

THE NEW YORK TIMES,

# A Resolution

NYTimes

MAY 31 1972

WEDNESDAY, MAY 31, 1972

# to Impeach

THE NEW YORK TIMES,

# Richard M.

WEDNESDAY, MAY 31, 1972

# Nixon as

# President of the United States.



House Resolution 976, the impeachment Resolution reprinted herein *in its entirety*, was officially filed in the House of Representatives by 5 Congressmen and Women, since supplemented by 4 additional sponsors, and it is still circulating to other Members of the House for their signature. The Resolution has been officially referred to the Committee on the Judiciary, the Committee of the House that has jurisdiction over Resolutions for Impeachment.

"IMPEACHMENT is a written accusation by the House of Representatives of the United States to the Senate of the United States" against an officer." *Black's Law Dictionary*.

Each Member, as he signs, has been placed on the Honor Roll of The National Committee for Impeachment and assigned a number to indicate the order in

which signatures were obtained. They are:

1. William F. Ryan of New York, who filed the first Resolution for Impeachment in the House of Representatives on May 9, 1972, as a member of the Committee on the Judiciary.
2. John Conyers, Jr. of Michigan, who originated the sponsorship of H.Res. 976, also a member of the Committee on the Judiciary.
3. Bella Abzug of New York, co-sponsor of H.Res. 976.
4. Shirley Chisholm, of Brooklyn, co-sponsor.
5. Ronald Dellums of California, co-sponsor.
6. Charles Rangel of Harlem, New York, co-sponsor.
7. Louis Stokes of Cleveland, Ohio, co-sponsor.
8. Parren Mitchell of Baltimore, Maryland, co-sponsor.

We also honor

Paul N. McCloskey, Jr. of San Francisco, California, the first member of the House of Representatives who had the courage to state publicly that President Nixon should be threatened with impeachment as a means of changing the Administration's Vietnam policy, thereby putting conscience above reelection, despite a threatened primary fight for his seat as a Republican.

"AN ELECTIVE DESPOTISM WAS NOT WHAT WE FOUGHT FOR." Thomas Jefferson, Notes on Virginia (1784), Query 13, par. 14.

The National Committee for Impeachment will devote its resources in funds and publicity in aid of any new candidate for election to the House of Representatives or re-election of an incumbent Member, whether in a primary contest or the actual election contest, whether Republican, Democrat, Independent, or a new party, in the order in which their names are officially printed in The Congressional Record. We will ask Congressman Ryan to insert the names of those persons who are not now members of the House in The Congressional Record in the order in which they are received by his office in Washington, D.C.

"Guilt wherever found ought to be punished. The Executive will have great opportunities of abusing his power; particularly in time of war when the military force, and in some respects the public money, will be in his hands. Should no regular punishment (by impeachment) be provided, it will be irregularly inflicted by tumults and insurrections." Edmund Randolph of Virginia quoted in *The Records of the Federal Convention of 1787*, (Farrand ed).

There are now 435 Members of the House of Representatives, of which a majority is 218, assuming the presence of all members for the final vote on the Resolution for Impeachment, whether in its present form or consolidated with additional Resolutions that may be filed. A vote by 218 guarantees the Impeachment of Richard M. Nixon as President of the United States for "high crimes and misdemeanors." *Constitution of the United States*, Article I, Section 2, paragraph 5. **The Campaign for Impeachment will be conducted entirely by non-violent methods exemplified by Gandhi and Martin Luther King, but also by adaptation of new methods under the banner of The Army of Non-Violence.**

If said majority is not obtained by a certain deadline to be set by the Executive Committee of The National Committee for Impeachment, it will seek to establish, if possible, pursuant to the appropriate legal methods in each of the 50 States of the Nation, a new political party for the nomination and election of a new President and Vice-President of the United States, and of new or incumbent members of the House of Representatives, known as The Puritan Party of The United States.

[Attorneys and volunteers for this purpose should sign the enclosed coupon at the bottom of the last column of this ad, signing merely after their name in capital letters the initial A or V or both]

PURITAN—*A member of any religious sect or party that advocates special purity of doctrine or practice. [1577] Oxford Universal English Dictionary (1955 ed.)*

FEBRUARY 15, 1848

Representative Abraham Lincoln, defending his vote for a resolution passed by the House on January 3, 1848 censuring President Polk for having initiated "unnecessarily and unconstitutionally" the war with Mexico, wrote his friend Herndon:

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

NATIONAL COMMITMENTS, *Report of the Committee on Foreign Relations, United States Senate, 91st Cong., 1st Sess., April 16, 1969, Report No. 91-129, pp. 12-13.*

Upon the Impeachment of Richard Nixon, "for high crimes and misdemeanors", the *Constitution of the United States*, provides that he, among others "shall be removed from office . . . for conviction of, treason, bribery, or other high crimes and misdemeanors." (Article II, Section 4.)

