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Excerpts From Judiciary

Panel Statements

Following are excerpts from statements by members of the House Judiciary Committee yesterday as the committee continued debate on a resolution to impeach President Nixon:

CHARLES E. WIGGINS

R-Calif.

I cannot express adequately the depth of my feeling that this case must be decided according to the law, and on no other basis. The law, you see, establishes a common metric for judging human behavior. It eliminates irrelevant subjective concerns. Under the law we cannot be concerned with alleged Presidential improprieties because that is subjective. We really cannot be concerned about the judgment of the President at any given moment of time unless that falls below the standard imposed by the law. If we were, ladies and gentlemen, to decide this case on any other basis than the law, and the evidence applicable thereto, it occurs to me, my colleagues, that we would be doing a greater violence to the Constitution than any misconduct alleged to Richard Nixon. We have taken an oath ourselves and as we reflect upon the alleged misdeeds of the President and his constitutional responsibilities, let us not for one moment be unmindful of our own constitutional oath, and that is to decide this case according to the law, the evidence, and the Constitution as we understand its meaning.

In the context of the law, Mr. Chairman, personalities become irrelevant. I am sure we all agree with that. Recently I found myself cast in the role of the President's defender. This morning I heard on television that I was his chief defender. Frankly, I wince when I am characterized thusly because that does not reflect at all my conviction. I count myself as a friend of the President and I am proud of that friendship and I cherish it, but that friendship is not going to deter me one whit from doing what is right in this case according to the law and I would hope that my colleagues share that conviction.

The law requires that we decide the case on the evidence. Nobody doubts that. On the evidence. It must trouble you, Mr. Doar, I am sure, as a possible assistant to managers in the Senate, to consider the evidence as distinguished from the material which we have made—been made available before this Committee. 38 books of material. My guess, Mr. Doar, you can put all of the admissible evidence in half of one book. Most of this is just material. It is not evidence and it may never surface in the Senate because it is not admissible evidence.

Simple theories, of course, are inadequate. That is not evidence. A supposition, however persuasive, is not evidence. A bare possibility that something might have happened is not evidence.

We are told that the standard must be that the evidence is clear and convincing, clear and convincing. Well, I will accept that for purposes of argument because it must be at least that. It must be clear and not ambiguous. It must be convincing and not confused and jumbled by other facts. The force of that clear and convincing evidence must drive us to the conclusion unwillingly but drive us to the conclusion that Richard Nixon must be impeached for demonstrated and proved high crimes and misdemeanors.

Well, now, in the balance of my time, ladies and gentlemen, I want to discuss some of the evidence. A discussion of the evidence, I hope is still relevant to these proceedings.

I pick two issues, Mr. Chairman, because it is evident that some Member here are concerned, and I share their concern, concerned about aspects of the case, and I want to talk first about the charge that the CIA has been misused. That charge is couched in Article 1, subdivision 5 of the Proposed Articles in terms of an obstruction of justice and also couched in Article II, subdivision 6, as an abuse of power.

Now, let me state what the charge is. It is contended by those who sponsor this Resolution that President Nixon personally, wilfully, corruptly, falsely interjected the CIA into the FBI's investigation of the Watergate incident for the purpose of obstructing justice. Now, that is the charge. That charge has to be supported by the evidence and bear with me and let me tell you what the evidence is in support of that charge.

It all begins on the afternoon of June 23, 1972, in a meeting in the Oval Office at about 1:10 p.m. Present were two people only, the President and Mr. Haldeman. The discussion involved the CIA.

First, let us look at what facts were then known to the President and then known to Mr. Haldeman at the time of that discussion.

The President knew that one of the persons arrested in the Democratic National Committee Headquarters on the night of June 17th was a Mr. McCord, a former CIA agent. The President knew that one of the arrestees was a Mr. Barker, an active CIA agent until recently before this incident and perhaps still on retainer with the CIA. The President knew that one of the arrestees was a Mr. Martinez, an active CIA agent. At this time, on June 23rd, the name of Hunt had surfaced across the headlines in this town and his potential involvement was known to the President. Who was Hunt? Well, Hunt characterized himself before the Senate Select Committee as a spy for the United States, a former CIA agent and a person known then to the President to have been involved in highly classified national security work as a member of the special investigating unit, otherwise known as the plumbers.

Haldeman knew, and I think it is possible that the President knew, that the automobile of Martinez had been searched by CIA personnel on the 21st prior to this meeting on the 23rd and in the trunk of that automobile was found material compromising to the CIA. In addition, the President knew or Haldeman knew that Hunt was an employee of Mullen and Company. Mullen and Company was then a CIA front. The President knew also that



JAMES R. MANN

the FBI had suggested to John Dean that possible CIA involvement was one of the theories of this case which they were then considering. In addition to that, there is reference by the 23rd of something that we know more about now called Mexican checks. What they were precisely was perhaps unknown exactly at 1:10 p.m. on the 23rd, but Mexican checks in the context of a former CIA agent was known to the President. And finally, Haldeman has testified that Mr. Dean had come to him prior to the meeting on the 23rd and said that Mr. Gray, the Director of the FBI, had asked for guidance because of the possibility of CIA involvement in this case.

