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2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT  
No. 93-1305

IMPEACHMENT OF RICHARD M. NIXON  
PRESIDENT OF THE UNITED STATES

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REPORT

OF THE

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

PETER W. RODINO, JR., *Chairman*



AUGUST 20, 1974.—Referred to the House Calendar and ordered to be printed

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(II)

# House Calendar No. 426

93D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2d Session } No. 93-1305

## IMPEACHMENT OF RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES

AUGUST 20, 1974—Referred to the House Calendar and ordered to be printed

Mr. RODINO, from the Committee on the Judiciary,  
submitted the following

### REPORT

together with

### SUPPLEMENTAL, ADDITIONAL, SEPARATE, DISSENT- ING, MINORITY, INDIVIDUAL AND CONCURRING VIEWS

The Committee on the Judiciary, to whom was referred the consideration of recommendations concerning the exercise of the constitutional power to impeach Richard M. Nixon, President of the United States, having considered the same, reports thereon pursuant to H. Res. 803 as follows and recommends that the House exercise its constitutional power to impeach Richard M. Nixon, President of the United States, and that articles of impeachment be exhibited to the Senate as follows:

### RESOLUTION

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

*Resolved*, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against Richard M. Nixon, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

### ARTICLE I

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully

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to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

(1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

(3) 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;

(4) 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;

(5) 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 participated in such unlawful entry and other illegal activities;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) 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 assisting such subjects in their attempts to avoid criminal liability;

(8) 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; or

(9) 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.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

#### ARTICLE II

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.

(2) He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

(3) He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.

(4) He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate

lawful inquiries by duly constituted executive, judicial, and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities, including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.

(5) In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

#### ARTICLE III

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

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## COMMITTEE CONSIDERATION

The Constitution provides in Article I, Section 2, Clause 5, that "the House of Representatives shall have the sole power of impeachment." Article II, Section 4 provides, "The President, Vice President and all civil officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Resolutions to impeach President Richard M. Nixon were introduced by members of the House in the last session of Congress and referred to the Committee on the Judiciary. On November 15, 1973, the House adopted H. Res. 702 to provide additional funds for the Committee for purposes of considering these resolutions. On December 20, 1973, special counsel was employed to assist the Committee in its inquiry.

On February 6, 1974, the Committee recommended that the House explicitly authorize the Committee's investigation to determine whether the House should exercise its constitutional power to impeach President Nixon.

On February 6, 1974, the House of Representatives, by a vote of 410 to 4, adopted H. Res. 803. That resolution authorized and directed the Committee on the Judiciary

to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The Committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

As part of the resolution the Committee was granted the power of subpoena for its investigation. In its report to the House on H. Res. 803, the Committee had stated:

The Committee's investigative authority is intended to be fully coextensive with the power of the House in an impeachment investigation—with respect to the persons who may be required to respond, the methods by which response may be required, and the types of information and materials required to be furnished and produced.

On February 21, 1974, the Committee received a report from its impeachment inquiry staff entitled, "Constitutional Grounds for Presidential Impeachment." The report reviewed the historical origins of impeachment, the intentions of the framers of the Constitution, and the American impeachment cases. The report also addressed the question whether grounds for impeachment, "high crimes and misdemeanors," must be crimes under the ordinary criminal statutes. The report concluded as follows:

Impeachment is a constitutional remedy addressed to serious offenses against the system of government. The purpose of impeachment under the Constitution is indicated by the limited scope of the remedy (removal from office and possible disqualification from future office) and by the stated grounds for impeachment (treason, bribery and other high crimes and misdemeanors). It is not controlling

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whether treason and bribery are criminal. More important, they are constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself, and thus are "high" offenses in the sense that word was used in English impeachments.

The framers of our Constitution consciously adopted a particular phrase from the English practice to help define the constitutional grounds for removal. The content of the phrase "high Crimes and Misdemeanors" for the framers is to be related to what the framers knew, on the whole, about the English practice—the broad sweep of English constitutional history and the vital role impeachment had played in the limitation of royal prerogative and the control of abuses of ministerial and judicial power.

