

19 Sep 75 (1)

Nixon (disbarment, NY?) - See entries 27 May, 29 Jun,
4 Jul 75. ~~NYT~~ - 13

Letter from Nixon, resigning from New York state bar, has been rejected by the Appellate Division for the First Department, New York State Supreme Court. No date is given for Nixon's letter or its rejection.

This information, received today by the NYT, is attributed to "sources familiar with the secret legal proceeding." State law requires that all but the final stages of a disciplinary proceeding be conducted in secrecy.

The committee on grievances of the Association of the Bar of the City of New York has been investigating Nixon's case for two ^{years} ~~years~~. According to NYT's sources, Nixon's lawyers have been negotiating (NYT:) "for the last several months on ways that their client would be allowed to resign," and ~~at~~ "at least one" previous letter of resignation (no date) was rejected because it did not conform to the requirements of the appellate court and the bar association. Under a long list of state cases, a resignation by a lawyer while he is being investigated by disciplinary authorities is tantamount to an admission of charges of professional misconduct. NYT's sources do not know if Nixon will be given an additional opportunity to resign or if formal charges will be brought against him "shortly."

Nixon's letter, of today's story, was drafted by Raymond G. Larroca (of the law firm retained by Nixon) and "referred to Mr. Nixon's health, but made no mention of Watergate."

NYT, paraphrasing its sources, says "[Nixon] would not be permitted to resign from the state bar unless he acknowledged at least some responsibility for Watergate crimes. If [he] did not do so, the sources said, then formal charges would be drawn up and a proceeding similar to a trial would be held. If [Nixon] were found guilty of professional misconduct, he would then be censured, suspended or disbarred....

"These charges would be drawn up by the bar-association committee, and ... would resemble the article [sic] of impeachment drafted by the House Judiciary Committee in the summer of 1974. But they would be cast in terms of violations of the Code of Professional Responsibility, a set of rules that all lawyers are required to observe.

(Cont'd

(2)

19 Sep 75 (2)

[from previous page]

"Under state law, the failure of a lawyer to appear at a disciplinary hearing would be deemed an admission of guilt to the charges brought against him."

From NYT editorial: "Mr. Nixon's attorney has been 'plea bargaining' for his client, attempting to permit him to resign without providing a bona fide reason for doing so.... The procedure for resignation calls for an honest recitation of charges that would, in effect, come close to an admission of guilt. Simply pleading to poor health, even with a promise not to practice law again in New York, would be a new deception piled onto those of the past." AMP-A

NYT 20 Sep 75, Tom Goldstein

NYT 20 Sep 75, Editorial

Special Prosecutor's office to be kept open - "Attorney General Edward H. Levi has decided to let the special Watergate prosecutor's office remain open indefinitely to prepare arguments against pending or expected appeals filed by convicted Watergate figures. Henry S. Ruth, the current prosecutor, ... is known to have argued against keeping the office open after the release of its ... final report on the Watergate cases, now scheduled for early October.

But Mr. Levi's view ... was that some of the lawyers who were familiar with the details of the various Watergate prosecutions should be retained to handle appeals arising from those convictions rather than having the appeals shunted abruptly to regular Justice Department lawyers....

"Justice Department officials said today that for the time being the prosecutor's office would remain an independent arm of the Justice Department, but that its staff would be 'somewhat reduced' in size. No decision has been made on who will replace Mr. Ruth as its chief, the officials said."

NYT 20 Sep 75, John M. Crewdson

Kleindienst - The D.C. Bar charges today that after its disciplinary board had recommended that Kleindienst be suspended for one year from the practice of law in the District, the D.C. Court of Appeals undercut its authority by suspending Kleindienst for 30 days.

(Cont'd

(3)

19 Sep 75 (3)

[from previous page]

The Bar had filed a request 8 Sep for a new hearing on the matter; yesterday the court issued an order refusing the request. See story for details.

The Court of Appeals formed the District of Columbia Bar in 1972 and gave it the power to discipline lawyers. The Kleindienst case was the first to come before it under this system.

WXP 20 Sep 75, J. Y. Smith

Ford/Nixon - Ford returns to California on four-day trip, two weeks following his visit 5 Sep. As on that visit, there is no indication he saw Nixon.

Ford's schedule calls for two separate appearances in Southern California: 19 Sep, Los Angeles, overnight stay; 20 Sep, address at Pepperdine University, Malibu, 1:30 p.m., then to Monterey for golf in the afternoon and overnight stay; 21 Sep, dinner address, Anaheim, followed by return to Monterey for overnight stay; 22 Sep, San Francisco.

In Los Angeles television intv 20 Sep For says he might contact Nixon. Calls him 21 Sep from Monterey for five-minute conversation.

SFC 20 Sep 75 - filed Ford Ad

SPEX 21 Sep 75 - filed Ford Ad

SFC 23 Sep 75 - filed Ford Ad

L. Patrick Gray III has been told he will not be prosecuted for destroying documents in the Watergate cover-up case. Special prosecutor's office says Gray's attorney has been informed that the investigation of Gray has been closed.

SFC 20 Sep 75 [UPI]

(19 Sep 75) AMP

(A) - Letter to the editor from Joseph W. Bishop Jr., professor of law, Yale University, complains that in this editorial the NYT believes Nixon should not be allowed to resign from the New York bar without, in effect, some admission of guilt, while in the case of Hiss's readmission to the Massachusetts without such an admission, "The Times expressed no objection ... and appeared to endorse it."

Bishop says that "Disbarment is not intended to punish the peccant lawyer but to protect the public - i.e., potential clients - and the courts.... But [Nixon] does not intend to practice law and desires, in fact, to resign from the bar. The public needs no protection from him."

NYT 1 Oct 75, Letter to the editor by Joseph W.
Bishop Jr.

(B) - See also entry 18 Apr 74, same heading.
See entry 27 May 75, AMP-F (refs on Nixon disbarment).

(C) - "The grievance committee of the Association of the Bar of the City of New York began an investigation into allegations of professional misconduct by Mr. Nixon in September, 1974 - a month after he resigned the presidency of the United States."

SFC 9 Jul 76 [UPI and AP]