

Sacramento

Former President Nixon's recent pardon and its effects on the legal system continued to dominate the State Bar Association convention yesterday, but the delegates did manage to pass some resolutions dealing with other matters.

Legalization of personal use of marijuana was approved, as well as a motion to limit the number of retrials after a hung jury.

But the rapid-fire events of the past few days—the unconditional pardon, Mr. Nixon's subsequent indication he would resign from the bar, and the news that President Ford may pardon other Watergate figures—seemed to monopolize the attention of the 1500 California lawyers.

Brent Abel, president-elect of the state's Board of Governors, said he didn't think a possible blanket amnesty of all the Watergate-related persons "is in the highest tradition of justice.

"The pardons should be considered individually, if they are going to be given, since each person involved should be treated individually, with regard to his own suspected crimes."

Abel joined many other lawyers here in questioning the practice of "pardoning someone who hasn't been convicted," but added that "perhaps there's something we don't know — if we learned that Mr. Nixon was about to be hospitalized before the pardon, that would certainly affect the public judgment."

Among the lawyers most worried that the public may never find out all the details of Watergate if the upcoming trials are canceled was institutional law expert Paul Mishkin of the University of California's Boalt Hall in Berkeley.

In a speech to 300 Boalt alumni, Mishkin suggested the creation of a national commission of "unquestioned stature and independent integrity" to investigate Watergate and all its ramifications and later "report to the American people."

Mishkin, who testified before Congress last fall on the constitutional validity of appointing a special prosecutor, said the commission would be created by an act of Congress or by presidential appointment.

"I am troubled with leaving things unresolved if these trials are aborted," Mishkin said.

"So long as there is no forum where the facts can be determined," he said, "we will be left with no declaration of what is or is not acceptable conduct in domestic politics.

"The commission might not bring back all the answers," he added, "but only those for which there is reliable evidence. But it's important that such a commission not merely settle things quickly and finally, but instead try to explain to people what happened during Watergate and why."

After lunch, the delegates returned to their cavernous meeting hall to pass, for the third year in a row, a resolution that would legalize personal use of marijuana and allow persons to grow the plant in their homes.

But the Board of Governors has so far refused to include the often-repeated resolution in its legislative lobbying package and it

seemed doubtful it would do so this year.

The delegates also approved a resolution that would prohibit a defendant from being re-tried after two hung juries. The resolution was slightly amended to allow a court to order a later trial if the interests of justice outweigh any prejudice to the defendant.

Resolutions that were disapproved included a proposal to allow defense lawyers to give the closing argument in a criminal case. This has always been the prerogative of the prosecutor.

The delegates also turned down a resolution that would, if enacted into law, force police agencies to open departmental records of investigations of police officers to defense attorneys who asked for them.

The four-day convention is scheduled to end tomorrow evening after the delegates have sifted through the rest of their 189 resolutions.

10 San Francisco Chronicle ★ Wed., Sept. 11, 1974

SFChronicle

Pot Resolution

SEP 11 1974

Bar Preoccupied With the Pardon

By Michael Taylor
Chronicle Correspondent