

First article states case against Nixon

By Clark Hoyt
Knight News Service

WASHINGTON—The first article of impeachment in more than a century to be recommended against a President accuses Richard Nixon of trying to cover up the Watergate break-in by lying, interfering with government agencies and approving hush money.

The case against the President is spelled out in general terms in nine separate but related allegations contained in the article voted last night by the House Judiciary Committee.

The panel eventually will write a final report relating the charges to specific information in the 10,006 pages of evidence compiled during the nine-month impeachment inquiry.

There will also be minority reports incorporating arguments in the President's defense.

Accusations only

The article arrived at yesterday, however, states only the case against the President and the charges are accusations only, not demonstrated facts.

Here, in brief, is each of the allegations, together with key portions of some of the supporting evidence assembled by the committee staff:

- "Making, or causing to be made, false or misleading statements to lawfully authorized investigative officers and employees of the United States."

One example of a false statement by the President himself, according to the committee's evidence, was his denial to a Justice Department official that he condoned hush payments to a Watergate burglar.

The denial

The denial was made on April 27, 1973, to Assistant Attorney General Henry Petersen. Nixon said the question of cash payments for E. Howard Hunt, a Watergate burglar threatening to blackmail the White House, had come up during a meeting the previous March 21.

"And believe me, nothing was approved," Nixon told Petersen. "I mean as far as I'm concerned — as far as I'm concerned turned it off totally."

'Not consistent'

John M. Doar, the Judiciary Committee's impeachment lawyer, said Nixon's statement to Petersen was "not consistent with the facts" as reflected in a White House tape recording of the March 21, 1973 meeting.

The transcript at no time shows Nixon ordering that the money not be paid. At one point, after a discussion of Hunt's demands for \$120,000, the President said, "Well, for Christ's sakes get it . . ."

Secret information

Nixon also spoke falsely to Petersen, according to the committee's evidence, when the President made repeated assurances that he would not discuss with anyone secret grand jury information being relayed by Petersen.

In fact, Nixon promptly informed former top aides who were grand jury targets of the mounting evidence against them.

- "Withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States."

On March 13, 1973, White House Counsel John Dean told the President that Gordon Strachan, a White House aide, had lied twice to prosecutors and planned to do so again before a federal grand jury. The committee's evidence shows that Nixon did not report this perjury to the prosecutors or appropriate Justice Department officials.

Didn't tell Kleindienst

On March 21, 1973, Dean told Nixon that others in the White House—Dean, H. R. Haldeman, John D. Ehrlichman and others — were implicated in various aspects of Watergate. Nixon talked to then Attorney General Richard Kleindienst about Watergate the very next day but did not inform him or any other responsible official of Dean's allegations.

On April 15, 1973, Kleindienst came to the White House to tell the President that prosecutors had developed evidence against Dean, Haldeman, Ehrlichman, former Attorney General John Mitchell and other top presidential associates. Kleindienst later testified that Nixon appeared "dumbfounded and upset."

The President did not tell his attorney general that he had already heard the allegations, almost a month earlier, from Dean.

- "Approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings."

'Stonewall it'

At the March 21 meeting, Nixon, contemplating upcoming grand jury testimony, told Dean, "Just be damned sure you say I don't . . . remember, I can't recall, I can't give any honest answer to that that I can recall. But that's it."

On March 22, during a meeting with Dean, Haldeman, Ehrlichman and Mitchell, according to committee transcripts the Presidentsaid:

"I don't give a shit what happens. I want you all to stonewall it. Let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan. That's the whole point."

According to the same transcript, Nixon added that he

would "prefer, as I said to you, that you do it the other way." But addressing Mitchell, he went on to say, "Up to this point, the whole theory has been containment, as you know, John."

Haldeman indicted

On April 25 and 26, 1973, Haldeman listened to the White House tape of the March 21 meeting and made notes. After each session with the tape, Haldeman met at length with the President. The White House has refused to release the tape of those Haldeman-Nixon meetings.

Later, Haldeman testified before the Senate Watergate Committee and reported that Nixon had said "it would be wrong" to pay money to Hunt. Nixon said Haldeman's testimony was correct.

A federal grand jury, however, indicted Haldeman for perjury for making the statement.

• "Interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Watergate Special Prosecution Force and Congressional committees."

Much of the specific evidence for this allegation is the same as that for others of the nine allegations.

No prior knowledge

For example, according to the committee's evidence, Nixon was both counseling someone to make misleading statements and interfering with the Justice Department Watergate investigation when he directed Ehrlichman on March 27, 1973, to tell the attorney general that no one in the White House had any prior knowledge of the Watergate break-in.

While there has not been evidence that White House officials knew in advance of the specific June 17, 1972, entry into the Democratic National Committee, there was evidence that Haldeman was aware of the overall approval of the political intelligence plan that included the Watergate operation. Furthermore, Dean had attended meetings in Mitchell's Justice Department office where plans for illegal political bugging were first broached.

• "Approving, condoning and acquiescing in the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participate in such unlawful entry and other illegal activities."

