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Attorneys ask bar to pursue Nixon probe

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SACRAMENTO — A group of dissident attorneys wants the state bar to pursue its investigation of former President Nixon despite his intention to resign from the practice of law.

Mr. Nixon might decide, years hence, to renew his legal practice," the group said in a letter to bar President Seth L. Hufstedler of Los Angeles.

"It may be difficult at that time to reconstruct the factual record necessary to make a full and fair evaluation of his fitness to practice law," they said.

The question of a continued investigation arose yesterday during the bar's annual convention when some lawyers suggested Nixon could make application for reinstatement in a couple of years.

The 100 dissidents, including Assembly Democratic Floor Leader Howard Berman of Los Angeles, said in their letter to Hufstedler the bar appears to want to wash its hands quickly of the matter by turning it over to the California Supreme Court.

"Such action if taken by the state bar would clearly frustrate and halt a thorough, considered investigation of Richard M. Nixon," they said.

Hufstedler said it was not the bar's intention to frustrate any investigation, but

that the high court would have the final say over whether to accept the resignation as tendered by Nixon.

He added that resignation was not tantamount to disbarment, as some have suggested.

Hufstedler said the bar would forward to the court a recommendation regarding Nixon's resignation and whether there should be disciplinary action.

John S. Malone, the bar's executive secretary, said Nixon could ask to be reinstated as a practicing attorney in five years.

Malone also said there was a special provision in certain circumstances under which he could make reapplication for a license in two years.

But Nixon's attorney, Dean S. Butler, said in an interview that the whole question of Nixon's desire to practice law again seems irrelevant.

"Everytime I want to talk about reapplication, it's a moot point," Butler said of his conversations with the former president.

Asked if he thought Nixon would want to practice law again, he replied: "Quite the contrary."

The bar concludes its convention today with a scheduled speech by U.S. Health, Education and Welfare Secretary Casper Weinberger.