Impeachment was not a remote subject for the framers. Even as they labored in Philadelphia, the impeachment trial of Warren Hastings, Governor-General of India, was pending in London, a fact to which George Mason made explicit reference in the Convention. Whatever may be said on the merits of Hastings' conduct, the charges against him exemplified the central aspect of impeachment—the parliamentary effort to reach grave abuses of governmental power.

The framers understood quite clearly that the constitutional system they were creating must include some ultimate check on the conduct of the executive, particularly as they came to reject the suggested plural executive. While insistent that balance between the executive and legislative branches be maintained so that the executive would not become the creature of the legislature, dismissible at its will, the framers also recognized that some means would be needed to deal with excesses by the executive. Impeachment was familiar to them. They understood its essential constitutional functions and perceived its adaptability to the American contest.

While it may be argued that some articles of impeachment have charged conduct that constituted crime and thus that criminality is an essential ingredient, or that some have charged conduct that was not criminal and thus that criminality is not essential, the fact remains that in the English practice and in several of the American impeachments the criminality issue was not raised at all. The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government. Clearly, these effects can be brought about in ways not anticipated by the criminal law. Criminal standards and criminal courts were established to control individual conduct. Impeachment was evolved by Parliament to cope with both the inadequacy of criminal standards and the impotence of courts to deal with the conduct of great public figures. It would be anomalous if the framers, having barred criminal sanctions from the impeachment remedy and limited it to removal and possible disqualification from office, intended to restrict the grounds for impeachment to conduct that was criminal.

The longing for precise criteria is understandable; advance, precise definition of objective limits would seemingly serve both to direct future conduct and to inhibit arbitrary reaction to past conduct. In private affairs the objective is the control of personal behavior, in part through the punishment of misbehavior.

In general, advance definition of standards respecting private conduct works reasonably well. However, where the issue is presidential compliance with the constitutional requirements and limitations on the presidency, the crucial factor is not the intrinsic quality of behavior but the significance of its effect upon our constitutional system or the functioning of our government.

It is useful to note three major presidential duties of broad scope that are explicitly recited in the Constitution: "to take Care that the Laws be faithfully executed," to "faithfully execute the Office of President of the United States" and to "preserve, protect, and defend the Constitution of the United States" to the best of his ability. The first is directly imposed by the Constitution; the second and third are included in the constitutionally prescribed oath that the President is required to take before he enters upon the execution of his office and are, therefore, also expressly imposed by the Constitution.

The duty to take care is affirmative. So is the duty faithfully to execute the office. A President must carry out the obligations of his office diligently and in good faith. The elective character and political role of a President make it difficult to define faithful exercise of his powers in the abstract. A President must make policy and exercise discretion. This discretion necessarily is broad, especially in emergency situations, but the constitutional duties of a President impose limitations on its exercise.

The "take care" duty emphasizes the responsibility of a President for the overall conduct of the executive branch, which the Constitution vests in him alone. He must take care that the executive is so organized and operated that this duty is performed.

The duty of a President to "preserve, protect, and defend the Constitution" to the best of his ability includes the duty not to abuse his powers or transgress their limits—not to violate the rights of citizens, such as those guaranteed by the Bill of Rights, and not to act in derogation of powers vested elsewhere by the Constitution.

Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality. In deciding whether this further requirement has been met, the facts must be considered as a whole in the context of the office, not in terms of separate or isolated events. Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.

On February 22, 1974, the full Committee on the Judiciary unanimously adopted a set of procedures governing confidentiality for the handling of material gathered in the course of its impeachment inquiry. The purpose and effect of these rules was that the Committee as a whole deferred, until the commencement of the initial presentation on May 9, its access to materials received by the impeachment inquiry staff. Only the Chairman and the Ranking Minority Member had access to, supervised and reviewed the assembly of evidentiary material and the preparation of transcripts of the President's recorded conversations.

