

City Bar Asks Kleindienst Suspension

By Eugene L. Meyer
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The disciplinary board of the D.C. Bar recommended yesterday that former Attorney General Richard G. Kleindienst be suspended from practicing law here for one year because of "direct and repeated misrepresentations" to a Senate committee inquiries about White House involvement in the ITT antitrust settlement.

The panel that oversees the conduct of all 18,000 Washington lawyers submitted its recommendation to the D.C. Court of Appeals, which has 90 days to act on it. One dissenting member of the panel urged outright disbarment.

"Misrepresentation by a lawyer," the panel majority said, "like obstruction of justice in every form, goes directly to the heart of the lawyer's function and his role in society—indeed it goes to the future of the profession."

"In the present case," the panel said, "we are confronted with a lawyer who rose to the highest legal position in the land" who "had a correspondingly high obligation to set an example of truth."

Kleindienst pleaded guilty

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DISCIPLINE, From A1

last May, after extensive plea bargaining, to one misdemeanor count of withholding information from the Senate Judiciary Committee during his March, 1972, confirmation hearings as Attorney General.

He received a suspended sentence and praise from U.S. District Court Chief Judge George L. Hart Jr. The U.S. court's grievance committee, whose jurisdiction is limited to the U.S. courthouse, saw no cause for discipline. The Arizona Bar, of which Kleindienst is also a member, issued what he termed a censure."

The D.C. Court of Appeals said last July Kleindienst's offense was neither a felony nor a lesser "serious crime" that would require automatic suspension and remanded the matter to the bar's disciplinary board for action.

Kleindienst, in an interview yesterday in his small green-carpeted office—with a bust of Lincoln nearby—said he will ask the appeals court to reject the suspension recommendation.

Kleindienst declined to give his "subjective" response to the recommendation. He also declined to say what kind of cases he has handled since resigning his post during the unfolding Watergate scandal.

"I'm just engaged in general

practice," he said. The lobby register in the building at 1100 17th St. NW listed the National Wholesale Druggist Association as among those occupying the Kleindienst suite.

Kleindienst, 51, an Arizonan, became acting Attorney General in March, 1972, when John Mitchell left the post to run Richard Nixon's re-election campaign. Kleindienst was confirmed for the post in June, 1972, and resigned April 30, 1973, another casualty of the Watergate scandal culminated with the resignation last August of President Nixon.

A top lieutenant in Barry Goldwater's 1964 Republican Presidential campaign who himself lost his own race for Arizona governor that year, Kleindienst is the son of an impoverished railroad worker from Winslow, Ariz., and a graduate of Harvard College and Harvard Law School.

It was during his prolonged Senate confirmation hearings in March, 1972, that Kleindienst testified there was no White House involvement in the Justice Department decision to drop an antitrust case against the International Telephone & Telegraph Co., allegedly in return for ITT's pledge of cash to bring the 1972 Republican convention to San Diego.

White House tapes later revealed there was involvement.

On April 19, 1971, when Kleindienst was deputy attorney general in charge of the case, he was told by Nixon, "The IT&T thing—stay the hell out of it. Is that clear? That's an order."

The five-member majority of the disciplinary panel noted that Kleindienst's Senate testimony "took place in a highly charged political atmosphere, and . . . anyone in his position would understandably try to avoid embarrassing the President who appointed him."

"Nonetheless," the panel said, "in the verbal sparring which inevitably ensued, (Kleindienst) was not merely guilty of typical evasiveness when pressed . . ."

"Under circumstances," the panel said, Kleindienst should have answered truthfully or refused to answer questions bearing on White House involvement. In sum, the panel said, Kleindienst engaged in "conduct prejudicial to the administration of justice," specifically violating disciplinary rules promulgated by the D.C. Court of Appeals for all Washington attorneys.

Representing Kleindienst before the disciplinary board was David T. Austern, the D.C. Bar's former disciplinary counsel and a member of the panel itself for the last several months. Austern did not participate in the decision.