The story does not quite end there, ladies and gentlemen. There were misdeeds performed in my opinion, by Ehrlichman and by Dean, with respect to the CIA immediately following a period following the instructions given by the President to which I referred. The CIA, you know, from the evidence, was confused as to whether or not it was in fact involved. There was a hiatus of about two weeks in which memorandums were going back and forth between the CIA and the FBI attempting to resolve the question of CIA in-

volvement. During this period of time, John Dean did something wrong in my opinion, and Ehrlichman did something wrong. One of them requested that the CIA provide bail money for these defendants and they were promptly rebuffed, of course, by the CIA. But that was a wrongful act. There is not a word, not a word, ladies and gentlemen, of Presidential knowledge or awareness or involvement in that wrongful act.

In addition to that, and I want to run ahead here because I have other matters to discuss, and I am going to treat with some of these rather casually, although they are important facts, it is true that Ehrlichman ordered a cancellation of a meeting between Gray and Helms. . . . I will at some subsequent time talk to my colleagues with respect to the evidence involving alleged IRS abuse but I do ask you to judge the CIA involvement on the basis of the evidence and test it against that standard of clear and convincing proof which is the law of this case.

JOHN CONYERS
D-Michigan

Certainly, no one can accuse us of having rushed to judgment. This marks the third consecutive year that resolutions of impeachment have been filed against the President of the United States. I suppose that we should admit that we sit here not because we want to but because we have to, and we have to because for the first time in the history of this country, millions of citizens are genuinely afraid that they may have in office a person who might entertain the notion of taking over the Government of this country, a politician who has more effectively employed the politics of fear and division than any other in our time.

It is imperative, then, that we not only impeach the President but make it as clear to as many of our citizens as we can why this impeachment is so necessary.

It is my view the reason we must now consider to vote and to impeach Richard Nixon goes far beyond the scope of the resolution of impeachment before you and what I would like to do here is describe from my view the backdrop against which the complaint against the President now require us to vote out this limited, narrowly drawn bill of impeachment. . . .

Now, I would like to turn to another very important area of our considerations that deals with his present non-compliance. But I want to make it clear that in no way am I, by not mentioning the fact that there was an attempt to bargain with a federal judge, that there has been willful—there has been evidence of willful and purposeful evasion of the federal income tax laws, that there has been an unconstitutional impoundment in my judgment, of an accumulated number of programs of over \$40 billion, that the bargainings and negotiations by which the contributions were made in terms of ITT and the milk producers, I think those are all serious matters that have been clearly proven, but there must be recognized that to this day, the President is in open and notorious defiance of the law because he has failed to comply with the directives of this Committee to produce the documents that we needed to pursue our inquiry. And I hope that we elevate to a separate article, my friends on this Committee, that provision which says that the President in my judgment, stands the very grave possibility of subverting the impeachment provision in the Constitution for all time if we fail here to not impeach him for that obstruction.

DAVID W. DENNIS
R-Indiana

This is an emotional matter we have before us, loaded with political overtones, and replete with both individual

and national tragedy; yet I suggest that we will judge it best and most fairly, and with the most chance of arriving at our goal of being right, if we approach it dispassionately, and analyze it professionally as lawyers who are engaged in the preparation and in the assessment of a case.

In doing this, of course, we cannot approach or decide this important matter on the basis of whether we like or dislike President Nixon, whether we do or do not in general support his policies, or on the basis of whether we either in 1972 did, or now in 1974 would, vote for him for high office.

The question, rather, is whether or not proof exists—convincing proof of adequate weight and evidentiary competence—to establish that the President of the United States has been guilty of high crimes and misdemeanors within the meaning of the Constitution, so as to justify the radical action of his impeachment and removal in disgrace from the high office to which he was elected by the American people, and which he now holds by virtue of their vote.

Although many charges and allegations have been levied against the President before our committee, and it has been difficult even to this late hour to determine exactly what articles of impeachment will finally be proposed, it is my understanding that the principal charges against the President with which we have to deal are divided into three general categories, and it is to these that I shall chiefly address my remarks in the brief time which is allotted.

1. The obstruction of justice in the so-called Watergate cover-up;
2. Alleged abuse of Executive Power;
3. The failure of the President to comply with the subpoenas of this committee . . .

It is my judgment, for reasons which I hope, at least in part, to indicate, that only the first of these categories—the so-called Watergate cover-up—presents us with any really serious problem for our decision; I shall therefore address myself to the second and third categories—alleged abuse of power and non-compliance with subpoenas in the first instance, and rather briefly, and shall use the balance of my time in a slightly more extensive analysis of the alleged Watergate cover-up—following, thereafter, with my conclusions as to the merits of the case . . .

Whether the President had a design to, or attempted to, interfere with or obstruct the Watergate investigation conducted by the FBI, by a phony attempt to enlist the possibility of CIA involvement, or whether he genuinely believed—due to the personnel concerned, the Mexican connection, and other circumstances—that there might well be a CIA or national security involvement, appears to me to be a debatable proposition; and, in any case, the CIA disavowed involvement and the delay caused by this episode was for a few days only.

I predict that the allegation respecting alleged corrupt offer, or suggestions of executive clemency will, on the record of our hearings to date, fall far short in proof; and I believe that the testimony before us of Henry Petersen himself very adequately answers the allegation of wrongfully disseminating information received from the Department of Justice to subjects of the investigation.

