

ABA calls for 'free' prosecutor

United Press

CHICAGO — The American Bar Association urged Congress Saturday to create an office of the special Watergate prosecutor to be appointed by the District of Columbia's U.S. District Court Bench.

The ABA said in a resolution adopted by the Board of Governors at an emergency meeting — only the second in the association's history — the prosecutor should be "free and independent of the persons he is investigating."

ABA President Cheserfield H. Smith said the prosecutor could be appointed by the 15-judge bench headed by U.S. District Court Judge John J. Sirica under an existing statutory procedure for appointment of U.S. attorneys.

The proposal was made, he said, based on a legal procedure that allows the judiciary to step in when a President cannot get political concurrence to appoint a U.S. attorney.

Smith said that after debate the "consensus" of opinion among governors was that the President had a le-

gal right to fire former special prosecutor Archibald Cox, "but we felt it was wrong."

Smith distributed copies of a Resolution which urged Congress to create by legislation "an independent office of special prosecutor in relation to the matters in question and now under investigation."

The governors recommended that Congress "promptly extend" the term of the existing grand jury in Sirica's court for six months.

Smith said the ABA had no recommendation for a man to fill Cox's vacated position.

"Any fully qualified and capable lawyer can do the job," he said. "There are literally hundreds of them in the country."

He said the governors "did not find" Nixon's prom-

ise of appointing a new prosecutor "satisfactory."

"We fear that he (the prosecutor) would not be any freer to investigate the matter than his predecessor," he said. "He should be an independent prosecutor, free and independent of the persons he is investigating."