

Impeachment Seminar

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Articles of Impeachment against Richard M. Nixon

Additional Readings for Feb. 18, 1999

RESOLVED, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanours, and that the following articles of impeachment to be exhibited to the Senate:

ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF ITSELF AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA, AGAINST RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, IN MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANOURS.

ARTICLE 1

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his close subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such illegal entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

1. making false or misleading statements to lawfully authorized investigative officers and employees of the United States;
2. withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;
3. approving, condoning, acquiescing in, and counselling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the

United States and false or misleading testimony in duly instituted judicial and congressional proceedings;

4. interfering or endeavouring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the office of Watergate Special Prosecution Force, and Congressional Committees;

5. approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;

6. endeavouring to misuse the Central Intelligence Agency, an agency of the United States;

7. disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

8. making or causing to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was no involvement of such personnel in such misconduct: or

9. endeavouring to cause prospective defendants, and individuals duly tried and convicted, to expect favoured treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE 2

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposed of these agencies.

This conduct has included one or more of the following:

1. He has, acting personally and through his subordinates and agents, endeavoured to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposed not authorized by law, and to cause, in

violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.

2. He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

3. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.

4. He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavoured to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.

5. In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE 3

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge or

approval of actions

demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

The following Articles were rejected by the House Judiciary Committee

Article IV

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, did receive emoluments from the United States in excess of the compensation provided by law pursuant to Article II, Section I, Clause 7 of the Constitution, and did willfully attempt to evade the payment of a portion of Federal income taxes due and owing by him for the years 1969, 1970, 1971, and 1972, in that:

(1) He, during the period for which he has been elected President, unlawfully received compensation in the form of government expenditures at and on his privately-owned properties located in or near San Clemente, California, and Key Biscayne, Florida.

(2) He knowingly and fraudulently failed to report certain income and claimed deductions in the year 1969, 1970, 1971, and 1972 on his Federal income tax returns which were not authorized by law, including deductions for a gift of papers to the United States valued at approximately \$576,000.

In all of this Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Article V

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, on and subsequent to March 17, 1969, authorized, ordered, and ratified the concealment from the Congress of false and misleading statements concerning the existence, scope and nature of American bombing operations in Cambodia in derogation of the power of the Congress to declare war, to make appropriations and to raise and support armies, and by such

conduct warrants impeachment and trial and removal from office.

Specification of Charges (Bill of Particulars)

Supporting All Articles

1. *Conspiracy*. President Nixon, H. R. Haldeman, John Ehrlichman, Charles Colson, John Dean, John Mitchell, Herbert Kalmbach, and Maurice Stans, in concert with and abetted by others, conspired together to devise and carry out a plan or scheme to commit various crimes against numerous citizens of the United States who opposed the policies of Richard M. Nixon. President Nixon and his coconspirators thereby conspired to commit burglary in violation of 22 D.C. Code 1801; violated federal statutes making it a crime to wiretap, section 2510 et seq. of the United States Criminal Code (Title 18, U.S.C.); conspired to deprive citizens of civil rights in violation of section 241 of the Criminal Code; conspired to violate other federal statutes (e.g., the wiretap statute) in violation of section 371 of the Criminal Code; violated the President's constitutional duty to take care that the laws be faithfully executed, article 11, section 3; violated the First amendment rights of persons to freedom of speech, and violated the Fourth amendment rights of persons to be secure from unreasonable searches and seizures.

Pursuant to the plan or scheme specified in Count 1, President Nixon and his co-conspirators:

2. *Illegal Wiretaps*. Caused wiretaps to be placed on the telephones of seventeen persons without having obtained a court order authorizing the tap, as required by federal law; in violation of sections 241, 371 and 2510-11 of the Criminal Code.

3. *Conspiracy to Suppress Free Speech*. Caused harassment, by means of tax audits and other acts by the Internal Revenue Service, of named persons designated as political "enemies" of President Nixon for the purpose of inhibiting or preventing their exercise of First amendment rights, in violation of section 241 of the Criminal Code.

4. *Conspiracy to Commit Burglary and Other Crimes*. Caused the creation and adoption of a so called "domestic intelligence plan" for securing information about American citizens, under which plan it was intended to commit unlawful acts of burglary, wiretapping, bugging and the opening of mail; in violation of sections 241 and 371 of the Criminal Code.

