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# Richard Nixon Is A Thorny Problem



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THE QUESTION whether Richard Nixon should be prosecuted for his misdeeds in connection with the Watergate cover-up is thornier than many people imagine.

According to the Gallup Poll 55 per cent of the American people oppose prosecution, and only 37 per cent favor it.

On the other hand, the let-him-alone advocates don't seem to understand that Mr. Nixon, once he stepped down as President, became legally subject to prosecution for any crimes he committed while in office, and that there is no very convenient technical excuse for failing to prosecute him for this one. Nor does Congress have the legal power to confer immunity on him.

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THAT, incidentally, is why it was dangerously naive for good-hearted people to complain that Mr. Nixon, in his resignation speech, didn't "make a clean breast of it" and frankly acknowledge his guilt. If he had done so, he would not only have been making things far easier for a potential prosecutor in his own case, but would gravely have compromised the trial of his co-conspirators, John Mitchell, H. R. Haldeman, John Ehrlichmann, et al.

The inclination of most Americans to go easy on Mr. Nixon is rooted in a sound perception that his own role in the conspiracy to cover up Watergate wasn't all

that awful anyway, and that his forced resignation from the presidency is an entirely adequate punishment for it. After all, there is no solid evidence that Mr. Nixon was privy to the Watergate burglary in advance.

When he learned of it, and discovered that practically all his top aides had been involved in it, he concerted with them a scheme to limit the FBI investigation to save their skins. Inexcusable — indeed, technically felonious; but once Mr. Nixon has been driven from the presidency in consequence, how many years must he also serve in a penitentiary before Senator Lowell Weicker is prepared to concede that justice has been done?

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IT WOULD be quite different if there were proof of any of those gaudy charges of tax fraud, sales of ambassadorships, etc. with which the anti-Nixon forces regaled us last winter. But there is no such proof.

Special Prosecutor Leon Jaworski and his 23 grand jurors must now decide whether to indict the ex-President, as the facts and the law indisputably permit — though do not require — them to do.

They have not shown any inclination to spare Mr. Nixon in the past. On the contrary, the grand jury was eager to indict him for conspiracy to obstruct justice back in February, on far thinner evidence than the tapes of June 23, 1972.