This charge focuses on the famous March 21 meeting and Nixon's conversation with Dean about Hunt's blackmail demands. Hunt, a former member of the secret White House intelligence unit — the "plumbers" — burglarized the office of Daniel Ellsberg's psychiatrist, was threatening to reveal the "seamy" things he had done.

Nixon talks to Dean

Those panel members who supported this charge stressed one particular exchange between Nixon and his counsel:

P: "That's why your, for your immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?"

D: "That's right."

P: "Would you agree that that's a buy time thing, you better damn well get that done but fast?"

D: "I think he ought to be given some signal anyway, to, to—"

P: "Well, for Christ's sake get it in a, way that, uh

'Misusing CIA'

• "Endeavoring to misuse the Central Intelligence Agency, an agency of the United States."

On June 23, 1972, six days after the Watergate burglary, Haldeman reported to Nixon that the FBI was following the trail of new \$100 bills found on the burglars—a trail that would eventually lead back to the Nixon campaign committee.

Nixon has refused to surrender the tape of this meeting. But it is undisputed that he directed Haldeman and Ehrlichman to meet with officials of the FBI and CIA and express White House fears that covert intelligence operations might be uncovered by an unrestricted Watergate investigation.

According to the committee evidence, Haldeman told CIA Director Richard Helms that "it was the President's wish" that the CIA counsel against an FBI investigation in Mexico, where the Nixon campaign cash had been "launched" on its way to becoming involved in Watergate.

ARTICLE I
COMMITTEE ON THE JUDICIARY
 HOUSE OF REPRESENTATIVES
 93rd CONGRESS

ROLL CALL

No. _____

DATE 7/27/74

H. _____ S. _____

I	COMMITTEE	Ages		Naps		Present	Ages	Naps
	MR. DONOHUE	✓	✓					
	MR. BROOKS	✓	✓					
	MR. KASTENMEIER	✓	✓					
	MR. EDWARDS	✓	✓					
	MR. HUNGATE	✓	✓					
	MR. CONYERS	✓	✓					
	MR. EILBERG	✓	✓					
	MR. WALDIE	✓	✓					
	MR. FLOWERS	✓	✓					
	MR. MANN	✓	✓					
	MR. SARBANES	✓	✓					
	MR. SEIBERLING	✓	✓					
	MR. DANIELSON	✓	✓					
	MR. DRINAN	✓	✓					
	MR. RANGEL	✓	✓					
	MS. JORDAN	✓	✓					
	MR. THORNTON	✓	✓					
	MS. HOLTZMAN	✓	✓					
	MR. OWENS	✓	✓					
	MR. MEZVINSKY	✓	✓					
	MR. HUTCHINSON			✓	✓			
	MR. MCCLORY			✓	✓			
	MR. SMITH			✓	✓			
	MR. SANDMAN			✓	✓			
	MR. RAILSBACK	✓	✓					
	MR. WIGGINS			✓	✓			
	MR. DENNIS			✓	✓			
	MR. FISH	✓	✓					
	MR. MAYNE			✓	✓			
	MR. HOGAN	✓	✓					
	MR. BUTLER	✓	✓					
	MR. COHEN	✓	✓					
	MR. LOTT			✓	✓			
	MR. FROELICH	✓	✓					
	MR. MOORHEAD			✓	✓			
	MR. MARAZITI			✓	✓			
	MR. LATTA			✓	✓			
	MR. RODINO, Chairman	✓	✓					
	TOTAL							57 11

How the fateful vote was recorded

—UPI Photo

This led to a substantial delay before the CIA finally told the FBI there was no reason, from the CIA's point of view, for halting the Mexican probe.

'Aiding and abetting'

• "Disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States for the purpose of aiding and abetting such subjects in their attempts to avoid criminal liability."

On the afternoon of April 16, 1973, Petersen went to the White House and relayed to the President the existing evidence implicating Haldeman, Ehrlichman and Strachan in

Watergate. Nixon promised he would discuss the matter with no one else.

Two minutes after Petersen left, Nixon met with Ehrlichman and informed him of Petersen's revelations.

Ehrlichman then took steps to gather as much information as he could about the events regarded as potentially incriminating by the prosecutors.

Ehrlichman telephoned White House communications director Ken Clawson to get his recollections of one key meeting.

'Misleading statements'

• "Making false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-Election of the President, and that there was no involvement of such personnel in such misconduct."

On Aug. 29, 1972, Nixon, at a news conference said Dean, his counsel, had conducted a "complete investigation" of all leads that might involve members of the White House staff in Watergate.

"I can say categorically that his investigation indicates that no one on the White House staff, no one in this Administration, presently employed, was involved in this very bizarre incident," Nixon said.

Dean has testified that he made no such investigation. White House logs show that Dean and Nixon did not meet until Sept. 15, more than two weeks after that press conference.

'Theory of containment'

During their March 21, 1973, conversation, Dean told the President, "I was under pretty clear instructions (laughs) not to really investigate this, that this was something that just could have been disastrous on the election if it had — all hell had broken loose, and I worked on a theory of containment."

