

**Thomas Jefferson to Henry Tazewell, January 27, 1798,
with Statements, from The Works of Thomas Jefferson
in Twelve Volumes. Federal Edition. Collected and
Edited by Paul Leicester Ford.**

TO HENRY TAZEWELL J. MSS.

Jan. 27. 98.

As you mentioned that some of your Commee admitted that the introduction of juries into trials by impeachment under the VIIIth amendment depended on the question Whether an impeachment for a misdemeanor be a criminal prosecution? I devoted yesterday evening to the extracting passages from Law authors showing that in Law-language the term crime is in common use applied to *misdemeanors*, & that *impeachments*, even when for *misdemeanors* only are *criminal prosecutions*. These proofs were so numerous that my patience could go no further than two authors, Blackstone & Wooddeson. They shew that you may meet that question without the danger of being contradicted. The constitution closes the proofs by explaining its own meaning when speaking of *impeachments*, *crimes*, *misdemeanors*.

The object in supporting this engraftment into impeachments is to lessen the dangers of the court of impeachment under its present form & to induce dispositions in all parties in favor of a better constituted court of impeachment, which I own I consider as an useful thing, if so composed as to be clear of the spirit of faction. Do not let the enclosed paper be seen in my handwriting.