

Dear Sir:

Mr. Nixon's attorneys show an appalling lack of historical knowledge in their analysis of impeachment sent to the House Judiciary Committee. Their contention that the Constitution's framers rejected an English government based on absolute parliamentary supremacy is totally incorrect.

One need only read the Declaration of Independence to see that the evils denounced sprang from executive (monarchical) excess in the revolutionists' eyes. Throughout the period following the revolution and during the convention in Philadelphia, fear of a strong executive was widespread. So profound was this concern, that a presidency was created only because the need for some executive official had become very evident during governmental operation under the Articles of Confederation. A plural executive was even considered to prevent the concentration of power in one person, who might more easily abuse it. Reading Madison's journal of the convention and the correspondence of those attending indicates that George Washington's unquestioned integrity and the universal assumption that he would be selected to serve, should an

executive be created, were primary factors in overcoming this fear.

The Constitution's framers deliberately created a government on the principles of separation of powers to curb governmental abuse from any sector. Montesque's principles of separation of powers and checks and balances, from which those at Philadelphia drew many of their concepts, derived from his idealistic examination of the English government of the late 17th and 18th centuries. Far from renouncing England's system of government, the framers were creating a modified version of it in its idealized form. "Maladministration"—poor use of power—was not what they feared; misuse of power concerned them. To assert, as do Mr. Nixon's lawyers, that the Constitution these men created would prevent the removal of an executive or judicial official because his abuse of power was not a serious criminal offense committed in his governmental capacity is to show ignorance of the convention delegates and the forces that shaped their thoughts on the legitimate use of power.

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