

After Viet Debate, ABA Agrees to

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NEW YORK, July 7—In a major concession to its strongest opponents of the Vietnam war, the American Bar Association agreed today to launch a special study of the war powers of the President and Congress.

But the ABA, winding up the business sessions of its 94th annual convention, rejected stronger antiwar moves, including a call for prompt troop withdrawal and a study of charges that America is committing war crimes in Southeast Asia.

Action on war issues came during a day of legalistic but emotional debate over policy and the lawyer's role in public affairs.

The Lawyers Committee to End the War, a group of young ABA members who spearheaded the antiwar resolutions, considered the results a significant breakthrough in their effort to impress the organized bar with the seriousness of the legal issues surrounding the war.

Committee members, praising the good faith of bar leaders with whom they disagreed, said it was a major achievement just to occupy the bar's center stage for a day of orderly debate on the war.

Debate in the ABA's Assembly, which includes the convention's registered membership, centered on whether the ABA would be getting too "political" if it intervened in a matter before Congress and the President, whether law-

yers were capable of giving good advice on the subject, and whether some moves might give a propaganda boost to the enemy.

Former ABA President Orison S. Marden of New York said the troop withdrawal resolution "really says nothing" in light of President Nixon's vow to end the war, "but it would not be so construed by the enemy or the press. The ABA would be plastered in the press as urging that our boys be brought home forthwith from Vietnam."

As amended by the young lawyers from an initial demand for "immediate" withdrawal, the resolution would have called on the government to withdraw "as soon as physically and logistically possible without endangering the

lives of American troops, all United States military personnel from Indochina."

The ABA's resolutions committee, which heard arguments for three hours on Tuesday, recommended disapproval but emphasized that it "agrees with the sense and spirit of the resolution in that the association hopes, as all Americans hope, for a speedy conclusion to the war."

The resolutions committee said the matter was "under active consideration by the Congress." It noted that the ABA's membership of 150,000 is widespread and diverse, and concluded, "If the Assembly became a forum for partisan political debate and action, it would betray its responsibility to the profession."

Backers of the resolution de-

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Study War Power

nied that getting out of Vietnam is a "partisan political" issue. They said lawyers were especially well equipped to lend their advice on matters threatening the U.S. legal system.

The pullout resolution was killed by a vote of 173 to 105. If it had carried, it still would have had to clear the 297-member House of Delegates, which acts as the bar's legislature. Defeat of the resolution calling for a war crimes inquiry came by a lopsided voice vote, leaving the lawyers committee with its compromise victory in the agreement to study government war powers.

Under the agreement, the question of where the President's and Congress' power to make war begin and end will

be studied by a new group appointed through two regular ABA bodies — the Section on international law, whose new chairman is Harry A. Inman of Washington, and the standing committee on world order under law headed by Nicholas deB. Katzenbach.

When he was under secretary of state, Katzenbach told Congress that its Gulf of Tonkin resolution was "the functional equivalent of a declara-

tion of war" authorizing President Johnson's actions in Vietnam.

Yale Law Professor Louis Pollak urged the study despite his own view that the war may be constitutional without a formal declaration of war because Congress has gone along with it. He said the issue needed airing, whatever the results, because popular and professional doubts have become so widespread.

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