

New York Court Disbars Nixon for Watergate Acts

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By TOM GOLDSTEIN JUL 9 1976

Richard M. Nixon was disbarred by a New York court yesterday, marking the first time the former President has been found guilty by an official body of charges relating to Watergate.

In a 4-to-1 opinion, the Appellate Division of State Supreme Court for the First Department sustained five charges that Mr. Nixon had obstructed "the due administration of justice" and thus violated the Code of Professional Responsibility, a set of rules that all lawyers are required to observe.

The charges, which were brought by the Association of the Bar of the City of New York, resembled the Articles of Impeachment drafted by the House Judiciary Committee two years ago.

The appellate court, which sits in Manhattan and admitted Mr. Nixon to practice here in 1963, found that the five charges were "substantiated by

documentary evidence, such as the tapes of Mr. Nixon himself, excerpts of testimony of individuals given to various Congressional committees and affidavits."

Mr. Nixon was charged with obstructing investigations by Federal law-enforcement authorities into the 1972 Watergate break-in, with concealing evidence and with interfering with the legal defense of Daniel Ellsberg, who was on trial in 1973 on charges relating to the publication of the Pentagon Papers.

In the last two years, Mr. Nixon, who has said he never intends to practice law again,

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Mrs. Nixon Has Stroke

Patricia Nixon, wife of former President Richard M. Nixon, was in "serious" condition in a Long Beach, Calif., hospital after suffering a stroke. Page A28.

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tried to resign from the New York bar, as he had done from the bars of California and the United State Supreme Court.

But these resignations were not accepted by the Manhattan court because he did not—as state law requires—acknowledge that he could not successfully defend himself against the charge.

Action in Brooklyn Court

In the Appellate Division in Brooklyn, another attempt by Mr. Nixon to resign was rejected yesterday because the matter had become "academic." In an affidavit filed with the court, Mr. Nixon said he could not defend himself against charges that he refused to cooperate in an investigation of the conduct of a Westchester County lawyer.

Once formal charges were brought against Mr. Nixon earlier this year by the Association of the Bar of the City of New York, Mr. Nixon did not contest them.

In the past, Mr. Nixon has admitted errors in judgment in the way he handled the Watergate scandal, but he has never acknowledged guilt or responsibility.

In San Clemente, Calif., yesterday, members of Mr. Nixon's staff referred callers to Miller, Cassidy, Larroca & Lewin, the

Washington law firm that represents him.

Raymond G. Larroca, a partner in the firm, said the court's proceedings "were totally unnecessary to effectuate Mr. Nixon's prior and voluntary resignation from the bar of the State of New York." He said he had no plans to appeal the court's decision "at this time."

In its opinion, the appellate court said the essential part of the charges against the former President was "obstruction of due administration of justice, a most serious offense, but one which is rendered even more grievous by the fact that in this instance the perpetrator is an attorney and was at the time of the conduct in question the holder of the highest public office of this country and in a position of public trust."

Under state law, this court has jurisdiction over lawyer disciplinary proceedings in the First Department, which consists of Manhattan and the Bronx. A lawyer is licensed to practice across the state, and any action by this court affects his ability to practice statewide.

From 1963 until he was elected President in 1968, Mr. Nixon was a partner in the Wall Street law firm of Mudge, Stern, Baldwin & Todd, which later became Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell.

"We note that while Mr. Nixon was holding public office he was not acting in his capacity as an attorney," the court said. "However, the power of the court to discipline an attorney extends to misconduct other than professional malfea-

sance when such conduct reflects adversely upon the legal profession and is not in accordance with the high standards imposed upon members of the bar."

The opinion was written by Justices Arthur Markewich, Vincent A. Lupiano, Harold Birns and Myles J. Lane.

Dissenting was Justice Theodore R. Kupferman, who said Mr. Nixon's resignation should have been accepted under the circumstances.

Inquiry Begun in 1974

An investigation into Mr. Nixon's conduct began in September 1974, a month after he resigned as President, by the Committee on Grievances of the bar association. That group has been designated by the Appellate Division in Manhattan to institute disciplinary proceedings in its jurisdiction.

John G. Bonomi, chief counsel of the grievance committee, handled the case along with three special counsel—Arthur L. Liman, Lewis A. Kaplan and Ronald W. Meister, all of the law firm of Paul, Weiss, Rifkin, Wharton & Garrison.

The Charges Drafted

These lawyers drafted the following charges that were sustained by the court yesterday:

¶ Mr. Nixon improperly obstructed an investigation by the Federal Bureau of Investigation into the unlawful entry into the headquarters of the Democratic National Committee in Washington on June 17, 1972.

¶ He improperly approved the surreptitious payment of money to E. Howard Hunt, who was indicted in connection with the break-in.

¶ He improperly concealed and encouraged others to conceal evidence relating to unlawful activities of members of his staff and the Committee to Re-Elect the President.

¶ He improperly engaged in conduct that interfered with the legal defense of Mr. Ellsberg, who was on trial in Los Angeles on charges arising from the publication of the Pentagon Papers in 1971.

¶ He improperly attempted to obstruct an investigation by the Justice Department into the unlawful entry into the offices of Dr. Lewis Fielding, a Beverly Hills, Calif., psychiatrist who had treated Mr. Ellsberg.

Under the court's order, Mr. Nixon's name will be struck from the roll of lawyers in the state one month from today. Once disbarred, a lawyer cannot practice law in any form, cannot appear as a lawyer before any court or agency and cannot give legal advice in the state.