

## WASHINGTON REPORT:

## Impeachment Campaign

*This column appears in Civil Liberties regularly. Look to it for information on congressional actions you can influence through communication with your congresspersons, the press and other groups.*

By Arlie Schardt

Because impeachment was unmistakably intended by our nation's Founders to be a quasi-judicial, quasi-political process, the willingness of the House of Representatives to meet its responsibility to impeach Richard Nixon depends on two things: first, each Representative's understanding of impeachable offenses, and second, each Representative's understanding that his or her constituents want an end to the cover-up.

Impeachment is the only way to end the cover-up. More than a full year of unceasing White House resistance to court orders, investigative requests, subpoenas and congressional inquiries leaves no doubt about that.

Impeachment is also the only way to put an end to the present era of drift and executive impotence, for it is the only mechanism we have to settle the question

of Mr. Nixon's right to remain in office. Any device other than impeachment takes us outside the Constitution and eliminates any chance of ending the trauma.

By returning to the Constitution and bringing Mr. Nixon to trial, a conclusion will at last be reached. If he is acquitted by the Senate, his right to remain in office is beyond further challenge. If he is convicted, his penalty is removal from office. Either way, orderly government will be restored, the disruption ended.

### Education

First, however, the House must impeach Mr. Nixon. The ACLU's nationwide campaign is designed to achieve this.

The House is being educated about the grounds for impeachment through a steady flow of authoritative literature sent to each member. Constituents—the only ones who can move their Representatives to act—are being educated through the same literature, which has received wide dissemination in the press. Equally important, they are being urged to transmit their views vigorously to their Representatives.

Many voters are letting it be known that they will hold their Representatives

accountable for any failure to insure that the American people finally obtain full and complete disclosure of the administration's attack on the Bill of Rights and the Constitution. Polls are showing public distrust so strong that large percentages of voters will weigh "integrity" more than "competence" in casting their next ballots.

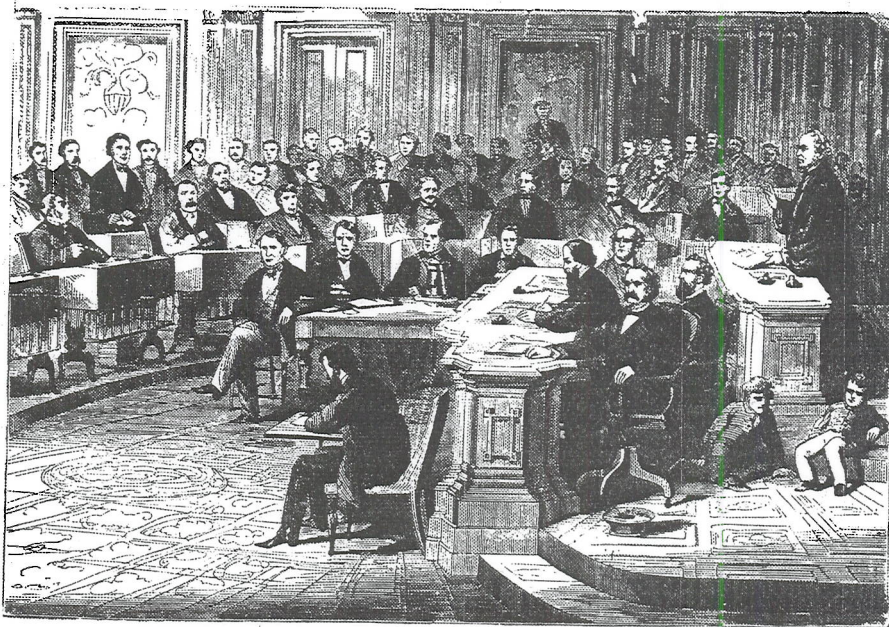
As former Attorney General Elliott Richardson put it last January, "the situation is likely to make a vote for impeachment easier than a vote against it. A Congressman can say 'All I did was say there are grounds to justify charges—that the whole thing should be aired'."

Many Congressmen and Congresswomen may indeed decide to do just that. 1974 promises to be a bad year for incumbents. New faces are entering House races in unusual numbers. Old faces are retiring in unusual numbers. Challengers are making "clean government" the issue.

