

Mr. GRAY. I was not, no, sir; I was not until the investigation, this Watergate investigation, developed and we found it out through that. I believe we found it out through that. I may be misspeaking myself and I had better check the record on that before I get on with that one.

(Mr. Gray subsequently submitted the following document for the record:)

After checking our records, Senator, I find that Mr. Colson was interviewed by Washington Field Office on June 22, June 26, August 29 and August 30, 1972. Concerning Howard Hunt's travel and reimbursement for travel expenses, he said on August 29, 1972, he was aware that Mr. Hunt traveled on a frequent basis, but that there were only two trips that Mr. Hunt made which were authorized by Mr. Colson. He assumed the other trips were on behalf of some other person. With respect to the trips that Mr. Colson authorized, one was to Denver, Colorado, in March, 1972, in connection with the "ITT case." Mr. Colson did not state what was learned by Mr. Hunt on this trip and the matter was not pursued by our Special Agents since there was no relationship between that trip and the Watergate matter and we were not investigating ITT.

Senator BYRD. Were you the decisionmaker with regard to the information that would be supplied to the Judiciary Committee during the hearings on the nomination of Mr. Kleindienst?

Mr. GRAY. No, sir; I was not the decisionmaker until there came an exchange here when it was thought that Mr. Kleindienst ought to take himself out of the position of making those decisions. I do not remember exactly when that was. I would have to go back to the record but there did come a time when I, as Deputy Attorney General Designate, made those decisions on the basis of the rules and regulations of the Department and on the advice that I received from the Antitrust Division.

Senator BYRD. You do not recall the date?

Mr. GRAY. I do not recall the date; no, sir.

Senator BYRD. Will you supply that for the record?

Mr. GRAY. Oh, yes, sir; we will do that. We will have to check the record of testimony of the ITT hearings.

(Mr. Gray subsequently submitted the following documents for the record:)

Mr. GRAY. Upon checking the record I find that I started making the decisions regarding the furnishing of information to the Judiciary Committee during the hearings on the nomination of Mr. Kleindienst on either March 9 or 10, 1972. That is as precise as I can be. My first letter to the Chairman of the Judiciary Committee in which certain information was furnished and other information was withheld is dated March 17, 1972. This letter and letters from me dated March 23 and 24, 1972 addressed to James F. Flug, April 4, 1972 to Mr. Flug, two letters of April 7, 1972 addressed to Senator James O. Eastland, letter of April 11, 1972 and letter of April 28, 1972, with enclosures addressed to Senator Eastland, are provided for insertion in the record.

MARCH 17, 1972.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On Monday evening, March 13, Mr. John Holloman, Committee Chief Counsel, delivered to the Department a document entitled "List of Documents Requested for Senate Judiciary Hearing as of March 13, 1972." I am forwarding some of the documents on that list. Other documents on the list do not exist or cannot be found. Some have already been supplied to the Committee. Finally, the Department of Justice declines to supply some of the documents requested for the reasons stated below.

Following is an item-by-item response to the list:

Item No. 1.—Copy of the Attorney General Memorandum in the Canteen case, dated April 7, 1969.

Attached.

We request that this document be available for inspection by Senators only, that no copies be made and that it be returned to the Department of Justice at the conclusion of these hearings.

Item No. 2.—Xerox of any notes, buck slips, and memoranda showing background behind filing of applications to delay submission of jurisdictional statement in *Grinnell* case in Supreme Court.

None.

Item No. 3.—Xerox of any notes, buck slips, and memoranda relating to selection and/or appointment of Richard Ramsden as consultant, especially the conflict of interest form required by Executive Order.

None.

Item No. 4.—Xerox of any memoranda reflecting receipt of Bruce McLaury oral opinion on ITT arguments.

None.

Item No. 5.—Copy of the original of a letter dated Sept. 21, 1971 from Mr. Reuben B. Robertson III to Deputy Attorney General Kleindienst.

Attached.

Item No. 6.—Xerox of the copy of the Robertson letter that Robertson sent to McLaren.

Attached.

Item No. 7.—Xerox of any notes, buck slips, and memoranda showing background behind Sept. 22, 1971 reply from McLaren to Robertson.

None in addition to the documents we have already produced.

Item No. 8.—Copy of the file copy of a letter dated Sept. 22, 1971 from Assistant Attorney General Richard W. McLaren to Mr. Reuben B. Robertson III in response to a Sept. 21, 1971 letter from Mr. Robertson to the Deputy Attorney General.

Attached.

Item No. 9.—Copy of the original of a memorandum dated April 9, 1969 from Assistant Attorney General Richard W. McLaren to the Deputy Attorney General, re "ITT-Canteen."