I am as shocked as anyone by the misdeeds of Watergate. Richard Nixon has much to answer for, and he has even more to answer for to me as a conservative Republican than he does to my liberal-lining friends on the other side of the aisle. But I join in no political lynching where the hard proof fails as to this, or as to any other President; and I suggest this:

What is needed is moral and political reform in America. The Nixon administration is not the first to be guilty of shoddy practices which, if not established as grounds for impeachment, are nonetheless inconsistent with the better spirit of America.

Neither the catharsis of impeachment nor the trauma of a political trial will cure this illness of the spirit. We are all too likely to pass through this crisis and then forget reform for another 20 years . . .

There will be another presidential election in 1976, and the United States of America can enter her 200th year without having discharged our collective frustrations and purged our individual sins by the political execution of the imperfect individual whom we put in office and who, in both his strength and in his weakness, perhaps represents us all too well.

JOSHUA EILBERG
D-Pennsylvania

Mr. Chairman, this committee and its staff have labored steadily for more than six months on the question of the possible impeachment of Richard M. Nixon.

During that time we have reviewed a huge amount of evidence, questioned witnesses, searched for precedents in previous impeachments, and for guidance from contemporary legal scholars, previous occupants of the oval office, and the authors of the constitution.

The evidence is clear and overwhelming.

Richard Nixon is guilty beyond any reasonable doubt of numerous acts of impeachable conduct.

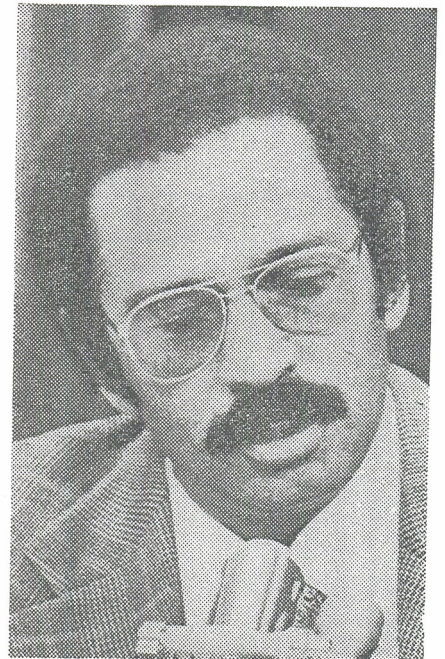
He has violated his oath of office as set down in Article two, Section one, Paragraph Seven, to; "Preserve, protect and defend the Constitution of the United States."

He has also violated Article two, Section three, to; "Take care that the laws be faithfully executed;

Article two, Section one, Paragraph Six, that the President shall not receive, "Any other emolument from the United States," other than the salary and expenses set by law, and,

Article one, Section two, Paragraph five, which gives the House of Representatives, "The sole power of impeachment."

What we are faced with is a gross



JOHN CONYERS JR.

disregard for the Constitution and the very safeguards in it which the framers hoped would prevent the President from becoming a king or dictator.

The evidence presented during our hearings portrays a man who believes

he is above the law and, who, is surrounded by advisers who believe they owed their allegiance to him and not to their country or the Constitution.

For this reason they were only too willing to carry out his orders and directions no matter what the cost to other individuals or groups or the nation.

As a result of this atmosphere in the White House, a conspiracy—which is still going on—was organized to obstruct justice.

Every possible power of the presidency was used by Mr. Nixon to hide the fact of the existence of the so-called "plumbers" and their activities.

He ordered his assistants to commit perjury and praised them when they did.

He ordered every attempt to be made to frustrate the activities of the law enforcement agencies investigating the Watergate break-in.

Mr. Nixon tried to use his power as President to get the CIA to lie about its connection with the case. He also used his power to get the CIA to assist his gang of burglars in their illegal activities.

Perhaps the most horrendous of these acts was Mr. Nixon's permitting his candidate for Attorney General, the nation's chief law enforcement officer, to testify falsely at his own confirmation hearings before the Senate.

Additionally, Mr. Nixon has ruled that he is a law unto himself by refusing to turn over to this committee all of the material it has either requested or demanded by subpoena.

Mr. Nixon has stated in effect, "You cannot do anything but impeach me, but I am not going to give you the evidence to help you decide whether or not I should be impeached."

If he is permitted to get away with this ridiculous and arrogant argument, the power of impeachment may just as well be cut out of the Constitution for the House will have no power to enforce it, and the power of future presidents will have no bounds.

Fortunately, the ruling yesterday of the Supreme Court has made it clear that Mr. Nixon must give this Committee what it wants.

If the President is required by law to turn over information he has refused to release under a claim of executive privilege for a mere criminal trial, then certainly the demands of the grand inquest of the nation must be all powerful. . . .

Mr. Nixon's actions and attitudes and those of his subordinates have brought us to the verge of collapse as a Nation of people who believe in its institutions and themselves.

Our people have become cynical instead of skeptical. They are beginning to believe in greater numbers that one must look out only for himself and not worry about others.

At the same time we are becoming a people afraid to take a stand. Our citizens are afraid that if they take a position on a political issue their telephones will be taped, their mail opened and their tax returns audited as a means of punishment.

This result makes it imperative that Richard Nixon be impeached. It has been argued that Mr. Nixon should not be impeached, even if the evidence shows he is guilty if the national interest would not be served by his removal from office.

Mr. Chairman, it is my deep belief that not only is Richard Nixon guilty of bribery, high crimes and misdemeanors, but he must be impeached and convicted by the Senate if we are to remain a free courageous and independent people.

