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Bar Group Votes Draft Discouraging Nixon Immunity

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HONOLULU, Aug. 15 — The American Bar Association approved unanimously today a resolution designed to discourage any grant of immunity from criminal prosecution for former President Richard M. Nixon on the basis of the office he was forced to resign.

The resolution did not mention Mr. Nixon by name.

Not one of the 340 members of the association's House of Delegates rose to oppose the proposition that the laws should be enforced impartially, regard-

less of the "position or status" of any alleged violator. On the immediate voicevote, not a single "nay" was heard.

A number of association members said privately earlier this week that they would prefer to see Leon Jaworski, the special Watergate prosecutor, avoid bringing any charges against the former President, out of a sense of respect for his office. But none of them spoke up today.

The resolution read: "Whereas, the foundation of the American system of justice is equal justice under law; now, therefore, be it resolved, that

the American Bar Association continues its dedication to the principle of fair, just and impartial application and enforcement of the law, regardless of the position or status of any individual alleged to have violated the law."

A resolution committee rejected earlier a draft that named Mr. Nixon and identified the Watergate setting, in part on grounds that such a policy statement might be prejudicial to the former President in any subsequent consideration of his legal position.

The same proposal was almost killed earlier this week

before reaching the House of Delegates when fewer than a quorum of 200 members showed up for a resolutions meeting of the A.B.A. Assembly, which is supposed to include all 6,200 delegates to the 98th annual convention.

Sensing that abandonment of the anti-immunity proposal would arouse criticism and disbelief, Chesterfield Smith, who is completing his term as the A.B.A. president, succeeded in getting it on the House of Delegates calendar without the usually required prior action by the Assembly.

Although the resolution did not specify all the alternatives, Mr. Nixon could be granted some form of immunity by Congress, by his successor, President Ford, or by Mr. Jaworski.

Most legal authorities believe, however, that any grant of immunity by Congress would be subject to serious constitutional objections, and President Ford has indicated that he would not regard it as proper for him to move toward granting immunity for his predecessor.

The committee's resolution used language that would encourage Mr. Jaworski to consider any factors with regard to prosecuting or not prosecuting Mr. Nixon that he would weigh with an ordinary citizen, such as health, previous criminal record and willingness to cooperate with the prosecution.

Disciplinary Rules

The House of Delegates also approved by voice vote a related resolution, reaffirming the association position that disciplinary rules apply to lawyers whether they are practicing law or not and calling this fact to the attention of lawyers "engaged in political activity or policy-making positions in government."

A single unidentified member shouted "nay" when the vote was taken.

Earlier, the delegates voted overwhelmingly to defeat a resolution calling on state legislatures to repeal any laws that classify prostitution and solicitation as crimes. A series of speakers argued that such a proposal would weaken law enforcement and depress national moral standards.

—In a letter to Mr. Smith made public today, Chief Justice Warren E. Burger urged the association "to improve the means of making the system of justice more responsive to the needs of people of small means and of the problems which have seemed too modest to engage the attention of lawyers."

Chief Justice Burger said that lawyers "can and must simplify . . . procedures so as to reduce the costs attending the process of fulfilling every American family's dream of owning a home."