

STATEMENT OF JOHN N. MITCHELL

Before the

Committee on the Judiciary of the United States Senate

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before you. I would like to address myself to the three points which relate to my relationship -- or rather my non-relationship -- to the subject matter of this hearing.

The first pertains to the litigation initiated by the Antitrust Division against ITT. When the first of three such matters reached the stage for consideration by the Attorney General in April, 1969, in accordance with departmental practice, I disqualified myself on the grounds that my former law firm had done legal work for one of ITT's subsidiaries.

After that date, all matters pertaining to the ITT litigation rested in the hands of the Deputy Attorney General and the Assistant Attorney General in charge of the Antitrust Division. I did not communicate with them. They did not communicate with me. I was not informed of the progress of the litigation or negotiations between the Department and ITT.

The second point has to do with my contacts with representatives of ITT.

At no time have I talked to any representative of ITT or any of its subsidiaries concerning the litigation or the settlement negotiations.

Based on the records of my office as Attorney General and on my own recollection, I have had contact with three representatives of ITT. I present them in chronological order.

First contact -- Harold Geneen, President of ITT.

The first time I met Mr. Geneen was the evening of May 27, 1970 at a dinner in the White House attended by forty-five business leaders. The contact with Mr. Geneen that evening was purely social, and I had no substantive discussions of any kind.

My second contact with Mr. Geneen was on August 4, 1970 in my office. My office calendar shows that this meeting could not have lasted more than thirty-five minutes. It might have been shorter. The meeting was held at Mr. Geneen's request to discuss the overall antitrust policy of the Department with respect to conglomerates. I assented to the meeting on the express condition that the pending ITT litigation would not be discussed. Mr. Geneen agreed to this condition. The pending ITT litigation was not discussed at this meeting.

At the meeting Mr. Geneen contended that the Department's antitrust policy with respect to conglomerates was to bring suits solely on the "bigness" theory. I told him this was not the Department's policy and advised him that our policy was to bring litigation only where there was a showing of anti-competitive practices.

I never discussed the content of my conversation with Mr. Geneen with any member of the Department, nor did I communicate with any of them about it.

Next, Felix Rohatyn. I met Mr. Rohatyn on four occasions, two of them on April 29, 1971, one on September 3, 1971 and one on November 29, 1971.

None of these had anything to do with ITT, and the Department's litigation against ITT was never mentioned or discussed.

My participation in these meetings was as a member of an ad hoc government committee formed in 1970 to deal with the financial problems that various brokerage houses were having at that time. Mr. Rohatyn, a partner of the New York firm of Lazard Freres, participated as

chairman of the Surveillance Committee of the New York Stock Exchange. Among other things, the Committee worked on the SIPEC legislation during the summer of 1970.

I would like particularly to call the Committee's attention to the two meetings of April 29, 1971, because there have been other references to that date during these hearings.

These meetings were held to discuss the participation of Mr. Ross Perot in the duPont brokerage firm, which was having financial trouble, and the obligations of the New York Stock Exchange with respect thereto.

According to my office records, the first meeting that day commenced at 9:40 a.m. Present in addition to myself were Mr. Perot, and Mr. Mort Myerson, an associate of Mr. Perot. Mr. Peter Flanigan joined the meeting at 9:46 and Mr. Rohatyn at 10:30. Mr. Rohatyn left the meeting before its conclusion. The second meeting convened at 1:30 p.m. Present, in addition to myself, were Mr. Lasker, Chairman of the New York Stock Exchange, Mr. DeNunzio, Vice Chairman of the New York Stock Exchange, Mr. Haack, President of the New York Stock Exchange, and a Mr. Brandow who, I believe, was their counsel. Mr. Rohatyn joined the meeting at 1:40; Mr. Perot, Mr. Myerson, and Mr. Martin, who I believe, was Mr. Perot's counsel, joined at 2:10, and Mr. Flanigan at 2:30. My records show that my next appointment that day was with an official of the Department at 3:04. It is my recollection that all participants in the second meeting left my office together.

Mrs. Dita Beard. My one encounter with Mrs. Beard was on May 1 at the Executive Mansion of Governor Nunn during a reception and buffet supper.

As I recall this incident, Mrs. Beard approached me to complain about the treatment that ITT was receiving at the hands of the Justice Department. I advised Mrs. Beard that I had disqualified myself with respect to this litigation and could not and would not discuss it with her.

I suggested that the proper course would be for the appropriate people representing ITT to take the matter up with the appropriate people in the Justice Department. A few minutes later, Mrs. Beard again approached me on the subject matter, I believe twice, and I repeated my desire not to discuss the subject matter and advised her that I did not appreciate her pressing the subject.

The third point relates to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the Convention by the Republican National Committee.

I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.

I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego Convention site or anything relating to any discussions or negotiations with ITT or any of its subsidiaries.

I do not recall when or how I first learned of the Sheraton Hotel Corporation's participation and support for the holding of the Convention in San Diego, but I believe that I first read about it in the newspapers.

I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corporation and the Republican National Committee, or between ITT or any of its subsidiaries and the City of San Diego or any agency thereof.

I trust that these facts will clarify the record. I trust that they make it unnecessary for me to deny the statements contained in the memorandum dated June 25, 1971 attributed to Mrs. Beard. At the risk of redundancy, however, I welcome this opportunity to state under oath that the statements in that memorandum which relate to me are totally false and totally without foundation.

In closing, Mr. Chairman, I would emphasize the fact that there is pending before the Senate, the President's nomination of Richard G. Kleindienst to be the Attorney General of the United States.

As one who has worked closely with Mr. Kleindienst on a daily basis for the past three years, I am happy to have this opportunity to state my opinion that he is pre-eminently qualified for the position which the President has nominated him. I base my opinion not only on his professional qualifications, which are of the highest order, but on his character, his integrity and his dedication to his office and to the public interest.

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