In a status report to the Committee on March 1, 1974, the Inquiry staff reported on investigations in six principal areas:

- A. Allegations concerning domestic surveillance activities conducted by or at the direction of the White House.
- B. Allegations concerning intelligence activities conducted by or at the direction of the White House for the purpose of the Presidential election of 1972.
- C. Allegations concerning the Watergate break-in and related activities, including alleged efforts by persons in the White House and others to "cover up" such activities and others.
- D. Allegations concerning improprieties in connection with the personal finances of the President.
- E. Allegations concerning efforts by the White House to use agencies of the executive branch for political purposes, and alleged White House involvement with election campaign contributions.
- F. Allegations concerning other misconduct.

In anticipation of the presentation of evidentiary material by the Inquiry staff, the Committee on May 2, 1974, unanimously adopted a set of procedures for this presentation. These procedures were consistent with four general principles:

*First*, the Committee would receive from the staff and consider initially all reliable material which tended to establish the facts in issue. At the time that the evidentiary proceedings began, the Committee would give the President the opportunity to have his counsel present and to receive such documents and materials as the staff presented to the Committee Members for their consideration.

*Second*, during the presentation of this evidentiary material, whether in executive or in open session subject to the rules of the House, the Committee would give the President the opportunity to have his counsel present and to hear the presentation.

*Third*, at the end of this presentation, the Committee would give the President the opportunity to have his counsel make his position known, either orally or in writing, with respect to the evidentiary material received by the Committee.

At that time, President's counsel would be given the opportunity to recommend to the Committee names of witnesses to be called and to advise the Committee as to the witnesses' expected testimony.

*Fourth*, if and when witnesses were called, the Committee would give the President the opportunity to have his counsel ask such questions of the witnesses as the Committee deemed appropriate.

From May 9, 1974 through June 21, 1974, the Committee considered in executive session approximately six hundred fifty "statements of information" and more than 7,200 pages of supporting evidentiary material presented by the inquiry staff. The statements of information and supporting evidentiary material, furnished to each Member of the Committee in 36 notebooks, presented material on several subjects of the inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutor. The staff also presented to the Committee written reports on President Nixon's income taxes, presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

In each notebook, a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much of it already on public record), transcripts of presidential conversations, and affidavits. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

The Committee heard recordings of nineteen presidential conversations and dictabelt recollections. The presidential conversations were neither paraphrased nor summarized by the inquiry staff. Thus, no inferences or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee listened to each recording and simultaneously followed transcripts prepared by the inquiry staff.

On June 27 and 28, 1974, Mr. James St. Clair, Special Counsel to the President made a further presentation in a similar manner and form as the inquiry staff's initial presentation. The Committee voted to make public the initial presentation by the inquiry staff, including substantially all of the supporting materials presented at the hearings, as well as the President's response.

Between July 2, 1974, and July 17, 1974, after the initial presentation, the Committee heard testimony from nine witnesses, including all the witnesses proposed by the President's counsel. The witnesses were interrogated by counsel for the Committee, by Special counsel to the President pursuant to the rules of the Committee, and by Members of the Committee. The Committee then heard an oral summation by Mr. St. Clair and received a written brief in support of the President's position.

The Committee concluded its hearings on July 17, a week in advance of its public debate on whether or not to recommend to the House that it exercise its constitutional power of impeachment. In preparation for that debate the majority and minority members of the impeachment inquiry staff presented to the Committee "summaries of information."

On July 24, 25, 26, 27, 29, and 30, 1974, the Committee held its debate in open meetings, which were televised pursuant to H. Res. 1107, adopted by the House on July 22, 1974, permitting coverage of Com-



mittee meetings by electronic media. The Committee's meetings were conducted under procedures adopted on July 23, which provided both for general debate of no more than ten hours on a motion to recommend a resolution, together with articles of impeachment, impeaching Richard M. Nixon and for consideration of the articles after the conclusion of general debate. Each proposed article and additional articles were separately considered for amendment and immediately thereafter voted upon as amended for recommendation to the House. The procedures further provided:

At conclusion of consideration of the articles for amendment and recommendation to the House, if any article has been agreed to, the original motion shall be considered as adopted and the Chairman shall report to the House said Resolution of impeachment together with such articles as have been agreed to or if articles are not agreed to, the Committee shall consider such resolutions or other recommendations as it deems proper.

