## George F. Will

## The Prosecution of Mr. Nixon

of "an old man in a dry month/Being tended by Ronald Ziegler, calls to ming pool. Richard Nixon, still atuntended lawns into an unused swimread to by a boy." mind T. S. Eliot's haunting description At San Clemente leaves blow across

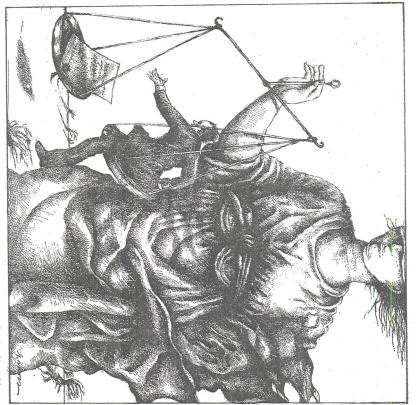
why Nixon should be prosecuted. But Spiro Agnew has re-emerged from not a task sensible Americans relish. the murk and shadows to demonstrate —inadvertently, of course—one reason Prosecuting a forlorn ex-President is

ery and extortion charges against him remain "unproved," he says he has suf-fered disbarment and the loss of his gle tax charge." good name just because of what he ington Post, Agnew has denied that he was treated leniently by the law last calls his "decision not to contest a sin-October. Stressing that the many brib-In a lachrymose letter to The Wash-

equivalent to a guilty plea. No one is and loose with the truth. He knowsman like Agnew, who plea bargained frantically to escape trial on the mounhe acknowledged in court—that his fice in order to escape prison. able to barter away a high public ofwould be in prison if he had not been "unproved." Agnew almost certainly tain of serious charges that he says are obliged to presume the innocence of a "no contest" plea to a tax felony was Agnew, as is his wont, is playing fast

gaining did short-circuit the judicial sooner or later, he will do so? same thing. And who doubts that process, he is in a position to do the resignation derailed the impeachment tendentiously, how little was formally sion and bitterness by emphasizing process, he now is able to sow confu-"proved" against him. Because Nixon's Because Agnew's desperate plea bar-

At the end of a spirited House of



By Geoffrey Moss

report that condemns him. to pay Nixon up to \$2 million for his version of history, his memoirs, b ed, in a loud aside: "And I'll write the history." Some publisher is going that to history!" And then he addmore debatable policies, Winston read the House Judiciary Committee's them—a lot more people than will cause a lot of people will want to read Churchill exclaimed: "We must leave Commons debate about one of his

Only prosecution of Nixon—a formal

judicial disposition of the issues raised by his remarkable performance in of-"proved" against him.
The point is not just that prosecurhetoric about how little was really American history with Agnewesque fice—can prevent him from polluting

mune from prosecution, then Watergate was not a pivotal episode. It was once was President he is, de facto, imtory. If it turns out that because Nixon this pivotal episode in American his tion can set the record straight about

> nerable to the law. If Nixon is immune from prosecution even when out of ofpivotal if-but only if-it established lished. then that principle still is not estabfice—immune for whatever reason the principle that Presidents are vul-

because prosecuting a former President is "unthinkable"— then we will enough" in forfeiting his office, Sufferviews about the sanctity of Presidents. cause he once was in office-just republican government is subverted by have accepted Nixon's anti-republican mitted in office; and escapes just bepunishment for any crimes he coming is not punishment. If Nixon escapes prosecuted because he has "suffered the argument that Nixon should not be Moreover, the central principle

ciary privilege, not a right. Resigning is comparable to private property. by fine or imprisonment, you are saypunishment. Punishment, like a fine or in the nick of time just to escape exfrom office—and especially resigning deprivation comparable to punishment dom-that belongs to him. If you say person of something-property or freepulsion and keep a pension—is not ing that a public office is something that resignation from public office is a imprisonment, involves depriving that belongs to the officeholder, that it In a Republic, public office is a fidu-

Fresident. we should consult public opinion before heard reason for not prosecuting venturing to apply the law to a former to establishing a system of special plewant him punished. This is tantamount biscitory democracy for some people: Nixon is that "most Americans" do not The worst and most frequently

will not be tempted to glance at Gallup Polls. Justice is blindfolded is so that she Surely one reason the Goddess of