The *Constitution of the United States*, further provides: "The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no person shall be convicted without concurrence of two-thirds of the members present." (Article I, Section 3, paragraph 6.) "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States, but the party convicted shall, nevertheless, be liable and

subject to indictment, trial, judgment, and punishment according to law." (Article I, Section 3, paragraph 7.)

The National Committee for Impeachment will also in the near future make an announcement respecting Spiro T. Agnew as Vice-President of the United States, John N. Mitchell as former Attorney General of the United States, and Richard Kleindienst as Acting Attorney General of the United States. The statement herein in no way implies each or all is guilty of impeachable offenses.

#### THE CONSTITUTIONAL PRECEDENT.

Of the 11 impeachments that went to trial before the Senate, the impeachment of President Andrew Johnson in 1868 is the basic Constitutional precedent for the impeachment of President Nixon.

By comparison President Andrew Johnson's alleged defiance of Congress (the removal of Secretary

JUNE 2, 1952

"\* \* \* but no doctrine that the court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely uncontrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the country by his own commitment of the nation's armed forces to some foreign venture." Mr. Justice Jackson of the Supreme Court of the United States in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579

APRIL 1971

"Through its power of the purse, its power to make rules for the regulation of the armed forces and if necessary its impeachment powers, a Congress determined to bring the Vietnam war to the quickest possible end can find ways and means to do so."

Telford Taylor, U.S. Chief Counsel at Nuremberg War Crimes Trial; and *Brigadier-General, United States Army*

of War Edwin Stanton and the alleged violation of the Tenure of Office Act which prohibited a President from removing officeholders except with the Senate's consent, and the other charged offenses leading to neither death nor maiming of a single human being, American or otherwise) were *trivial* compared with Mr. Nixon's deliberate violations of the Constitution and the legislation enacted by a bipartisan coalition of Republican & Democratic Senators and Republican and Democratic members of The House of Representatives, —and signed by President Nixon himself!

Of the 435 members of the House of Representatives there are 218 Congressmen and Women who can forthwith do more to end United States participation in the IndoChina War than any other 218 persons in the Nation. They are the majority necessary to guarantee the enactment of a Resolution of Impeachment. Once

JUNE 30, 1971

Mr. Justice Black of the Supreme Court  
of the United States in *U.S.A. v. The  
New York Times*

"In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. \* \* \*

In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the founders hoped and trusted they would do."

that Resolution is voted, the authority of Richard M. Nixon as Commander in Chief of the Army and Navy to order a continuation of the killing will for all practical purposes be terminated. Is not all this terrorization of helpless human beings done solely for the purpose of saving Mr. Nixon's image of himself as Commander-in-Chief in the high office occupied by George Washington, John Adams, Thomas Jefferson, and Abraham Lincoln? When any of these giants went to war they did so to preserve the great name and conscience of the Republic and not for purposes of re-election.

The image they wished to preserve was one of moral integrity and Constitutional authority of the Congress of the United States.

"A weak man compensates with artificial power and boisterous bravado. A great man understands his fallibility and acknowledges error. A weak man admits no fault."

— SENATOR EAGLETON of Missouri in the *Congressional Record*, Senate, April 19, 1972, page S 6294.

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## H. RES. 976

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1972

Mr. CONYERS (for himself, Mrs. ABZUG, Mr. RYAN, Mr. DELLUMS, and Mrs. CHISHOLM) submitted the following resolution; which was referred to the Committee on the Judiciary

### RESOLUTION

- Whereas article II, section 4, of the Constitution of the United States provides: "The President, the Vice President, and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors"; and
- Whereas article I, section 2, paragraph 5, of the Constitution of the United States provides: "The House of Representatives shall have the sole Power of Impeachment"; and
- Whereas Richard M. Nixon, President of the United States from January 20, 1969, to the present time has known that this House and the Senate of the United States have at no time declared war against the Democratic Republic of Vietnam, the National Liberation Front, the sovereign state of Cambodia, or the sovereign state of Laos, pursuant to article I, section 8, clause 11, of the Constitution of the United States which provides: "The Congress shall have power \* \* \* to Declare War"; and
- Whereas Richard M. Nixon has committed the acts hereinafter set forth, which constitute high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States:

#### ARTICLE I

1. On January 20, 1969, Richard M. Nixon executed the oath of office of President of the United States, solemnly swearing that "I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.

