

3 Judges Clear Kleindienst

By Timothy Robinson
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Former Attorney General Richard G. Kleindienst won his first major battle in his fight to keep his law license yesterday when a three-judge federal panel declined to discipline him for his guilty plea to charges of refusing to testify fully during his Senate confirmation hearings.

The three U. S. District Court judges found that "no disciplinary action is warranted" against the former Attorney General, a decision that allows Kleindienst, for the time being at least, to continue to practice law in federal courts here.

However, Kleindienst also is

a member of the local bar, which is supervised by the D.C. Court of Appeals and whose disciplinary arm is investigating the possibility of acting against the former Cabinet officer.

The Arizona bar also is considering possible disciplinary action against him in that state.

Should the District bar decide that disciplinary action is warranted, and the D. C. Court of Appeals concurs, Kleindienst could face the loss of his right to practice before any court in Washington.

The D. C. Court of Appeals issued a brief ruling last month asserting that Kleindienst's offense was not a "serious crime" and therefore

did not require automatic suspension. At the same time, it referred the case to the bar unit.

The three U. S. District Court judges ruling yesterday were Howard F. Corcoran, John Lewis Smith Jr. and Oliver Gasch. All three were appointed by the late President Johnson.

In their four-paragraph ruling, the three judges said that they had read Kleindienst's testimony before the Senate Judiciary Committee, and the presentence report prepared after his guilty plea before U. S. District Chief Judge George L. Hart Jr. They said they based their ruling, "upon con-

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sideration of the entire record."

The ruling may have some effect on the pending investigation by the D.C. Bar, according to some legal observers. They pointed to a statement by D.C. Court of Appeals Chief Judge Gerard Reilly last month in which he said it was "premature" for that Court to take any action on Kleindienst since the federal court was considering the case.

D.C. Bar Association officials would not comment yesterday on their ongoing investigation.

Kleindienst received a suspended sentence in June following his plea of guilty to

withholding information from the Senate Judiciary Committee at his 1972 confirmation hearings.

At the time of his sentence, he was praised by Judge Hart, a point that Kleindienst's lawyers referred to in their argument to the three-judge panel that considered the disciplinary action.

The plea before Hart was the result of extensive bargaining with the office of Watergate Special Prosecutor Leon Jaworski. At least three members of his staff resigned in protest of the acceptance of Kleindienst's misdemeanor plea.

The charge, a form of contempt of Congress, was widely regarded as a substitute for

perjury, a felony that would have brought automatic suspension from the bar both here and in Arizona.

Kleindienst admitted withholding from the Senate committee the fact that then-President Nixon had ordered him to drop a government antitrust appeal against International Telephone and Telegraph Corp. The committee was investigating whether ITT had exerted undue influence on the Justice Department.

Kleindienst is one of 10 former Nixon administration officials under investigation or disbarred by their state bar associations, according to figures compiled from bar officials across the country.