

A Month's

Probation for Kleindienst

Washington

Former Attorney General Richard G. Kleindienst, weeping openly, received a suspended sentence yesterday for misleading a Senate committee that was investigating the International Telephone and Telegraph Corp. case.

Chief U.S. District Judge George L. Hart Jr. ordered the suspended sentence and placed him on one month's unsupervised probation, saying Kleindienst was a man of "highest integrity" but one who has "a heart that is too loyal."

Kleindienst turned from the judge, his face contorted with grief and his eyes wet, and left the courtroom immediately.

He later told reporters outside the courthouse that he had never lied to the Senate Judiciary Committee and that the ITT matter had been properly handled by the Justice Department.

"As I stand here today, I never felt in my heart that I perjured myself," Kleindienst said, his eyes still red.

He pleaded guilty May 16 to a misdemeanor charge of refusing to answer questions

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put to him by members of the Senate Judiciary Committee in March and April, 1972.

Kleindienst did, in fact, answer the questions involved in his indictment. However, subsequent events indicated he had failed to tell the truth.

The logic of the charge drawn by Special Prosecutor Leon Jaworski was that because he had failed to answer "accurately" he had failed to answer the questions.

Jaworski, after negotiating with Kleindienst, apparently decided not to bring perjury charges, although members of the committee staff have drawn up a list of four possible perjuries and two instances where it appeared information was withheld.

Jaworski's move, which he discussed with former Special prosecutor Archibald Cox, has brought him considerable criticism and ignited the first major internal explosion on the special prosecutor's staff. Three lawyers working on the ITT investigation quit.

Appearing with his lawyer, Herbert J. Miller Jr., Kleindienst told Hart, "I will abide by and accept your judgment."

Hart said Kleindienst would have brought "great credit" on himself had he answered questions accurately but that such action might have brought "discredit on another individual."

The judge said Kleindienst's action was "not based on deception but on a heart too loyal and considerate of the feelings of others."

He spoke of Kleindienst's personal life as above reproach, of his reputation as a man of "highest integrity and loyalty through his life" and said he was "universally respected and admired."

The judge then sentenced him to one month in prison, a \$100 fine and suspended the sentence. He placed him on a month's unsupervised probation.

Speaking to reporters later, Kleindienst said he was "very humbled and very flattered" at Hart's remarks.

"It was a very emotional experience," he said.

He said he had done his duty as he saw it "and here I am today."

Pressed by reporters on why he had not told the senators the truth about his telephone call from President Nixon ordering him to drop the appeal of an ITT anti-trust case, he stated:

"The direct question was never put to me.

On March 8, 1972, in response to a question from Senator Edward M. Kennedy (Dem-Mass.) Kleindienst stated:

"In the discharge of my responsibilities as the acting attorney general in these (ITT) 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, 50, is the first former member of a President's cabinet to be indicted on criminal charges growing from his official acts since Secretary of the Interior Albert Fall was convicted in the Teapot Dome scandals of the 1920s.

Kleindienst still faces the possibility of disbarment. Officials of the bar association in Washington have launched preliminary inquiries to decide whether he should be prevented from practicing law.

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