HAMILTON FISH JR.

R-New York

To appreciate the standard this mem-

ber will bring to bear, I should like to state that my test of an impeachable offense must have three elements:

1. That the offense must be extremely serious;

2. That it must be an offense against the political process or constitutional system of our country;

3. That it is one that is recognized as such by the broad majority of the citizens of this country.

I think also that every member has a right to consider what is best for the United States and its people, for it is the people that the constitutional provision regarding impeachment is designed to protect.

Yet, in applying a test of what is best for our country, it would do damage to the Constitution and the law, if we through a show of judicious deliberation yet with partisan intent, avoid an impeachment deemed warranted, or through partisan anger mask a drive to remove a sitting President from office if such a removal is not warranted by the evidence.

The evidence itself must be clear to

the ultimate jury. This is simply because it is the President of all the people whose fate we deliberate.

At the outset of this debate, I find myself deeply troubled over evidence of presidential complicity in thwarting justice and in the alleged abuse of power in that great office, particularly the use of the enormous power of the United States government to invade and impinge upon the private rights of individuals.

Every member of this committee and the Congress must evaluate the facts in the light of adherence to the law, devotion to the Constitution and to the institutions of this land.

If the evidence is clear, then our constitutional duty is no less clear.

JEROME R. WALDIE

D-California

. . . That avalanche of evidence, as altered as it later was determined to have been, as deficient as it later was determined to have been, by the elimination of vital portions of those tapes and transcripts, still was enormously helpful in answering that question that Senator Baker had posed, what did the President know and when did he know it? And now we are where we are today.

Has there been one iota of evidence, one shred of evidence, exonerating and exculpatory in its effect introduced on behalf of the President by the President or anyone else since those Senate committee hearings when Senator Baker asked that question? There has not been an iota of evidence. The President has had it within his power, if such evidence exists, to bring it forth and to exonerate him from these charges and to exonerate the nation from the anguish he has pushed us into, and that we still labor under. But he has not done so. In response to my friends on the other side of this Committee, who suggest the evidence does not show that the President has done anything, that simply is not so. There is a mountain of evidence showing that the President has acted to obstruct justice. Hush money alone would be sufficient to demonstrate that thesis. But before we analyze that, what my friends fail to argue is there is another duty on every individual in this country and particularly a President and that is to respond when there is placed before you information that duty compels you to act on. And this

President had that opportunity countless times pursuant to the transcripts that we have obtained, edited or not, where he was told of perjury on behalf of his subordinates, where he did nothing about that. Where he was told of efforts to conceal evidence, where he did nothing about that. Where he was told of obstruction of justice on behalf of his highest subordinates, where he did nothing about that.

To this day there is not one single instance where this President has come before any authority with evidence or with his understanding of evidence to ask for clarification. . . .

You cannot look at this case without feeling a deep sadness but a deeper anger, a deeper anger that this country was jeopardized to the extent it has been in the past two years, and you cannot look at the evidence in this case and the totality of what confronts us in this case without understanding that unless we fulfill our obligations as these fallible human beings in this genius of a governmental structure, our obligation and our duty is to impeach this President that this country might get about doing its business the way it should do and pursuant to standards that have been set for this country since its beginning.

WALTER FLOWERS

D-Alabama

. . . Now, to the problem at hand—and make no mistake my friends here and out there—it is a terrible problem—the alternatives are clear—to vote to impeach the President of the United States on one or more of the proposed articles of impeachment—or to vote against impeachment. There is no "good" solution among these alternatives, we do not have a choice that to me represents anything desirable.

I wake up nights—on those nights I've been able to go to sleep lately—wondering if this could not be some sordid dream: to impeach the President of the United States, the Chief Executive of our country, our Commander-in-Chief, in this cruel and volatile world we live in in the year 1974? The people that I represent—just as I do—and most Americans—want to support the President. Surely we want to support the Constitution and the best interests of the country, but in so doing, we also hope that we can support the office of the presidency and that citizen among us who occupies it at any given time. But, unfortunately, this is no bad dream, it is the terrible truth that will be upon us in the next few days.

And, then, the other side of the issue: what if we fail to impeach? Do we engrain forever in the fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable and at worst is impeachable? This is indeed a terrible choice we have to make. . . .

The power of the presidency is a public trust, and the people must be able to believe and rely on their President. Yet there is evidence before us that shows that the President has on many occasions given solemn public assurances to the people, involving the trust and faith of his office, when those assurances were not true, but were designed to deceive the people and to mislead the agencies of government who were investigating the charges against Mr. Nixon's men. If the trust of the people in the word of the man to whom they have given their highest honor is betrayed, if the people cannot know that their President is candid and truthful with them, then the very basis of government is undermined. . . .

JAMES R. MANN
D-South Carolina

... This is a big country and we represent a cross section of that country, and it is with some concern that I have been aware over these weeks of the detractors of this committee, those who would attempt to discredit this committee for whatever motivation, those who would fire the fuels of emotion that are based largely on a confusion that exists in our country today concerning the separation of powers and concerning the role of a representative in this government of ours.

Do yet in the United States the people still govern? Do they govern through elected representatives?