On July 24, at the commencement of general debate, a resolution was offered including two articles of impeachment. On July 26, an amendment in the nature of a substitute was offered to Article I. In the course of the debate on this substitute, it was contended that the proposed article of impeachment was not sufficiently specific. Proponents of the substitute argued that it met the requirements of specificity under modern pleading practice in both criminal and civil litigation, which provide for notice pleading. They further argued that the President had notice of the charge, that his counsel had participated in the Committee's deliberations, and that the factual details would be provided in the Committee's report.

On July 27, the Committee agreed to the amendment in the nature of a substitute for Article I by a vote of 27 to 11. The Committee then adopted Article I, as amended, by a vote of 27 to 11. Article I, as adopted by the Committee charged that President Nixon, using the power of his high office, engaged, personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of the unlawful entry into the headquarters of the Democratic National Committee in Washington, D.C., for the purpose of securing political intelligence; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

On July 29, an amendment in the nature of a substitute was offered for Article II of the proposed resolution. After debate, the substitute was agreed to by a vote of 28 to 10. The Committee then adopted Article II, as amended, by a vote of 28 to 10. Article II, as amended, charged that President Nixon, using the power of the office of President of the United States, repeatedly engaged in conduct which violated the constitutional rights of citizens; which impaired the due and proper administration of justice and the conduct of lawful inquiries, or which contravened the laws governing agencies of the executive branch and the purposes of these agencies.

On July 30, an additional article was offered as an amendment to the resolution. After debate, this amendment was adopted by a vote of 21 to 17 and became Article III. Article III charged that President Nixon, by failing, without lawful cause or excuse and in willful disobedience of the subpoenas of the House, to produce papers and things



that the Committee had subpoenaed in the course of its impeachment inquiry, assumed to himself functions and judgments necessary to the exercise of the constitutional power of impeachment vested in the House. The subpoenaed papers and things had been deemed necessary by the Committee in order to resolve, by direct evidence, fundamental, factual questions related to presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment.

On July 30, the Committee considered an amendment to add a proposed Article, which charged that President Nixon authorized, ordered and ratified the concealment of information from the Congress and supplied to Congress false and misleading statements concerning the existence, scope and nature of American bombing operations in Cambodia. The proposed Article stated that these acts were in derogation of the powers of Congress to declare war, make appropriations, and raise and support armies. By a vote of 26 to 12, the amendment to add this Article was not agreed to.

Also on July 30, the Committee considered an amendment to add a proposed Article, charging that President Nixon knowingly and fraudulently failed to report income and claimed deductions that were not authorized by law on his Federal income tax returns for the years 1969 through 1972. In addition, the proposed Article charged that, in violation of Article II, Section 1 of the Constitution, President Nixon had unlawfully received emoluments, in excess of the compensation provided by law, in the form of government expenditures at his privately owned properties at San Clemente, California, and Key Biscayne, Florida. By a vote of 26 to 12, the amendment to add this article was not agreed to.

The Committee on the Judiciary based its decision to recommend that the House of Representatives exercise its constitutional power to impeach Richard M. Nixon, President of the United States, on evidence which is summarized in the following report.

# THE ORGANIZATION OF THE WHITE HOUSE AND ITS RELATIONSHIP TO THE COMMITTEE FOR THE RE- ELECTION OF THE PRESIDENT

## I

### KEY ASSOCIATES OF THE PRESIDENT

On January 20, 1969, after taking his oath of office as President of the United States, Richard M. Nixon brought three key associates to the highest level of government, the office of the President. President Nixon appointed H. R. Haldeman White House Chief of Staff. He appointed John Ehrlichman Counsel to the President. He appointed John Mitchell Attorney General of the United States.

