

LETTERS TO THE EDITOR

SFChronicle

MAY 20 1974

What Was Impeachable Then

Editor — After reading your editorial May 10 "What Does It Take To Impeach" I feel your readers are entitled to another persuasively supported view, that of Professor Clyde Summers of the Yale Law School (Yale Law Report, Winter 1974):

"How do we define 'high crimes and misdemeanors'? The constitutional history suggests that what the drafters meant was that the word 'high' modified both crimes and misdemeanors. This is terminology which has no base in the common law of crime but is actually drawn from the English history of trials of impeachment. Exactly that phraseology was commonly used in the English impeachment procedures in Parliament. For that reason it seems to me that it may be useful to go back and look at exactly what those terms meant at the time the Constitution was drafted.

"In a case in 1450, the Duke of Suffolk case, the charge of high crimes and misdemeanors was used to describe procuring offices for those who were unworthy of those offices and delaying justice by blocking criminal prosecutions. In the case of Lord Treasurer Middlesex in 1624, the charge was high crimes and misdemeanors in that 'he allowed the Office of Ordinance to the unrepaired even though the money was appropriated for that purpose.

'In the case of Chief Justice Scroggs in 1680, the charge was high crimes and misdemeanors where he 'discharged the Grand Jury before they made their presentment by which sudden and illegal discharge of said jury, the course of justice was stopped maliciously and designedly.'

"In the case of Sir Edward Seymour in 1680, the high crime and misdemeanor was that he applied funds appropriated for other purposes 'to support a continuance of the army after the army should have been disbanded.'

"These are not fictional. It is

amazing how history provides guidance at times. There is some explanation in terms of the contemporaneous expressions at the time the Constitution was adopted. Madison said it was absolutely essential that impeachment cover 'negligence or perfidy' of the chief magistrate. And in his debate before the Virginia Ratification Convention he said, 'If the President be connected in any suspicious manner with any person and there be ground to believe that he will shelter him, he should be impeached....'

I'm sure the Duke of Suffolk was a piker in procuring offices for those who were unworthy of those offices compared to the present candidate for impeachment who also qualifies under the other precedents.

ROGER KENT.

San Francisco.

The Real Ultimate

Editor — I thought the campaign to discredit the President of the United States of America had reached the ultimate until May 15.

The latest press report implying that Mrs Nixon was keeping jewelry given her by Saudi Arabia, for herself, should make even the staunchest Kennedy-McGovern supporter find this kind of "reporting" to be reprehensible, to say the least.

Chico.

RUTH RIGGS.

The Sky Has Fallen

Editor — While I am in total agreement with the sentiments expressed in Arthur Hoppe's "Civilization is Doomed" column of May 13, I must take issue with him in respect to the facts presented to document his position.

The end of civilization, sir, did not occur in May of 1974. The uncouth and disagreeable display of poor taste that he so eloquently reports is only another manifesta-

tion of the total lack of sensitivity to the traditions that have kept this republic and other institutions together for so many years.

And the single significant measure of those cherished values has been absent from the racquet courts of this land for now some ten years.

It is the waiving of the wearing of whites that was the signal for the deterioration of our traditions.

How can civilized tennis or squash be played by a bunch of topless males?

And can topless football or baseball be far behind?

No, Mr. Hoppe is wrong. It was the baring of the chests that has caused this leap into the Boor Age.

R. H. COLNETT.

San Francisco.

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Same Old Polls

Editor — Joseph Kraft's assertion that the storm raised by publication of the White House transcripts demonstrates the United States remains a "deeply moral" country provides gallows humor.

If this were a moral country, racism, greed, violence and brutality would not have infected the American ethos throughout its history. No, the "greatest country on earth" is Richard Nixon. He is its living embodiment and its perfect symbol.

The American people knew what he is but still elected him with the greatest mandate in history. Many are incensed now not because of what he did. Politics, after all, is a dirty business. They are angry and disillusioned because of his language. Their Puritan ears are burning.

Kraft and the other pundits can congratulate their readers for their revulsion of what the transcripts reveal, but when King Richard I is deposed, his successor and succeeding successors will be fundamentally the same self-serving pols. Let us hope, however, they have more style.

GEORGE GILBERT.

San Francisco.