

# ABA Chief's Attack on Nixon Debated

By John P. MacKenzie

Washington Post Staff Writer

HOUSTON, Feb. 2—

The question of whether the American Bar Association should have spoken out as it did when President Nixon fired the Watergate special prosecutor last October was debated here today by national, state and local bar leaders at the ABA's winter meeting.

Leroy Jeffers, president of the Texas Bar Association, and Clarence L. Yancey of the Louisiana State Bar Association, that ABA president Chesterfield charged Smith made "intemperate" statements in denouncing Mr. Nixon for dismissing Archibald Cox.

Defending Smith were former ABA president Robert W. Meserve and St. Louis Bar Association president Frank E. Vigus. They said the legal profession had a duty to speak out when the White House attacked "the rule of law."

Smith's action, including his

congressional testimony in favor of a court-appointed prosecutor, was ratified by the ABA's board of governors. But the board, including Smith, is opposed to a bid by the Law Student Division to take a stand on the impeachment investigation underway in Congress.

In the debate, held before an audience of 600 at a meeting of the National Conference of Bar Presidents, Yancey, of Shreveport, La., said, "I perceived no danger to American justice" in firing of Cox. He said the bar should have protested instead the role of a "vengeful press" and "prejudicial" Senate hearings.

Jeffers said ABA leaders were caught up in news media "distortions" of Watergate.

Vigus said Smith's leadership had helped to educate lawyers and the public on legal and constitutional issues

and had helped safeguard the independence of Cox's successor, Len Jaworski.

Meserve, a Boston lawyer, said critics simply disagreed with what Smith had said. The issue, he added, was "not what we should say, but whether we should speak out."

In other action:

- The board of governors, advised by airlines that no extra jet fuel would be burned, reaffirmed its intention to hold the August convention in Hawaii. More than 10,000 lawyers and their families are expected to attend.

- Smith predicted that the House of Delegates, the 330-member policy body which meets Monday, would endorse the principle of laws protecting newsmen's confidential sources from subpoena.

- Smith said the delegates probably will support propos-

als to create a new national court to screen petitions to the Supreme Court and resolve conflicts among the lower federal courts.