In this era of power hat our governmental system has brought us to in the world where our involvement in foreign trade and foreign affairs puts the President out in front as the symbol of our national pride and as the bearer of our flag, and here we have in the House of Representatives 435 voices peaking on behalf of different constituencies with no public relations man employed by the House of Representatives, and I wonder if the people still do want their elected representatives to fulfill their oath to preserve, protect and defend the Constitution of the United States. . . .

Are we so morally bankrupt that we would accept a past course of wrongdoing or that we would decide that the system that we have is incapable of sustaining a system of law because we aren't perfect? There has been one perfect to whom one of those statements is attributed. But our country has grown strong because men have died for the system. You will hear "the system" used by each of us but we have built our country on the Constitution and that system contemplates and that system has resulted in men putting that system above their own political careers. That system has been defended on battlefields and statesmen have ended their careers on behalf of the system and have either passed into oblivion or into immortality.

We have all read of the role of Edmund G. Ross in the Johnson impeachment and how he voted his conscience. Did we also know that about 20 years later he said that he would hope that his vote would not be construed as being in derogation of that constitutional power of impeachment and that at a proper time on some future day some Congress would have the courage to fulfill its duty.

How much I would have liked to have had all of the evidence and I say now we are here, we are ready to receive additional evidence. It is not too late.

How much I would have liked to have heard on the transcripts, let's do it because it is good for our country.

I have expressed no pre-judgment. I am entitled to the thoughts, the arguments, of my colleagues on this committee. I am entitled to the time remaining to me to study the evidence

We are determining whether or not the American people are entitled to a trial in an open forum which you have not had these past nine, ten or eleven weeks or these past six months. So let us not usurp unto ourselves the final judgments but perform our function to determine whether or not there is clear and convincing evidence of impeachable conduct upon which the President of the United States shall be called upon to have the opportunity or to explain his conduct. . . .

The President has the evidence. This committee is composed of Americans

who are interested in national security, who have proposed and are ready to provide a mechanism for the screening of that evidence consistent with national security, that evidence taken in the office of the people of the United States at 1600 Pennsylvania Avenue at the expense of the taxpayers. I am starving for it but I will do the best I can with what I have got.

M. CALDWELL BUTLER
R-Virginia

... For years we Republicans have campaigned against corruption and misconduct in the administration of the government of the United States by the other party. . . . And, somehow or other, we have found the circumstances to bring that issued before the American people in very national campaign

But Watergate is our shame. Those things happened in the Republican administration while we had a Republican in the White House and every single person convicted to date has one way or the other owed allegiance to the Republican Party. . . .

It is my judgment also that the standard of conduct which the American people are reasonably entitled to expect of their President is established in party by experience and precedent. That is one reason why I am so concerned by what has been revealed to us by our investigation.

It will be remembered that only a few hours ago the gentleman from Iowa, Mr. Mayne, has argued that we should not impeach because of comparable misconduct in previous administration.

There are frightening implications for the future of our country if we do not impeach the President of the United States. Because we will be this impeachment proceeding be establishing a standard of conduct for the President of the United States which will for all time be a matter of public record.

If we fail to impeach, we have condoned and left unpunished a course of conduct totally inconsistent with the reasonable expectations of the American people; we will have condoned and left unpunished a Presidential course of conduct designed to interfere with and obstruct the very process which he is sworn to uphold; and we will have condoned and left unpunished an abuse of power totally without justification.

See TRANSCRIPTS, A11, Col. 1

TRANSCRIPTS, From A10

And we will have said to the American people: "These misdeeds are inconsequential and unimportant."

Power appears to have corrupted. It is a sad chapter in American history, but I cannot condone what I have heard; I cannot excuse it, and I cannot and will not stand still for it.

This is not to suggest that there are not many areas of our investigation which clearly reveal to me that some charges do not elevate themselves to this status of an impeachable offense.

The evidence is clear, direct, and convincing to me that the President of the United States condoned and encouraged the use of the Internal Revenue Service taxpayer audit as a means of harassing the President's political enemies.

And consider, if you will, the frightening implications of that for a free society.

Mr. Chairman, while I still reserve my final judgment, I would be less than candid if I did not now say that my present inclination is to support articles incorporating my view of the charges of obstruction of justice and abuse of power; but there will be no joy in it for me.

WILLIAM S. COHEN

R-Maine

We have had more than 50 allegations leveled against the President and upon examination, investigation, reflection on my part, I found many of them to be simply without any factual support.

Others have been very serious and they have been mentioned before. But in each of these cases and areas after giving full consideration to all the factors involved, I concluded they would not support the President's removal.

There are, however, three major allegations which are of great concern to me. These include the failure to faithfully execute the laws of this country; engaging in a conspiracy to obstruct justice; and the use and abuse of government agencies for political advantage and to harass and intimidate private citizens for expressing their political views and preferences.

You have heard, and will continue to hear, a great deal about the evidence that is circumstantial and not direct.

First, let me say that conspiracies are not born in the sunlight of direct observation. They are hatched in dark recesses, amid whispers and code words and verbal signals. The footprints of guilt must often be traced with the searchlight of probability.

Secondly, I want to point out that circumstantial evidence is just as valid as direct evidence—in fact, sometime it is even stronger evidence.

I know you will undoubtedly disagree with my decision when it is finally made. But I want you to know that it will come from sincere conviction.