Haldeman's association with President Nixon began in 1956 when Haldeman was an advance man for then Vice President Nixon. In 1960 Haldeman was chief advance man and campaign tour manager for Richard Nixon's first Presidential campaign. In 1962 Haldeman managed Richard Nixon's unsuccessful campaign for Governor of California. In 1968 Haldeman was the chief of staff for the President's campaign. (Haldeman testimony, 7 SSC 2873)

The President and John Mitchell became law partners in New York City when their firms merged on January 1, 1967. In 1968 Mitchell was campaign director for the President's election campaign. (Mitchell testimony, 2 HJC 124-25, 192)

John Ehrlichman was recruited by Haldeman in late 1959 to work on President Nixon's 1960 campaign. During the 1960 Presidential campaign Ehrlichman took a leave of absence from his law firm to work as an advance man. Ehrlichman worked on Richard Nixon's 1962 campaign for Governor of California. Ehrlichman was the tour director of the President's 1968 Presidential campaign. (Ehrlichman testimony, 6 SSC 2514-15, 2522-24; Kalmbach testimony, 3 HJC 532)

## II

### WHITE HOUSE PERSONNEL

From January 21, 1969, through May 19, 1973, H. R. Haldeman was President Nixon's chief of staff. He was in charge of administering White House operations. He worked directly with the President in the planning of the President's daily schedule, provided the President with the information he requested from the members of his staff and the members of his administration, and relayed instructions from the President to other officers and members of the executive branch of the Government. Haldeman directed the activities of the President's Appointments Secretary and the White House Staff Secretary. He received copies of memorandums and letters written by senior staff

(12)

members and assistants. He established, subject to the approval of the President, the White House budget. He had no independent schedule. His schedule was that of the President. He was at the call of the President at all times. During the reelection campaign, the President's campaign organization reported to Haldeman. The President announced Haldeman's resignation on April 30, 1973.

The following White House employees and other agents of the President reported to Haldeman:

(1) Lawrence M. Higby was Haldeman's personal aide and his chief administrative assistant throughout Haldeman's tenure at the White House. He had worked previously for Haldeman in private business and in the 1968 Presidential campaign. Higby supervised the flow of persons, papers, telephone calls, and correspondence to Haldeman, acted in Haldeman's name, and traveled with him. After Haldeman's resignation, Higby transferred to the Office of Management and Budget.

(2) In March 1971, after working for Herbert Klein, then director of communications for the executive branch, Gordon C. Strachan became Haldeman's principal political assistant. Strachan performed political assignments for Haldeman. He supervised the White House polling operation and reported on the activities of the Republican National Committee and the Committee for the Re-Election of the President (CRP). He regularly prepared political matters memorandums for Haldeman on the status of the 1972 election campaign, and often carried out decisions Haldeman made on the basis of the information they contained. After the 1972 election, Strachan was appointed as general counsel of the U.S. Information Agency.

(3) In January 1969, Alexander P. Butterfield was appointed deputy assistant to the President. Beginning in January 1970, Butterfield's office adjoined the President's. He had responsibility for the President's daily schedule. He oversaw the administration of the White House, including the office of the staff secretary. He reported directly to Haldeman and functioned as Haldeman's deputy in handling the actual flow of people and papers in and out of the President's office. In March 1973, Butterfield was appointed Administrator of the Federal Aviation Administration.

(4) Dwight L. Chapin had known Haldeman previously and had worked for the President at his law firm for 2 years before the 1968 election. In January 1969, Chapin joined the White House staff as a special assistant to the President and acted as the President's appointments secretary. Chapin had general planning responsibility for the President's schedule and travel. He reported directly to Haldeman and, at times, to the President. Two years later, Chapin was appointed deputy assistant to the President. He left the White House and entered private business in February 1973.

