

Prosecution or Clemency? Post 8/17/74

As President Ford stated in his address to Congress last night, "action speaks louder than words." I agree that former President Nixon has suffered enough by virtue of losing their high office and the attendant disgrace. Equally, our draft resisters have suffered enough by virtue of losing their families and their country. If action does speak louder than words, can't we expend our energies in a way to not only bind up the wounds of Watergate, but to bind up the wounds of our mistaken ten-year intervention in Southeast Asia. I believe President Ford should extend clemency not only to the former President, but to those who could not, in good conscience, take part in an unjust war.

CHARLES B. COFFER.

Hyattsville.

Through resignation, Mr. Nixon has avoided impeachment. Yet he did not avoid the House Committee's recommendation for impeachment. This recommendation showed that our Constitution and the constitutional process of checks and balances can really work. But this process cannot stop with his resignation. Although I feel genuine compassion towards Mr. Nixon, I cannot condone his misuse of the power that was entrusted him during his term as President. Mr. Nixon must be prosecuted by judicial means. He must go through the same judicial process that any citizen would be required to go through, once accused of a felony. No man can be placed above the law. This is a plea for equal justice under the law, for everyone.

STEVE STROUD.

University Park, Pa.

The trauma of resignation is over, but there are still consequences of Mr. Nixon's actions which must be faced. One of the principles which had to be reaffirmed by the process which was leading to his impeachment and probable conviction was that the President is not above the law. One wants to hope, although we frequently see examples to the contrary, that no American, regardless of rank, wealth or privilege, is above the law.

Mr. Nixon is now a private citizen. He has suffered much, and no person, unless he were singularly incompassionate and unduly vindictive, would wish to see him suffer more. Yet a cogent argument can be made that the rest of the evidence must be examined, and if warranted, Mr. Nixon should be indicted for the crime of obstruction of justice, not from a vindictive spirit, but from the necessity of maintaining equal justice under the law.

How do we explain to Mr. Nixon's advisors and presumed co-conspirators, as well as to their families, that while the former serve their jail sentences,

Mr. Nixon is free and well in California, receiving his checks from the government? For that matter, what do we say to the poor, the underprivileged, the minorities, who are serving sentences for minor crimes because they had no power or privilege, when a man who by his own admission and an apparent plenitude of evidence, committed a much greater sin and yet remains unprosecuted because he was President of the United States?

If we wish to maintain the ideals that no man is above the law, and that justice must be equal to all, due process of law must go forward in Mr. Nixon's case, painful as it will be to everyone.

RONALD S. WILKINSON.
Washington.

I, like many others, oppose a grant of immunity to Mr. Nixon, because it prevents judgment on his guilt or innocence, thus placing him above the law. However, I believe that the following procedure, using the presidential power to pardon, would best serve the national interest:

(1) After he has completed a full investigation, Special Prosecutor Jaworski should submit a report to the Congress, indicating which, if any, crimes he believes have been committed. Mr. Jaworski should advise Congress that either Congress should recommend to the President that Mr. Nixon be pardoned or else Mr. Jaworski will indict. At this point if Mr. Nixon desired vindication by testing his innocence in a criminal trial, he could state to the nation that he did not desire a pardon. The trial would then proceed.

(2) Assuming Mr. Nixon does not make any such statement, Congress at this point will be faced with the choice of either doing nothing—in which event Mr. Nixon would be indicted—or passing a resolution recommending to President Ford that Mr. Nixon be pardoned. If any Congressman believes that Mr. Nixon has committed a crime yet should not be imprisoned, he could vote for the resolution. President Ford, on this basis, could then issue a pardon in advance of any indictment.

The advantage of this procedure is that it would permit a national judgment on Mr. Nixon's guilt, even if Congress believes that most Americans may not desire to see a former President imprisoned. A pardon, of course, is only issued on the premise that an individual has committed a crime. On the other hand, if Congress decides not to pass the resolution, Mr. Jaworski may proceed with the indictment, supported by a national mandate.

NANCY K. KOPP.

Bethesda.

Events have made it impossible for President Nixon to complete his term of office. His resignation was the quick, easy way out, and it relieved each congressman and senator of the

need to take a stand on impeachment and conviction. In resigning, however, Mr. Nixon tried to make it appear that loss of congressional support was the sole factor in his decision. He did not recognize that he would certainly be impeached and convicted, nor acknowledge any conduct which made that constitutional action unavoidable.

In order to clarify the situation and prevent present and future claims by his partisans that he has been hounded out of office by political opponents, some decisive event must occur that will firmly establish the reasons behind his resignation. Any one of the following would fill this need: (1) a public statement by Mr. Nixon acknowledging that actions taken in his name and with his knowledge can reasonably be interpreted as impeachable offenses, (2) indictment by the Federal grand jury for specific crimes in which Mr. Nixon was involved, or (3) action by the House of Representatives to accept and approve the report of the House Judiciary Committee and to assert by a record vote that it is not necessary to vote impeachment because the President has resigned.

Mr. Nixon is not likely to take the first action. In my opinion the Special Prosecutor should not be dissuaded from the second by a congressional effort to grant immunity. I think that a strong position taken by the House that evidence of impeachable offenses is available would correct the false and misleading impression created by Mr. Nixon's resignation speech.

DEAN E. KRUEGER.

Bethesda.

If we prosecute Richard Nixon for crimes which we certainly now have probable cause to believe he committed we might well be going forward without having considered the need for demonstrating to ourselves and the world that character trait needed by both nations and individuals—mercy. Justice, indeed, might mandate prosecution, but justice exercised in a merciless system cannot be accommodated with the fallibilities of those doing the exercising. Are we strong enough nationally to crush Richard Nixon under our heel without it amounting merely to retribution or vengeance?

That Mr. Nixon will have to look himself in the eye and confront his hypocrisy is the legacy of his political life; that the country must extricate itself from pending economic disaster and chronic decay of its stabilizing institutions has been made more evident by the stench of Mr. Nixon's recent incumbency. Trying Mr. Nixon would not serve as a lesson to others similarly inclined as much as it would delay a much needed new adventure toward national self-awareness and compassion.

JOHN W. REED.

Bethesda.