JOHN F. SEIBERLING JR.
D-Ohio

... The President's oath of office is not a mandate for perfection but a requirement that he preserve, protect and defend the Constitution to the best of his ability. We cannot forget that we are all fallible human beings. We must approach with a charitable attitude the problems of any person who bears the awesome responsibilities of the Presidency. But while we should adopt an attitude of charity and humility, the standard which we must follow in weighing the evidence before us must be an objective standard, not a subjective standard.

In my view, Mr. Chairman, the fundamental test in an impeachment proceeding is whether the person occupying the Office of the President has so violated or ignored the limits of the law and the Constitution or has been so derelict in discharging his responsibilities thereunder that to continue him in office would be to undermine the Presidency and thus the Constitution. . . .

The evidence we have reviewed in this proceeding is overwhelming. We have statement after statement of President Nixon, in his own words, falsifying facts, condoning and even directing a whole spectrum of misdeeds by his trusted aides, ranging from violations of the Constitution to corruption of the internal revenue system.

The pattern of conduct revealed by the acts of President Nixon and his associates is unmistakable. President Nixon was obsessed with the preservation and extension of his own personal power. In the name of protecting his associates and himself, President Nixon was willing to use the powers of the government to destroy anything which he considered an actual or po-



CHARLES B. RANGEL

tential threat to his power. To this end he directed the violation of the constitutional rights of American citizens, he directed the cover-up of crimes committed by his associates, and he kept as his closest aides men whom he knew had committed crimes against the very government they were professing to serve, and which we are sworn to protect. This is the one pattern of conduct which is consistent with the entire body of evidence. It is also spelled out in President Nixon's own words

Mr. Chairman, faced with this pattern of conduct we cannot escape the fact that what we do here is going to set a standard for the future conduct of the Office of the President. If with this record before us we allow this President to remain in office without a full trial of his fitness in the Senate, then the Presidency itself will have been permanently demeaned and degraded and the people's trust in the integrity of our future Presidents will be permanently undermined.

President Nixon wants us to believe that his remaining in office is absolutely necessary to preserve a strong Presidency. The truth is that we will permanently weaken not only the Presidency but our entire constitutional system if we fail to impeach a President who has so flagrantly violated the public trust and his own oath of office.

TRENT LOTT

R-Mississippi

First let me go back and put our present situation into the proper perspective. We are now, in the final stages of review of some 15 months of the most intensive investigation of any President of the United States, perhaps of any man. The Senate select committee or the Water committee spent some 18 months and over \$2 million in its investigation. The grand jury in Washington, D.C., has spent over \$225,000 in their proceedings since June of 1972. The special prosecutors have been at their task since May 1973 and at a cost of over \$2.8 million. And the House Judiciary Committee staff of some 100 million. And the House Judiciary Committee staff of some 100 have been working since January at a cost of over \$1.17 million.

There are reams of paper, thousands of pages, volumes of material, grand jury evidence, other congressional committee investigation papers and transcripts, tapes, logs, handwritten memos, and on, and on and on. The sheer weight in pounds is overwhelming.

Could any man withstand such scru-

tiny, could any man go through all of this without some evidence of a questionable statement under pressure, or while frustrated, or even without revealing some mistakes? I submit no. And where was the similar counterbalancing presentation of the other side of the story? Was the whole picture revealed properly? Was it in the Senate Watergate committee? No.

Was it in the grand jury of even in this committee? In this committee the staff was nonpartisan, and I must give credit where credit is due, for a fair presentation, until, of course, very recently and that is understandable. But, except for a last-minute shift in the minority counsel, the arguments against impeachment, the cons the other side of the story, would not have been presented.

I have tried to maintain a restrained position because I think it has been incumbent upon every member to listen and keep his mouth shut until he had enough to make his decision. But, I must also be frank in saying that I have approached this task from the standpoint that the President was innocent, like any man, under such pro-

ceedings, and should be presumed innocent until there was clear and convincing evidence to the contrary. You cannot impeach a President because you don't like his philosophy, or on the basis of innuendo or contracted evidence.

In my opinion, you cannot impeach a President for a half or case or on the basis of parts of several cases put together. And we are not faced with impeaching John Dean, or John Mitchell, or Magruder or any of these others. We are faced with impeaching the President. The line must be drawn directly to the President, clearly to the President.

This has not been done.

The President had several aides that served him and this country poorly. The legal processes are now dealing with them. But, for every bit of evidence implicating the President, there is evidence to the contrary. What is at stake here is the Presidency, and this is what has worried me all along. . . .

ROBERT F. DRINAN

D-Massachusetts

There has been no shortage of lawless acts on which to focus in this impeachment inquiry. But only history will be able to discover why the greatest deception and possibly the most impeachable offense of President Nixon may not become a charge against him. I speak of the concealment of the clandestine war in Cambodia.

We see here a series of events which involve the same abuse of power and the same techniques of cover-up employees by the President in the aftermath of Watergate.

There was no justification for maintaining secrecy about this war. The only reason for the deception of Congress and the country was the President's political objective of deceiving and quieting the antiwar movement.

Can we be silent about this flagrant violation of the Constitution?

