

An Explanation: How 3 Articles Sum Up Charges and Evidence

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Special to The New York Times

WASHINGTON, July 31 — It is now considered inevitable by Congressional leaders of both parties that the House of Representatives will vote to impeach President Nixon and send his case to trial in the Senate.

The House is not expected to add to the three articles of impeachment recommended by its Judiciary Committee or to change them substantially.

The committee spent nine months investigating a mountain of evidence favorable and unfavorable to the President.

In six days of televised debate, the committee culled from that evidence specific accusations—some broad, others narrow—and put them in the form of what amounts to an indictment.

Thus it is now possible, for the first time, to examine the precise charges against which Mr. Nixon will be required to defend himself.

The President's lawyers will have the opportunity in the event of a Senate trial to present detailed responses to the specific charges.

What follows is an explanation of the charges and the evidence supporting them:

Article I

The first article alleges that Mr. Nixon engaged in "a course of conduct or plan" designed to obstruct investigations of the Watergate burglary and to cover up the facts of the case.

John M. Doar, the committee's special impeachment counsel, has argued that proof of the President's complicity in the case lies both in his overt actions and his failure to take actions that might reasonably have been taken if he wanted the facts to come to light.

Had the President not been party to the concealment, Mr. Doar has contended, he would have questioned his aides more thoroughly and would have cooperated throughout with investigators.

For example, Mr. Doar has noted, John N. Mitchell, who allegedly authorized the burglary, has sworn that he would have told the President the entire story if Mr. Nixon had ever asked him but that Mr. Nixon had never done so.

The article lists nine separate "means" used by the President to "implement this course of conduct or plan" to cover up the case. The nine sections are as follows:

[1]

Mr. Nixon's "making or causing to be made false or misleading statements" to investigators.

One piece of evidence supporting this allegation is the President's instructions on March 27, 1973, to John D. Ehrlichman, then his chief adviser on domestic affairs.

The transcript of their conversation that day shows that Mr. Nixon told Mr. Ehrlichman to call Richard G. Kleindienst, then Attorney General, and tell him that no White House

personnel knew in advance about the Watergate burglary.

Six days before, Mr. Nixon had been told by John W. Dean 3d, then White House legal counsel, that Gordon C. Strachan, a White House aide, and perhaps others knew of the burglary.

Mr. Nixon also instructed Mr. Ehrlichman to ask Mr. Kleindienst for grand jury information and to justify the request by saying that it was "not to protect anybody, but to find out what the hell they are saying."

Actually, Mr. Nixon told Mr. Ehrlichman, he wanted the grand jury information "so that we can move one step ahead here."

[2]

Mr. Nixon's withholding evidence from the authorities.

On March 22, March 25 and March 31, 1973, the President talked with Mr. Kleindienst, and he never passed on to the Attorney General the information that Mr. Dean had given him about high-level involvement in the Watergate cover-up.

Numerous files were brought into the White House and placed under the President's control so that he could assert "executive privilege" and prevent them from getting into the hands of investigators.

Throughout, Mr. Nixon repeatedly refused to comply with subpoenas of the Judiciary Committee and the Watergate special prosecutors.

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The President's "approving, condoning, acquiescing in and counseling witnesses" to make false or misleading statements.

On March 21, 1973, Mr. Dean told the President that various White House officials would be called before the grand jury. Mr. Nixon said, "just be damned sure you say 'I don't remember; I can't recall, I can't give any honest, an answer to that that I can recall.' But that's it."

The next day, the President told Mr. Mitchell, the former Attorney General. "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."

On March 13 and again on March 21, Mr. Dean told the President that Mr. Strachan had lied to the authorities, Mr.

Nixon did not seem concerned about Mr. Strachan's perjury, and, dictating his recollections on the night of March 21, Mr. Nixon said, "It seems that Strachan has been a real, uh, courageous fellow through all this."

Mr. Nixon's "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 the Watergate special prosecution force and Congressional committees."

Shortly after the Watergate

burglary, Mr. Nixon ordered officials of the Central Intelligence Agency to block temporarily the F.B.I.'s investigation of the burglary.

He did not tell the Department of Justice that Mr. Dean, on March 21, 1973, had confessed to obstruction of justice and had implicated Mr. Ehrlichman, Mr. Mitchell and H. R. Haldeman, then the White House chief of staff, in the crime.

He repeatedly refused to supply the special prosecutors with requested evidence, the evidence that he did turn over was often delivered months after it was sought, and he ordered the first special prosecutor, Archibald Cox, discharged after Mr. Cox would not promise not to seek further evidence.

