

Letters to the Editor FEB 4 1974

Of Impeachment, the President and a Look Ahead

To the Editor:

With Section 2 of the 25th Amendment now having been successfully utilized, it is perhaps worthwhile to explore the possibilities of Section 3 for use during a Presidential impeachment trial.

Under that section, an impeached President could simply declare himself unable to discharge the powers and duties of his office and turn them over to the Vice President, who would serve as Acting President during the trial. The President would retain his constitutional power to terminate the arrangement at any time, and nothing would prevent his responding to requests from the Acting President for advice.

Should President Nixon be impeached, this arrangement would seem to offer a number of advantages, both to himself and to the nation:

It would allow him to devote his full attention to the matter of his defense while providing the nation with a chief executive undistracted by that concern.

It would protect him from any possible charge that he was improperly exercising the powers of his office in order to influence the Senate's verdict.

It would give the nation an unprecedented opportunity to judge its Vice President's fitness to hold Presidential office prior to his actually becoming President. Nor would this arrangement be taking the Vice President away from his one constitutional duty; with a President on trial before the Senate, the Senate Presidency would already have been taken over by the Chief Justice.

There would, of course, be disadvantages, and such considerations as the risk of strained relations between the Acting President and the Presi-

dent's staff must not be dismissed lightly. But the argument that uncertainty would be increased can be dismissed; an impeached President on trial for high crimes and misdemeanors can hardly be considered anything but an Acting President himself.

DAN W. DODSON JR.
Austin, Tex., Jan. 26, 1974

To the Editor:

As the sordid Watergate episode drags on to its relentless conclusion, the layman is tempted to ask: Why should it take so long to get an answer to such a relatively simple question? Does Richard Nixon deserve to be impeached?

Reading the learned discussions of lawyers on the subject, one begins to feel that perhaps if war is too serious a matter to be left to the generals, impeachment is much too serious a matter to be left to the lawyers. They apparently are trying to make something extremely complicated out of something that on the face of it seems comparatively simple.

Surely the framers of the United States Constitution, in adopting impeachment as the only method for removing a President from office, never had in mind all the minute legal ramifications involved in the process that we have been hearing about of late.

In stating that the President can be impeached for treason, bribery or other high crimes and misdemeanors, they purposely tried to avoid specifics. On the other hand, they provided an oath of office for him to the effect that he must protect and defend the Constitution. The obvious implication is that failure to live up to this oath almost

automatically constitutes a high crime or misdemeanor. Otherwise there would be no point to such an oath.

If Richard Nixon does not deserve to be impeached for failure to uphold his oath of office, then it is time for the American people to begin to face reality. Their constitutional system simply is not working. We must find some method other than impeachment for getting rid of a President who can no longer command popular support.

When the Senate committee comes up with recommendations for the future, it will have to provide for a constitutional amendment that adopts some method other than the slow process of impeachment for accomplishing this purpose. There is no good reason why we cannot keep our present system of checks and balances merely by making a President who has violated his oath of office removable from office by a two-thirds vote of both houses of Congress.

NORMAN BOARDMAN
New York, Jan. 28, 1974