

To the Editor:

May I suggest a simple legal procedure which would answer many questions in the present impeachment situation? It is to obtain a declaratory judgment from the Supreme Court under U.S. Code Title 28, Chapter 151, Section 2201.

This would set forth the rights and duties of all persons or bodies (the House Judiciary Committee, the House itself, the Senate) in the present situation. The declaratory judgment is a practical remedy which had been in effect in England for some time and in this country since soon after World War I.

Unlike the ordinary coercive money judgment which can be collected through a sheriff or a marshal, the declaratory judgment seeks to avoid future controversies by the court. It declares in advance the respective rights and duties of the parties. In the present impeachment situation, the declaratory judgment of the Supreme Court could definitively dispose of the following questions:

- Must impeachment be limited to serious crimes?
- Can the Judiciary Committee compel the President to produce documents, records, tapes, etc. which he claims are not relevant to accusations of crime?
- If there is a dispute about such relevancy, how is it decided?
- Can the President invoke the Fifth Amendment? Some members of the Judiciary Committee claim that he cannot.

The Supreme Court could get the case promptly because the two lower courts would expedite the appeals. The decision of the Supreme Court would greatly shorten any present or future impeachment trial and furnish guidance for the future.

Holmes points the way to a solution of the present problems in his classic epigram: "A page of history is worth a volume of logic."

FRANKLIN F. RUSSELL  
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