

WHY NIXON MUST BE IMPEACHED

1. 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.

Mr. Nixon admitted his role in establishing the "plumbers" in his statement of May 22, 1973. He stated: during the week following the Pentagon Papers publication, I approved the creation of a special Investigations Unit within the White House... which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters.

Members of the plumbers were convicted of the Watergate break-in and bugging; have admitted burglarizing the office of Daniel Ellsberg's psychiatrist (John Ehrlichman, a principal assistant to Richard Nixon, has admitted specifically authorizing covert operations to obtain Ellsberg's psychiatric files); have admitted falsifying State Department cables in an effort to show that a dead President conspired in an assassination; and have admitted perjury in connection with the original Watergate trial.

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

Mr. Nixon admitted deceiving the Congress and the people about the bombing of Cambodia in an address to the Veterans of Foreign Wars on Aug. 20, 1973. He defended the exclusion of Congress (which is given sole power under the Constitution to declare war) from the decision-making, saying:

Now, as for secrecy, as I have indicated, the fact that the bombing was disclosed to appropriate Government leaders, the ones I just referred to [Kissinger, Laird and Rogers], and to appropriate Congressional leaders, those in the Military Affairs Committee like Eddie Hebert... there was no secrecy as far as Government leaders were concerned, who had any right to know or need to know.

In addition to asserting that only members of Congress who could be expected to approve the bombing (like "Eddie Hebert") had a "right to know or need to know" about it, Mr. Nixon asserted that the bombing had to be kept secret from the American public because, had it been announced, "the bombing would have had to stop."

In the VFW speech, Mr. Nixon affirmed his intention to engage in secret warfare again under similar circumstances. He stated:

If American soldiers in the field today were similarly threatened by an enemy and if the price of protecting those soldiers was to order air strikes to save American lives, I would make the same decision today that I made in February of 1969.

3. He authorized a program of wiretaps which were illegal and which were directed against political opponents, news reporters, government employees and persons who might cause him embarrassment.

In his statement of May 22, 1973, Mr. Nixon admitted that:

a special program of wiretaps was initiated in mid-1969 and terminated in February, 1971... I authorized this entire program.

Those whose telephones were tapped included Marvin Kalb of CBS, Hedrick Smith of *The New York Times*, William Beecher of *The New York Times* (now employed by the Pentagon), and Joseph Kraft, a syndicated columnist. (Mr. Kraft was also the target of an FBI investigation

as was Daniel Schorr of CBS. In December, 1971, Mr. Nixon explained the Schorr investigation, through an aide, saying that it was because Schorr was under consideration for a government job that had not been discussed with him. In August, 1973, H. R. Haldeman testified before the Senate Watergate Committee that this was a lie.) In his May 22 statement, Mr. Nixon explained the wiretapping of newsmen by stating that it was made necessary by "news accounts... which were obviously based on leaks."

Among the political opponents of Mr. Nixon whose telephone was tapped was Morton Halperin who had been a government employee for the first four months of the 21 months that his phone was being tapped. Later, during the period that his phone was tapped, Halperin was an advisor to Senator Muskie. Other government employees whose phones were tapped were aides to then Secretary of State William Rogers, including one man who is now Ambassador to Hungary. A speechwriter for the President, William Safire, was tapped. Safire is now a columnist for *The New York Times*.

One person tapped who might have caused the President embarrassment was his own brother. Richard Nixon admitted in answer to a question at the Associated Press Managing Editors dinner at Disney World on Nov. 17, 1973, that he had directed the Secret Service to tap Donald Nixon's phone.

Mr. Nixon claimed in the May 22 statement that the wiretaps were "legal at the time." This was apparently a reference to the fact that it was not until June 19, 1972, two days after the June 17, 1972 Watergate break-in arrests, that the U.S. Supreme Court had an opportunity to rule specifically on such wiretaps. The Supreme Court was unanimous (Mr. Justice Rehnquist not participating) in holding such taps unconstitutional.

Mr. Nixon's declaration is tantamount to saying that nothing is illegal until it has finally been held illegal by the Supreme Court. By this criterion, murder, rape, or arson, if committed in the name of national security, would not be illegal because the Supreme Court has never

ruled in such a case. The Supreme Court decision in June 1972 did not establish the illegality of the wiretapping instituted by the President, it merely confirmed its illegality.

4. He obstructed the administration of justice by such actions as his effort to limit the FBI investigation of the Watergate break-in and by offering the FBI directorship to the presiding judge during the Ellsberg trial.

Mr. Nixon admitted his role in obstructing the FBI investigation into the Watergate break-in in his May 22, 1973 statement. He said:

Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise correctly that since persons originally recruited for covert national security activities [the "plumbers"] had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General, and the Acting Director of the FBI.

I also instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert activities or those of the CIA. In his Aug. 22, 1973, news conference, Mr. Nixon admitted that he had directed John Ehrlichman to call Judge

Byrne, presiding judge in the Ellsberg trial which was underway when Ehrlichman called, and discuss with Byrne the directorship of the FBI. On July 25, 1973, Ehrlichman testified before the Senate Watergate Committee that he had two meetings with Byrne during the Ellsberg trial, at one of which the President was briefly present. In his Aug. 15, 1973, statement, Mr. Nixon admitted that at the very same time that he and Ehrlichman were meeting with Judge Byrne, Mr. Nixon was aware of the burglary of the office of Dr. Ellsberg's psychiatrist, Dr. Fielding, and concealed that knowledge from the court. He stated:

It was on March 17 [1973] that I first learned of the break-in at the office of Dr. Fielding... On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit ["plumbers"] might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen [Assistant Attorney General] to stick to the Watergate investigation and stay out of national security matters.

According to his May 22, 1973,

statement, it was not until April 25, 1973, 39 days after he says he first learned of the break-in, that Mr. Nixon agreed to then Attorney General Kleindienst's request that the information be transmitted to Judge Byrne. In the intervening period, Mr. Nixon and Mr. Ehrlichman had been meeting with Judge Byrne about the FBI directorship and, of course, Ehrlichman had been the aide to Mr. Nixon who authorized the operation to obtain Ellsberg's psychiatric files. Ehrlichman testified before the Senate Watergate Committee that he had approved a memorandum from Egil Krogh and David Young of the "plumbers" that "a covert operation be undertaken to examine all the medical files still held by Ellsberg's psychoanalyst." Ehrlichman admitted that he initiated the memorandum and wrote on it "if done under your assurance that it is not traceable."

5. On July 23, 1970, he personally approved the "Huston plan" for domestic political surveillance by such methods as burglary, wiretapping and eavesdropping and mail covers.

In his statement of May 22, 1973, Mr. Nixon said:

On June 25 [1970] the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies [FBI, CIA, Defense Intelligence Agency, National Security Agency] were notified by memorandum of the option approval. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

The plan approved by Mr. Nixon came to be called the "Huston plan" after its principal author, Tom Charles Huston. It directed "intensification" of electronic surveillance; that restrictions on mail covers be "relaxed;" that "restraints on the use of surreptitious entry are to be removed;" and that all "restraints which limit [college campus surveillance] are to be removed."

While Mr. Nixon says he rescinded his approval of the plan in response to the objections of J. Edgar Hoover, the same methods were subsequently employed by the "plumbers," the secret police agency Mr. Nixon established because he believed there were shortcomings in the work of the legally established police groups.