

# A.B.A. Unit Backs Impartial Application Of Laws but Without Mentioning Nixon

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HONOLULU, Aug. 12—A committee of the American Bar Association approved unanimously tonight a resolution calling for impartial application of the criminal laws to all potential defendants "without fear or favor arising from the position of status" of the accused.

The compromise proposal, drafted by the Assembly's resolution committee as the 98th annual meeting of the association opened, carefully did not name former President Richard M. Nixon or anticipate his future involvement in the Watergate prosecution.

The same 15-member committee rejected a much more pointed Mr. Nixon and urged Leon Jaworski, the special prosecutor, to prosecute the former President if he found Mr. Nixon had committed a crime, independent of his former office or any other factor.

The resolution will come up for a floor vote tomorrow in the Assembly, which consists of all the 5,000 members attending the convention here. If it passes, it will then go to the House of Delegates, a 340-member policy-making body, for final confirmation later in the week.

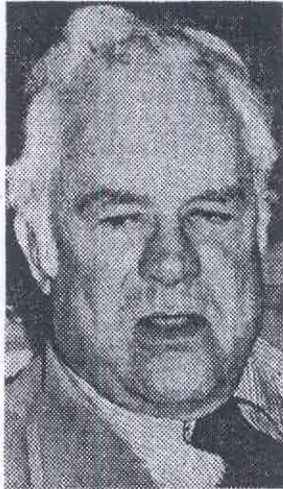
## 'Fair and Impartial'

As finally redrafted by the committee, the resolution read:

"Whereas the foundation of the American system of law is equal justice for all, therefore, be it resolved, that the American Bar Association continues its dedication to the principal of fair, just and impartial application and enforcement of the law, without fear or favor arising from the position or status of the person or persons alleged to have violated the law."

Dropped from the original proposal drafted by Thomas M. Ferrill Jr. of Blue Bell, Pa., was a statement of opposition to any intervention in such criminal proceedings by another Government agency — presumably Congress or the White House — that would have protected anyone "entrusted with high public office."

The final compromise was as close as the bar association appeared to be willing to go toward recording opposition to granting Mr. Nixon immunity from criminal prosecution for his role in the Watergate cover-



Associated Press

Chesterfield Smith, outgoing head of the American Bar Association, would avoid a stand on question of immunity for Richard M. Nixon.

up.

It remained unclear, however, whether the committee resolution, or a modified form of it, would be able to win final approval in the relatively conservative lawyers' organization.

Chesterfield Smith, outgoing president of the association, told a news conference this morning he did not believe the organization should take a position on "one factual situation or one man" with respect to criminal immunity, although he personally opposed granting Mr. Nixon any such blanket immunity.

Some association members believe, however, that the reputation of the legal profession,

clouded by lawyers' involvement in the Watergate scandals, could be strengthened if the group went on record in opposition to immunity for anyone involved in the cover-up conspiracy.

Other bar leaders, including some more sympathetic to Mr. Nixon, would prefer to avoid the issue by maintaining that the bar association should confine itself to general policy resolutions rather than intervening in specific legal con-

troversies.

The Graham resolution, to be debated in committee later, concluded, "It is the opinion of this body that the special prosecutor's decision on whether or not to prosecute Richard M. Nixon for crimes or misdemeanors should be based solely upon a determination of whether he had committed a crime for which he should be convicted."

The resolution pointed out that "immunity is properly granted only by a court of law to a defendant voluntarily cooperating in the prosecution of other crimes, and said cooperation was not forthcoming or obtained from Richard Nixon."

Complicated A.B.A. procedures could pigeonhole the resolution at any one of a number of points. It must first be approved by the Assembly, which consists of all association members at the convention. If the assembly passes it, it goes to the House of Delegates, which consists of 340 elected representatives from state and local bar associations, past presidents of the group and other officials.

If the House of Delegates approves, the resolution becomes association policy. If it disapproves, the Assembly can still, by a two-thirds majority vote, require a mail referendum on the issue among all 85,000 A.B.A. members.

Mr. Smith, who had antagonized some bar leaders by pressing for impeachment, said that if Mr. Nixon were granted immunity, the same privilege would have to be accorded all

other Watergate defendants awaiting trial "from top to bottom" to preserve justice.

Later in a speech to the bar meeting, the outgoing president called for some form of amnesty for all Vietnam draft resisters, in part because the war was an unconstitutional act against which they had a legitimate protest.

The plea that the A.B.A. support "full rehabilitation of the war resisters" did not appear headed for acceptance, even to Mr. Smith. The strongest proposal before the convention favors creating an immunity review board that could grant amnesty based on two years' national or military service in individual cases.

Mr. Smith called this plan "at best only a limited solution to a small part of the problem — at worst, it is a moral abdication of the right to full repatriation of those who reacted to the draft out of conscience."

## 'Ordinary Processes'

MINNEAPOLIS, Aug. 12 (AP)—The National Lawyers Guild has urged that former President Nixon "be subjected to the ordinary processes of the criminal law" in connection with the Watergate scandal.

The resolution, adopted here over the weekend at the group's annual convention, also said Mr. Nixon should be subjected to professional discipline to determine his fitness to practice law.

The organization, which claims a membership of 4,000 lawyers, legal workers and law students, said Mr. Nixon should be denied the usual honors granted to former Presidents.