CARLOS J. MOORHEAD

R-California

Most of the materials that were contained in those volumes were testimony from other hearings, opinion, memoranda that had been secured from one place or another, hearsay evidence, materials that would not be admissible in a court of law, and I want the testimony and the affidavits and the materials that we consider to be such that it would be admissible in a court of law and something which we

and the American people could count on for its validity, and I just do not believe that the contents of those 39 volumes can be judged in that manner

When I make my decision on the matter of impeachment of the President I want to make a decision that I can live with for the rest of my life, because I fully believe that this decision is far more important than my political career. As all of have, I have had many threats from people who want impeachment saying that they will walk the streets against me if I don't vote for it. But, when I consider how I am going to vote on this matter and know how important it is to me and the country that we make the right decision, I have to kind of look to see what kind of a man I think Richard Nixon is and to see who I believe in these proceedings. I have to be sure that the testimony that's been offered has a strong enough probative value to convince me that he had been guilty of a major crime against this country.

In each instance as we get back down to the final point, there is a big moat that you have to jump across to get the President involved and I cannot jump over that moat. I know it would be easy to vote for impeachment here tonight, everyone here practically is saying they are for it. It is hard to be against something that so many people are for, when the press is united before it, when the magazines are, the media of all kinds, and a majority of the American people apparently go in that direction. But, I could not vote for impeachment and give up what is so important to me, which is my own conscience of what I believe is right and wrong. And I believe that this thing is wrong. And I believe that to come to the conclusions that the staff have come to they have had to be guilty of coming to a false conclusion in so much of these individual instances

CHARLES B. RANGEL

D-New York

Mr. Chairman, although several of my colleagues who have spoken have called this a sad day, it is my feeling that this is not a dark day in American history but one of our brightest. We have embarked upon a real test of constitutional powers invested in the American people through the House of Representatives to restrain an illegal

and immoral abuse of power by the executive branch

What is sad about this constitutional test of the balance of power is how we have accepted immorality in government, how many of our people have come to accept the conduct we are investigating as normal in politics, and how we are being told that no matter what the President does, he is the President and therefore not subject to the constraint of law. We had to wait to find out whether the President, after conferring with his lawyer, would decide to obey a ruling of the nation's highest tribunal, the Supreme Court of the United States.

I would be less than honest to say to you today that it is with heavy heart that I cast my vote for the impeachment of Richard M. Nixon. I would indeed be sad if I lived in a country where this process would not be available to me and the countless number of people that sincerely believe that this President must be removed from office. I no more think of how I would vote if Johnson, Kennedy or Truman were the Presidents involved, then I would think of how I would vote if it involved Washington, Jefferson or Lincoln. It suffices to say that to my knowledge they were not similarly charged

The President now stands before the nation, with his men, as an unindicted co-conspirator. Although Mr. Nixon in-

sists he "is not a crook," it is not our responsibility to sit in judgment on that issue. That is the responsibility of the Senate. We on this committee, and in the House of Representatives, are required by the Constitution to determine whether the President should be impeached. The President has taken his oath and we have taken ours. We promised the American people that we would support and defend the Constitution against all enemies, foreign as well as domestic . . .

As we on the Judiciary Committee rise to meet our challenge to preserve and protect our Constitution, let us remember that in none of the Presidential conversations we have heard, or edited transcripts we have read . . . have we heard the President talk about truth, morality, fairness and decency. Nowhere has the President talked about our Constitution and the rights of our people. Instead the record shows the President and his men singlemindedly concerned with destruction of evidence and the protection of their political careers.

May this nation never again have conversations in its White House that deal with burglary and robbery, obstruction of justice and bribery, defamation of character, buying witnesses and selling off jobs, misuse of campaign funds and abuse of governmental agencies, income tax fraud and illegal bombing of foreign countries, with covering up the truth instead of seeking to reveal it.

I uphold my oath of office and call for the impeachment of a man who has not.

ELIZABETH HOLTZMAN

D-New York

. . . When these proceedings began I, like most Americans, had questions about the President's conduct, but the evidence has shown me things that I had never even dreamed of. The thousands of pages before this committee bear witness to a systematic arrogation of power; to a thoroughgoing abuse of the President's oath of office. What we have seen is a seamless web of misconduct so serious that it leaves me shaken. To preserve the rule of law and our Constitution which the people of this country and all of us hold dear, Richard Nixon must be impeached and removed from office.

Wherever we looked we found presidential conduct that was sorry and disgraceful. Mr. Nixon used the people's tax money for the enrichment of his personal properties. Hiding behind the respect for his high office he claimed almost \$1 million of improper tax deductions. He appointed and kept in office as cabinet members and as close advisors, persons whom he knew to be seriously unfit. He repeatedly and knowingly deceived the American people who trusted him and wanted to trust him. He brought scandal and dishonor to the highest office in this land.

But what affects me most deeply is the evidence that Richard Nixon sought to subvert the two essential principles that have shaped and preserved our 198-year history as a free people. He has obstructed, impeded and corrupted the workings of our system of justice and he systematically used the awesome power of his office to invade the constitutional rights of the people. . . .

I know that each member of this committee wants to arrive at a right decision. It is for this reason that I want to show, using examples from Watergate, that it is principally out of



WALTER FLOWERS

President Nixon's own mouth and using his own words that he must be condemned for the high crimes and misdemeanors he has committed. . . .

WAYNE OWENS

D-Utah

. . . I have studied the evidence before the Committee very carefully, over many months. I have participated in every single presentation of evidence. I have listened to every single witness. I have read extensively about impeachment, agonized about impeachment, and I have discussed impeachment and its implications for good or bad, with many intelligent men and women both in Washington and in Utah. I have now measured the actions of President Richard Nixon by my understanding of his unique Constitutional responsibilities.

