

A.B.A. Urged to Back Trial for Nixon

By WARREN WEAVER Jr.

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HONOLULU, Aug. 12—The American Bar Association was urged today to support the prosecution of Richard M. Nixon, despite his former high office, if the special prosecutor, Leon Jaworski, determined that he should be charged with a crime.

A resolution introduced by a San Francisco lawyer, Gilbert Graham, as the association's 98th annual meeting opened here, declared that "the lesson learned from the Watergate episode is that no man stands above the law, regardless of position or political office."

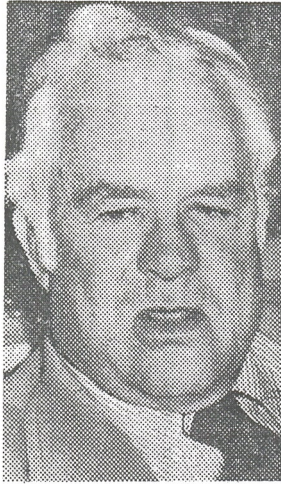
"It is unfair and unequal treatment for other Watergate defendants to be convicted, sentenced and disbarred for actions and conduct apparently condoned and participated in by the President of the United States if the latter is not also prosecuted for said actions and conduct," the resolution asserted.

With 5,000 members of the bar association beginning only preliminary meetings at their five-day convention, it was not clear whether the Graham resolution or some modified form of it was likely to win approval by the relatively conservative organization.

Opposes Lingering Out

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



Associated Press

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

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 controversies.

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 his 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.