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An Open-and-Shut Case Against Mr. Fauntroy

In "This Was Walter Fauntroy's 'Crime'" [op-ed, Aug. 18], William Raspberry asserts that Mr. Fauntroy's conviction for a "victimless" and "guiltless" crime "makes no sense."

Mr. Fauntroy admitted filing a false financial disclosure statement under penalty of perjury and of failing to correct the statement because "he simply forgot to do it."

By definition, a crime is any act or omission prohibited by law and made punishable by the state in a judicial proceeding. While an employee in the executive branch of the government would have been suspended or fired for

failing to correct a false disclosure statement in a timely fashion, Mr. Raspberry seems to be saying that Mr. Fauntroy deserves special treatment, that the Department of Justice and the courts should have excused his violation of the law.

Initially, Mr. Fauntroy pleaded guilty to a penitentiary offense for which a five-year prison term could be imposed. But the Justice Department withdrew the felony charge when the Supreme Court rejected application of the statute in a similar case. Mr. Fauntroy then agreed to plead guilty to a misdemeanor under a local statute and was sentenced

to pay a \$1,000 fine and perform 300 hours of community service.

Mr. Raspberry's spin, which would relieve the Rev. Fauntroy of the penalty, eschews the reality that the law affords no immunity to lawmakers and other public officials for violating the law.

The sentencing guidelines call generally for sentences that are considerably higher than the average pre-guidelines practice. Long before Congress enacted the guidelines, the courts imposed stiffer penalties on public officials than on ordinary offenders. But under the guidelines, public officials can decrease the offense level by two levels by clearly demonstrating acceptance of responsibility for the offense.

Mr. Raspberry's dissatisfaction with Mr. Fauntroy's sentence might have some credibility had the sentencing judge overruled Mr. Fauntroy's objection to the pre-sentence report recommendation. Apparently no objection was made to the report.

CHARLES E. WILLIAMS
Washington