

# What Has Been Formally Charged...

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*The following are excerpts from the House Judiciary Committee's report on the impeachment of Richard M. Nixon, the document which constitutes the only formal statement of charges against Mr. Nixon.*

... President Nixon's course of conduct following the Watergate break-in, as described in Article I, caused action not only by his subordinates but by the agencies of the United States, including the Department of Justice, the FBI, and the CIA. It required perjury, destruction of evidence, obstruction of justice, all crimes. But, most important, it required deliberate, contrived, and continuing deception of the American people.

President Nixon's actions resulted in manifest injury to the confidence of the nation and great prejudice to the cause of law and justice, and was subversive of constitutional government. His actions were contrary to his trust as President and unmindful of the solemn duties of his high office. It was this serious violation of Richard M. Nixon's constitutional obligations as President, and not the fact that violations of Federal criminal statutes occurred, that lies at the heart of Article I. ...

On August 5, 1974, nine days after the Committee had voted on Article

I, President Nixon released to the public and submitted to the Committee on the Judiciary three additional edited White House transcripts of Presidential conversations that took place on June 23, 1972, six days following the DNC break-in. ...

These transcripts conclusively confirm the finding that the Committee had already made, on the basis of clear and convincing evidence, that from shortly after the break-in on June 17, 1972, Richard M. Nixon, acting personally and through his subordinates and agents, made it his plan to and did direct his subordinates to engage in a course of conduct designed to delay, impede and obstruct investigation of the unlawful entry of the headquarters of the Democratic National Committee; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

... The Committee finds that, in the performance of his duties as President, Richard M. Nixon on many occasions has acted to the detriment of justice, right, and the public good, in violation of his constitutional duty to see to the faithful execution of the laws. This conduct has demonstrated a contempt for the rule of law; it has posed a threat to our democratic republic. ...

mittee was satisfied there was other evidence pointing to the existence of impeachable offenses, is a grave interference with the efforts of the Committee and the House to fulfill their constitutional responsibilities, regardless of whether it is part of a course of conduct or plan to obstruct justice.

... The Committee has been able to conduct an investigation and determine that grounds for impeachment exist—even in the face of the President's refusal to comply. But this does not mean that the refusal was without practical import. The Committee had enough evidence to recommend the adoption of two other articles, but it does not and did not have at the time it deliberated and voted—despite the President's contentions to the contrary—the “full story.” Had it received the evidence sought by the subpoenas, the Committee might have recommended articles structured differently or possibly ones covering other matters.

*From the minority report by 10 Republican members of the Committee:*

... We know that it has been said, and perhaps some will continue to say, that Richard Nixon was “hounded from office” by his political opponents and media critics. We feel constrained to

In recommending Article II to the House, the Committee finds clear and convincing evidence that Richard M. Nixon has not faithfully executed the executive trust, but has repeatedly used his authority as President to violate the Constitution and the law of the land. In so doing, he violated the obligation that every citizen has to live under the law. But he did more, for it is the duty of the President not merely to live by the law but to see that law faithfully applied. Richard M. Nixon repeatedly and willfully failed to perform that duty. He failed to perform it by authorizing and directing actions that violated the rights of citizens and that interfered with the functioning of executive agencies. And he failed to perform it by condoning and ratifying, rather than acting to stop, actions by his subordinates interfering with the enforcement of the laws.

... Evidence of the President's refusal to comply with the Committee's subpoenas seeking evidence with respect to the Watergate matter could be introduced as proof of the allegations in paragraph 4 of Article I—which charges interference with investigations by Congressional Committees as one of the means used to obstruct justice in the Watergate matter. But the refusal by the President to comply with subpoenas issued after the Com-

point out, however, that it was Richard Nixon who impeded the FBI's investigation of the Watergate affair by wrongfully attempting to implicate the Central Intelligence Agency; it was Richard Nixon, who created and preserved the evidence of that transgression and who, knowing that it had been subpoenaed by this Committee and the Special Prosecutor, concealed its terrible import, even from his own counsel, until he could do so no longer. And it was a unanimous Supreme Court of the United States which, in an opinion authored by the Chief Justice whom he appointed, ordered Richard Nixon to surrender that evidence to the Special Prosecutor, to further the ends of justice.

The tragedy that finally engulfed Richard Nixon had many facets. One was the very self-inflicted nature of the harm. It is striking that such an able, experienced and perceptive man, whose ability to grasp the global implications of events little noticed by others may well have been unsurpassed by any of his predecessors, should fail to comprehend the damage that accrued daily to himself, his Administration, and to the Nation, as day after day, month after month, he imprisoned the truth about his role in the Watergate cover-up so long and so tightly within the solitude of his Oval Office that it could not be unleashed without destroying his Presidency.