2. From January 20, 1969, to the present time, Richard M. Nixon has known that this House and the Senate of the United States have at no time declared war against the Democratic Republic of Vietnam, the sovereign state of Cambodia, or the sovereign state of Laos, pursuant to article I, section 8, clause 11, of the Constitution of the United States, which provides: "The Congress shall have power \* \* \* to Declare War," and has nevertheless committed the acts, including acts of war, hereinafter specified.

3. On January 12, 1971, after enactment by the Congress, Richard M. Nixon approved Public Law 91-672, section 12 of which repealed the Southeast Asia (Tonkin Gulf) resolution, Public Law 88-408, approved August 10, 1964, withdrawing and terminating any power which may have been granted under such Tonkin Gulf resolution to the President respecting the use of the Armed Forces of the United States in Southeast Asia.

4. On November 17, 1971, after enactment by the Congress, Richard M. Nixon approved the Military Procurement Authorization Act for fiscal year 1972, Public Law 92-156.

5. Section 601 of the said Act, known as the Mansfield amendment, in pertinent part declares it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces."

6. Section 601 called upon the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

7. On November 11, 1971, Senator John Stennis, chairman of the Senate Armed Services Committee, in commenting on section 601 prior to its enactment, stated to the Senate: " \* \* \* for the first time we now have as a proposed law, language which makes our withdrawal from Indochina 'the policy of the United States,' rather than the sense of the Congress as contained in the previous version. For those who supported the Mansfield amendment, I would urge that they closely consider the meaning of this change in language. As a policy matter it binds the Congress and the President of the United States." (Congressional Record, November 11, 1971, page S 18288).

8. On November 17, 1971, upon approving Public Law 92-156 by affixing his signature thereto, and despite the will of the Congress in enacting section 601, Richard M. Nixon stated: "Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end."

9. On February 16, 1972, the United States District Court for the Eastern District of New York ruled in *DaCosta* against Nixon, 72 Civil Action 207 (John F. Dooling, D.J.), that: "When the bill embodying section 601, was passed by the Congress and approved by the President's signature it established 'the policy of the United States' to the exclusion of any different executive or administration policy, and had binding force and effect on every officer of the Government, no matter what their private judgments of that policy, and illegalized the pursuit of an inconsistent executive or administration policy. No executive statement denying efficacy to the legislation could have either validity or effect."

10. Despite the aforesaid enactment into law of the said section 601, Richard M. Nixon ordered the following action:

(1) On March 23, 1972, broke off the negotiations in Paris with representatives of the Democratic Republic of Vietnam and the National Liberation Front;

(2) From March 24, 1972, to April 26, 1972, refused to return to said negotiations;

(3) On May 4, 1972, broke off again said negotiations, suspending them indefinitely;

(4) Since April 1972, escalated the air war in Indochina to levels unprecedented in the history of warfare, and on May 8, 1972, without prior consultation with or consent of the Congress, announced that he had ordered the mining of all North Vietnamese ports and the interdiction by United States forces of rail lines and other communications entering the Democratic Republic of Vietnam.



11. By refusing to declare a final date for the complete withdrawal of all United States forces in Indochina, as called for by section 601 of Public Law 92-156, by insisting upon his Vietnamization policy, and by intimating that a residual military force would be left in South Vietnam until such time as the Democratic Republic of Vietnam and forces allied with that Government acceded to his demands for the release of American prisoners of war, a cease-fire, and new elections under a caretaker government controlled and administered by Nguyen Van Thieu, Richard M. Nixon jeopardized the security of the United States.

12. By reason of the aforesaid acts, Richard M. Nixon has arrogated to himself the power to declare war and the power "to make Rules for the Government and Regulation of the land and naval forces," which are committed by the article I, section 8, clauses 11 and 14 of the Constitution solely to the Congress, and has, in violation of his oath as President of the United States, of section 601 of Public Law 92-156, of the Charter of the United Nations, and of principles of the Law of Nations, to the detriment of the national interest, at the cost of prolonging the retention of American prisoners of war, and at the risk of confrontation with the Governments of the Union of Soviet Socialist Republics and the People's Republic of China, caused untold killing and maiming of American military personnel and the people of Indochina and inflicting death and destruction upon the innocent civilian populations of said region, and has thereby committed and is guilty of high crimes and misdemeanors within the meaning of article II, section 4 of the Constitution of the United States.

#### ARTICLE II

13. From January 20, 1969, to the present time, Richard M. Nixon, in violation of

(a) his oath of office to preserve, protect, and defend the Constitution of the United States,

(b) article I, section 8, clauses 11 and 14 of the Constitution of the United States, which assign solely to Congress the powers to declare war and to make rules for the Government and regulation of the land and naval forces of the United States.

