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Can a President be Indicted While in Office?

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CAN A PRESIDENT BE INDICTED WHILE IN OFFICE?

In September 1998, the Senate and nation began to confront the numerous complex legal issues arising in the wake of the impeachment referral by Independent Counsel Kenneth Starr to the House Judiciary Committee. On September 9, the Senate Subcommittee on the Constitution, Federalism and Property Rights held a hearing on an enduring but unanswered question: whether a President can be indicted while in office.

A number of leading authorities on constitutional law testified at our hearing, including Professor Eric M. Freedman from Hofstra University School of Law and Professor Akhil Reed Amar from Yale Law School. We were pleased to be able to call on such distinguished scholars for their views in those difficult days.

We are also pleased that the Hofstra Law Review is publishing their articles, which elaborate on the testimony they gave before our subcommittee. These articles will provide a useful supplement to the record of our hearing, in the event that a future Congress must again face these difficult issues.

Senate Judiciary Committee, Subcommittee on the Constitution, Federalism and Property Rights

John Ashcroft
Chairman

Russell D. Feingold
Ranking Member