(5) In January 1969, Stephen B. Bull joined the White House staff and worked under Chapin in the scheduling office. In February 1973, he was appointed a special assistant to the President and assumed additional responsibilities for implementing the President's daily schedule.

(6) On January 20, 1969, Hugh W. Sloan, Jr., became a staff assistant to the President. He worked under Chapin on the planning of the

President's appointments and travel. He was also assigned certain special projects. Sloan left the White House in March 1971 to join the President's reelection campaign organization. He resigned as the treasurer of the Finance Committee to Re-Elect the President (FCRP) on July 11, 1972.

(7) In July 1970, John W. Dean was hired by Haldeman as counsel to the President. Dean had previously been an Associate Deputy Attorney General in the Justice Department. His duties in the White House included working with the Justice Department. The counsel's office advised the President on technical legal problems and prepared legal opinions on issues. Dean was also assigned by Haldeman to gather information on political matters of interest to the White House. Dean normally reported to Haldeman, but on certain domestic matters he reported to Ehrlichman. Dean resigned on April 30, 1973.

(8) In October 1970, Fred Fielding was hired as assistant to the counsel to the President. He became associate counsel in the spring of 1971. He was Dean's "principal deputy." Fielding was appointed deputy counsel in early 1973, and resigned from the President's staff on January 11, 1974.

(9) In January 1969, Herbert G. Klein was appointed to the newly created position of director of communications for the executive branch. His office handled many of the White House public relations and media activities. He and his assistants in the office of communications reported to Haldeman. Klein resigned from the White House on July 1, 1973.

(10) On October 7, 1969, Jeb Stuart Magruder was appointed special assistant to the President to work on Haldeman's staff. Later in 1969 Magruder was also named deputy director of communications. He held both positions until he resigned in May 1971 to work in the President's reelection campaign organization; he later became deputy campaign director of CRP. Magruder's responsibility at the White House was public relations. He organized letter writing programs, encouraged media coverage, and formed private committees to support administration positions.

(11) In December 1970, Herbert L. Porter came to the White House with the understanding that he would work in the reelection campaign. After doing advance work for about a month, Porter was offered a job by Magruder on Klein's staff. From January until May 1971 he worked as a staff assistant in the communications office, where he did public relations work, including scheduling speakers. Porter assumed scheduling responsibilities for the predecessor organization of CRP in May 1971.

(12) On November 6, 1969, Charles W. Colson was named special counsel to the President. Colson initiated, planned, and executed many White House public relations and media efforts. He was in charge of White House relations with "special interest groups" and coordinated fund raising for administration projects. Colson also organized political support for the President's policies. Generally, he reported to Haldeman, but he reported directly to the President on certain matters. On March 10, 1973, Colson resigned from the White House. (Colson testimony, 3 HJC 184-85)

(13) In September 1969, Frederick C. LaRue was appointed a special consultant to the President. He served without pay. LaRue

reported to Haldeman on the political projects he undertook for the White House. He resigned on February 15, 1972, to work in the President's re-election campaign and later became special assistant to CRP's campaign director.

(14) Herbert Kalmbach became the President's personal attorney in 1969. He had worked on President Nixon's 1962 campaign for Governor of California and had been associate finance chairman of the President's 1968 campaign. Kalmbach undertook various fund-raising assignments on behalf of the President from 1969 through 1972. Kalmbach was not employed by the White House, although he acted at Haldeman's direction. (Kalmbach testimony, 3 HJC 529-30, 594, 660, 664)

In January 1969, John D. Ehrlichman was appointed counsel to the President. He reported primarily to Haldeman. On November 4, 1969, he became assistant to the President for Domestic Affairs and the President's chief assistant in the White House for all domestic matters. He advised the President on policy and communicated Presidential decisions to departments and agencies. On July 1, 1970, the Domestic Council was established in the Executive Office of the President as a separate entity with its own staff and budget. Ehrlichman was appointed Executive Director. On January 20, 1973, Ehrlichman resigned this position and on January 21 joined Haldeman as one of the four principal assistants to the President. He worked in that capacity until May 19, 1973. On April 30, 1973, the President announced Ehrlichman's resignation from the White House.

