

MILL VALLEY CA 94941
35 CASTLE ROCK DR
MR/MRS JAMES D. WHITE
NF 8869676

aciu T

Volume XXXVIII

San Francisco, October 1973

ACLU calls for impeach

The American Civil Liberties Union today (October 4) called for the impeachment of Richard M. Nixon. 20 SEP

The organization, pursuant to a vote by its Board of Directors last Sunday, called for the President's impeachment on six grounds "affecting civil liberties," including specific, proved violations of the rights of political dissent; usurpation of Congressional warmaking powers; establishment of a personal secret police which committed crimes; attempted interference in the trial of Daniel Ellsberg; distortion of the system of justice; and perversion of other federal agencies. Full text of the ACLU's resolution follows:

RESOLUTION ON
IMPEACHMENT OF
PRESIDENT RICHARD M. NIXON
BY THE BOARD OF DIRECTORS
OF THE AMERICAN
CIVIL LIBERTIES UNION
SEPTEMBER 30, 1973

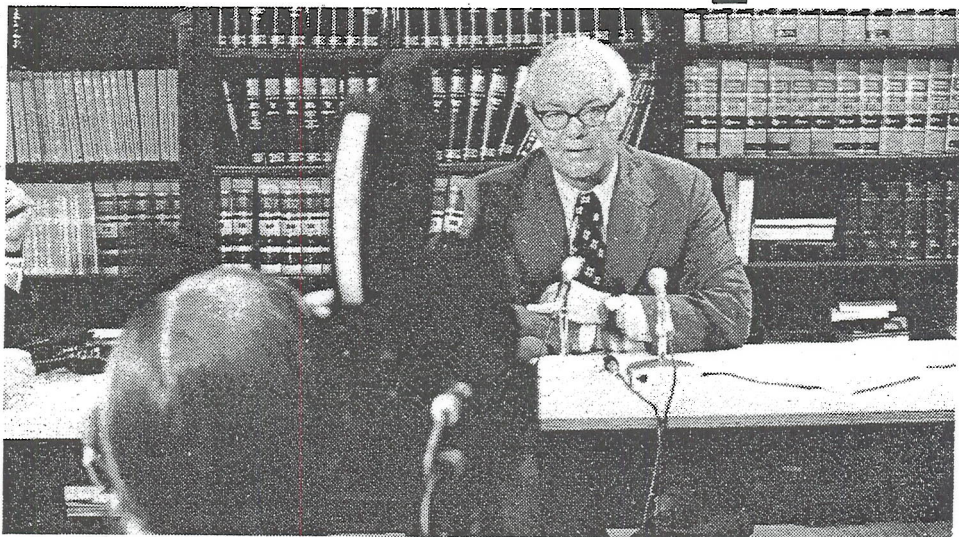
WHEREAS, there is now substantial public evidence of President Nixon's participation in high crimes and misdemeanors; and,

WHEREAS, these acts have violated the civil liberties of the people of the United States and the rule of law;

THEREFORE, the American Civil Liberties Union calls upon the House of Representatives of the Congress of the United States to initiate impeachment proceedings against Richard M. Nixon.

Impeachment should be predicated on the following grounds affecting civil liberties:

He and his closest aides have organized and conducted a deliberate assault on civil liberties by authorizing massive invasions of the First Amendment rights of citizens of the United States. On July 25, 1970, he personally approved the Huston Plan for domestic political surveillance and espionage by such methods as burglary, wiretapping and eavesdropping, mail covers, and military spying on civilians. These methods of political surveillance were employed against dissenters, political opponents, news reporters, and government employees. He and his aides



HOWARD JEWEL announces unprecedented ACLU position on impeachment at press conference: "The ACLU believes he should be accommodated in his request."

employed governmental powers to harass and punish critics of his administration regarded by them as "enemies." He and his aides interfered with a free press through the use of wiretaps, FBI investigations, and threats of criminal prosecutions. He secretly recorded conversations in his own office without advising the participants. He and his aides interfered with the rights of peaceable assembly and protest, as in the arrest of thousands of persons on May Day 1971 and on many other occasions.

He has usurped the war-making powers of Congress, as in the bombing of neutral Cambodia, and he deliberately concealed the bombing from Congress and the people of the United States; and he has announced he would do so again under similar circumstances.

He established within the White House a personal secret police ("the Plumbers") operating outside the restraints of the law, which engaged in criminal acts including burglaries, warrantless wiretaps, espionage and perjury.

He and a principal aide offered a high federal post to the presiding judge during the Ellsberg trial and for a prolonged period he withheld from the Court knowledge of the burglary of the office of

Dr. Ellsberg's psychiatrist. He and his aides interfered with and distorted the administration of justice through such acts as the effort to limit the scope of the FBI investigation of the Watergate break-in. He and his aides caused the politically motivated and unjustified prosecutions of dissenters and corrupted the constitutional function of grand juries to make them instruments of political surveillance and harassment.

He has perverted and attempted to pervert the operation of various federal agencies, including the Department of Justice, the National Security Council, the Secret Service, the State Department, the Defense Department, and the Central Intelligence Agency by engaging them in political surveillance and in the falsification of information made available to Congress and the American people.

STATEMENT OF HOWARD JEWEL
Northern California Delegate to
National ACLU Board and Vice-
Chairman of ACLU-NC

While the ACLU does not contend that the revelations of Watergate (unlike the established violations of civil liberties)

Constitutional Impeachment Issue

news



No. 8

ment

now constitute grounds for the impeachment of the President, recent polls show that a majority of Americans believe a) that the President is involved in Watergate and b) that he should not be impeached. The public seems to feel that impeachment is such a drastic measure that ad hoc measures such as the appointment of a special prosecutor and investigation by a select Senate committee are preferable. The President, against these ad hoc measures, has properly raised such defenses as executive privilege, separation of powers, and inherent powers of the presidency.

