

Enough Punishment for Mr. Nixon

By Clare Boothe Luce

HONOLULU—Today, all America is debating whether Citizen Nixon should be prosecuted and punished for the "Watergate crimes" of President Nixon. Some hold that he has been punished enough. Others wish him failed to prove that justice is impartial.

"No man stands above the Law" is an American article of faith. It is not, unfortunately, a statement of fact about America.

Government and Federal Bureau of Investigation reports show that between 1969 and 1971 crimes of violence (murder, rape, robbery and aggravated assault) went up 80 per cent. In 1971, 5,955,200 crimes were reported to the police. Only 19 per cent resulted in arrests. Of those arrested, only 5 per cent were convicted and sentenced. Of those who went to jail, a large percentage, which included murderers, rapists and child-molesters, were released long before they had served out their sentences.

Authorities on crime further aver that at least twice as many crimes are committed as are reported. They estimate that only one-half of 1 per cent of all the crimes committed result in convictions and punishment. (Coincidentally, I have, this hour, heard on the radio that American businessmen report that one out of six shoppers is a shoplifter.)

Crime pays in America. It pays so well, in fact, that it has now become Big Business. Efficiently organized by pros whose prime qualifications are the willingness to commit murder, the crime syndicates annually rake in bil-

ions from a wide variety of illegal activities.

How many crooked lawyers and corrupt cops work, brief in hand, and hand on holster, with the "Godfathers" is not a much-mooted question by our bar associations, police departments and city governments. They simply prefer not to go into it too deeply.

Patrick V. Murphy, president of the Police Foundation, reporting that so far this year the crime rate has increased another 15 per cent, said: "We are not winning the war on crime. Lawyers and criminals are running the system, rather than judges and prosecutors. Criminals are beating the system."

President Nixon accomplished a number of good things for his country, some of them of historic importance. Nevertheless, former President Nixon, a child of our lawless times and a flawed character (even as you and I), has now become one more crime statistic. As crimes go, or rather rampant, in America, the crime he committed, and for which he can still be prosecuted, was in itself not a particularly horrifying one. He did not commit treason, murder, rape, aggravated assault or grand larceny. ("Nobody was drowned at Watergate.")

Descriptively, Mr. Nixon's crime was one of the several million felonies committed in America every year, only a fraction of which result in jail sentences. Mr. Nixon, together with his aides, conspired for political reasons to cover up a felony—the bungled attempt by seven politically motivated amateurs to break into Democratic National Committee headquarters. Shall he now be hauled into court for this obstruction of justice and sentenced

to join, behind bars, that 5 per cent of our law-breakers who failed to cop a plea or make the right underworld or political connections? Or has Mr. Nixon been punished enough?

The reason a person is put behind bars is to punish him. He is punished by being exiled from the "law-abiding" society in which he lives and forcibly deprived of his freedom and (for the length of his sentence) his means of livelihood.

Few will dispute that Mr. Nixon has already suffered a cruel and unusual—indeed, utterly unique—punishment. It is a punishment that no other man in American history has ever suffered. He has been stripped of the Presidency and plunged from the zenith of political power and world respect to the nadir of personal disgrace and political nothingness.

His catastrophic humiliation has been publicized throughout the entire world. He lives today—and must live tomorrow—with the agony of knowing that he has brought shame upon his family and betrayed the trust of all those who supported him most loyally. He has lost all that made his life rich and meaningful.

But the bitter—and unique—punishment he must suffer, until death releases him, is knowing that by seeking a mean and trivial political advance he lost his shining chance to go down in history as one of our great Presidents. Punishment? No man behind bars in all America was ever punished so much for committing a crime that, in American courts, seldom rates more than a suspended sentence or a short stint behind bars. It is a paltry mind indeed that cannot grasp that the last and worst "horror" of Watergate is the punishment that

Richard Nixon is already enduring because of it.

What, then, since he has already been unutterably punished, would sending Citizen Nixon to jail prove about Law in America or the American people's alleged devotion to Justice? Reason gags at the idea that "jailing Nixon" would prove that "no man stands above the Law," when 95 per cent of our known criminals have not been made to stand before it and are today roaming at large among us.

In the present condition of crime and punishment in the United States, all that "booking" Mr. Nixon will prove is that revenge is a stronger force in our political life than compassion. It would prove that America is now so full of that spiritual violence called vindictiveness that no room is left in its heart for compassion or mercy.

The Founding Fathers, when drawing up the Constitution, again and again used the phrase, "The people are King."

*Not the King's crown, nor the deputed sword,
Nor the Marshal's truncheon, nor the Judge's robe,
Become them with half so good a grace
As Mercy does.*

The Constitution that made the people King provides for official clemency, which stands above Law, as mercy stands above Justice. President Ford can constitutionally extend clemency to the Watergate conspirators—if His Majesty, the public, so wills it. As Cornelle wrote: "Tis clemency which is the surest mark by which the world may know a true monarch."

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