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After His Fall

By William V. Shannon

WASHINGTON, Aug. 8 — Senator Mike Mansfield of Montana, the majority leader, has made the wise and constructive suggestion that impeachment proceedings should continue against President Nixon despite his resignation.

Senator Edward Brooke, Republican of Massachusetts, has meanwhile put forward the sentimental and wrong-headed notion that Congress should pass a resolution urging that Mr. Nixon not be brought to trial for any crimes he has committed while in office.

The reaction to Mr. Mansfield's idea was generally adverse. The response to Mr. Brooke's proposal was much more favorable, though probably not strong enough to get it adopted. The differing reactions to these two suggestions tell much that is both good and bad about American political attitudes and particularly about the moral atmosphere of this Capital.

On the good side, the charitable attitude toward Mr. Nixon's offenses demonstrates once again that Americans are a generous, amiable people. Our national history has been fortunate; there are no defeated elements in society nursing ancient grudges or old hatreds; our politics, though having an economic base, is not embittered by the antagonisms of class warfare. Thus it is that Americans are usually ready to forgive and forget.

But some undesirable attitudes also shape this viewpoint. There is the monarchical reverence with which too many Americans regard a President. It is as if, once elected, he partakes of the divine right that kings in earlier times were thought to possess. This is far removed from the simplicity of Thomas Jefferson who, on the evening of his first day in the Presidency, stood and waited for a place at the dining table in his boarding house.

Another unhealthy influence is notably present in Washington, D.C. This is a one-industry town where politicians, senior bureaucrats, lobbyists, and newspapermen work and socialize together. Contrary to the argument of some Nixon supporters, it is not true that "they all do it." Most politicians are not corrupt. But it is true that like most people in any industry, they tend to become tolerant of one another's failings.

Washington is also an Horatio Alger town. People here are accustomed to the spectacular rise of previously obscure men who have been elected or appointed to high office. The city vicariously enjoys their ascent, their brief years of power and glory, and then accommodates them as permanent has-beens or forgets them altogether if they depart.

As a result, many people here can identify with the life-style of these transient men of power—their sudden increases in rank and salary, their limousines, their hushed offices and deferential secretaries, their smiling faces at cocktail parties every evening, their children attending expensive private schools.

To be deprived suddenly of all that—as the Spiro Agnews were last year and as the Nixons are now to be—to be dropped from every hostess's party list, to be stripped of offices, secretaries and even (oh, precious perquisite!) one's limousine, to have the dream killed prematurely and abruptly—that seems like punishment enough.

But this weird inversion of values, this sloppy sentimentality toward men who have betrayed the public trust has no basis in the Constitution or in the ideal of equality that ought to prevail in a republic.

A prison term for an impeached President—if his offenses merit a criminal penalty—is clearly what the framers of the Constitution intended. They provided in Article 1, Section 3: "Judgment in cases of impeachment shall not extend further than to removal from office . . . but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." (Emphasis added.)

Let there be no more dithering about conferring immunity on Mr. Nixon for crimes he committed while in office. The special prosecutor should now allow a grand jury to do what the original Watergate grand jury wanted to do last winter, namely, indict Mr. Nixon for conspiracy to obstruct justice. Assuming that he is convicted after a trial, Mr. Nixon can then be the recipient of a pardon if President Ford wishes to confer one upon him and upon all the other Watergate defendants as well. But clemency must follow conviction not precede it.

The principle of equal justice before the law has already suffered two rude jolts in the cases of Mr. Agnew and of former Attorney General Richard G. Kleindienst. How can judges anywhere in good conscience continue to sentence ordinary men and women to prison if Mr. Nixon is also given a "sweetheart" deal?

At the same time, as Senator Mansfield has suggested, let the House and Senate conclude the impeachment proceedings and render a judgment on his "high crimes and misdemeanors." For the future "domestic tranquillity" of this Republic, it is essential that Mr. Nixon not be allowed to leave office in a manner that leaves either his criminality or his unconstitutional conduct open to any doubt or question—by him, by his supporters, or by sympathetic historians in the distant future. To guard against tomorrow's mythmakers let the record be clear and irrefutable.