

Leading Lawyers at Convention Disagree on Nixon Prosecution

NYTimes

AUG 12 1974

HONOLULU, Aug. 11 (AP)—Some of the nation's leading legal figures disagreed today about whether Richard M. Nixon should be prosecuted for alleged Watergate crimes.

It was uncertain, on the eve of the 97th annual convention of the American Bar Association, whether the issue would come up for formal debate.

In preconvention discussions, there were conflicting opinions on whether Mr. Nixon had been punished enough by becoming the first President to resign.

Former Attorney General Elliot L. Richardson opposed criminal prosecution.

'Like Everything Else'

"I think that as a matter of discretion he should not be prosecuted and I hope that an understanding to that effect could be accomplished," he said.

Mr. Richardson gave up the Attorney General's post last Oct. 20 rather than follow President Nixon's orders to discharge the then Watergate prosecutor, Archibald Cox.

Sargent Shriver, the 1972 Democratic Vice-Presidential nominee, opposed any immunity from criminal prosecution.

"The President is under the

law like everyone else," said Mr. Shriver, who will conduct a symposium on legal services tomorrow. "And I think he's responsible for his actions just as any grownup is responsible."

Another convention speaker, Senator Sam J. Ervin Jr., Democrat of North Carolina, said the question was entirely up to the office of the Watergate prosecutor, Leon Jaworski, who succeeded Mr. Cox. Mr. Ervin was chairman of the Senate Watergate committee.

The first reaction last week of Chesterfield Smith, the bar association president, was: "No man is above the law. Judgments should be made on the merits of Mr. Nixon's case just like anyone else."

Mr. Smith said the question of disbaring Mr. Nixon should be raised only if the former President decided to return to law practice.

The bars of New York and California both have begun preliminary investigations to determine whether Mr. Nixon should be banned from practicing law again.

Last year he said he had no plans to return to his law practice after leaving the White House.

To Discuss Watergate

The convention agenda was compiled before Mr. Nixon's resignation last week, but a number of scheduled sessions deal with Watergate and related topics.

Senator Ervin will participate in a panel Wednesday on "Watergate: The Public Lawyer and the Bar." Another panelist will be United States Attorney George Beall of Baltimore, who prosecuted former Vice President Spiro T. Agnew.

The subject of discipline of lawyers and judges will be discussed Tuesday. The speaker include Chief Justice Donald R. Wright of the California Supreme Court.

An estimated 6,000 of the association's 185,000 members are expected to attend the week-long session.

Both Gerald Ford and Chief Justice Warren E. Burger had been scheduled to address the convention, but canceled.

James D. Fellers of Oklahoma City will become the new A.B.A. president Friday. He will be succeeded as president-elect by Lawrence F. Walsh of New York. Mr. Walsh is a former deputy United States Attorney General and Federal judge who served as deputy chief of the American delegation to the Paris peace talks in 1969.