchell stepped aside in favor of his then Deputy Attorney General, Mr. Kleindienst, on grounds of possible conflict of interest arising out of his own earlier association with a New York law firm which had represented the conglomerate—the same firm from which Mr. Nixon came.

A report given to the Senate Judiciary Committee by Elliot Richardson, before quitting as Attorney General, indicates the existence of five secret memoranda tying both the President and Mr. Mitchell to the intricate manipulations that preceded the out-of-court settlement with I.T.T.—all this in the face of repeated sworn assurances by Administration witnesses at the subsequent Kleindienst confirmation hearings that there had been absolutely no top-level pressure in the case.

It is this suppressionist trend at every stage of White House dealings with Congress and the courts that makes imperative the speedy designation by Congress of a special prosecutor with statutory power to get at the full truth of Watergate in all its endless ramifications.