### Ducking

While various surveys have shown various percentages of Representatives saying they would vote for or against impeachment, the majority, as of early February, were still ducking any position at all. Most of these said they would await completion of the House Judiciary Committee's investigation before deciding. Many also said that, although their constituents had earlier called for impeachment, their mail was tapering off.

Thus the importance of sustained activity by constituents who want Mr. Nixon brought to trial. While several major national organizations have done an excellent job of disseminating pro-impeachment literature, active organizing in the home districts has been left mainly to the ACLU.



THE IMPEACHMENT OF ANDREW JOHNSON.

Culver Pictures

Never before have so many members of the ACLU taken part in an ACLU activity. As ACLU membership rolls continue to grow (some 275,000 people were members by the end of January) the opportunity to develop national legislative strength and participation grows commensurately.

The ACLU structure taking shape, through the impeachment campaign, is simple. Each affiliate sets up its own impeachment committees in as many congressional districts as possible. The national office seeks to build impetus by providing literature, research and other materials to help affiliates educate the public and involve as many people—members and non-members—as possible.

Some affiliates have had remarkable success. A few have done very little. Some have felt limited by lack of money. Yet what is needed is not money so much as individual initiative. Anyone, really, can start an impeachment committee in his or her congressional district.

### Organizing

The basic method is this: With a few friends, or through an ACLU chapter, or through another organization, call a public meeting to which everyone is invited. If a pre-meeting mailing or some radio and newspaper ads are too expensive, extensive telephoning is a good substitute.

At the meeting, someone who has studied the ACLU materials on impeachment gives a talk outlining what impeachment means and why Nixon should be brought to trial. Others may wish to add other reasons. Then the group should elect officers and organize itself.

People should be clearly responsible for a particular activity in the campaign. Activities should include:

- Letter-writing. See to it that as many people as possible are writing repeatedly to their Representative and, in turn, urging others to write. Letters-to-the-editor are equally important.

- Telephoning. Phone calls to discuss impeachment with your Representative, either to his or her Washington office, or to the home district office.

- Future meetings. Someone should take charge of holding future meetings, to attract more people.

- Speakers bureau. The director of the speakers bureau should conduct a workshop to train volunteer speakers, then contact every possible group in the district and offer to present an educational program on impeachment (the primary obstacle to impeachment, among those still reluctant, is not a belief that Mr. Nixon is not accountable, but is instead simply lack of knowledge about what impeachment is). Some speakers bureaus have contacted literally every organization listed in the yellow pages of their phone directory, as well as contacting schools, churches, civic groups, etc.

- Media committee. A small group to call on editors and news directors of local newspapers, TV and radio stations, providing them with literature on impeachment and stressing the responsibility of the media at all levels to add to Americans' knowledge of the impeachment process. There should be many opportunities—especially by holding public functions—to raise the issue on TV newscasts, as well as panels, "talk" shows and public service specials.

### Meetings

- Meetings with your Representatives. Impeachment committees have drawn as many as 350 people to public meetings at which the Representative is called upon to discuss impeachment with his or her constituents. Some committees have held small breakfast meetings with their Representatives. Some committees have already generated as many as three or four public functions—from town hall meetings to workshops to coffees—at which the Representative, home for the

weekend, discusses impeachment with constituents.

- State legislative lobbying. State legislatures can bring impeachment resolutions to the floor of the U.S. House, just the same as any Representative can. Several affiliates are now lobbying their legislatures to do this. The added citizen involvement and public visibility this brings to the issue are not lost upon the Representatives from your state. They tell all politicians this will be an issue in November 1974.

- Buttons and bumper stickers. These give the issue visibility, and are a good way to raise money.

- Special projects. In Wisconsin, Rep. Robert Kastenmeier held a special one-day public hearing on impeachment in Madison. Impeachment committees should strongly urge their Representatives to hold legislative hearings back home in their districts, and to invite Representatives to join them for the day. Members of the Washington State affiliate were influential in moving the Seattle Bar Association to overwhelming passage of a resolution calling for impeachment. Several affiliates are calling upon their state legislatures to pass impeachment resolutions. Each of these projects could be directed by an individual volunteer.

The above is the basic structure suitable for educating your congressional district about impeachment.