5. *Burglary*. Caused the creation of a "special investigations unit," called "the Plumbers," in which were employed, inter alia, G. Gordon Liddy and E. Howard Hunt, which carried out a burglary on September 3, 1972 of the office of Lewis Fielding, M.D. in Los Angeles, California, for the purpose of obtaining evidence for use in the trial of Daniel Ellsberg; in violation of sections 182.1, 459, 6020(j) and 647(a) of the California Penal Code and section 241 of the Criminal Code.

6. *Obstruction of Justice*. Attempted to influence a United States District Court Judge, Hon. W. Matthew Byrne, in a matter then pending trial before him, to wit, the prosecution by the United States of Daniel Ellsberg for violation of the espionage statutes, by suggesting to Judge Byrne that he might be appointed as Director of the Federal Bureau of Investigation; in violation of sections 371 and 1503 of the Criminal Code.

7. *Conspiracy to Commit Crimes to Influence the Election*. Adopted a plan or scheme proposed by G. Gordon Liddy to employ various unlawful devices, including wiretaps, illegal entries, assault and battery and prostitution, to influence the results of the 1972 Presidential election in a manner favorable to Richard M. Nixon; in violation of section 371 of the Criminal Code.

8. *Burglary*. Caused the commission of two acts of burglary on May 27, 1972 and June 17, 1972, by the

"Plumbers" into the offices of the Democratic National Committee in the Watergate Office Building, 2500 Virginia Avenue, N.W., in the District of Columbia, in violation of 22 D.C. Code 1801; the placing therein of a telephone wiretap in violation of section 2510 of the Criminal Code; in violation of sections 241 and 371 of the Criminal Code.

9. *Obstruction of Justice, Perjury.* Concealed the complicity of high officials of the White House staff and of the campaign Committee to Re-Elect the President in the acts specified in Counts 7 and 8, for the purpose of defeating and preventing criminal prosecutions by the United States, by (a) destroying documentary evidence, (b) concealing the existence of documentary evidence, (c) promising executive clemency and paying money and causing money to be paid to G. Gordon Liddy, E. Howard Hunt, Bernard Barker, Virgilio Gonzales, Frank Sturgis, James McCord and Eugenio Martinez to induce them, and which did induce them, to plead guilty to charges of burglary and to withhold testimony and to refuse to testify before a grand jury and at trial, (d) suborning perjury by Jeb S. Magruder at the trial of Liddy, et al.; in violation of sections 371, 1503, 1510, 1621 and 1622 of the Criminal Code.

10. *Conspiracy to Defraud the United States.* President Nixon, H. R. Haldeman, John Ehrlichman, Charles Colson, John Dean, Herbert Kalmbach and Maurice Stans, in concert with and aided and abetted by others, conspired to devise and carry out a plan or scheme to obtain money to spend for and- in support of the reelection of Richard M. Nixon as President of the United States in 1972, in which they employed various unlawful means, to wit, obtaining campaign contributions from corporations and foreign nationals in violation of sections 610 and 613 of the Criminal Code, and soliciting and/or obtaining campaign contributions from individuals, political committees, corporations and foreign nationals in exchange for promises of governmental benefit and/or the withholding of governmental sanctions and/or the cessation of governmental law enforcement action; in violation of article II, section 4 of the Constitution and sections 201, 241, 371, 1503 and 1505 of the Criminal Code.

Pursuant to the plan or scheme specified in Count 10, President Nixon and his co-conspirators:

11. *Illegal Campaign Contributions from Corporations.* Solicited and obtained before April 7, 1972, campaign contributions from seven corporations, in violation of sections 371 and 610 of the Criminal Code, and by means of express or implied promises of governmental benefits and/or threats of the withholding of governmental benefits; in violation of sections 201, 371 and 872

of the Criminal Code.

12. *Bribery, Fraud.* Solicited a contribution of \$200,000 to \$400,000 and obtained a contribution of \$100,000 from the ITT Corporation promised on July 21, 1971, and delivered on August 5, 1971 to support the Republican National Convention expected to be held in San Diego, California; by means of promises, express or implied, to obtain a decision by the Antitrust Division of the Department of Justice, which decision was obtained on July 31, 1971, to accept a consent decree which permitted ITT to retain the Hartford Fire Insurance Co., which the Antitrust Division had theretofore opposed by the filing and prosecution of a civil antitrust action in the United States District Court for the District of Connecticut; in violation of article 11, section 4 of the Constitution and sections 201, 271, 872 and 1505 of the Criminal Code.

