

Letters to the Editor

2 Routes to the Agnew Inquiry: Their Virtues and Perils

To the Editor:

The view that a President or Vice President must be impeached before he may be indicted and convicted for criminal offenses loses sight of the fundamental difference between the two sanctions, and provides many possibilities for abuse.

Impeachment is intended to reach offenses affecting the ability to govern — which is why “judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold . . . office.” Criminal laws are generally designed to prevent activities deemed harmful to the society, whether or not they involve governing.

If the President should decide to shoplift a pair of sunglasses, this hardly affects his ability to govern. It is properly the case that no Congress would be likely to consider his act an impeachable offense. On the other hand, if no sanction at all were available to control such behavior, a President could probably accumulate quite a lot of free sunglasses—and then be protected by the statute of limitations from prosecution when he returns to private life.

And even in more serious cases, leaving such situations solely to the discretion of a Congress, which may be dominated by members of the President's political party, is simply shortsighted. As is well known, the Founding Fathers mistrusted power in high places. They therefore wisely and flexibly provided for both impeachment and criminal processes to control the behavior of the two highest officers of the government.

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