"Sure," Nixon replied.

• "Endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony."

According to committee transcripts, Nixon discussed not clemency for those involved in Watergate on a number of occasions.

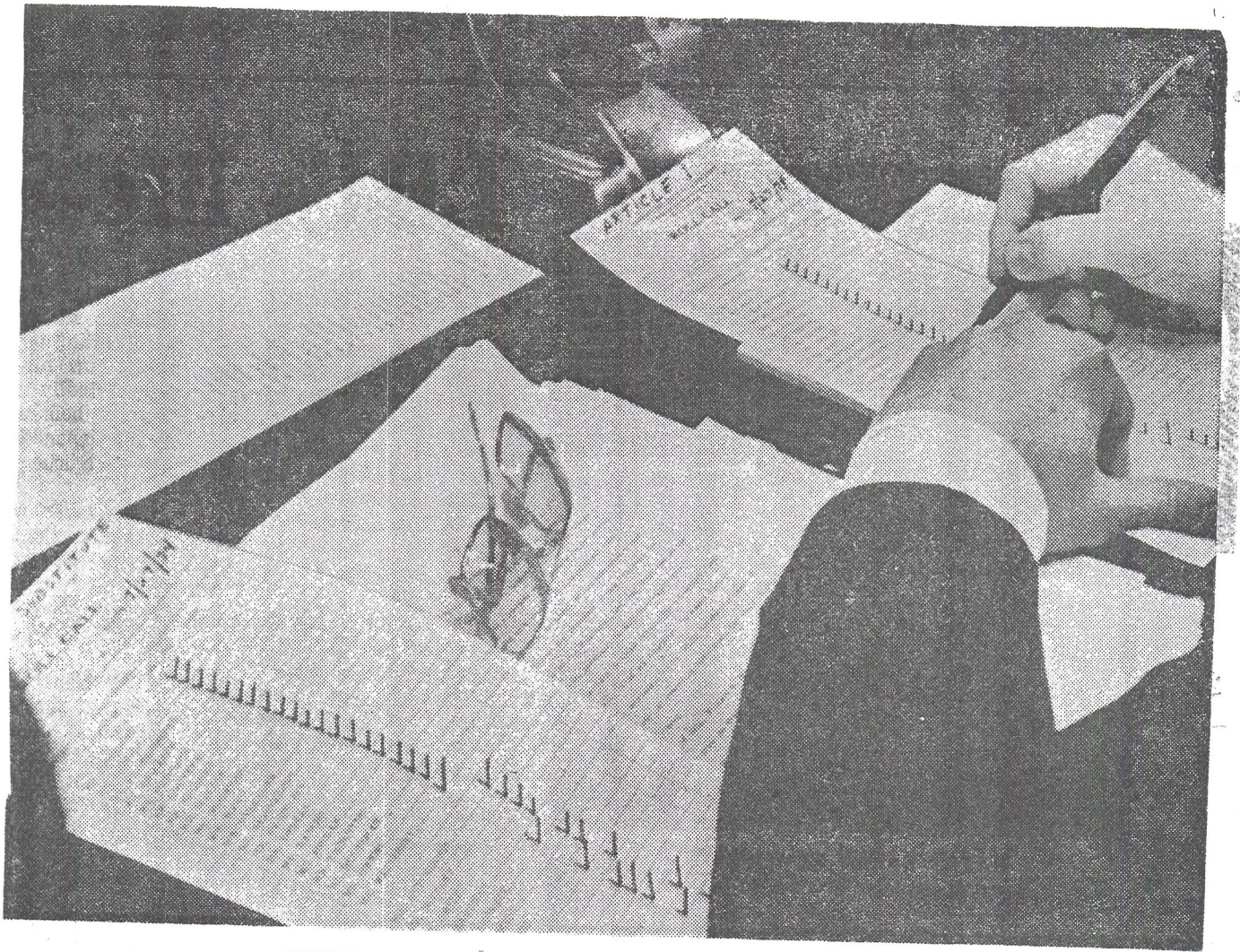
In the middle of April, 1973, the Watergate coverup was coming apart. Dean was talking to investigators and so was Jeb Stuart Magruder, former deputy director of the Nixon campaign.

Message to Magruder

Even though Magruder had committed perjury before a federal grand jury investigating Watergate, he received a presidential appointment to a high post in the Department of Commerce and was kept there for at least a month after Nixon was told of the perjury.

On April 14, 1973, with the world collapsing on Magruder, Nixon directed Ehrlichman to send him a message:

"Lovely wife and all the rest, it just breaks your heart. And say this. This is a very painful message for me to bring — I've been asked to give you, but I must do it and it is that: Put it right out that way. Also I would first put that in so that he knows I have personal affection. That's the way the so-called clemency's got to be handled. Do you see, John?"



HISTORIC ROLL CALL ON IMPEACHMENT IS RECORDED

Tally sheet is kept as Judiciary Committee members vote to recommend Nixon's impeachment