



RICHARD G. KLEINDIENST  
... subject to inquiries

## Kleindienst Disbarment Not Seen

By John P. MacKenzie  
Washington Post Staff Writer

American Bar Association President Chesterfield Smith said yesterday he does not expect former Attorney General Richard G. Kleindienst to be disbarred or removed from the ABA because of the guilty plea he entered last week in a criminal case.

ABA expulsion procedures are rarely used against a member as long as he remains licensed to practice law, Smith said.

"And I can't imagine any facts that would lead to disbarment," Smith said in a meeting with newsmen. He was in Washington for a meeting of the ABA Board of Governors.

Based on currently known facts, Smith added, "I doubt that I would favor disbarment."

Kleindienst is subject to disciplinary inquiries in Arizona, his home state, and the District of Columbia, where he currently practices law, following his plea of guilty to refusing to provide evidence to the Senate Judiciary Committee at his 1972 confirmation hearing.

The crime, which centered on Kleindienst's denial that he and President Nixon had discussed controversial International Telephone and Telegraph Corp. antitrust litiga-

tion, is a misdemeanor for which Kleindienst faces a maximum of a year in prison and \$1,000 fine at his sentencing next month.

A conviction for a felony would have brought automatic disbarment in both jurisdictions. The Arizona Supreme Court and the D.C. Court of Appeals each must decide whether the misdemeanor is serious enough to warrant disbarment.

In addition to his ABA membership, Kleindienst has a seat in the ABA's policy-making House of Delegates as the elected representative of the Federal Bar Association.

FBA president Simon Trevas said "no action is contemplated at this time" with regard to Kleindienst's status as the association's representative. Kleindienst was unavailable for comment.

Trevas said the subject of Kleindienst's status was not raised by anyone last weekend when the FBA held its meeting of national council representatives from all over the United States. He said Kleindienst offered to resign a year ago, shortly after stepping down at Attorney General, but the association overwhelmingly rejected the offer.

"He had a wonderful record as president of this association" for the year ending last October, Trevas said. The FBA has 14,000 lawyer members currently or formerly in the federal service.

Smith, one of the most outspoken lawyers ever to head the ABA said he was not excusing Kleindienst for misleading the Senate in his testimony. But he said Kleindienst's overall conduct in office included many factors warranting compassion by prosecutors and bar disciplinary groups.

Besides, said Smith, "I like him."

In Arizona, misdemeanors lead to disbarment if they involve "moral turpitude," an elusive concept lawyers find difficult to explain.

Disbarment here is easier. The D.C. Court of Appeals must decide whether the crime was "serious," which includes whether it involved improper conduct as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud or one of several other factors.

Disbarment in one jurisdiction would have no effect in the other.