13. *Bribery, Fraud.* Solicited and obtained a promise of a campaign contribution of \$2,000,000 for President Nixon's reelection campaign from Associated Milk Producers, Inc. (AMPI), a dairy farm cooperative, in exchange for conferring on December 31, 1970, a governmental benefit on AMPI, to wit, the promulgation by President Nixon of reduced quotas for imports of dairy products; in violation of article 11, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

14. *Bribery, Fraud.* Solicited and obtained from three dairy producer cooperatives a promise of contributions to President Nixon's reelection campaign and obtained at least \$427,500 in such contributions, from March

22, 1971, to November 6, 1972, in exchange for conferring upon the three cooperatives on March 25, 1971, a governmental benefit, to wit, an increase ordered by the

Secretary of Agriculture in the minimum price support level for dairy products for 1971-72 from \$4.66 to \$4.93 per 100 lbs. of fluid manufacturing grade milk; at a cost of \$125 million to the Treasury of the United States and to the profit of the dairy industry of \$500 to \$700 million; in violation of article 11, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

15. *Conspiracy*. Solicited and obtained from AMPI's political committee, TAPE, a contribution of \$5,000, delivered on September 3, 1973, at a meeting which President Nixon attended, part of the funds obtained as specified in Count 14, expressly for the purpose of paying the costs of the "plumbers" burglary of the office of Dr. Lewis Fielding specified in Count 8; in violation of sections 241 and 371 of the Criminal Code.

16. *Bribery, Fraud*. Solicited and obtained for the reelection campaign of President Nixon, from Robert Allen, President of Gulf Resources and Chemical Co., Inc., on April 3-5, 1972, a contribution of \$100,000 of corporate funds in violation of section 610 of the Criminal Code, in exchange for the cessation and withholding, on March 29, 1972, of civil enforcement action by the Environmental Protection Agency of the United States Government to abate air and water pollution by Gulf Resources and Chemical Company's subsidiary Bunker Hill Company's lead and zinc smelter in Idaho; in violation of article 11, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

17. *Bribery, Fraud*. Solicited and obtained for the reelection campaign of President Nixon, on April 9, 1972, from Dwayne O. Andreas, a contribution of \$25,000, in exchange for conferring upon Andreas and other persons associated with him a governmental benefit, to wit, the approval by the Comptroller of the Currency of a national bank charter sought by Andreas and his associates, applied for on May 26, 1972 and approved on August 22, 1972; in violation of article II, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

18. *Conspiracy*. Solicited and obtained the contributions specified in Counts 16 and 17 for the purpose, in part, of paying for the burglary of Democratic National Committee headquarters specified in Count 8, in violation of sections 241 and 371 of the Criminal Code and 22 D.C. Code 1801.

19. *Bribery, Fraud, Illegal Foreign Campaign Contributions*. Solicited and obtained for the reelection campaign of President Nixon, in April and in October, 1972, contributions totalling \$25,000, from Nikos Vardinoyannis, a Greek national; in violation of Section 613 of the Criminal Code, and in exchange for conferring upon Vardinoyannis a governmental benefit, to wit, a contract for \$4.7 million in U.S. government funds to supply fuel for the U.S. Sixth Fleet in Piraeus, Greece; in violation of article II, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

20. *Bribery, Fraud*. Solicited and obtained for the reelection campaign of President Nixon, in August, 1972, from officers of carpet manufacturing firms, Martin B. Seretean, Eugene T. Barwick and J. C. Shaw, contributions totalling more than \$200,000 in exchange for conferring upon the carpet industry governmental benefits, to wit, a meeting at the White House with Charles Colson and other government officials, including officials from the Department of Commerce, and the withholding by the Department of Commerce of action opposed by the carpet industry, to wit, the introduction of a test for flammability of carpets more stringent and of higher safety than the current test, in violation of article 11, section 4 of the Constitution and sections 201, 371, 872 and 1505 of the Criminal Code.

