

Excerpts From Judiciary Com

Special to The New York Times

WASHINGTON, July 19—The House Judiciary Committee released today four more volumes of evidence gathered in its impeachment inquiry. Two volumes deal with the Justice Department's litigation with the International Telephone and Telegraph Corporation and two deal with political contributions by milk producers and the 1971 decision by the Government to raise milk price supports. Following is the text of a statement of information presented by the staff to the committee members on I.T.T. These volumes bring to 16 the total number of volumes of evidence released thus far by the committee. On July 12, The New York Times published excerpts from seven volumes of evidence on the Watergate break-in and cover-up; Wednesday The Times published excerpts from a single volume on the Internal Revenue Service and yesterday The Times published excerpts from four volumes of evidence dealing with White House surveillance activities.

STATEMENT OF INFORMATION Department of Justice— I.T.T. Litigation— Richard Kleindienst Nomination Hearings

1. By memorandum dated April 23, 1969, from Deputy Attorney General Richard Kleindienst, acting as Attorney General*, and Assistant Attorney General Richard McLaren, head of the Antitrust Division, to John Ehrlichman, Counsel to the President, Kleindienst and McLaren urged approval of the commencement of an antitrust action against the International Telephone and Telegraph Corporation challenging its acquisition of Canteen Corporation. Commencement of the suit was approved and on April 28, 1969, the suit was begun in the United States District Court for the Northern District of Illinois.

*Because Attorney General John Mitchell's former law firm had represented an I.T.T. subsidiary, Mitchell had excused himself and Deputy Attorney General Kleindienst acted as Attorney General in connection with the litigation.

2. On Aug. 1, 1969, two antitrust suits similar to the Canteen suit were commented in the United States District Court for the District of Connecticut challenging I.T.T.'s acquisition of the Hartford Fire Insurance Company and Grinnell Corporation.

3. During 1969, 1970 and 1971, Harold S. Geneen, president of I.T.T., met on numerous occasions with White House staff members, other Administration officials and members of both houses of Congress to discuss various matters, including international monetary policy, the Office of Foreign Direct Investment policy, antitrust policy, balance of payments, revenue sharing and expropriation by foreign governments. During the summer of 1969, Geneen sought a personal meeting with the President to discuss the I.T.T. antitrust cases. His request was denied because the President's advisers thought that such a meeting was inappropriate.

4. During September, 1969, Col. James Hughes, military assistant to the President, spoke with Dita Beard, an I.T.T. lobbyist, about the pending antitrust

suit. Hughes reported on the conversation in a memorandum to Ehrlichman dated Sept. 19, 1969.

5. In August 1970, officials and representatives of I.T.T. held five meetings with Administration officials, including Vice President Spiro Agnew, Secretary of Commerce Maurice Stans, Assistant Attorney General McLaren and White House counsel John Ehrlichman and Charles Colson to discuss antitrust matters in general and the I.T.T. antitrust litigation in particular. In another meeting, Geneen and Attorney General Mitchell met to discuss over-all antitrust policy with respect to conglomerates. At these meetings and in subsequent letters and memoranda I.T.T. officials sought to persuade Administration officials that McLaren's antitrust views, as reflected in his conduct of the I.T.T. litigation, were ill-advised and inconsistent with the Administration's antitrust policy.

6. On Sept. 15, 1970, the trial in I.T.T.-Grinnell began. In memoranda dated Sept. 17, 1970, from Ehrlichman to Attorney General Mitchell, and Oct. 1, 1970, from Colson to Ehrlichman, the I.T.T. litigation was discussed. Ehrlichman and Colson stated their concern that McLaren's conduct of the I.T.T. cases constituted an attack on "bigness per se" contrary to the Administration's expressed antitrust policy.

7. The trial of I.T.T.-Grinnell was completed on Oct. 30, 1970, and the case was taken under advisement. A judgment for I.T.T. on the merits was rendered on Dec. 31, 1970. A notice of appeal was filed on March 1, 1971.

Meeting with Ehrlichman

8. On March 3, 1971, at I.T.T.'s request, Geneen and William Merriam, I.T.T. vice president and director of Washington relations, met with Ehrlichman to discuss antitrust matters.

9. On March 20, 1971, on the motion of Solicitor General Erwin Griswold, the time for the Government to perfect its appeal in I.T.T.-Grinnell by filing its jurisdictional statement was extended from March 31, 1971 to April 20, 1971.

10. On March 30, 1971, Merriam and Thomas Casey, I.T.T. director of corporate planning, met with Peter Peterson, assistant to the President for international economic affairs, to discuss a wide range of subjects including antitrust matters.

