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**How a Vice President
 Can Be His Own Judge**

To the Editor:

There is an anomaly in the United States Constitution. It has to do with an occasion that has never arisen, and therefore no precedents exist to provide guidance. From a plain reading of the Constitution, it would appear that the Vice President, if he is impeached by the House of Representatives, could preside at his own impeachment trial in the Senate.

Article I, Section 4, states, "The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided." Section 6 says, "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the Presi-



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dent of the United States is tried, the Chief Justice shall preside. . . ."

Section 5 provides that "the Senate shall choose their other officers, and also a President pro tempore, in the absence of Vice President, or when he shall exercise the office of President of the United States."

It is clear that under Article I, Section 6, the only constitutional occasion for a different presiding officer during impeachment trials occurs at the trial of the President. Of course, a Vice President may choose to absent himself from the chair during his own impeachment trial, in which case the President pro tempore would preside.

But what if the Vice President chooses to preside?

It is difficult to see how any judicial process or action by the Senate could impede the constitutional right of the Vice President to be President of the Senate.

This does make for an interesting discussion.
 HOWARD N. MANTEL
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