

# Kleindienst Faces Disbarment Fight

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Former Attorney General Richard G. Kleindienst has been given 30 days to tell a three-judge federal panel here why he should not be disciplined as a practicing lawyer for his guilty plea to charges of refusing to testify fully during his Senate confirmation hearings.

The federal panel could exonerate Kleindienst, censure him, suspend him for a period of time from practicing in federal cases here, or disbar him entirely from practicing in such cases.

The beginning of the possible disciplinary proceeding is the first of several phases of investigations here that could result in Kleindienst's disbarment, which he strenuously hoped to avoid by pleading guilty to a misdemeanor charge instead of a felony.

Kleindienst, who was the nation's 68th Attorney General, became the first such officer ever to be convicted or plead guilty to a crime:

A felony plea or conviction results in automatic disbarment in all courts here.

Three District lawyers — Preston C. King Jr., Alan Kay and Patricia R. Harris — on the disciplinary panel of the federal court system here were assigned to handle the proceedings before the judges.

After the Kleindienst answer is filed within 30 days, the three lawyers will participate in the court hearing upon which the three judges make their final decision to exonerate, censure, suspend or disbar Kleindienst. The three judges are Howard F. Corcoran, Oliver Gasch and John Lewis Smith Jr.

The federal action is limited only to Kleindienst's participation in federal cases here. Action on his participation in local cases—in effect his disbarment from all law practice here—would be handled by the D.C. Court of Appeals.

Upon formal court-certified notification of Kleindienst's plea, the local appeals court would have to decide first whether the misdemeanor to which Kleindienst pleaded was a "serious crime."

In its regulations, the court defines felonies as serious crimes and also certain listed misdemeanors, which include "false-swearing... and deceit." Kleindienst refusal to testify accurately was done under oath.

If the court decides that Kleindienst's crime was "false swearing" or another of the listed serious crimes, he would be suspended and immediately the process would begin for disciplinary hearing, according to bar officials here.

If it does not determine it is a "serious crime," Kleindienst could be referred without suspension to a disciplinary board for investigation or there could be no such referral.

Kleindienst also is a member of the bar in Arizona, where the process for possible disciplinary action for a plea to a misdemeanor also involves hearings similar to those in Washington.

The former Attorney General was sentenced to one month of unsupervised probation for his failure to tell senators about conversations he had with the President concerning antitrust cases involving the International Telephone and Telegraph Co. The agreement of Watergate Special Prosecutor Leon Jaworski to accept the misdemeanor plea resulted in at least three members of his staff resigning in protest.

The initiation of disciplinary proceedings against Kleindienst brings to at least 10 the number of Nixon administration officials under investigation or disbarred by their state bar associations, according to figures compiled from bar officials across the U.S.