11. At the request of Ehrlichman, who said he spoke for the President, Peterson met with Geneen and Merriam on Friday, April 16, 1971. They discussed various subjects relating to economic policy, including over-all antitrust policy related to bigness. At the end of the meeting, Geneen and Merriam discussed I.T.T.'s specific antitrust problems, including the fact that the deadline for the Government to perfect the I.T.T.-Grinnell appeal was the following Tuesday, April 20. After the meeting Peterson telephoned Ehrlichman and reported on the meeting including the discussion of the I.T.T. Grinnell appeal. Ehrlichman indicated to Peterson that action was under way to postpone the appeal. The following week Peterson reported to the President on the meeting and his subsequent telephone call to Ehrlichman.

12. Also on April 16, 1971, Lawrence Walsh, a member of a law firm that had long represented I.T.T., telephoned Deputy Attorney General Kleindienst. Pursuant to that telephone conversation, Walsh caused to be delivered to Kleindienst a letter and memorandum urging that before the Department of Justice decided to pursue the I.T.T.-Grinnell appeal to the Supreme Court, it should undertake a review by all interested Federal agencies of the economic consequences of a Supreme Court decision favorable to the Government.



The New York Times
Harold S. Geneen

Copies of the Walsh letter and memorandum were delivered later that day to Peterson and Ehrlichman.

13. On Monday morning, April 19, 1971, Kleindienst told Walsh by telephone that Kleindienst did not think the I.T.T.-Grinnell appeal would be delayed. In a memorandum dated April 19, 1971 to Kleindienst, McLaren disputed the position taken by Walsh in his letter and memorandum of April 16 and urged that the I.T.T.-Grinnell appeal not be delayed.

14. Beginning at 3:03 P.M. on the afternoon of April 19, 1971, the President met with Ehrlichman and George Shultz, director of the Office of Management and Budget. The antitrust actions against I.T.T. were among the subjects discussed. Ehrlichman said that the deadline for the I.T.T.-Grinnell appeal was the following day and he reported that, despite his attempts to give the Justice Department "signals," the appeal was being pursued. The President then telephoned Kleindienst and ordered him to drop the appeal. After the telephone conversation the President expressed his concern that McLaren's actions with respect to conglomerates were contrary to the Administration's antitrust policy.

15. After the President's telephone call, Kleindienst met with McLaren and Solicitor General Erwin Griswold and directed that the Solicitor General apply to the Supreme Court for another extension of time. At 4:30 P.M. Kleindienst telephoned Walsh and informed him that the Solicitor General was arranging for an extension of time for the Government to perfect its appeal.

Deadline Extended

16. On Tuesday, April 20, 1971, on the motion of Solicitor General Griswold, the time for the Government to perfect its appeal in I.T.T.-Grinnell by filing its jurisdictional statement was extended from April 20, 1971 to May 20, 1971.

17. Also on April 20, 1971, Felix Rohatyn, an investment banker who was a director of I.T.T., met with Kleindienst to discuss the economic and financial ramifications of divestiture of the Hartford Fire Insurance Company by I.T.T. At the meeting, Rohatyn asked to present these arguments to McLaren, and such a presentation was later arranged for April 29.

18. On April 21, 1971, the President met with Attorney General Mitchell and discussed, among other things, the I.T.T.-Grinnell appeal. The President said that he did not care about the merits of the case but that the business community believed that the Administration was being even rougher on it in antitrust matters than had previous administrations. Mitchell argued that it was a political mistake to interfere with the appeal. The President agreed to heed Mitchell's advice to permit the appeal to be perfected.

19. During the last 10 days of April

mittee's Evidence in the I.T.T. Case

1971, Geneen and Merriam of I.T.T. wrote four letters to Administration officials—one to Secretary of the Treasury John Connally and three to Peter Peterson—containing references to antitrust matters. Two of the letters commented favorably on the I.T.T.-Grinnell appeal delay:

20. On April 28, 1971, Ehrlichman wrote a memorandum to the President criticizing McLaren for failure to follow the Administration's antitrust policy, then under study by a Democratic Council task force, and recommending action to be taken. The President approved Ehrlichman's recommendations.

21. On April 29, 1971 Rohatyn, accompanied by four I.T.T. representatives, met with Kleindienst, McLaren and Antitrust Division and Treasury Department staff members. The I.T.T. representatives presented I.T.T.'s position that there would be adverse economic and financial consequences if the divestiture of Hartford were required. Following the meeting McLaren caused these arguments to be submitted to the Treasury Department and to Richard Ramsden, an independent financial consultant who had previously rendered advice to the Antitrust Division.

