

# Kleindienst Admits Misdemeanor Guilt

## Accused of Keeping Data From Senate in I.T.T. Inquiry

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, May 16—Richard G. Kleindienst, the former United States Attorney General, pleaded guilty today to a minor criminal offense growing from his testimony before the Senate in 1972 during an investigation of the International Telephone and Telegraph Corporation case.

Mr. Kleindienst, who was Acting Attorney General at the time, thus became the first



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in their seats in the courtroom. Later Mr. Kleindienst issued a statement through Mr. Miller's office.

That statement said in part: "I was wrong in not having been more candid with the committee and I sincerely regret it. It is my earnest prayer that in due time history will record that in I.T.T. the Department of Justice fulfilled its charge fairly and fully to enforce the laws of the United States without fear, interference or favor."

"In making my guilty plea to the misdemeanor which I have described, I do so out of respect for the criminal justice system of the United States and the indisputable fact that the system must have equal application to all," Mr. Kleindienst added.

Mr. Kleindienst admitted that on April 19, 1971, he received a call from President Nixon directing him to "drop the appeal" of the I.T.T. case. But Mr. Kleindienst had told the Senators that no one at the White House had interfered with his actions.

The exact charge against him was curious because Mr. Kleindienst had answered questions put to him by the Senate Judiciary Committee members in March and April, 1972. Subsequent events indicated that he had not told the truth to the committee.

### Negotiations With Jaworski

Mr. Jaworski, after negotiations with Mr. Kleindienst, apparently decided not to bring perjury charges and instead accept a plea to a lesser charge.

The criminal information filed against him said that he "did refuse and fail to answer accurately and fully questions pertinent to said inquiry," thereby withholding informa-

tion from the committee and "did thereby refuse to answer questions."

Asked why perjury charges had not been brought, Mr. Jaworski said as he left the courthouse, "The decision was that this was the appropriate charge and that is as far as I can go."

He repeated many of the points made in his letter last Friday to Mr. Miller explaining the arrangement.

"Our investigation has failed to disclose any criminal conduct by Mr. Kleindienst in the manner in which he handled the I.T.T. antitrust cases. In one of the cases he successfully opposed a direct Presidential order to abandon an appeal and leave the Government without any relief," the letter stated.

The letter also noted that Mr. Kleindienst had "come forward voluntarily and disclosed information material to the investigation conducted by this office on his understanding that he would be given some consideration for doing so."

### Other Prosecution Possible

Mr. Jaworski continues in the letter, "It is my belief that he is entitled to consideration" and that the charge brought against Mr. Kleindienst is "my conception of a fair disposition."

The letter also notes that the arrangements clears Mr. Kleindienst only of charges in the I.T.T. affair as far as his testimony before Congress and the Watergate grand juries is concerned and only as long as no new evidence is developed.

If any other serious offenses are discovered in any other Watergate matters, Mr. Kleindienst may still be prosecuted, the letter notes.

On March 2, 3, 7 and 8 and April 27, 1972, Mr. Kleindienst testified before the Senate Judiciary Committee after asking that his confirmation hearings as Attorney General be reopened in light of the I.T.T. affair.

At that time, an apparent pledge of \$400,000 to help put on the Republican National Convention had come to light through a memo from an I.T.T. LOBBYIST, Dita Davis Beard. It suggested that favorable action would be taken on pending antitrust suit against the corporation in exchange for "our noble commitment."

Mr. Kleindienst handled the case in 1971 as Deputy Attorney General after John N. Mitchell, the Attorney General, withdrew because his private law firm had represented the corporation.

### Questioned by Democrats

Democratic enators Birch Bayh of Indiana, Edward M. Kennedy of Massachusetts, and Philip A. Hart of Michigan all questioned Mr. Kleindienst closely about possible White House influence in the case.

In answer to a question on March 8, 1972, by Senator Kennedy, Mr. Kleindienst stated:

"In the discharge of my responsibilities as the Acting Attorney General in these [I.T.T.] cases, I was not interfered with by anybody at the White House. I was not importuned. I was not pressured. I was not directed."

Last Oct. 29, The New York Times reported that "sources close to the case" said that Mr. Nixon had personally telephoned Mr. Kleindienst and

that, after calling him a vulgar name, had ordered him to drop any plans to appeal a key item in the antitrust case.

