

1 away with misdemeanors because of its unfortunate
2 connotation in Maryland where some misdemeanors are --
3 and we meant high crimes and we thought that was enough
4 to say.

5 MR. MITCHELL: Would this include larceny?

6 MR. HOFF: Petty larceny.

7 MR. GENTRY: Does nonfeasance mean malfeasance
8 or all feasance?

9 DR. WINSLOW: I think we said that misfeasance
10 and malfeasance are included under high crimes because
11 they are illegal acts. Nonfeasance is an unwillingness
12 or may be the result of an unwillingness to do something
13 which ought to be done.

14 For instance, if a comptroller, an appointed
15 comptroller is a rascal but the Governor refuses to
16 dismiss him. In this case we would say the Governor is
17 guilty of nonfeasance and therefore the impeachment could
18 apply to the Governor for this unwillingness to act.

19 THE CHAIRMAN: That concept is worrying me.

20 MR. HOFF: Me to.

21 THE CHAIRMAN: Do you mean that the Constitution