

# Kleindienst Sentence Suspended

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Former U.S. Attorney General Richard G. Kleindienst was placed on one month's unsupervised probation yesterday for his guilty plea to a charge of refusing to testify accurately during his Senate confirmation hearings in 1972.

After standing tensely before U.S. District Chief Judge George L. Hart Jr. during the six-minute sentencing hearings Kleindienst began weeping and was led from the courtroom by his attorneys.

Kleindienst, who served 14 months as the nation's 68th Attorney General, was the first to plead guilty to a criminal offense. He admitted guilt to the unusual misdemeanor charge on May 16 after several months of plea bargaining with the Watergate special prosecutor's office.

Kleindienst's sentence was the lightest imposed this far on a former Nixon administration or campaign aide for a Watergate-related conviction or guilty plea. Hart could have sent the former Attorney General to jail for up to one year and could have fined him up to \$1,000.

Hart said he was imposing the minimum sentence under the law—one month in jail and a \$100 fine—and then suspending both to place Kleindienst on unsupervised probation because the crime to which Kleindienst pleaded guilty was a "technical violation" of the law and "is not the type of violation that reflects a mind bent on deception.

"Rather," Hart said, "it reflects a heart that is too loyal and considerate of the feelings of others."

The charge to which Kleindienst pleaded guilty

was that he failed to tell the Senate Judiciary Committee that he had been ordered by President Nixon to drop an appeal of government anti-trust cases against the International Telephone and Telegraph Corp.

Actually, Kleindienst had repeatedly denied in sworn testimony under questioning by several senators that he had ever been contacted by anyone in the White House on the ITT appeal. At one point, he testified at the 1972 hearing: "I was not interfered with by anybody at the White House; I was not importuned; I was not pressured; I was not directed."

More than a year later, however, Kleindienst revealed in a public statement, and Mr. Nixon subsequently confirmed, that first former presidential domestic adviser John D. Ehrlichman and then the President himself called Kleindienst on April 19, 1971, to order him not to appeal a decision in the ITT antitrust case.

Kleindienst refused the order from both men, threatened to resign and instead had government attor-

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neys request a 30-day delay in court. During that time, the President "changed his mind," Kleindienst testified, and the appeal was allowed to be filed. The case was later settled out of court, and ITT was allowed to keep some and agreed to give up others of a number of companies it had acquired.

The ITT case became an issue during Kleindienst's confirmation hearings after allegations surfaced that the out-of-court settlement was tied to an ITT pledge of a contribution of several hundred thousand dollars to help finance the 1972 Republican National Convention. These allegations are still being investigated by the House Judiciary Committee as part of its impeachment inquiry.

Judge Hart said yesterday he had taken under consideration the nature of the Kleindienst's offense and his apparent motive for the "refusal to testify accurately

and fully" before the Senate committee in 1972.

"Had the defendant answered accurately and fully the questions put to him in this case, it would have reflected great credit on this defendant — but would have reflected discredit upon another individual," Hart said, in an apparent reference to Mr. Nixon.

Also, said Hart, the presentence reports from the probation office and a report from the special prosecutor's office "reflect a defendant of the highest integrity throughout his personal and official life, . . . a defendant who is considerate of and helpful to his neighbors, a defendant whose family life is above reproach, a defendant who has been and still is universally respected and admired."

Kleindienst's attorney, Herbert J. Miller, Jr. similarly described his client in a short statement to the judge. Kleindienst told the judge only that "I will abide

by and accept" any sentence.

Kleindienst began shaking as the judge completed his sentence, then turned haltingly to face his lawyers as tears began to roll down his cheeks from closed eyes. His attorneys then rushed Kleindienst out of a back door of the courtroom.

Hart later told a reporter in an interview that his aides had already received numerous phone calls concerning the sentence, but that they had not kept count of how many callers approved or were critical of the sentence.

Hart said he had decided on the sentence that "I believe to be correct after long and careful consideration. I feel justice has been done.

"Some will agree with me and others will disagree, that's not my problem," Hart said in the interview. "My problem is to do what I feel is right."

He would not expand upon his reasons for giving the lightest possible sentence in this particular case. But he did add that in any sentence he considers these factors: punishment, protection of the public, deterrence, and rehabilitation.

The decision of Watergate

Special Prosecutor Leon Jaworski to accept Kleindienst's plea to a misdemeanor had caused dissension in Jaworski's office. Three prosecutors who had been investigating the ITT matter have since quit their jobs, reportedly over the Kleindienst's plea to a misdemeanor.

Kleindienst has been on the edges of the Watergate affair from the morning after the burglary was discovered at the Democratic National Committee's Watergate offices, when former White House aide G. Gordon Liddy came up to him on a golf course here to urge him to help get the Watergate burglars released from jail. Kleindienst refused, and has not been indicted in any other crimes growing out of any investigations by the special prosecutor.

Kleindienst resigned as attorney general on April 30, 1973, the same day that former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman and former White House counsel John W. Dean III resigned.

The Watergate special prosecutor's office had been considering indicting Kleindienst for perjury in connection with his ITT-related testimony during his confirmation hearings, according to several persons familiar with the case.

Perjury is a felony and would have brought automatic disbarment to Kleindienst, now a Washington attorney. A misdemeanor, however, does not carry automatic disbarments here or in Arizona, where Kleindienst also is a member of the bar.

Bar associations in both jurisdictions are nevertheless reportedly conducting investigations that could lead to his disbarment or some lesser reprimand. Informed sources had said that the primary aim of Kleindienst's plea bargaining with the special prosecutor was to avoid disbarment.