The White House later confirmed that such an order had been issued and Mr. Kleindienst confirmed it again today.

Mr. Jaworski and Mr. Kleindienst both noted today that Mr. Kleindienst had resisted that order and that the case had been appealed anyway. It was finally settled on terms generally thought to be favorable to I.T.T.

Senator Hart had also pressed Mr. Kleindienst on any discussions of the case he may have had with Mr. Mitchell. "None," Mr. Kleindienst replied.

### Mitchell Link Denied

Mr. Kleindienst, Mr. Mitchell and Richard W. McLaren, then head of the Justice department's Antitrust division, were repeatedly asked if they had talked to each other and they denied it.

In today's criminal information against Mr. Kleindienst, the complaint alleges that he refused to answer questions on communications between Mr. Mitchell, Mr. Kleindienst, the President and other staff members at the White House.

Mr. Jaworski, in talking to reporters, said there was "no implication intended on criminal conduct by the President" in bringing the case against Mr. Kleindienst.

"I think the President has the right as chief executive to issue instructions about antitrust cases," he stated.

### Bayh Expresses Concern

Senator Bayh's press secretary said today that the Senator had recently become concerned over whether Mr. Kleindienst might be let off too lightly and had written Mr. Jaworski.

Mr. Jaworski called the Senator this morning and explained the intended action.

"I am satisfied that he [Mr. Jaworski] is doing the best thing that he can do to see that justice is done in the whole affair," Mr. Bayh said.

He also said that Mr. Jaworski had indicated that he had consulted with the former special prosecutor, Archibald Cox, on the charge against Mr. Kleindienst and that Mr. Cox had agreed with the action.

Mr. Kleindienst is the third former attorney general to face criminal charges for actions committed while in office.

Attorney General Harry M. Daugherty, appointed by President Warren G. Harding on March 4, 1921, was later charged with defrauding the Government in the Teapot Dome scandal.

His trial ended in a hung jury in 1927 and the indictment was subsequently dropped.

Mr. Mitchell was indicted May 10, 1973, on obstruction of justice and perjury charges in the handling of a \$200,000 cash gift from Robert L. Vesco, the fugitive financier. He was found not guilty on April 28.

Mr. Mitchell also faces a series of conspiracy, obstruction of justice and perjury charges in the cover-up of the Watergate burglary of Democratic national headquarters. He was indicted March 1.

Thus far, the Watergate spe-

Kleindienst statement is printed on Page 24.

Cabinet-level officer to be convicted in matters related to the Watergate scandals. He is also the first former Attorney General ever to be convicted of misconduct perpetrated while serving in the office.

He appeared today before Chief Judge George L. Hart Jr. in United States District Court on a technical charge of refusing to testify before Congress.

Standing soldier-straight before the bench, he listened as a clerk read the charge in a criminal information filed against him by the Watergate special prosecutor, Leon Jaworski.

"I plead guilty," he told the court.

The charge is a misdemeanor punishable by a minimum of one month in prison, a maximum of one year and a \$1,000 fine.

The plea cleans the slate for Mr. Kleindienst in the I.T.T. affair as far as his testimony before the grand jury and Congress is concerned, unless new evidence develops.

Judge Hart, who has the power to suspend the sentence, delayed sentencing pending a report by probation officers. Mr. Kleindienst was released in the custody of his lawyer, Herbert J. Miller Jr.

He left the courtroom quickly as Judge Hart held reporters

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cial prosecutor has leaned heavily on resolving the criminal matters through negotiated pleas. Such negotiations have resulted in the convictions of Frederick C. Larue, Jeb Stuart Magruder, Egil Krogh Jr. and John W. Dean d, all former White House aides, as well as Donald H. Segretti, Herbert W. Kalmbach and Herbert L. Porter, 1972 Presidential campaign aide.

One one indicted aide has thus far gone to trial. Dwight L. Chapin, the President's former appointments secretary, was convicted of two counts of lying to a grand jury and sentenced yesterday to a term of 10 to 30 months in prison. Mr. Chapin reaffirmed his loyalty to the President yesterday.

The President's deputy press secretary, Gerald L. Warren, was asked today to comment on Mr. Kleindienst's plea and Mr. Chapin's sentence.

Mr. Warren said the President considered Mr. Chapin a fine young man. He had no comment on Mr. Kleindienst's action.