Planning for Convention

22. Beginning in April 1971, Mitchell, Haldeman, Lawrence Higby, Gordon Strachan, William Timmons, Jeb Magruder and Robert Odle participated in the initial planning of the 1972 Republican National Convention and began to consider San Diego as a possible site. A memorandum from Higby to Strachan dated April 29, 1971, states that Haldeman discussed the possibility of a San Diego convention with California's Lieut. Gov. Ed Reinecke. The memorandum states that Reinecke would, as a result of his discussion with Haldeman, cause a proposal for San Diego to be the convention site to be made to the Republican National Committee.

23. In a memorandum dated May 5, 1971, Ehrlichman informed Mitchell that he desired to meet with McLaren about the I.T.T. cases to achieve the agreed-upon ends discussed by the President and Mitchell.

24. On May 12, 1971, I.T.T. president Geneen discussed with Congressman Bob Wilson, whose district included part of San Diego, the possibility of I.T.T. financial support for a San Diego convention bid.

25. On May 17, 1971, the Government's appeal in I.T.T.-Grinnell was perfected by the filing of a jurisdictional statement.

26. By report dated May 17, 1971, Richard Ramsden reported his findings on the I.T.T. position with respect to the financial ramifications of divestiture of Hartford.

27. On June 17, 1971, McLaren recommended to Kleindienst that the I.T.T. suits be settled. His proposed settlement included the requirement that I.T.T. divest itself of Grinnell, Canteen, and certain other I.T.T. subsidiaries, but permitted I.T.T. to retain Hartford Fire Insurance Company. The basic terms of the settlement offer were put to I.T.T. on a take-it-or-leave-it basis and were accepted. Details of the settlement were then negotiated among I.T.T. and Antitrust Division lawyers.

28. San Diego's convention bid was authorized by the San Diego City Council on June 29, 1971. On July 21, 1971 I.T.T.-Sheraton's president, Howard James, confirmed by telegram his company's commitment to the San Diego Convention and Tourist Bureau of \$100,000 for convention-related expenses plus an additional \$100,000 if and when \$200,000 was raised by the bureau from other nonpublic sources. The pledge was subject to the condition that the Sheraton Harbor Island Hotel, then under construction, be used as Presidential convention headquarters. The decision for San Diego to be the convention site was made within the Administration and transmitted to the Republican National Committee. On July 23, 1971, the Republican National Committee selected San Diego as the 1972 convention site.

29. On July 31, 1971, after I.T.T. and Antitrust Division lawyers had negotiated details of the settlement of the I.T.T. litigation, the settlement was announced.

30. A Sheraton Harbor Island Corporation check for \$100,000 dated August 5, 1971 and representing the noncontingent portion of I.T.T.'s pledge was delivered to the San Diego Convention and Tourist Bureau.

31. On Feb. 15, 1972, the President nominated Richard G. Kleindienst to be Attorney General to succeed John Mitchell, who was leaving the Department of Justice and who later became campaign director of the Committee for the Re-election of the President. The Senate Committee on the Judiciary held hearings on the nomination and recommendation on Feb. 24, 1972, that the nomination be confirmed.

Documents Destroyed

32. On Feb. 22, 1972, columnist Jack Anderson obtained from an I.T.T. lobbyist a memorandum dated June 25, 1971 purportedly written by I.T.T.ist Dita Beard addressed to I.T.T. vice president Merriam regarding the I.T.T.-Sheraton convention pledge and settlement of the I.T.T. antitrust cases. Anderson's investigative reporters contacted first Dita Beard to discuss and confirm the memorandum's validity and then I.T.T. and Administration officials to discuss and attempt to confirm the events reported in the memorandum. On Feb. 24, 1972, I.T.T. personnel destroyed documents in the Washington office files.

33. In a Feb. 28, 1972, Department of Justice press release, Mitchell said he had met Dita Beard only once, at a party given by Gov. Louis Nunn of Kentucky in May, 1971. Mitchell denied allegations that he had discussed the I.T.T. antitrust cases with her. He also denied in the press release that he had discussed the I.T.T. matter with the President.

34. On Feb. 29, March 1 and March 3, 1972, there were published three columns by Jack Anderson based in part on the Beard memorandum. The articles alleged a connection between the I.T.T.-Sheraton pledge and the I.T.T. antitrust settlement and purported to involve both Mitchell and Kleindienst. As a result of the publication of the first two

articles Kleindienst asked that his confirmation hearings be reopened.

35. On March 1, 1972, during his final press conference as Attorney General, Mitchell again denied talking to the President about I.T.T. or any other antitrust case.

