

# MITCHELL LINKED TO I.T.T. MATERIAL

## Dean Says Ex-Official Gave Him 'Politically Sensitive' Documents in July, 1972

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Soon after he resigned as chairman of President Nixon's reelection committee on July 1, 1972, John N. Mitchell, the former Attorney General, gave John W. Dean 3d, the White House counsel, some of the "politically sensitive" documents that later figured so largely in the International Telephone and Telegraph Corporation case, according to Mr. Dean.

This is disclosed in still unpublished testimony of Mr. Dean before the House Commerce Subcommittee on Investigations on May 24, 1973. At the request of the United States Attorney's office in New York, Mr. Dean's testimony was kept secret because he was also questioned about matters relating to the trial of Mr. Mitchell and Maurice H. Stans, former Secretary of Commerce, which was concluded recently in New York. A copy of Mr. Dean's testimony has been read by The New York Times.

The politically sensitive documents—13 in all—are internal I.T.T. memos and letters from I.T.T. officers to high Administration officials.

They disclose an apparent campaign by I.T.T. to bring political influence to bear on the Antitrust Division of the Justice Department which had filed three antitrust suits against the corporation. One of these suits was aimed at forcing I.T.T. to break up its merger with the \$1.5-billion Hartford Fire Insurance Company, the largest merger in the nation's history.

### Opinion of Lawyers

The documents, detailing the contact between the Administration and I.T.T. officials, will, in the opinion of many lawyers in and out of Government, figure prominently in any indictments sought by the special prosecutor in the I.T.T. case.

From the moment that the Dita D. Beard memo was disclosed in February, 1972, the White House apparently sought to keep the 13 sensitive memos out of the hands of Congressional committees. Mrs. Beard's memo reported an offer by I.T.T. to help to finance the Republican National Convention in 1972.

Mr. Dean told the subcommittee that while he was in Mr. Mitchell's office one day in early July, 1972, the former Attorney General gave him "a stack of documents."

"It was given to me," Mr. Dean said, "in the context of 'I am sort of cleaning my office out; here is something that probably should come over to your office.'"

Among the politically sensitive I.T.T. documents that Mr. Dean said he was given was a "Dear Ted" letter to Spiro T. Agnew, who was then Vice

President, from Edward J. Gerrity, I.T.T. vice president, dated Aug. 7, 1970. This dealt with meetings three days earlier of the I.T.T. president, Harold S. Geneen, with Mr. Mitchell, John D. Ehrlichman and Charles W. Colson, and of Mr. Gerrity with Mr. Agnew.

A question not asked of Mr. Dean by the committee's chairman, Harley O. Staggers, or any member of the committee, was why neither Mr. Mitchell nor Mr. Dean had turned the documents over to the Criminal Division of the Justice Department.

### Review of Record Asked

On June 30, 1972, the Senate Judiciary Committee asked the Justice Department to review the record of the hearings in March and April on the nomination of Richard G. Kleindienst to be Attorney General to determine whether any I.T.T. or Administration officials had perjured themselves.

The hearings had been prompted by the disclosure by the columnist Jack Anderson on Feb. 29 of Mrs. Beard's memo in which the I.T.T. lobbyist connected a pledge of up to \$400,000 for the Republican convention to a favorable settlement of the I.T.T.-Hartford suit.

Mr. Dean did not tell the Staggers subcommittee that a set of the politically sensitive documents was delivered to his office on March 6, 1972, a week after the Anderson column and three days after Stanley Sporkin of the Securities and Exchange Commission had asked Joseph H. Flom, an I.T.T. lawyer, why I.T.T. had not included the Beard memo in material submitted in response to an S.E.C. subpoena, and whether similar memos had also been withheld. At the same time, S.E.C. was investigating several aspects of the merger.

Mr. Flom told Mr. Sporkin on March 13 that there were some other documents, and on March 21 he delivered the 13 documents to him.

However, The New York Times disclosed last Nov. 19 that on March 6, 1972, two weeks before Mr. Flom took the documents to Mr. Sporkin, another lawyer in his firm, Michael W. Mitchell, delivered a set to the White House. The documents were received by Wallace H. Johnson, an aide of Mr. Dean's who told The New

York Times that he took them to Mr. Dean's office.

The subcommittee at the time of Mr. Dean's testimony was unaware of this delivery. But it seems to throw light on the account that Mr. Dean gave the subcommittee a meeting he had with William J. Casey, S.E.C. chairman, on Oct. 3, 1972, when Mr. Casey was resisting Mr. Staggers's request that the subcommittee's staff be allowed to look at the I.T.T. material in S.E.C.'s possession.

In testimony before the Staggers subcommittee in December, 1972, and June, 1973, Mr. Casey said that he and Mr. Dean had agreed the documents should be shipped to the Justice Department. (They were shipped there on Oct. 6, 1972).

Mr. Casey testified that while he was, of course, aware of the political sensitivity of the documents, the rationale for sending them to Justice was that it made sense to combine the Justice Department's investigation for perjury and the S.E.C. investigation of possible obstruction of justice.

But Mr. Dean gave a somewhat different account. He was asked, "Did Mr. Casey suggest to you that the documents should be kept away from the subcommittee until after the elections?"

He replied, "That was the general gist in the context of being politically sensitive."

Mr. Dean said that he wanted to send the documents to Justice because he could not see how the Criminal Division could proceed in its inquiry without them.

But, he said, the Justice Department was "not very anxious to have them" because it was "not very anxious to proceed with the particular matter (the perjury investigation) they were already under pressure on [from some members of the Senate Judiciary Committee]."

Mr. Dean said that he had always been surprised that Justice had "not moved faster" on the investigation of the Kleindienst hearings.

### Case Was Transferred

Even after receiving the sensitive documents, Justice made no great speed. A year after the investigation supposedly began, Attorney General Elliot L. Richardson took it away from the Criminal Division and entrusted it to the special prosecutor at the time, Archibald Cox.

Mr. Dean also told the subcommittee that during the Kleindienst hearings, Fred Fielding, a member of his staff, was ordered by Mr. Ehrlichman to assemble a complete file of all documents at the White House bearing on I.T.T. He said that the file contained "sensitive documents," including "correspondence between members of the White House staff and individuals at I.T.T."

He said that at one point he heard Mr. Fielding say of his

collection, "Boy, you ought to see the one we caught today."

In an interview, Mr. Fielding said that he did not recall any letters by White House officials, but only letters "the other way." He also said that he had turned the complete file over to the present special prosecutor, Leon Jaworski. Even so, Mr. Jaworski has said that he has asked the White House for additional material on I.T.T.