

# New York

## Disbars

### Nixon

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From News Dispatches

NEW YORK, July 8 — Former President Nixon was ordered disbarred in New York State today for his actions in the Watergate cover-up.

The order came from a state appeals court, which ruled on obstruction of justice charges brought by the city bar association.

In the opinion handed down by Justice Xavier C. Riccobono, the court concluded Nixon "improperly concealed and encouraged others to conceal evidence relating to unlawful activities."

Riccobono cited as "unlawful activities" Watergate and the break-in at the Los Angeles office of psychiatrist Lewis Fielding, who treated Daniel Ellsberg, who released the Pentagon papers.

"We find that the evidence adduced in the case at bar warrants the imposition of the most severe sanction available to the court," the majority said in its 4-to-1 decision.

The disbarment will prevent Nixon from practicing law in New York. It is to take effect Aug. 9, two years to the day after he resigned the presidency.

The court opinion said the disbarment was based on findings that Nixon:

- "Improperly obstructed an FBI investigation of the unlawful entry of the headquarters of the Democratic National Committee.

- "Improperly authorized or approved the surreptitious payment of money to E. Howard Hunt, who was indicted in connection with the DNC break-in, in order to prevent or delay Hunt's disclosure of information to federal law enforcement authorities.

- "Improperly attempted to obstruct an investigation by the U.S. Department of Justice of an unlawful entry

See NIXON, A7, Col. 4

## NIXON, From A1

into the offices of Dr. Lewis Fielding, a psychiatrist who had treated Daniel Ellsberg.

- "Improperly concealed and encouraged others to conceal evidence relating to unlawful activities of members of his staff and of the Committee to Re-Elect the President.

- "Improperly engaged in conduct which he knew or should have known would interfere with the legal defense of Daniel Ellsberg."

The justices said, "The power of the court to discipline an attorney extends to misconduct other than professional malfeasance, when such conduct reflects adversely upon the legal profession and is not in accordance with the high standards imposed upon members of the bar."

Nixon had refused to defend himself on the charges but the Appellate Division of the state Supreme Court said "no reason whatever has been shown why a respondent who has chosen to reject or ignore service may by stony silence postpone judgment indefinitely."

Nixon had previously resigned from the California bar, but under the New York rules he could not resign here unless he acknowledged guilt by stating he was unable to defend himself on the charges.

The grievance committee of the Association of the Bar of the City of New York began an investigation into allegations of professional misconduct by Nixon in September, 1974, a month after he resigned the presidency.

Testimony began March 18. Nixon did not respond either in person or through counsel. No papers were filed on his behalf. The appellate court said each of the allegations was substantiated by evidence from Nixon's White House tapes or testimony given to various congressional committees.

The court said the evidence "forms a prima facie case and warrants our sustaining of the charges."

It added that Nixon's failure to respond to the charges "must be construed by this court as an admission of the charges and an indifference to the attendant consequences."