

Impeachable Offenses

To the Editor:

President Nixon's attorneys argue that the only impeachable offenses by a President are treason, bribery, and criminal conduct. In their Analysis of the Constitutional Standards for Impeachment that they released on Feb. 28 they claim that the debates at the Constitutional Convention on Sept. 8, 1787, "clearly indicate a purely criminal meaning for 'other high crimes and misdemeanors.'" The debates indicate no such thing.

The President's attorneys base their judgment on the fact that on Sept. 8 the Convention rejected "maladministration" as a basis for impeachment, substituting for it "high crimes and misdemeanors." They neglect to mention that it was the same man, George Mason of Virginia, who proposed first the one and then the other ground for impeachment. Impressed by James Madison's and Gouverneur Morris's objections to maladministration as an impeachable offense, Mason substituted the phrase "high crimes and misdemeanors against the United States." No delegate to the Convention disagreed with Mason's contention that the grounds for impeachment had to be extended beyond treason and bribery in order to protect the nation against "great and dangerous offenses."

Maladministration, like high crimes and misdemeanors against the state, were regarded, both, as means of guarding against such offenses. On Sept. 8 the great and dangerous offenses that were singled out by the Constitutional Convention were Presidential "attempts to subvert the Constitution."

If the debate of Sept. 8, 1787, establishes anything, it is that the Founding Fathers regarded impeachment of the President as a defense not against "criminal conduct" as defined by Mr. Nixon's attorneys but against broad political crimes not covered in the criminal code. EDWARD PESSEN

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