Beginning with an abortive inquiry by the House Banking and Currency Committee in the fall of 1972 and continuing through the work of the Senate Watergate committee and the House Judiciary Committee, Mr. Nixon and his aides took steps to obstruct the Congressional proceedings, withheld material from the committees and tried to discredit the committee's work.

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Mr. Nixon's "approving, condoning and acquiescing in" the payment of money to buy the silence or influence the testimony of witnesses.

From June, 1972, to March, 1973, nearly \$500,000 was paid from the President's political campaign treasury to the seven men charged in the Watergate burglary.

On March 21, 1973, Mr. Dean told the President that there had been payments to the defendants. The President expressed no surprise or shock, did not condemn the payments and did not report them to the investigating authorities.

Then Mr. Dean informed Mr. Nixon of the Demand of E. Howard Hunt Jr., one of the convicted burglars, for more money and of Mr. Hunt's threat to expose "seamy things" about White House operations if he did not get it.

The President told Mr. Dean that he should "keep the cap on the bottle," that the "Hunt thing" was "worth buying time on" and that Mr. Dean should, "for Christ's sake, get it."

That night, a \$75,000 payment was made through a campaign official to Mr. Hunt's attorney.

[6]

The President's "endeavoring to misuse the Central Intelligence Agency."

In the days following the Watergate burglary, Mr. Nixon was told by the C.I.A. officials that the F.B.I.'s investigation of how campaign money had been "laundered" in Mexico would not interfere with or expose C.I.A. operations. Nonetheless, he ordered that the C.I.A. stop the bureau's investigation temporarily. As a result, the initial Watergate investigation was delayed for more than two weeks.

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The President's "disseminating information" received from Justice Department officials to subjects of the investigation.

On the night of April 16, 1973, the President talked on the telephone with Henry E.

Petersen, the Assistant Attorney General in charge of the Watergate investigation, and asked him if there were developments he "should know about."

The President told Mr. Petersen that, "as you know, anything you tell me, as I think I told you earlier, will not be passed on because I know the rules of the grand jury."

Mr. Petersen then told him, among other details, that Frederick C. LaRue, a campaign aide, had confessed obstructing justice.

The first thing the next morning, the President met with Mr. Haldeman and told him what Mr. Petersen had said.

Throughout the next two weeks, Mr. Nixon met regularly with Mr. Petersen and then described to Mr. Haldeman and Mr. Ehrlichman the details of the evidence he had been given.

[8]

Mr. Nixon's "making false or misleading public statements" about the Watergate investigation.

On Aug. 29, 1972, Mr. Nixon made the following statement at a news conference:

"Within our own staff, under my direction, Counsel to the President Mr. Dean has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the Government. I can say categorically that his investigation indicates that no one in the White House staff,

no one in this Administration, presently employed, was involved in this very bizarre incident."

Mr. Dean, the evidence shows, conducted no such investigation. At the time of the statement, Mr. Nixon and Mr. Dean had never discussed the Watergate matter.

On April 16, 1973, as the Justice Department was cracking the case, Mr. Nixon instructed Mr. Ehrlichman to devise "a scenario with regard to the President's role" that could be put out for public consumption.

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Mr. Nixon's "endeavoring" to cause individuals to believe they would receive favored treatment or rewards for silence or false testimony.

Barely three weeks after the Watergate burglary, the President discussed the question of executive clemency for the Watergate Burglars. Although the available transcripts contain no evidence that he authorized clemency, it was a matter that was repeatedly discussed.

Another piece of evidence that could bear on this charge was the President's appointment of Jeb Stuart Magruder, his former deputy campaign director, to a \$36,000-a-year Government job after Mr. Magruder committed perjury.

When Mr. Haldeman and Mr. Ehrlichman left the White House and after Mr. Nixon became aware of their roles in the Watergate case, he referred to them as "two of the finest public servants it has been my privilege to know."

Article II

The second article accuses

the President of violating his oath to execute the laws and of broadly abusing his Presidential power. It specifies five instances of such abuses as follows:

[1]

He tried to obtain confidential information from the Internal Revenue Service and attempted to have tax audits and investigations "conducted in a discriminatory manner."

On Sept. 11, 1972, Mr. Dean gave the Internal Revenue Commissioner, Johnnie M. Walters, a list of contributors to Senator George McGovern's Presidential campaign and instructed Mr. Walters to have their tax returns investigated.

Four days later, Mr. Haldeman told the President that Mr. Dean was "moving ruthlessly on the investigation of McGovern people, Kennedy stuff and all that, too."

