

# Kleindienst Seen Plea Bargaining

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Former Attorney General Richard G. Kleindienst is plea bargaining, according to informed sources, and has tentatively agreed to plead guilty to a misdemeanor charge in connection with his 1972 congressional testimony about the International Telegraph and Telephone Co. antitrust case.

In return for his guilty plea, Kleindienst expects to receive no prison sentence and believes that he will not be disbarred from the practice of law in his home state of Arizona, the sources said.

Kleindienst's lawyer has told the Watergate special prosecutor's office that he is willing to plead guilty to a misdemeanor charge for making false or misleading sworn statements about the ITT case during Senate confirmation hearings on his appointment as U.S. Attorney General.

No such specific misdemeanor charge exists, the sources said. Both sides are now attempting to find an appropriate misdemeanor charge to which Kleindienst can plead guilty.

Despite the lack of a final agreement, Special Prosecutor Leon Jaworski has indicated that he will probably accept such an arrangement, according to several sources.

One well-placed source reported that several members of Jaworski's staff are not pleased with the tentative arrangement because they believe that Kleindienst should

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be indicted on a felony charge of perjury. Conviction of a felony would automatically lead to disbarment in Arizona.

Kleindienst's plea bargaining culminates his apparently unsuccessful struggle to avoid prosecution since April 30, 1973, the day President Nixon announced the resignations of Kleindienst and three of Mr. Nixon's principal White House aides—H.R. Haldeman, John

D. Ehrlichman and John W. Dean III.

"I fought the good fight and lost," one friend quoted Kleindienst as saying recently.

Kleindienst was out of the country yesterday and could not be reached for comment. A spokesman for Jaworski's office declined to comment on the case.

A guilty plea by Kleindienst would be the first conviction of a former Nixon cabinet officer in the Watergate affair. It would also mark the first time that criminal charges have been brought against two U.S. Attorneys General from a single administration.

Kleindienst's predecessor in the nation's highest law-enforcement post, John N. Mitchell, is currently under indictment for perjury and obstruction of justice in both the Watergate cover-up and Vesco campaign contribution cases. Former Commerce Secretary Maurice Stans is standing trial along with Mitchell in the Vesco case.

The special Watergate prosecutor's investigation of Kleindienst concerns his sworn testimony at his Senate Judiciary Committee confirmation hearings in the spring of 1972, when Kleindienst was acting Attorney General.

Those hearings focused on allegations that the Justice Department had agreed to settle the ITT antitrust cases in exchange for ITT's donation of at least \$100,000 to help finance the Republican National Convention.

During his Senate testimony, Kleindienst said under oath that he "was not interfered with by anybody at the White House" on the ITT cases.

Since then Kleindienst has voluntarily disclosed that in April, 1971, President Nixon personally ordered him not to press the ITT case to the Supreme Court as had been recommended by the Justice Department antitrust division.

Kleindienst also has said—and the White House has confirmed—that he threatened to resign if the ITT case could not be pursued, and that the President accordingly reversed his decision.

Though Kleindienst's later disclosure that he received an order from the President seems to contradict his sworn Senate testimony, Kleindienst

has maintained that they are not contradictory.

He has said that his testimony about lack of White House interference applied only to the summer of 1971, when the settlement was being negotiated, and not before.

However, the sources said, attorneys from the special prosecutor's office concluded that sufficiently broad questions were asked about the settlement at the Senate hearings to require Kleindienst to disclose the order from the President.

For example, Sen. Birch Bayh (D-Ind.), a member of the Judiciary Committee, asked Kleindienst if there were any "suggestions coming from the White House as to what action should be taken by the Justice Department" on the ITT case.

"No, sir," Kleindienst replied.

At another point Kleindienst testified: "As I have testified fully, in the discharge of my responsibilities as the acting attorney general in these cases, I was not interfered with by anybody at the White House. I was not importuned; I was not pressured; I was not directed."

Kleindienst also testified: "I would have had a vivid recollection if someone at the White House had called me up and said, 'Look, Kleindienst, this is the way we are going to handle that case.' People who know me, I don't think would talk to me that way, but if anybody did it would be a very sharp impact on my mind because I believe I know how I would have responded. No such conversation took place."

In a statement on Oct. 31, 1973, Kleindienst acknowledged, however, that former White House chief domestic adviser John D. Ehrlichman called him on April 19, 1971, and directed that ITT case not be appealed.

"I informed him that we had determined to take the appeal," Kleindienst said, "and that he should so inform the President. Minutes later the President called me and, without any discussion, ordered me to drop the appeal."

"Immediately thereafter, I sent word to the President that if he persisted in that direction I would be compelled to submit my resignation . . . The President changed his mind and the appeal was filed 30 days later in the exact form it would have been filed one

month earlier."

Sources said this week that Kleindienst's chief aim in the current plea bargaining is to avoid disbarment from the practice of law, in which he is now engaged in Washington. He has made contact with bar association officials in Arizona to get a reading on his chances of keeping his law license and he considers them good, the sources said.

An Arizona Bar Association spokesman said yesterday that he would neither deny nor confirm that Kleindienst has contacted the association.

According to the Arizona rules on disbarment, a lawyer who pleads guilty or is convicted of a misdemeanor is subject to disciplinary action only if the misdemeanor involves "moral turpitude," a term open to interpretation.

The Arizona Bar Association spokesman said that the Arizona Supreme Court decides each individual case of possible disbarment.

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