

WXPost AUG 12 1975

# Kleindienst Is Given 1-Month Disbarment Here

By Eugene L. Meyer  
Washington Post Staff Writer

Former Attorney General Richard G. Kleindienst was suspended from practicing law here for a month yesterday by the D.C. Court of Appeals for "direct and repeated misrepresentations" concerning White House involvement in the ITT antitrust case.

A four-member majority of the seven member panel, including three judges nominated to the bench when Kleindienst was the Nixon's top judicial selection officer, rejected a recommendation by the D.C. Bar's disciplinary board for a one-year suspension.

The court ordered the one-month suspension to begin Aug. 15, and called Kleindienst "a man of high professional stature, with correspondingly high obligations, who was caught up in a highly charged political atmosphere..."

The majority said it considered Kleindienst's "previous, unblemished and laudable record in private practice and public service," the decisions by his home state of Arizona to merely censure him, and a federal judge's panel here to take no action whatsoever.

Comprising the majority were Chief Judge Gerard D. Reilly, and Judges John W. Kern III, Stanley S. Harris and Frank Q. Nebeker. Reilly, Nebeker and Harris were appointed to the local bench when Kleindienst was deputy attorney general in charge of judicial selections.

Dissenting were Judges Austin L. Fickling, George R. Gallagher and Catherine B. Kelly, who favored the one-judicial selections. Judge Kelly, writing for the dissenters, said she worried that the 30-day suspension would be taken "as an indication that the Bar is attempting to impose higher standards on its membership than the judiciary is willing to accept."

In imposing the suspension, the majority also said it took into account the 30-day suspended sentence given Kleindienst last year by U.S. District Court Chief Judge George L. Hart, Jr. That sentence came after Kleindienst pleaded guilty to a misdemeanor charge, concerning his answers to Senate inquiries about the affair. The plea was agreed to after lengthy bargaining with the Watergate special prosecutor's office.

"Any further attempt to punish in this proceeding," said the D.C. appellate majority, "indefinitely would carry with it an implied expression of disagreement with (Hart's) sentencing judgment."

The majority, reviewing the charges against him, found that Kleindienst had engaged "in conduct involving dishonesty, fraud, deceit or misrepresentation" in his March 12, 1972 Senate testimony. But it refused to conclude that his conduct was "prejudicial to the administration of justice." The dissenters disagreed.

The matter stems from Kleindienst's repeated denials that the White House had played any role in the litigation against International Telephone & Telegraph. A White House tape later revealed, however, that then President Nixon ordered Kleindienst to "drop the thing." This Kleindienst did not do, the appellate majority noted.

"We... do not lose sight of the need to avoid erosion of public confidence in the profession," the majority said, but the bar's recommended one-year suspension was "underpinned by punitive considerations... and hence inappropriate."

The bar's hearing committee recommended the year suspension as a period "for reflection and self-examination," but the court said this was meaningless because Kleindienst could relocate his practice in Arizona or limit his practice here to federal courts.

An eighth judge, J. Walter Yeagley, was a colleague of Kleindienst's in the Justice Department and did not participate in the decision.