I believe that impeachment of a President is a grave act, to be undertaken only in the most extreme of circumstances. In my view, impeachable conduct is presidential action which seriously violates the trust and responsibilities of that high Constitutional office. It need not be conduct prohibited by criminal statute, though it must be clearly offensive—that is, known to be wrong by the person who commits it at the time it was committed. It could be a substantial abuse of power, blatantly unethical conduct, or a flagrant violation of constitutional duties. But, it must not be simply a matter of disagreement over policies or politics. In the final analysis, it must be a violation of a principle of conduct which we are willing to say should be applied to all future presidents and established as a constitutional precedent.

Each member must determine for himself whether the evidence is sufficient to call the President to account before the United States Senate, whose Constitutional role is to be the final judge. I believe that we must vote to impeach if we believe the evidence is clear and convincing and would support conviction of the President, if during a Senate trial, it is not successfully rebutted. . . .

* * *

Fellow members of this committee, on the basis of all the evidence before us, I am now persuaded that the President has knowingly engaged in three types of conduct which constitute impeachable offenses under the requirements of the Constitution and that he should now be called to account before the United States Senate.

First, I find the evidence convincing that the President knowingly and will-

fully directed and participated in a cover-up of the Watergate break-in. . . .

When I hear members of the committee say there is no direct evidence connecting the President with these crimes, I wonder whether we have attended the same evidentiary presentations.

Second, the President has undermined the presidency by seriously abusing the powers of his office for political profit. This includes the President's misuse of the FBI, for illegal wiretaps, and other acts, the misuse of the Justice Department, the IRS, the CIA, and other federal agencies, as well as permitting the substantive violations of the rights and civil liberties of individuals by his subordinates.

Third, the President's refusal to respond to our legal subpoenas constitutes an obstruction of the Constitutional impeachment process which, in my view, is an extremely grave offense. . . .

* * *

We are not considering the impeachment of the presidency but of this particular President. Our nation recently

survived the trauma of a presidential assassination and united behind a new President. Vice President Ford is an honest man of integrity and intelligence. There should be no fear that if members find the evidence sufficiently strong, that impeachment and conviction will do damage to the presidency. Indeed, it would strengthen that Constitutional office if that is what we must do in light of the evidence.

PAUL S. SARBANES

D-Maryland

. . . I think careful thought needs to be given to the superintendency theory of James Madison which was expressed by one of my colleagues yesterday evening. You must ask yourself whether a chief executive of this land, who surrounds himself at the highest levels with men who flagrantly abuse our constitutional processes, should be called to account for their actions. What concept of government is it if the person at the head is to walk away claiming that he knows nothing, sees nothing, hears nothing, while those closest to him, those that have been referred to as the alter egos, proceed about their destructive business?

Finally, Mr. Chairman, I want to refer for a moment to the argument that's been advanced. . . . And that is the argument that the proof of the pudding is in the eating. In other words, if you attempt to corrupt an agency, if you endeavor to influence it improperly, but do not succeed, but do not succeed so that in the end the agency does the right thing, then you ought not to be called to account for those efforts to subvert it from its proper constitutional function. That, if you stop to think about it, is a clear instance of sacrificing means for ends. The distinguishing characteristic of our system of government, that distinguishes it from totalitarian systems, is that we do not sacrifice the means for the end, and it is not only the end result that is important, but the process by which we get there. . . .

GEORGE E. DANIELSON

D-California

. . . The minimum standard of conduct which must be required of civil officers of the United States had best be set, had best be defined, in the context of the events and the times in which the controversy has arisen. The

failure to meet that standard or conduct is, in my judgment an "impeachable offense"; or, as I prefer to name it, "impeachable conduct."

I am convinced, however, that impeachable conduct need not be criminal conduct; it need not be a crime; it need not be conduct prohibited by the criminal laws; it need not be an "indictable offense."

It is enough to support impeachment that the conduct complained of be conduct which is grossly incompatible with the office held and which is subversive of that office and of our constitutional system of government. With respect to a President of the United States it is clear, in my mind, that conduct which constitutes a substantial breach of his oath of office, is impeachable conduct. . . .

It has been argued that there is no question that within the totality of the long series of events into which we have been inquiring, many wrongs, many offenses, have been committed,—that there is no doubt about it,—but that there is no evidence that President Richard Nixon had anything to do with those offenses; and that there is no evidence to connect him directly to those offenses. While I do not accept the implication that direct evidence, as opposed to circumstantial evidence, is necessary to prove such a fact,—to establish such a connection, I submit that in the case of Richard Nixon there is ample direct evidence to prove the connection.

. . . Mr. Chairman, those conversations took place in the White House, in the President's own office, the "Oval Office", the absolute center of the Executive Power of the United States. That was Richard Nixon, our President, yours and mine, conferring with his Chief of Staff and his counsel.

There they were, plotting, planning and conspiring to obstruct our system of justice and to impede a congressional committee in the discharge of its lawful functions. And their planning was followed up by a host of overt acts and the Patman Committee was prevented from conducting its investigation.

I submit that this is enough direct and undisputed evidence to support a conviction in a criminal court, and that it connects President Richard Nixon directly to conduct which is a clear breach of his oath of office and his duty to take care that the laws are faithfully executed.