

PROPOSED ARTICLES OF IMPEACHMENT  
AGAINST RICHARD NIXON (1974)

ON JULY 17, 1972, five burglars secretly employed by the Committee to Re-elect the President (better known by its acronym, CREEP) were caught breaking into the offices of the Democratic National Committee in the Watergate Hotel and office complex in Washington, D.C. The chain of command that had authorized the break-in, as well as a host of other illegal and unethical campaign activities, reached high into the administration of President Richard Nixon. In an effort to avoid embarrassing revelations, Nixon and some of his closest aides in the White House responded to news of the burglary by trying to obstruct official investigations into what happened. A combination of actions brought to light evidence of Nixon's involvement in the Watergate cover-up, including: diligent investigations by reporters Bob Woodward and Carl Bernstein of the *Washington Post* in 1972 and 1973; hearings by a special Senate committee chaired by Democratic senator Sam Ervin of North Carolina during the summer of 1973; testimony before the Ervin committee by White House counsel John Dean and other participants in the Watergate affair regarding their own, each other's, and (in Dean's case) the president's culpability; and the release of secret White House tape recordings.

In February 1974 the House Judiciary Committee began to consider impeaching the president for "high Crimes and Misdemeanors" in the second of only three serious presidential impeachment inquiries in American history. (See Documents 20, p. 110, and 50, p. 265.) Between July 27 and 29, the committee decided to recommend three articles of impeachment to the full House of Representatives.

Article I, which the committee approved by a bipartisan 27–11 vote, charged that Nixon had violated his oath to "preserve, protect, and defend the Constitution" as well as his constitutional responsibility to "take Care that the Laws be faithfully executed" with actions that obstructed the administration of justice in the Watergate case. These actions included: withholding evidence, condoning perjury, approving the payment of "hush money" to the five who were caught breaking into the Watergate, interfering with lawful investigations, and making false and misleading statements.

Article II, approved 28–10, contended that the president had misused and abused both his executive authority and the resources of various executive agencies, including the Federal Bureau of Investigation (FBI), the Central Intelligence

Agency (CIA), the Internal Revenue Service, and the Justice Department's Criminal Division and Office of Watergate Special Prosecution Force. This article involved the Watergate cover-up and other misdeeds, such as a covert break-in, sponsored by White House operatives, into the office of Dr. Lewis Fielding, who was psychiatrist to former Defense Department employee Daniel Ellsberg. In particular, White House tapes revealed that Nixon had ordered the CIA to tell the FBI not to investigate the Watergate break-in too carefully for the false reason that national security would be jeopardized.

Article III, approved 21–17, charged Nixon with contempt of Congress for not cooperating with the House Judiciary Committee's impeachment investigation.

Because the committee's working standard for an impeachable offense was that it be an indictable crime "to the manifest injury of the people of the United States," it voted down two other proposed articles of impeachment. The first, which faulted the president for secretly bombing Cambodia, was judged not to be criminal. The second, Nixon's evasion of income taxes, was found to be a personal rather than a political crime.



## RESOLUTION

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Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

*Resolved*, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment 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 misdemeanors.

### Article I

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 subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful 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 or causing to be made 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 counseling 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 endeavoring 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) endeavoring 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 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 to Re-elect the President, and that there was no involvement of such personnel in such misconduct; or
- (9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored 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 II

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 purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes 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 endeavored 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 III

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 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.