21. *Bribery, Fraud*. Solicited and obtained for the reelection campaign of President Nixon, in June, July and August, 1972, from Ray A. Kroc, Chairman of the Board of McDonald's, Inc., contributions of \$200,000, in exchange for permission from the Price Commission, first denied on May 21, 1972, then granted on September 8, 1972, to raise the price of the McDonald's quarter

pounder cheeseburger, in violation of article II, section 4 of the Constitution and Section 201, 372, 872 and 1505 of the Criminal Code.

22. *Bribery, Fraud.* Solicited and obtained for the reelection campaign of President Nixon, from the Seafarer's International Union, on November 2, 1972, a contribution of \$100,000, in exchange for the conferring of a governmental benefit, to wit, the decision of the Department of Justice not to appeal dismissal of an indictment against the Union, filed on June 30, 1970, for violations of section 610 of the Criminal Code prohibiting campaign contributions by Unions; in violation of article II, section 4 of the Constitution and sections 201, 371, 610, 872, 1503 and 1505 of the Criminal Code.

23. *Bribery, Fraud.* Solicited and obtained for the reelection campaign of President Nixon, from Robert Vesco, on April 10, 1972, a contribution of \$200,000, which was not reported to the General Accounting Office as required by law, in exchange for conferring upon Vesco governmental benefits, to wit, arranging a meeting between his attorney, Harry Sears, and federal law enforcement officials, to wit the Chairman of the Securities and Exchange Commission, and promises of other benefits, to wit, that John Mitchell and Maurice Stans would use their influence to prevent law enforcement action from being taken against Vesco; in violation of article II, section 4 of the Constitution and sections 201, 371, 872, 1503 and 1505 of the Criminal Code.

24. *Bribery, Fraud.* Solicited and obtained, purportedly for the 1972 reelection campaign of President Nixon, in 1969 and 1970, contributions totaling \$100,000 from Howard Hughes, in exchange for governmental benefits, to wit, the approval in 1969 by President Nixon, pursuant to authority conferred on the President by law, of the purchase by Hughes of Air West, a CAB certificated airline with international routes; and the withdrawal in 1970 by the Antitrust Division of the Department of Justice of its opposition to acquisition by Hughes of a seventh gambling casino in Las Vegas, Nevada; in violation of article II, Section 4 of the Constitution and sections 201, 371, 872, 1503 and 1505 of the Criminal Code.

25. *Receiving Money Unlawfully Obtained.* By the means specified in Counts 10-24 Richard Nixon received and obtained for his own use and benefit and did have the use and benefit, for the purpose of financing his campaign for reelection as President, of moneys illegally obtained as specified in Counts 10-24 to a total amount of \$1,652,500, which he knew and/or had reason to know had been unlawfully obtained; in violation of article II, section 4 of the Constitution and sections 201, 241, 371, 872, 1503 and 1505 of the Criminal Code.

26. *Conspiracy to Defraud the United States.* President Nixon, H. R. Haldamn, Herbert Kalmbach, Frank DeMarco, Charles G. Rebezo and Robert Abplanalp, in concert with and aided and abetted by others, devised and carried out a plan or scheme personally to enrich President Nixon by abuse of the power and authority of his office as President; in violation of article II, section I of the Constitution, sections 271, 641, 1001 and 1505 of the Criminal Code, and section 7201 of the Internal Revenue Code.

Pursuant to the plan or scheme specified in Count 26, the President and his co-conspirators:

27. *Embezzlement, Fraud.* Caused the expenditure of public funds, in the amount of more than one million dollars, for materials and labor to improve, adorn and permanently increase the value of President Nixon's privately owned real property in San Clemente, California and Key Biscayne, Florida, in excess of expenditures authorized by law to provide for the security of the President; in violation of article II, section I of the Constitution and sections 371, 641 and 1505 of the Criminal Code.

28. *Tax Evasion.* Caused the filing of federal income tax returns on behalf of Richard M. Nixon, in which were claimed deductions from taxable income in an amount of approximated \$70,000 for purported gifts to the United States of papers of Richard M. Nixon, which deductions were known to the co-conspirators to be unallowable because the gift of papers had not been timely made and consummated; in an attempt to evade or

defeat the payment of federal income taxes and by reason of which Richard M. Nixon reduced his personal income tax for 1969 to \$792.81 and for 1970 to \$878.03, and thereby received in 1970 and 1971 large refunds of withheld taxes; in violation of section 7201 of the Internal Revenue Code and sections 371 and 1001 of the Criminal Code.