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Kleindienst Is Fined \$100, Month Term Is Suspended

By ANTHONY RIPLEY
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WASHINGTON, June 7 — Former Attorney General Richard G. Kleindienst, weeping openly, received today a suspended sentence and was fined \$100 for misleading a Senate committee that was investigating the International Telephone and Telegraph Corporation case.

Chief Judge George L. Hart Jr. ordered the suspended sentence in United States District Court and placed Mr. Kleindienst on one month's unsupervised probation, saying that he was a man of "highest in-



United Press International
Richard G. Kleindienst as he left Washington court after being fined \$100.

tegrity" but one who has "a heart that is too loyal."

Mr. Kleindienst turned from the judge's bench, his face contorted and his eyes wet, and left the courtroom immediately.

Later he told reporters outside the courthouse that he had never lied to the Senate Judiciary Committee and that the I.T.T. matter had been handled properly by the Justice Department.

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

He pleaded guilty May 16 to a misdemeanor charge of refusing to answer questions put to him by members of the Senate Judiciary Committee in March and April, 1972.

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

Prosecutor's Charge

The logic of the charge drawn by the special Watergate prosecutor Leon Jaworski, was that because he had failed to answer "accurately" he had not answered the questions.

Mr. Jaworski, after negotiating with Mr. 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.

Mr. Jaworski's move, which he discussed with the 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 I.T.T. investigation quit.

The special prosecutor was apparently dissatisfied with the slowness of the I.T.T. investigation that the three lawyers were handling. They, in turn,

Continued on Page 14, Column 6

Continued From Page 1, Col. 6

were apparently critical of the arrangement made with Mr. Kleindienst.

In an earlier letter to Mr. Kleindienst's attorney, Mr. Jaworski gave the reasons why he had entered into the arrangement for the former Attorney General's plea. He wrote:

"One significant factor in my determination is that our investigation has failed to disclose any criminal conduct by Mr. Kleindienst in the manner in which he handled the I.T.T. antitrust case. In one of the cases, he successfully opposed a direct Presidential order to abandon an appeal and leave the Government without any relief."

Also, he noted, 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."

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

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

'A Heart Too Loyal'

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

He spoke of Mr. 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 and fined him \$100. But Judge Hart suspended the prison sentence, placing Mr. Kleindienst

on a month's unsupervised probation.

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

"It was a very emotional experience," he said, adding that 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 that he had had a telephone call from President Nixon ordering him to drop the appeal of an I.T.T. antitrust case, Mr. Kleindienst said:

"The direct question was never put to me."

On March 8, 1972, in response to a question from Senator Edward M. Kennedy, Democrat of Massachusetts, Mr. Kleindienst stated:

"In the discharge of my re-

sponsibilities 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."

Mr. Kleindienst, 50 years old, 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 nineteen-twenties.

He was appointed Deputy Attorney General on Jan. 31, 1969. He had been national director of field operations for Mr. Nixon's 1968 election campaign. He was nominated Feb. 12, 1972, to be Attorney General and sworn in on June 12. He resigned April 30, 1973.

He had two brushes with trouble while Deputy Attorney General.

One involved an offer of \$100,000 for President Nixon's campaign from a former Senatorial aide who was accused in a Federal indictment and was seeking help. Mr. Kleindienst said he did not consider the offer a bribe and thus did not report it until a week later when the Federal Bureau of

Investigation began making inquiries.

The other, also examined during his confirmation hearings, was the allegation that he had whitewashed the investigation into the affairs of the United States Attorney in San Diego in a matter involving one of President Nixon's close friends, C. Arnold Smith.

On April 10, 1973, Mr. Kleindienst appeared before three Senate subcommittees that were considering the matter of executive privilege.

Mr. Kleindienst said such privilege covered all 2.5 million employees of the executive branch of Government and that Congress had no power to order an employe of the executive branch to testify before it if the President barred such an appearance.

He suggested repeatedly that if the Senators wished to remedy the situation, they could cut off funds to the executive branch or impeach the President.