As it now stands, a plethora of novel constitutional-law questions have started on their tortuous way to the United States Supreme Court while public confidence in government slowly erodes.

An important motivation behind ACLU's resolution calling for impeachment is the belief that this precise constitutional formula provides a relatively quick, just, and efficient solution for airing the truth and resolving the doubts of Watergate. Procedural and separation of powers problems are solved by the Constitution itself.

The House presents a resolution of impeachment which forms the basis of the charges which the Senate hears. The President is free to present any evidence he cares to. He can call witnesses, give his own testimony, cross-examine witnesses, etc., or he is free to present no evidence whatever. The Senate then votes, with a two-thirds vote required for conviction. If convicted the only penalty is removal from office and inability to hold further public office. (The impeachment process has been used 59 times in our history and has resulted in only four convictions by the Senate. About one half of those impeached by the House resigned before any further proceedings were had.)

The President in his brief filed in the District of Columbia Court of Appeals argues, in effect, that he should be impeached since this is the only Constitutional remedy. Without agreeing in his reasoning, the ACLU believes that he should be accommodated in his request.

away "because we've done our duty." "Once we decide a case is a civil liberties case, we have to go into it using all legal defenses even if some of them aren't civil liberties issues. The point is, we have to protect people to the best of our ability," he argued.

Also, in the past, he explained that ACLU's approach to legislative matters has been an "amicus" approach. "We've been happy to just present some testimony and then leave." Today, however he says testimony is the least effective part of our legislative program — "the only real way to effect Congress is to be motivated, tough and practical."

A recent survey of ACLU membership of 300,000 shows that the average age is 34; that people between 21 and 30 comprise the largest segment of members; doctors are our largest occupational classification; the average membership is \$25; and, 45 percent of our members have at least 3 years of college education. "This is a pretty powerful group of people and the time has come when we must call on all our resources in the fight for civil liberties," Morgan concludes.

What has all this to do with impeachment? Well,

Morgan says it's time to get "motivated tough and practical" and the impeachment campaign is part of the reason. The alternative, he believes, is an end to our constitutional form of government. "While we have all sat back wringing our hands, Nixon has methodically corrupted every institution he has come in contact with," Morgan explained. "The Supreme Court has lost its integrity due to Nixon's appointments and it took him to introduce corruption into the FBI, the CIA, the Justice Department and the electoral process. It's time we say to the folks, become involved."

Morgan believes chances for impeachment are not all that remote. He pointed out that the latest Gallup poll showed that 32 percent of the people believed Nixon should be impeached and if he did not give up the tapes, the figure rose to over 50 percent. "And the people have gotten that far without any leadership at all," he exclaimed, "they just have good common sense."

He said the choice is easy. "If we don't resist the corruption ourselves then we will have a body politic that is totally corrupt and the only way to separate ourselves from that corruption is to oppose it. To do nothing is to

participate in a personal 'cover-up'.

This is the message each ACLU member and every American citizen must confront every Congressman or woman with, he believes. In Washington, he said, the greatest rationalizations come from the liberal legislators. They say the proof is not in, or they say it can't be done, or they say the time isn't right. Morgan emphasized that the people have to say to them that "all politicians are alike unless you separate yourself from the corruption and support the impeachment of Nixon." What is at stake, he points out, is the integrity of political life in America and the rights of all the people — "All considerations other than those must be set aside."

"Throughout my battles for what I have thought to be right, I have always faced insurmountable opposition, but I've always won. I believe we can win this one too if we just determine to do what is right and then do it one step after another. I expect we will win this one way or another. I have a lot of faith in the folks," he concluded.

That's part of the reason ACLU is most fortunate to have Charles Morgan working for its goals and why there is hope despite the bleak outlook.

Northern California U.S. Congressional Delegation

HOUSE OF REPRESENTATIVES

Philip Burton (D) — San Francisco
 Don Clausen (R) — Santa Rosa
 Ronald Dellums (D) — Oakland
 Don Edwards (D) — San Jose
 Harold Johnson (D) — Roseville
 Robert Leggett (D) — Vallejo
 Paul McCloskey (R) — Palo Alto
 John McFall (D) — Manteca
 William Mailiard (R) — San Francisco
 Robert Mathias (R) — Merced
 John Moss (D) — Sacramento
 Leo Ryan (D) — San Mateo
 B. F. Sisk (D) — Fresno
 Forney H. Stark (D) — Oakland

Burt Talcott (R) — Salinas
 Jerome Waldie (D) — Martinez

ADDRESS:

The Honorable
 House Office Building
 Washington, D.C. 20515

SENATE

Alan Cranston (D)
 John Tunney (D)

ADDRESS

The Honorable
 Senate Office Building
 Washington, D.C. 20510

Also, Peter Rodino, Jr. (D-New Jersey) is the Chairman of the House Judiciary Committee. Representatives Don Edwards and Jerome Waldie are the Northern

Californians on the Judiciary Committee. Carl Albert is the Speaker of the House of Representatives.

aclu NEWS

9 issues a year, monthly except bi-monthly in March - April, July - August, and November-December
 Published by the American Civil Liberties Union of Northern California
 Second Class Mail privileges authorized at San Francisco, California
 Howard Jewel, *Chairman of the Board*
 Jay Miller, *Executive Director*
 Mike Callahan, *Editor and Public Information Director*

593 Market Street, San Francisco, California 94105—433-2750
 Membership \$15 and up of which \$2.50 is the annual subscription fee for aclu News.