There has been testimony that the President complained regularly that Treasury Secretary George P. Shultz and Mr. Walters had not been aggressive enough in responding to White House requests.

On March 13, 1973, Mr. Dean, Mr. Haldeman and the President again discussed the McGovern contributors. Mr. Nixon asked Mr. Dean if he needed "any I.R.S. stuff." Mr. Dean replied that he did not because "we have a couple of sources over there that I can go to." He continued, "I don't have to fool around with Johnnie Walters or anybody. We can get right in and get what we need."

[2]

The President authorized unlawful wiretapping and other surveillance for purposes unrelated to national security.

Mr. Nixon has acknowledged that he ordered the installation of wiretaps on the telephones of 17 reporters and Government officials in an effort to stop news leaks. Some of the taps were placed on the telephones of officials who did not deal with security material.

The President ordered that the F.B.I. conceal the records of these taps. Subsequently, the records were delivered to the White House, where "executive privilege" could be claimed to keep them from investigators.

In addition, the F.B.I., at White House instructions, conducted surveillance of Joseph Kraft, the columnist, and investigated Daniel Schorr, the television newsman. President Nixon participated in developing a false cover story to explain why Mr. Schorr was being investigated.

Furthermore, the Secret Service followed and tapped the telephone of the President's brother, F. Donald Nixon.

[3]

The President created a "secret investigative unit" in White House that engaged in "convert and unlawful activities."

The President has acknowledged that he authorized the formation of the "plumbers" unit, again in an effort to plug news leaks.

Members of the unit, financed with campaign contributions, broke into the office of Dr. Daniel Ellsberg's former psychiatrist.

The committee received considerable evidence that the

President promoted a public relations campaign to discredit Dr. Ellsberg, who has said that he gave the Pentagon papers, a secret history of the Vietnam war, to The New York Times, and that the primary aim of the burglary of the psychiatrist's office was to obtain derogatory information about Dr. Ellsberg.

[4]

The President failed to act when he knew that his subordinates were trying to impede investigations.

This allegation deals not only with the President's participation in the Watergate cover-up, as alleged in the first impeachment article, but also with his efforts to conceal the burglary of the psychiatrists' office.

In April, 1973, Mr. Nixon ordered Mr. Petersen not to investigate that burglary. He told the Assistant Attorney General that the burglary involved "national security stuff," an assertion that is contradicted by other passages in the transcripts.

Furthermore, Mr. Nixon initially withheld information about the burglary from Dr. Ellsberg's trial.

[5]

The President "misused the executive power" by interfering with the F.B.I., the C.I.A., the special prosecutor and the Justice Department.

The evidence supporting this section is the same as that supporting Section 4 of Article I.

Article III

This article alleges that the President acted in a way "subversive of constitutional government" by refusing to comply with the Judiciary Committee's subpoena for the tape recordings of 147 of his conversations and related documents.

Of these tapes, all but 37 dealt with conversations supposedly involving the Watergate case. The remaining 37 dealt with the President's relationships with milk producers and the International Telephone and Telegraph Corporation.

Some of the tapes subpoenaed were the same as those that the Supreme Court ordered the President to turn over to Judge John J. Sirica of the United States District Court here. But the Judiciary Committee has no reasonable expectation of obtaining these tapes from the court or the special prosecutor.

An example of the committee's reasons for wanting the tapes can be shown by an examination of why it subpoenaed the tapes of several conversations on June 20, 1972—three days after the Watergate burglary.

President Nixon was in Florida over the weekend that the burglary occurred, and June 20 was his first day back in Washington.

The tapes of two of his June 20 conversations—those of morning meeting with Mr. Haldeman and an evening telephone discussion with Mr. Mitchell—were subpoenaed by Mr. Cox.

An 18½-minute buzz obliterated the entire conversation with Mr. Haldeman about Watergate. The White House has said that the telephone call to Mr. Mitchell was placed from the living quarters of the White

tapes of both of those conversations.

Following his call to Mr. Mitchell, the President spoke four times with either Mr. Colson or Mr. Mitchell. These tapes were also subpoenaed.

The published tape transcripts show that Mr. Nixon believed at the time that Mr. Colson was in part responsible for the House and thus was not recorded. Watergate burglary.

During the day, the President met for an hour with Charles W. Colson, then a special counsel, and, afterward, met with Mr. Haldeman. The committee subpoenaed the tapes could prove whether the aides told Mr. Nixon the full truth about what happened and could show the President's initial reaction.