

29 November 1973

The Honorable Manuel Lujan, Jr.  
House of Representatives  
Washington, D. C.

Dear Mr. Lujan:

Thank you for sending me your position paper on presidential impeachment.

You quote the Constitution correctly but you go on to distort the meaning of impeachment completely. As a lawyer you ought to know better. Impeachment is equivalent to indictment in criminal law and does not require proof. Indictment is a charge of wrong doing, which is sustained or dismissed in a subsequent trial; in the case of impeachment of the President in a trial by the Senate.

And to compound the inaccuracies of your paper you seem ignorant of the history of the impeachment provision of the Constitution. You say that the President cannot be impeached for crimes committed by anyone other than himself. However, James Madison told the first Congress in 1789 that the President could be subject to impeachment for the misdemeanors of his appointees. It is now known that Nixon was aware of the crimes of several of his appointees; in fact, that he authorized illegal acts on grounds of National Security.

Distortion of the truth seems to be a characteristic of this administration. Nixon has repeatedly misstated history as well as twisted the political events of his own administration in an attempt to reverse his declining credibility and to support his claims of innocence. But he readily blames those responsible to him for the crimes committed. This kind of playing free and easy with the truth is becoming an accepted technique for misleading the people and for diverting attention from those responsible for misconduct. I am sorry to see that you too are following this course.

Yours truly,