

PRESIDENTIAL JUSTICE AND TRUTH

By William Nicoson

In church on Good Friday, I prayed earnestly that the President of the United States, William Jefferson Clinton, “may seek justice and truth,” in the words of the Episcopalian Solemn Collect.

I admit that truth has not been a virtue generally attributed to our President in the past. The question is whether justice will be in the future. Independent Counsel Robert Ray has assured us, on two occasions, that lying under oath in a civil deposition and before a grand jury might furnish grounds for indictment after the president leaves office.

This prompted editors of The New York Times and The Washington Post to urge an end to the judicial travails of our president since he has suffered enough and the people want to move on. But, fortunately or not, in our judicial system public opinion does not control the enforcement of criminal law.

One of my favorite Post columnists, Richard Cohen, argued against indictment of Bill Clinton by citing the case of Vice President Spiro Agnew who “extorted...accepted bribes...lied...[y]et...was allowed to resign his office, pay a wee fine – and go his merry way.” The only trouble with this analogy is that it makes the case against Cohen. Agnew was in fact indicted and pleaded no contest. His resignation from office was part of a negotiated plea bargain that kept him out of jail.

Isn't it possible that negotiations are already under way for a Clintonian version of Agnew's plea bargain? Commentators seem to assume that after indictment will come a long and arduous trial revisiting the sordid details of the Monica Lewinsky matter. It's much more likely that the President will be held accountable for perjury, witness tampering and other obstructions of justice through a plea bargain entered into at the time of indictment. The indictment might even be sought before the end of the President's term if, as in Agnew's case, resignation is part of the bargain.

Al Gore may thus become President of the United States before the balloting in November. He will then have the advantage of campaigning as the incumbent.

My friends will tell me as politely as possible that this is the wildest fantasy. Acquaintances will tell me they always knew I was bonkers.

But there's one circumstance that supports the plea-bargain theory. It's astonishing that Mr. Ray's statements have not set in motion the predictable savaging of legal challengers of the president's misconduct. Anyone remember the character assassination of Ken Starr and his merry men? Where are you, James Carville, when a prosecutor begins talking publicly about indicting your man? Are you just off-duty... or have you been muzzled? Vicious public assaults

on plea-bargain negotiators are unlikely to advance the interests of the bargainer.

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