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*Letters to the E***To Conclude Impeachment Proceedings**

To the Editor:

Press comments indicate that to many people President Nixon's resignation is not a satisfactory settlement of the charges in the recommended articles of impeachment. The statement accompanying the resignation admits no guilt, asserts that no impeachable offense was committed, and merely decides not to contest the matter with the Congress at present.

This leaves open the prospect of subsequent claims of innocence when the facts are not so fresh in the public mind. Many urge that the criminal law should now take its course in respect of the evidence of obstruction of justice as contemplated by the provision of Art. 1, Section 3 of the Constitution that a party convicted of impeachment "shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law."

Nevertheless there is an understandable reluctance to placing the former President in the criminal dock for conduct related to his activities as President. An acceptable compromise between doing nothing and criminal prosecution might be to continue in the House and conclude in the Senate the solemn constitutional process of impeachment which would completely disclose the evidence and determine the President's guilt or innocence in a constitutional forum singularly appropriate for such a defendant and such issues.

After that determination neither further disclosure nor further punishment or vindication would so insistently

require recourse to the procedures to the criminal law. It is particularly appropriate for the Congress which has brought about the change of Presidents by initiation of impeachment to exercise its responsibility and conclude the whole matter by the same impeachment procedure.

It is clear that impeachment is not mooted by resignation because the Constitution provides upon conviction not only for removal from office but also "disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States." In 1876 the Senate rejected the contention of former Secretary of War William W. Belknap that his resignation terminated the impeachment proceeding and proceeded to a judgment of acquittal.

Such a determination of the issues in respect of the former President by concluding impeachment proceedings might also provide a satisfactory basis for terminating the present criminal proceedings involving his subordinates by granting them suspended sentences in exchange for full statements of the facts and by then terminating the incarceration of those presently serving sentences. Such a sweeping settlement of the whole matter would grant equal treatment under the law and would tend to insure that domestic tranquility which is one of the stated purposes of the Constitution. It warrants exploration as an alternative to interminable criminal proceedings.

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New York, Aug. 15, 1974