



RAOUL BERGER

. . . very clear meaning

## 'Indictable Offense' Is Challenged

Post 2/16/74

NEW BRUNSWICK, N.J., March 15 (AP) — Raoul Berger, a Harvard University expert on impeachment, has sharply challenged the claim by President Nixon's lawyers that impeachment must be based on an indictable offense.

Speaking at a Rutgers University lecture here Thursday, Berger described the recent brief by Nixon lawyer James D. St. Clair as "lawyer's history, what purports to be history, designed to get his client off the hook."

Berger, author of books on impeachment and executive privilege, said that when the framers of the Constitution used the phrase "high crimes and misdemeanors" as the prerequisite for impeachment, they were drawing upon English law.

He said the phrase was understood by them to have a very clear, specific meaning.

Berger said English law defined high crimes and misdemeanors as consisting of subversion of the Constitution, abuse of power, neglect of duty or betrayal of trust.

"None of these offenses—the very offenses which those who framed the Constitution wished to guard against—have ever been indictable offenses," Berger said.

Berger told the audience of about 300 persons, "We are being inundated with propaganda from the White House which is without historical precedent."