

RELIGION

People, Values

A Fair Trial For Politicians

By Andrew M. Greeley

I HOPE if they get around to sending John Mitchell to jail they send him to the prison at Lexington, Kentucky. There would be a nice irony in that; for then he would be a prison mate of Otto Kerner — a man whom John Mitchell put behind bars to punish Chicago for keeping Richard Nixon out of the White House in 1960.

Unless we get White House tapes from 1969, there will be no way to prove it, but the Chicago legal grapevine displays little doubt at all: the federal government set out to "get" Kerner and it got him.

I hold no brief for governors who accept racetrack stock at reduced rates, but I don't think the government had much of a case against Kerner. You don't after all, report bribery income in your tax reports if you think it is bribery.

As one government lawyer put it to me, "If the average businessman was subjected to the same scrutiny as Kerner, he could be indicted any day. Maybe you couldn't get a conviction, but with politicians you don't worry about that. No jury in America will acquit a politician nowadays."

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OTTO KERNER is a political prisoner, one of the few in America. He didn't get a fair trial. Few politicians can get a fair trial. (And the Mitchell-Maurice Stans case in New York only proves it. An alternate juror who was a stockbroker turned a 10-2 conviction verdict around because he knew what the witnesses were talking about — a rare event for any jury.)

There used to be a lot of shouting from professional liberals that radicals

political city, a Democratic city, a black city dominated in its thinking by the massive power of the Washington Post. Can a Nixon aide get a fair trial under such circumstances? I doubt it.

Similarly, it is hardly fair for Judge John Sirica to preside over the Watergate trial. He is an admirable man, no doubt, but he has surely taken enough stands on the Watergate affair to make it difficult for the defendants to get justice in his courtroom. A shrewd trial judge can direct the outcome of a trial without committing the outlandish reversible error that marked the Chicago Seven trial.

What harm would be done by changing the trial city and the judge? None that I can think of. What good would be done? The United States would be leaning over backward to give the benefit of every possible doubt to unpopular defendants, which is what the American system of justice is all about.

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THE CASES should be prosecuted only by special attorneys from the defendant's own party who have taken a pledge not to seek office for five years after the trial. The cases should be heard in other cities from that in which the crime was allegedly committed by a judge of the same party. Special appeals courts should be established to consider the possibility that political vendettas were involved in seeking the indictments.

Judges should instruct juries of the special nature of a political trial and the need to be wary of their own prejudices against politicians. The use of informant-witnesses who have already plea bargained should be severely limited.

The legal system, in other words, should give political defendants every possible break. Otherwise, I doubt that history will judge the trials have been fair.

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couldn't get a fair trial in the U.S., and that the American judicial system was on trial. Well, Philip Berrigan and his wife are walking the streets, and so are Angela Davis, Bobby Seale, and the Chicago Seven. None of the liberals has said that the "system" passed the test.

Nor have they protested against real political trials. The loudmouth libertarian organizations like the American Civil Liberties Union have remained silent. Kerner, Mitchell, and John Ehrlichman apparently don't deserve the same kind of fair trials that Berrigan, Davis, and Seale deserved.

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ERLICHMAN'S request for a change of venue seemed to me to be perfectly reasonable. Washington is a

FREEDOM is indivisible. One man's freedom is every man's freedom. If H. R. Haldeman cannot get a fair trial, then everyone in America loses a little freedom. You lose and so do I. Haldeman apparently wanted to violate our rights; if we do not get upset when his rights are in jeopardy, we become indistinguishable from him.

And that is a very bad thing for all of us.