### Pamphlets

There is ample material available through the ACLU to explain impeachment thoroughly. Two detailed pamphlets are available at cost (\$1 apiece); the first, "Why President Richard Nixon Should Be Impeached," outlines the ACLU's grounds for impeachment, including the evidence. It also presents the history of impeachment, the House and Senate rules for impeachment, and tells what every citizen can do to help. The second pamphlet is entitled "High Crimes and Misdemeanors: What They Are, What They Aren't." It enunciates what types of conduct comprise impeachable offenses. Order from ACLU, 22 E. 40 St., New York, N.Y. 10016.

Also available are bulk copies (\$20 per thousand) of "Impeachment: Make It Happen," which was included in *Civil Liberties* last issue. These are ideal for mass distribution at every public function sponsored by your local impeachment committee.

For additional aid in preparing speeches, long impeachment articles from the November and January issues of *Civil Liberties* will be helpful. An additional reference, probably the single most compelling essay on why Nixon should be impeached, is "The Obligation of the Congress to Impeach the President," by Richard N. Goodwin. The essay ran in the Dec. 20, 1973 issue of *Rolling Stone*.

The Roper Reports, a subscription opinion survey service, provided the first in-depth examination of public opinion on impeachment.

### Survey Results

Among other things, the survey found that, as of last November (prior to the

revelation that 18 minutes of a critical White House tape had been deliberately erased), 44 per cent favored impeachment and 45 per cent opposed it. But more than half of those opposed did so not because they believed Mr. Nixon innocent of responsibility. They did so because they mistakenly believed impeachment would be too destructive, or disruptive, to the country.

This is a point to be met in every impeachment presentation. The obvious response is that just the opposite is true. Impeachment is the only orderly means provided in our Constitution for meeting the crisis. Failure to impeach will mean an untried Mr. Nixon seeking to govern while three-fourths of the public has no faith in his word.

Our system cannot function without public confidence in our leaders. Public confidence cannot be restored until the cover-up is ended and all the questions are answered. The issue will not go away by itself. It will continue to plague our national life until it is resolved by a process acceptable to the American people. Impeachment is the only device for fulfilling this need.

The Roper survey also revealed that the three groups most strongly favoring impeachment were three who had comprised the so-called "new majority" in the 1972 election—blue-collar workers, union members and Catholics. Executive and professional types were the ones most able to rationalize away the need to hold the President accountable for his actions.

Another Roper survey, completed in January, showed an even stronger call for action. Two out of three persons wanted Mr. Nixon removed from office, through either resignation or impeachment.

Both the surveys, other polls, mail, and audience questions at the thousands of meetings addressed by ACLU speakers, indicate one underlying fact: The public does not need a great deal of talk about Mr. Nixon's accountability. It does need *education* about what impeachment means.

### Misconceptions

Briefly, here are the most common misconceptions. Once they are clarified, virtually every listener favors impeachment.

- Some people believe impeachment means removal from office without a trial, or a finding of guilty without due process. The opposite is true. Impeachment means *bringing* to trial, not prior guilt. Impeachment is the finding that sufficient evidence of wrongdoing exists to bring a public official to trial.

- Others believe that an official must be guilty of a crime as defined in the federal statutes. In fact, impeachment is designed to cover actions that are not violations of ordinary criminal law. Impeachment covers both eriminal and non-criminal conduct.

In the non-criminal realm, impeachment is designed to reach "the mis-conduct of men," or "the abuse of public trust," or "attempts to subvert the Constitution." The standard was kept deliberately broad so as to cover abuses that could not be anticipated by the narrower confines of a criminal code. No lawmakers, for example, could have anticipated that a President would establish a personal secret police, conduct a secret war, or use law enforcement agencies to hinder investigations of lawbreaking (the ACLU's "High Crimes" pamphlet explains in detail the actions reachable by impeachment).

- Others believe Mr. Nixon must be shown to have personally committed the misdeeds now known to the public. Not so. A President is accountable for the actions of his subordinates. As James Madison told the first Congress, the President is impeachable if he "neglects to superintend their conduct, so as to check their excesses."

As more people learn what impeachment means, and more of them understand the importance of conveying their feelings to their Representatives, their Representatives will get the message. They will bring Mr. Nixon to trial, to determine how far he really went toward subverting the Constitution.

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*Archie Schardt is associate director of ACLU's Washington office.*