(c) section 601 of the Military Procurement Authorization Act for fiscal year 1972, Public Law 92-156, declaring it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina",

(d) section 12 of Public Law 91-672, the congressional repeal of the Gulf of Tonkin resolution, which withdrew and terminated any power which may have been granted by such Gulf of Tonkin resolution to the President, and

(e) the Charter of the United Nations, to which the United States is a signatory, and which is therefore part of the supreme law of the land, which obligates the United States to refrain from the unilateral use or threat of force in its international relations, and which obligates the United States to settle international disputes by peaceful means,

did willfully and intentionally cause and direct the Armed Forces of the United States to continue to engage in military hostilities and to continue to carry on a war against the territory and people of South Vietnam, the Democratic Republic of Vietnam, the sovereign state of Cambodia, and the sovereign state of Laos, all without a declaration of war by the Congress of the United States pursuant to article I, section 8, clause 11 of the Constitution.

14. By reason of the aforesaid acts, Richard M. Nixon has arrogated to himself the power to declare war and the power "to make Rules for the Government and Regulation of the land and naval Forces", which are committed by article I, section 8, clauses 11 and 14, of the Constitution solely to the Congress, and has, in violation of his oath as President of the United States, of section 601 of Public Law 92-156, of the Charter of the United Nations, and of principles of the Law of Nations; to

the detriment of the national interest, at the cost of prolonging the retention of American prisoners of war, and at the risk of confrontation with the Governments of the Union of Soviet Socialist Republics and the People's Republic of China, caused untold killing and maiming of American military personnel and the people of Indochina and inflicting death and destruction upon the innocent civilian populations of said region, and has thereby committed and is guilty of high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States.

#### ARTICLE III

15. From January 20, 1969, to the present time, Richard M. Nixon has caused and directed the Armed Forces of the United States to engage in acts of terror against the civilian population and of devastation of the territory of Indochina, to kill and wound hundreds of thousands of innocent civilians by means of aerial, land, and naval bombardments directed against noncombatants, the designation of "free fire zones," "harassment," and "interdiction" fire, indiscriminate use of antipersonnel bombs, napalm, and defoliants, to drive innocent civilians from their homes into squalid refugee camps, and to commit other similar acts, all in violation of—

(i) "the supreme law of the land," pursuant to article VI, clause 2 of the Constitution of the United States, as embodied in the Hague Convention Numbered IV of 18 October 1907, Respecting the Laws and Customs of War on Land (36 Stat. 2277, Treaty Series 539); Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 T.I.A.S. 3365); Hague Convention Numbered IX of 18 October 1907, Concerning Bombardment by Naval Forces in Time of War (36 Stat. 2351; Treaty Series 542); Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field of 27 July 1929 (47 Stat. 2047; Treaty Series 847), to which the United States is a signatory,

(ii) the Law of Land Warfare embodied in United States Field Manual 27-10, and

(iii) the laws of civilized society, including crimes against peace, crimes against humanity, and war crimes, agreed upon in "The Principles of International Law Recognized in the Charter of the Nuremburg Tribunal" adopted unanimously by the first General Assembly of the United Nations at the initiative of the United States.

16. By reason of said acts in violation of the said laws and principles, Richard M. Nixon is guilty of high crimes and misdemeanors within the meaning of article II, section 4 of the Constitution of the United States: Now, therefore, be it

1       *Resolved*, That Richard M. Nixon, President of the United  
2 States ought to be, and he hereby is impeached by this House,  
3 and further

4       *Resolved*, That the Speaker appoint a Committee of Man-  
5 agers on the part of the House, and further

6       *Resolved*, That a message be sent to the Senate to inform  
7 them that this House has appointed managers to conduct the  
8 impeachment of the President of the United States, and have  
9 directed the said managers to carry to the Senate the articles  
10 agreed upon by this House, as contained in this resolution, to be  
11 exhibited in maintenance of their impeachment against Richard  
12 M. Nixon, and that the Clerk of the House do go with said mes-  
13 sage, and further

14       *Resolved*, That the articles agreed to by this House, as con-  
15 tained in this resolution, be exhibited in the name of the House  
16 and of all the people of the United States, against Richard M.  
17 Nixon, President of the United States, in maintenance of the  
18 impeachment against him of high crimes and misdemeanors in  
19 office, and be carried to the Senate by the managers appointed to  
20 conduct the said impeachment on the part of this House.

**ATTORNEYS FOR EXECUTIVE  
COMMITTEE.**

VERN COUNTRYMAN, ESQ.,  
Professor of Law, Harvard University,  
School of Law,  
Member of the Bar, Supreme Court of  
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ASSISTANT TO CHAIRMAN &  
VICE CHAIRMAN  
NANCY WOOD, Princeton, New Jersey.

*Affiliations stated solely for purpose of  
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