

AUG 15 1974

NYTimes *Letters to the Editor*

If Mr. Nixon Goes Scot-Free . . .

To the Editor:

The proposal that President Nixon be given immunity from criminal prosecution shows that Congressional leaders are still unwilling to apply what one had thought were fundamental American principles—that no man is above the law, and that all men are equal before the law.

Conspiracy to obstruct justice is a felony, and the statutes clearly define the penalties for commission of the crime: prison and/or a fine. Unless there is to be one law for Presidents and another for all other citizens, Mr. Nixon, like any other citizen, must answer to the criminal process for criminal acts.

The fundamental unfairness of immunity is obvious on a moment's reflection. Should Dean go to jail while Nixon retires to San Clemente on a \$60,000-a-year pension? Should Halde- man, Mitchell, Strachan and the others be tried and face criminal punishment for obeying Mr. Nixon's orders while their chief goes scot-free? Such a result is offensive to any concept of evenhanded justice.

To suggest that removal from office is adequate punishment overlooks the comfortable life ahead for Mr. Nixon, and is in any case premature. Mr. Nixon may properly present such an argument to a Federal judge at the time of sentencing, should he be convicted of criminal acts. All those convicted of Watergate-related crimes have made similar pleas to avoid prison terms and, it should be noted, except in the case of Mr. Kleindienst the courts have rejected them.

Undoubtedly, the immediate public reaction to immunity would be relief and approval, for the prospect of criminal prosecution of a former President is distasteful to many. Over time, however, immunity would inevitably lead to continued divisiveness and

cynicism. To Mr. Nixon's partisans, it would lead to a belief that he was not actually guilty of criminal acts, or at least not serious criminal acts. To others, it would demonstrate that there is a different law for the powerful than for ordinary citizens.

Watergate is a transcendent test for American institutions. It is no peace for the compromises and palliatives that are the staple by which politicians ordinarily live. Unless Watergate's ultimate lesson is to be that all men are not equal before the law, Mr. Nixon, like any other citizen, must face criminal prosecution for criminal acts.

ROGER L. WALDMAN
New York, Aug. 7, 1974

Gleeful Pursuers

To the Editor:

Now that you have succeeded in your self-appointed task of driving from office a man whose political philosophy was at variance with yours—albeit with some help from him—the nation might more readily believe in your protestations of political non-bias if you go on to delve into suspect activities and stories of those on the same side of the political fence as yourselves. Particularly if the same zeal and determination and persistence go into the pursuit as those evidenced in the gleeful destruction of Richard M. Nixon.

If this does not occur, then the power of the liberal press is a frightening specter to contemplate for our political future, since it will be able to feed on its success and make or unmake anyone who displeases it, regardless of the electorate. No tyrant has ever had more.

It will be very interesting to watch your future activities.

LEONORA BURGERT
Dallas, Aug. 9, 1974