36. On or about March 1, 1972, a member of the staff of the S.E.C. demanded that I.T.T. produce documents in the files of I.T.T.'s Washington, D. C. office. The S.E.C. staff member contended that production of the documents was called for by subpoenas previously issued in connection with S.E.C. proceedings. Attorneys for I.T.T. collected documents believed to be included in the S.E.C. demand.

37. On Thursday, March 2, 1972, pursuant to Kleindienst's request, the confirmation hearings resumed and Kleindienst, testifying under oath, denied talking other than casually to the White House and White House staff about the I.T.T. matter. He denied receiving any suggestions from the White House as to the action that the Justice Department should take in the I.T.T. cases.

38. On the same day, an I.T.T. attorney delivered copies of one or more of the documents collected by I.T.T. attorneys from I.T.T.'s Washington office files to White House aide Wallace H. Johnson. The document or documents were then conveyed by Johnson to John Mitchell. During the following week copies of other documents taken from the I.T.T. Washington office which mentioned the I.T.T. antitrust suits and contacts between I.T.T. and administration officials were delivered by I.T.T. attorneys to Johnson.

39. On the evening of March 2, 1972, Dita Beard, having spent two days at the I.T.T. offices in New York City, left Washington by airplane for Denver, Colorado, en route to West Yellowstone, Mont. During the flight she became ill and on evening of March 3, 1972 she was admitted to a Denver hospital.

40. On Friday, March 3, 1972, Kleindienst, in his testimony before the Senate Committee on the Judiciary, denied consulting with, reporting to, or getting directions from anybody at the White House about the I.T.T. antitrust cases. He also testified that he did not recall why on April 19, 1971 the Department of Justice requested a delay in the appeal of the I.T.T.-Grinnell case to the Supreme Court.

41. On the afternoon of Sunday, March 5, 1972, the President and Haldeman returned to Washington, D.C. from Key Biscayne. On Monday, March 6, 1972, the President had conversations with Haldeman, Ehrlichman and Colson. At about 1:30 P.M., shortly after leaving the President's office, Ehrlichman met with S.E.C. chairman Casey.

42. On Tuesday, March 7, 1972, in a prepared statement given under oath before the Senate Committee on the Judiciary, Kleindienst described the circumstances surrounding the request for an extension of time to appeal I.T.T.-Grinnell. He omitted mention of the President's order to drop the case made during their telephone conversation of April 19, 1971.

Testifies Before Committee

43. On March 8, 1972, Kleindienst testified before the Senate Committee on the Judiciary and denied again that he

was interfered with, pressured, impounded or directed by anybody at the White House in connection with the discharge of his responsibilities in the I.T.T. cases.

44. In early March 1972, a White House task force, consisting of Ehrlichman, Colson, Moore, Dean, Fielding, Johnson, Assistant Attorney General Robert C. Mardian and others, was established to follow the Kleindienst hearings; its activities continued throughout the month. Fielding was given the responsibility of reviewing White House files and collecting all documents relating to I.T.T., which he proceeded to do.

45. On March 14, 1972, John Mitchell appeared before the Senate Committee on the Judiciary and twice denied under oath that he talked to the President about the I.T.T. antitrust litigation or any antitrust litigation. On the evening of March 14, 1972, the President and Mitchell had a telephone conversation which, according to Mitchell's logs, was their only telephone conversation during the month.

46. On March 15, 1972, E. Howard Hunt met with Colson, Johnson and Timmons. It was determined that Hunt should interview Mrs. Beard respecting the authenticity of the purported Beard memorandum. Hunt flew to Denver and interviewed Mrs. Beard in her hospital room. On March 17, after his return to Washington, he prepared a detailed summary of the interview.

47. "ITT" is written on Colson's calendar for the morning of March 18, 1972. Colson had three telephone conversations with Mitchell during the morning. That afternoon the President and Colson met for more than two hours.

48. On March 24, 1972, the President held his only news conference during the period of the Kleindienst nomination hearings. He stated that nothing had happened in the Senate hearings that shook his confidence in Kleindienst as an able, honest man fully qualified to be Attorney General. He also praised the actions of Richard McLaren, and the administration, in having moved effectively to stop the growth of I.T.T.

49. On the morning of March 30, 1972, Colson, Haldeman and MacGregor met. That afternoon Colson sent a memorandum to Haldeman stating that certain factors should be taken into account in determining whether to continue to support, or to withdraw, Kleindienst's nomination, including the possibility that documents would be revealed tending to show that the President was involved in the I.T.T. situation in 1971, and contradicting statements made by Mitchell under oath during the hearings. Haldeman and Colson each had several conversations with the President on that day.

