

Original Article II Draft

Following is the text of the original draft of Article II placed before the House Judiciary Committee by Rep. Harold D. Donohue (D-Mas.) when it began general debate last Wednesday.

Article II

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office and to reserve, protect and defend the Constitution, and in violation of his constitutional duty to take care that the laws be faithfully executed, has abused the powers vested in him as President by one or more of the following, either directly or through his subordinates or agents:

(1) He has used the executive power to authorize illegal surveillance and investigations of individuals by the Federal Bureau of Investigation, the Secret Service, and agents of the office of the President and the use and dissemination of information obtained thereby in violation of the constitutional rights of citizens.

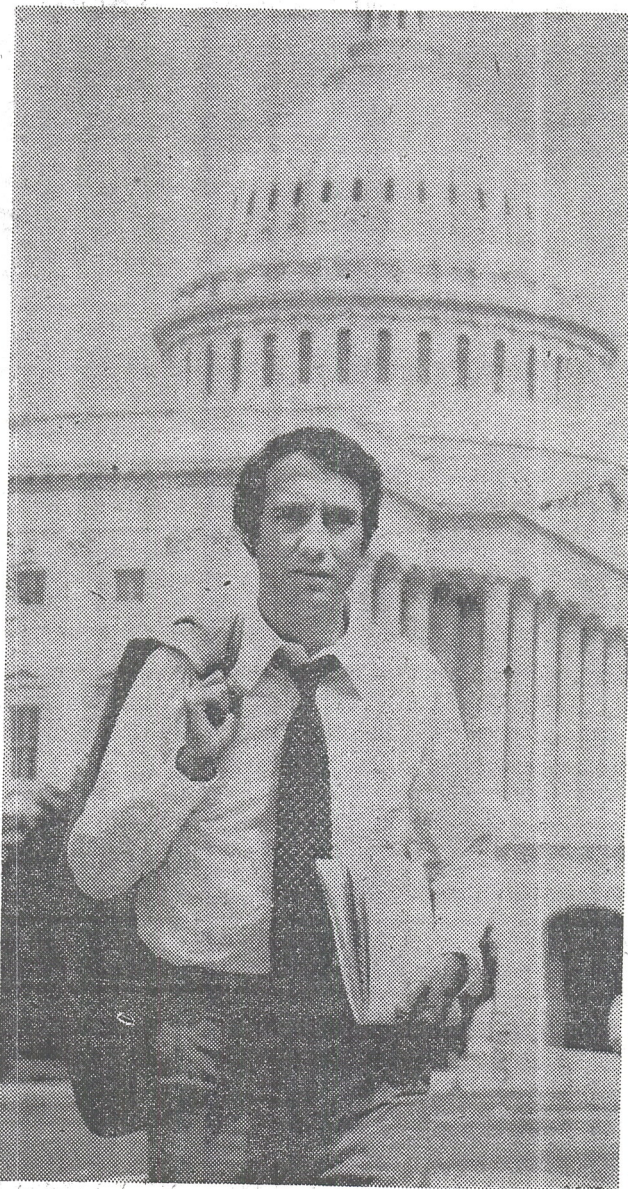
(2) He has used the executive power to unlawfully establish a special investigative unit within the White House to engage in unlawful covert activities. This special investigative unit was supervised by one of the presidential assistants and was financed in part by the unlawful conversion of funds raised for campaign purposes and controlled on behalf of Richard M. Nixon by one of his assistants. On Sept. 3, 1971, agents of the special investigative unit, in order to obtain information to be used by Richard M. Nixon and his subordinates in public defamation of Daniel Ellsberg, unlawfully committed burglary at the office of Dr. Lewis Feilding, Ellsberg's psychiatrist, in the State of California.

(3) He has endeavored to use the executive power to obtain confidential tax return information from the Internal Revenue Service and to cause tax investigations to be initiated and conducted in a discriminatory manner.

(4) He has endeavored to use the executive power to interfere with the proper administration of the Federal Bureau of Investigation:

(1) By directing that the Federal Bureau of Investigation not maintain regular indices of electronic surveillance records of individuals who were wire-tapped pursuant to his authorization and that such records of this surveillance as were kept be removed from the Federal Bureau of Investigation and concealed at the White House to prevent revelation of the electronic surveillance.

(B) By pursuing a policy



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Rep. Edward Mezvinsky (D-Iowa), will offer an impeachment article charging the President with tax evasion.

of concealing the activities of those involved in the illegal entry into the headquarters of the Democratic National Committee pursuant to which policy certain documents were delivered to the Acting Director of the Federal Bureau of Investigation contrary to normal Federal Bureau of Investigation procedures, and the Acting Director instructed to conceal these documents.

(C) By obstructing and impede pursuant to his pol-subordinates to obstruct and impede pursuant to his policy, the investigation by the Federal Bureau of Investigation, of the illegal entry into the headquarters of the Democratic National Committee and related matters.

(5) He has endeavored to use the executive power to interfere with the proper conduct of Justice Department investigations of the illegal entry into the headquarters of the Democratic National Committee and related matters through misrepresentations, concealment of information, and other means, including the removal from office of the first Watergate Special Prosecutor; by revealing information he obtained from

manner calculated to mislead; by publicly releasing edited transcripts of tape recordings instead of complying with the subpoenas of the Committee on the Judiciary of the House of Representatives; by making false and deceptive statements to the American people regarding his knowledge and actions concerning matters under investigation; and by attempting personally and through his agents to undermine the legitimacy of these inquiries in the eyes of the American people.

(8) He has failed without lawful cause or excuse to produce information and materials 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. These subpoenas were issued under the authority of the House of Representatives, in order to assist its investigation into whether sufficient grounds exist for the impeachment of Richard M. Nixon. In refusing to produce them he has acted in contempt of the House of Representatives and in defiance of the power of impeachment, vested solely in the House of Representatives.

All of this has been carried on by Richard M. Nixon in a manner contrary to his trust as President, to the manifest injury of the confidence of the nation and to the great prejudice of the cause of law and justice, and to the subversion of constitutional government.

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

the Justice Department by virtue of his official position to targets of the investigation to enable them to prepare their testimony and tactics; by directing that targets of the investigation be assured that they might receive executive clemency if they continued to withhold certain information or testimony; by instructing his official subordinates to testify untruthfully or incompletely; and by commanding and furthering a policy of concealment.

(6) He has used the executive power to induce the Central Intelligence Agency to provide assistance for unlawful covert activities for his political benefit and to impede and delay the Federal Bureau of Investigation investigation of the illegal entry into the headquarters of the Democratic National Committee.

(7) He has used the executive power to impede lawful inquiries into the conduct of his office by suppressing, withholding, and concealing evidence relevant to duly authorized investigations; by furnishing documents and things to agencies of the executive branch and committees of Congress in a