

Bork and Jaworski Viewed as Reluctant to Investigate Aspects of the Texan in Houss Charges

A Jurisdictional Dispute

I.T.T. Case

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

WASHINGTON, Nov. 20

Representative J. J. Pickle charged today that Acting Attorney General Robert H. Bork and Leon Jaworski, the special Watergate prosecutor, were engaged in an Alphonse-and-Gaston act over who had jurisdiction to investigate various aspects of a merger of the International Telephone and Telegraph Corporation and the Hartford Fire Insurance Company.

Mr. Pickle, a Texas Democrat, said in a statement that he was convinced there was "White House involvement" in the merger, which was eventually approved by the Justice Department in a consent settlement of three antitrust suits. Representative Pickle also charged that the involvement "could be possibly linked to a donation for the 1972 (Republican national convention."

Several persons who were close to the planning for the Republican convention, which was originally scheduled for San Diego, have said that I.T.T. had pledged up to \$400,000 for it in the spring of 1971, just before the suits were settled. But Harold S. Geneen, I.T.T.'s president, said that only \$100,000 had been firmly pledged, with another \$100,000 pledged conditionally, and that the pledge had nothing to do with the settlement.

Representative Pickle is the second-ranking majority member of the investigations subcommittee of the House Commerce Committee.

'Sensitive' Data

For the last year the subcommittee has been looking into possible violations of the securities laws in connection with the merger and also into possible perjury and obstruction of justice in connection with efforts of I.T.T. and Government officials to keep from the subcommittee what are termed 13 "politically sensitive" documents involving meetings between company officers and Administration officials in 1970-71.

These meetings preceded a consent agreement in July, 1971, that allowed the company to retain Hartford Fire Insurance, while requiring the mammoth conglomerate to divest the Canteen Corporation, part of the Grinnel Corporation and several lesser acquisitions.

On Nov. 1 Representative Pickle wrote to Mr. Jaworski and to Attorney General-designate William B. Saxbe, raising several "specific concerns" that he had as a result of the subcommittee's investigations and hearings in Dec. 1972 and June, 1973. He asked that these matters be thoroughly investigated, either by the Justice Department or the Watergate special prosecutor.

Among the areas that Representative Pickle wanted investigated were the following:

Whether William J. Casey, while chairman of the Securities and Exchange Commission, with the knowledge and encouragement of certain White House officials, improperly tried to keep certain documents related to I.T.T. away from the public, the Congress, and even the Justice Department (until he perceived a subpoena might issue from the subcommittee for the documents). On Oct. 6, 1972, after a conference at the White House between Mr. Casey and John W. Dean 3d, then counsel to President Nixon, the commission sent the documents to the Justice Department.

Whether I.T.T. had sold 8 per cent of Hartford's stock that it owned prior to exchanging I.T.T. stock for Hartford shares owned by Hartford stockholders. Federal law requires such disposition by a company making an acquisition if the stockholders of the ac-

quired company are to be exempt from an immediate capital gains tax. The Internal Revenue Service at first approved I.T.T.'s request for a "tax-free" stock exchange, but it has recently been investigating the sale by I.T.T. of its Hartford shares to determine whether the sale was genuine, or merely a "parking" of the stock with Media Banca, an Italian bank.

Whether Charles W. Colson, a former White House special counsel, had perjured himself in testimony last June 14 when he said that he had not seen any of the "politically sensitive" documents until shown them that morning by the subcommittee staff, with the exception of one memo addressed to him by an I.T.T. official. In a memo on March 30, 1972, to H. R. Haldeman, then the White House Chief of Staff, Mr. Pickle noted, Mr. Colson said that he had examined "all the documents."

Whether John D. Ehrlichman, then the President's chief domestic adviser, had obstructed justice under 18 U.S. Code 1505 when, according to testimony by Mr. Casey, he had asked Mr. Casey on March 6, 1972, whether it was necessary for the S.E.C. staff to insist on receiving any documents that had been subpoenaed but withheld.

Why the then Attorney General, Richard G. Kleindienst, who had received the 13 politically sensitive documents from Mr. Casey on Aug. 25, 1972, had not sent them to the Criminal Division of the Justice Department for investigation of possible obstruction of justice by I.T.T.

'Exclusive Jurisdiction'

Mr. Pickle said today that, in reply to his letter, Mr. Bork said in a letter dated Nov. 9 that the withholding of documents from the subcommittee by the commission and the transfer to the Justice Department was "a matter within the exclusive jurisdiction of the special prosecutor, Mr. Leon Jaworski."

Representative Pickle reported that Mr. Jaworski, in a reply on Nov. 13, said that questions of "possible fraud, false statement and tax evasion" in connection with the stock transfer were "matters for investigation by the S.E.C., the Internal Revenue Service and the Department of Justice."

But he said that Mr. Jaworski had told him that other matters—that is possible perjury by I.T.T. or Administration officials during the confirmation hearings of Mr. Kleindienst to be Attorney General in March and April 1972, or before the House subcommittee, as well as possible obstruction of justice—were all being investigated by his staff.

'Influence' Disputed

Mr. Pickle replied to Mr. Jaworski's letter last Friday, saying that apparently the special prosecutor and his staff had assumed that the S.E.C.'s omission of a fraud charge, recommended by the S.E.C. staff in a complaint against I.T.T. filed in June, 1972 "was not in any way influenced by the White House."

Apparently, Mr. Pickle wrote to Mr. Jaworski, the special prosecutor had assumed that "the I.R.S.'s handling of I.T.T.'s stock for Hartford stock was not influenced by the White House."

Further more, Mr. Pickle wrote, Mr. Jaworski's position seemed to be "that the White House influence was not motivated by any promised contribution for the San Diego convention."

Mr. Pickle said that the questions he had raised could come under your jurisdiction as the hearings conducted by the investigations subcommittee indicated to me that there was White House involvement."