50. On April 4, 1972, Mitchell returned to his office after about two weeks in Florida. That afternoon he met with the President and Haldeman at the White House. According to Haldeman's testimony before the Senate Select Committee on Presidential Campaign Activities, his notes taken during the meeting indicate that the Kleindienst hearings were discussed.

51. On April 27, 1972, the final day of the Kleindienst confirmation hearings, Kleindienst, referring to his ear-

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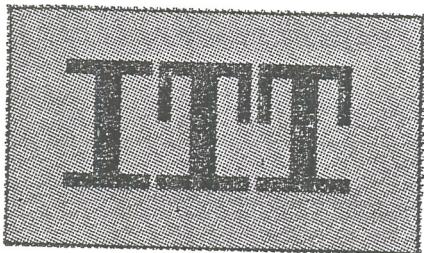
her testimony about communications with persons at the White House, testified that if someone had called him to instruct him on the handling of the I.T.T. case, he would remember such a call. Kleindienst said that no such conversation occurred.

52. The press provided extensive news coverage and frequent editorial commentary on the Kleindienst confirmation hearings. John Mitchell's denials that he discussed the I.T.T. cases with President Nixon were reported. Richard Kleindienst's descriptions of his role in the I.T.T.-Grinnell appeal and settlement were also reported; these descriptions omitted reference to the President's order that the appeal be dropped.

Committee Request Denied

53. By letter dated April 25, 1972, from Senator Eastland, chairman of the Senate Committee on the Judiciary, to S.E.C. chairman William Casey, Senator Eastland requested access to I.T.T. documents in the possession of the S.E.C. This request was denied by Chairman Casey. If Chairman Casey had complied with the Senate Judiciary Committee's request, the S.E.C. would have supplied the committee with, among other things, the following documents not obtained by the committee during the course of the Kleindienst hearings:

1. Letter dated April 22, 1971, from Harold Geneen to Peter Peterson concerning their April 16, 1971, meeting with memorandum on antitrust policy attached.
2. Letter dated April 22, 1971, from William Merriam to John Connally



referring to planned antitrust legislation.

3. Letter dated April 26, 1971, from William Merriam to Peter Peterson referring to planned antitrust legislation.
4. Letter dated April 30, 1971, from William Merriam to Peter Peterson referring to Solicitor General Griswold's request for an extension of time to perfect the I.T.T.-Grinnell appeal.
5. Letter dated Aug. 7, 1970, from Thomas Casey of I.T.T. to Charles Colson discussing the pending I.T.T. antitrust litigation.
6. Letter dated Aug. 7, 1970, from "Ned" [Edward Gerrity] to Vice President Spiro Agnew with memorandum about I.T.T. antitrust litigation attached.
7. I.T.T. intercorporate memorandum dated Aug. 10, 1970, from Edward Gerrity to John Ryan discussing, among other things, Richard McLaren and the Administration's merger policy.
8. I.T.T. intercorporate memorandum dated Aug. 24, 1970, from William Merriam to John Ryan discussing, among other things, the I.T.T. antitrust litigation, Richard McLaren and contacts with the Administration.

54. On June 8, 1972, the Senate confirmed Kleindienst's nomination. On June 12, 1972, he became Attorney General.

55. On three occasions in September 1972, Congressman Harley Staggers, chairman of the House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, requested from S.E.C. chairman William Casey access to material received from I.T.T. by the S.E.C. in connection with the S.E.C.'s investigation of I.T.T. Chairman Casey discussed Chairman Staggers' request with Mitchell, Dean and Colson. By letters to Chairman Staggers, Chairman Casey refused the requests. The I.T.T. material was transferred by the S.E.C. to the Department of Justice on Oct. 6, 1972. In addition, an envelope containing other documents obtained from I.T.T. which reflected contacts in 1970 and 1971 between representatives of I.T.T. and Administration officials was delivered separately by the S.E.C. to the office of Deputy Attorney General Erickson.

56. In a letter dated Oct. 17, 1972, Chairman Staggers requested from Deputy Attorney General Erickson access to the I.T.T. materials referred to the Department of Justice by the S.E.C. Erickson denied the request on the grounds that disclosure might prejudice any future criminal proceedings.

57. On Jan. 8, 1974, the Office of the White House Press Secretary issued a "White Paper" entitled, "The I.T.T. Anti-Trust Decision," describing the President's role in the I.T.T. antitrust cases and their settlement.

58. On May 16, 1974, Richard Kleindienst pleaded guilty to one count of refusing or failing fully to respond to questions propounded to him by the Senate Committee on the Judiciary on March 2, 3, 7, and 8 and April 27, 1972.