The following were among the members of the White House staff under Ehrlichman's supervision:

(1) In January 1969, Egil Krogh came to the White House as a staff assistant to Ehrlichman. He was deputy counsel to the President from May 1969 until November 1969, when he was appointed deputy assistant to the President for Domestic Affairs. In July 1970, he assumed the additional position of Assistant Director of the Domestic Council. Krogh reported to Ehrlichman, except on a few matters where he reported directly to the President. Krogh's responsibilities in domestic affairs focused on law enforcement, including work with the Federal Bureau of Investigation, drug enforcement programs, and internal security matters. In July 1971, pursuant to instructions from the President, Krogh organized the White House special investigations unit (the "Plumbers"). His work with the unit continued until December 1971. In January 1973 Krogh was appointed Under Secretary of Transportation.

(2) In 1969, David Young came to the White House as an administrative assistant to Henry Kissinger in the National Security Council (NSC). He was Kissinger's appointments secretary. In January 1971, Young became a special assistant, NSC, in charge of classification and declassification of documents. In July 1971, he was transferred to Ehrlichman's staff and assigned to work with Krogh on the White House special investigations unit. Young continued as an assistant to Krogh until January 1973, when he was appointed to a staff position on the Domestic Council. He left the White House in March 1973.

(3) G. Gordon Liddy became a member of the White House special investigations unit in July 1971. His appointment was authorized

by Ehrlichman and he was placed on the payroll of the Domestic Council. Liddy worked for Krogh until he resigned from the White House staff in mid-December 1971. He then became counsel to CRP and in March 1972 moved to a predecessor organization of FCRP. He was counsel to FCRP until June 28, 1972.

(4) In early July 1971, E. Howard Hunt started work as a White House consultant. He had been recommended by Colson and initially worked under Colson's supervision. In July 1971 Hunt was assigned with Ehrlichman's approval to the White House special investigations unit, where he worked under Krogh's direction. Hunt had spent 21 years with the Central Intelligence Agency.

(5) In late November 1968, Edward L. Morgan began working under Ehrlichman's supervision to coordinate some of the President's personal affairs. He worked as deputy counsel to the President, deputy assistant to the President for Domestic Affairs, and Assistant Director of the Domestic Council. Morgan left the White House in January 1973 and was appointed an Assistant Secretary of the Treasury.

(6) On April 8, 1969, John J. Caulfield, a former New York City police detective, was hired by Ehrlichman as a staff assistant to the counsel to the President. His duties were to act as liaison with Federal law enforcement agencies and to supervise White House investigations. Ehrlichman ordered the investigations Caulfield directed; later, when Dean became counsel to the President, Caulfield received assignments from both Ehrlichman and Dean. In March 1972 Caulfield left the White House to work for CRP. On April 28, 1972, he accepted a position in the Treasury Department. On July 1, 1972, Caulfield became the Acting Assistant Director for Enforcement of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service.

(7) In July 1969, Anthony T. Ulasewicz, a retired New York City police detective, was authorized by Ehrlichman to work under Caulfield to carry out investigative tasks for the White House. Ulasewicz was not directly employed by the White House, but received investigative assignments through Caulfield, and reported to him. He was paid by Herbert Kalmbach, the President's personal lawyer, from July 1969 through 1972, and worked with Kalmbach from June 1972 through September 1972.

Rose Mary Woods has worked as President Nixon's personal secretary since 1951. She joined the White House staff as the President's personal secretary in January, 1969 and was promoted to executive assistant and personal secretary in June, 1973. (Rose Mary Woods testimony, *In re Grand Jury*, Misc. 47-73, November 8, 1973, 801, 812-13; Butterfield testimony, 1 HJC 63).

