

Bar Association Governors to Study

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WASHINGTON, June 24 — The American Bar Association's Board of Governors will meet in a special session next month to decide whether the association should oppose controversial portions of President Nixon's proposed anticrime legislation.

By holding the session a month before the association's annual convention in August, the Board of Governors could play a significant role in the progress of the anticrime bills.

The bills are now encountering slow going in Congress, where constitutional questions have been raised in opposition to key provisions. If the bar association should formally endorse major portions of the bills, it could provide crucial support to them. If it joins in criticizing the controversial measures, opponents would have impressive new ammunition.

Opposition Is Sought

Bernard G. Segal, president of the American Bar Association, has notified officials in Washington that the 21-member Board of Governors will hold a daylong special session in Chicago on July 15 to determine the association's position.

The immediate purpose of the meeting is to act on recommendations adopted earlier this month by the executive council of the association's Criminal Law Section. It called on the A.B.A. to oppose formally key provisions of two comprehensive bills endorsed by the Nixon Administration to combat

crime in the District of Columbia and to attack organized crime.

Among the provisions disapproved by the council were portions of the District of Columbia crime bill for the preventive detention of "hard core" defendants before trial; authorization of "no-knock" searches by the police; shifting the burden of proof on defendants who contend they are insane, and a requirement that plaintiffs in false-arrest cases pay the legal expenses of the policemen, even if the plaintiffs win.

McClellan's Complaint

The council rejected portions of the organized crime bill that would permit 30-year terms for racketeers convicted of relatively minor offenses; allow recalcitrant witnesses to be held

in jail for contempt for up to 36 months without a jury trial, and reverse a 1969 Supreme Court decision giving defendant access to transcripts of illegal governmental eavesdropping.

Officials in the Government and members of the bar association have expressed chagrin that these recommendations were made public in a way that tended to create the impression that the bar association had questioned the Nixon Administration's bills. The recommendations were supposed to have remained secret unless adopted as official A.B.A. policy.

Senator John L. McClellan, Democrat of Arkansas, had complained in a Senate speech that the council's actions were leaked to the press in a form that obscured the fact that

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Anticrime Bills in Special July Session

the council approved many of the provisions of the organized crime bill in principle, although it disapproved of them as currently drafted.

For instance, the council disapproved of the title of the bill that would reverse the Supreme Court's wiretap ruling while it approved a secondary measure that would cut off constitutional objections to use of illegally seized evidence after five years. In another instance, the council disapproved of the 36-month imprisonment for civil contempt without a jury trial while it approved it for up to 18 months.

Recommendations Detailed

The association's Board of Governors will be precluded from approving some of the provisions as currently drafted,

even though the membership, which is considered to be more conservative than the Criminal Law Section's council, might prefer to do so.

In the last five years, the A.B.A. Project on Standards for Criminal Justice has laid down a number of detailed recommendations for criminal justice. These have been approved by the association's House of Delegates as the bar association's official policy, and some are at odds with features of the Nixon Administration's bills.

However, a group of six conservatives on the Criminal Law Section's council has circulated dissenting views among the members of the Board of Governors. The conservatives argue that the standards differ from the Nixon proposals only in detail, and that the A.B.A. can

still give the measures its approval in principle.

Louis B. Nichols, a former associate director of the Federal Bureau of Investigation who is a member of the council, urged in his dissent that, "in expressing these views of the association to Congress, it be made clear that the association approves of the legislation and is simply suggesting modifications that it feels will approve it."

The adverse action of the Criminal Law Section's council has proved particularly embarrassing to the association because it came only a few days after President Nixon took the unusual step of releasing a letter to Mr. Segal, the association's president, in which the A.B.A. was asked to throw its prestige behind the Administration's anticrime proposals.