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## **BENJAMIN FRANKLIN AND JFK LINKED BY THE CONSTITUTION AND THE ASSASSINATION**

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Shortly after signing the presidential proclamation that authorized a "quarantine" or blockade of Cuba during the Cuban Missile Crisis, Bobby Kennedy commiserated with his brother's seemingly indefensible position by observing, *"Well, there isn't any other choice. I mean, you would have been impeached."* JFK recognized the quarantine for what it was: a violation of international law and a clear act of war. He responded as such saying, *"That's what I think - I would have been impeached."*

The Kennedy brothers both believed the elder's handling of the Cuban Missile Crisis justified a discussion of his removal from power. But was that even possible? The hair-raising specter of a nuclear attack on America would have precluded public discourse. The Kennedy administration was in crisis, but the impeachment process could not have been considered as a viable option in the face of such overriding national security concerns.

During the Constitutional Convention of 1787, Ben Franklin and the Founding Fathers debated the process of removing a president from office. Franklin, like other scholars, had been schooled in Roman history, particularly the assassination of Julius Caesar. He knew that assassination was a disruptive process and wisely lobbied the Convention to add language to the Constitution that would circumvent assassination as an option for removing a president from office.

One point Ben Franklin and our Founding Fathers could never have imagined in 1787 was the possibility of a near-instantaneous obliteration of our nation in a nuclear war in 1962. The process of impeachment in 1963 would have led to a Constitutional crisis of leadership in a time of war. That would never have been an acceptable risk for anyone.

However, according to Josh Chafetz, Assistant Professor of Law at Cornell University in his article, "Impeachment and Assassination" for the *Minnesota Law Review*, Franklin viewed "impeachable offenses" as "assassinable (sic.) offenses". Chafetz writes: *"I suggest that, in the context of presidential impeachment, we accept [Ben] Franklin's provocative invitation that scholar's have thus far ignored - to view impeachable offenses as 'assassinable offenses.'" Chafetz goes on to say, "The Constitution's impeachment procedures make the removal of the (president) less violent, less disruptive, and less error prone than assassination. Impeachment in the American Constitution is thus a domestication of assassination."*

Our memories of the Kennedy White House have been forever altered by the events of November 22, 1963. More often than not, the mythology of JFK and Camelot today is diametrically at odds with the actual historical record.

Today, the ongoing travails of the Obama administration help to put the political climate of 1963 into proper historical context. The mid-term elections were fraught with high emotions on both sides. Angry rhetoric and vitriolic outbursts were the norm - not the exception. In 2010, it is virtually impossible to escape the volatile emotions of American politics. This political anger is not unique.

We forget that similar vitriol infused politics in November 1963. By late 1962, the young and inexperienced "boy" president was bombarded almost daily with harsh, unrelenting public criticism for inflaming the South's racial hatreds, his mismanagement of American foreign policy, and his weak position regarding national security.

Professor Chafetz eloquently argues that impeachment is closely tied to assassination, but until now, no historian has addressed that question vis-à-vis the JFK assassination. If, according to Ben Franklin, an

"impeachable offense" was an "assassinable offense," then President Kennedy was certainly in danger.

And he knew it.

**Chuck Helppie is the author of *Kennedy Must Be Killed*. To learn more, visit him at [www.kennedymustbekilled.com](http://www.kennedymustbekilled.com).**