Attached.

Item No. 10.—Copy of the original of the memorandum dated October 13, 1970 from Assistant Attorney General Richard W. McLaren to the Deputy Attorney General.

We are unable to locate the original memorandum. A better copy of the file copy of this memorandum is attached.

Item No. 12.—Copy of the file copy of a letter dated Jan. 27, 1969 to Mr. Harold S. Geneen from Robert A. Hammond III, Acting Assistant Attorney General, Antitrust Division, by John W. Poole, Jr., Attorney, Antitrust Division.

Attached.

Item No. 13.—Xerox of complete "original" of letter from Frank DeMarco to Henry Peterson.

Previously supplied to Committee.

Item No. 14.—Xerox of "file copy" of letter from Henry Peterson, by John Kenney, to Frank DeMarco.

Previously supplied to Committee.

Item No. 15.—Any notes, buck slips, and memoranda showing background of Peterson letter to DeMarco.

None.

Item No. 16.—Xerox of any copies of Walsh letter to Kleindienst, other than "original."

None.

Item No. 17.—Chronology of ITT filings requested by Senator Burdick.

We are providing a copy of the docket entries maintained by the Department in the ITT cases.

Item No. 18.—All Ramsden filings with the Commerce Department.

In process of obtaining for review and determination.

Item No. 19.—Any written instructions to Ramsden, etc.

None.

Item No. 20.—Any memoranda or other material reflecting or relating to Ramsden report on LTV case.

None.

We are withholding the remaining items requested on the basis that they include confidential summaries, investigative reports and intradepartmental communications. If such materials are released, it would severely inhibit obtaining confidential

information and exchange of ideas and recommendations necessary to effectively carry out the law enforcement policy of the Department of Justice and the Federal government. This action is being taken pursuant to the long standing policy of the Department not to produce documents of this character unless it is shown to be in the compelling public interest. In this regard we wish to reiterate Mr. Kleindienst's prior statement. "There is nothing in the material that we have withheld from you that would tend to prove or have any relevant bearing upon the charge that there was any connection whatsoever between the settlement of the ITT antitrust cases and any payment by the ITT Corporation to the City of San Diego in connection with the Republican Convention. I will make that avowal under oath before you and this Committee and the public."

Sincerely,

L. PATRICK GRAY III,
*Assistant Attorney General, Civil Division,
and Deputy Attorney General Designate.*

MARCH 24, 1972.

JAMES F. FLUG, Esq.

*Chief Counsel, Subcommittee on Administrative Practice and Procedure, Committee
on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR JIM: Yesterday at approximately 3:00 p.m., we received the latest request from the offices of Senators Hart, Kennedy, Bayh, Burdick, and Tunney for the production of documents.

This request was not contained in a letter from the Chairman of the Judiciary Committee of the United States Senate requesting that these documents be provided for the use of the Committee.

Upon receipt of such a letter, identifying the documents with specificity, we shall respond as quickly as may be practicable.

Sincerely,

L. PATRICK GRAY III,
*Assistant Attorney General,
and Deputy Attorney General-Designate.*

DEPARTMENT OF JUSTICE,
Washington, March 23, 1972.

JAMES F. FLUG, Esq.,

*Chief Counsel, Subcommittee on Administrative Practice and Procedure, Committee
on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR JIM: In accordance with our telephone conversation this morning, I am setting forth my understanding of our previous verbal agreement relative to inquiries to be made by staff members in behalf of Senators who are members of the Judiciary Committee of the United States Senate, in connection with the current hearing involving the settlement of the ITT antitrust case and the materiality of such settlement to the confirmation of Richard Gordon Kleindienst to be Attorney General of the United States.

(a) All such inquiries are to be directly related to and material to the charge that the ITT antitrust cases were settled in return for an agreement on the part of ITT to contribute a sum of money to the City of San Diego in support of its bid to host the Republican National Convention in the City of San Diego, California.

(b) Such inquiries requesting the production of documents in possession of the Department of Justice should be contained in a letter request from the Chairman of the Judiciary Committee addressed to me, stating with specificity the documents desired. The Department will respond as quickly as may be practicable under the circumstances, and will either produce the document requested, or state its reason for not producing such document.

(c) Such inquiries involving an interview with an attorney or an employee of the Department of Justice will be handled in the following manner:

1. I will not instruct an attorney or employee of the Department either to consent to the interview or refuse the interview. The granting of the interview is a choice that the attorney or employee is free to make unaided by any instructions from me.

2. I will be informed, prior to the interview, of the name of the attorney or employee to be interviewed.

3. The Assistant Attorney General of the division or office in which the attorney or employee is employed, or his designee, will be present at such interview.