

Thomas O. Sargentich

*Debating the Future of the Independent Counsel Statute*

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Abstract by Christine Parsadaian

The author explains that his previous optimistic opinion of the Independent Counsel has been replaced by a more critical one. To support his conclusion, the author first discusses the pros and cons of the two major opposing views regarding the future of the Independent Counsel. The first view supports reenacting the statute with changes while the second view supports letting the law expire and returning the prosecutorial role to the Department of Justice. While the author acknowledges that both views have positive and negative aspects, he finds the latter option to be preponderant. He concludes that the Independent Counsel statute rationalizes itself on a one-sided argument regarding the Justice Department and creates an unbalanced view of checks and balances.