

David A. Strauss

*The Independent Counsel Statute*

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Abstract by Christine Parsadaian

Noting that the Office of Independent Counsel (OIC) has been greatly criticized, this article addresses whether Congress should eliminate the position or merely reform it. The author begins by suggesting that the main problem people have with OIC is its nearly unlimited capacity to abuse power. He argues that the necessary bureaucratic roadblocks that generally regulate prosecutorial behavior do not exist for Independent Counsels. To address this concern the author suggests that Congress relocate the OIC to the Department of Justice where the bureaucracy will mitigate the potential for abuse of power. He further argues that given the inquisitive nature of the media, among other things, relocating the OIC will not likely prevent the exposure of corruption within the executive branch. While the article acknowledges that moving the OIC under the auspices of the Department of Justice will not go without costs, it argues that the costs will be minimal and that such a move is necessary if the OIC is not to be completely eliminated.