### III

#### OTHER ADMINISTRATION OFFICIALS

On January 20, 1969 President Nixon appointed John Mitchell Attorney General of the United States. (Mitchell testimony, 2 HJC 124) In 1971 Mitchell began organizing the President's 1972 re-election campaign. Mitchell resigned as Attorney General on March 1, 1972, and officially became campaign director of the 1972 campaign on

April 9, 1972. (Mitchell testimony, 2 HJC 124-25) Mitchell resigned as campaign director on July 1, 1972, but continued to act as a consultant to CRP throughout the campaign and after the election. (Mitchell testimony, 2 HJC 125)

In February, 1969, Richard Kleindienst joined the Nixon Administration as Deputy Attorney General. (Kleindienst testimony, 9 SSC 3560) On February 15, 1972 the President nominated Kleindienst to be Attorney General to succeed John Mitchell, who was leaving the Department of Justice to become head of CRP. (Book V, 606-08) Kleindienst was confirmed by the Senate on June 8, 1972. (Kleindienst testimony, 9 SSC 3560) On April 30, 1973 the President announced Kleindienst's resignation as Attorney General.

In November, 1970, President Nixon appointed Robert Mardian Assistant Attorney General in charge of Internal Security Division of the Department of Justice. Mardian had previously served in the Nixon Administration as General Counsel for the Department of Health, Education and Welfare. From May, 1972 until June, 1972 Mardian was a political coordinator at the Committee for the Re-election of the President. After June 17, 1972 Mardian acted as a counsel to CRP for Watergate matters. (Mardian testimony, 6 SSC 2346-47; 6 Presidential Documents 1583).

Henry Petersen was a career employee of the Criminal Division of the Department of Justice. In January, 1972 the President appointed Petersen Assistant Attorney General in charge of the Criminal Division.

L. Patrick Gray was Acting Director of the Federal Bureau of Investigation from May 3, 1972 until he resigned that position on April 27, 1973. (Gray testimony, 9 SSC 3450, 3493) Gray had previously served as executive assistant to HEW Secretary Robert Finch, and in the Department of Justice as Assistant Attorney General, Civil Division. In February, 1972 the President nominated Gray to be Deputy Attorney General, but the nomination had not been acted upon by the Senate at the time of his appointment as acting Director of the FBI. (Gray testimony, 9 SSC 3473-75) On February 17, 1973 the President nominated Gray to be permanent Director of the FBI. On April 5, 1973 the President withdrew Mr. Gray's nomination. (9 Presidential Documents 335)

Richard Helms was the Director of the Central Intelligence Agency at the time Richard Nixon became President. Helms had been with the Agency since its inception in 1947 and became its Director on June 30, 1966. Helms left the CIA on February 2, 1973 after being appointed by the President as Ambassador to Iran (Helms testimony, 8 SSC 3232)

Vernon Walters, a lieutenant general in the U.S. Army, was appointed by the President to be Deputy Director of the CIA after General Cushman left the Agency. Walters began to serve in this capacity on May 2, 1972. General Walters had served as interpreter and aide to Richard Nixon when he toured South America as Vice President. (Walters testimony, 9 SSC 3403-04)

Maurice Stans was a principal fundraiser in President Nixon's 1968 campaign. (HJC, Background—White House/CRP 5) President Nixon appointed Stans Secretary of Commerce effective Janu-

ary 21, 1969. Stans served as Commerce Secretary until February 15, 1972, when he resigned to become Chairman of the Finance Committee to Re-elect the President. (Stans testimony, 2 SSC 695)

#### IV

##### OPERATION OF THE PRESIDENT'S STAFF

From January, 1970, until March, 1973, Alexander Butterfield was personal aide to the President. His office was next to the Oval Office of the President; his responsibilities were to insure the "smooth running of the President's official day." (Butterfield testimony, 1 HJC 9-10) He was in a uniquely well-suited position to know the manner in which the President's staff was organized and operated.

During his first term as President, according to testimony by Butterfield, President Nixon spent almost all of his working time with one of a handful of assistants: on all matters of policy, direction, politics, and strategy, with H. R. Haldeman; on most domestic matters, with John Ehrlichman; on political matters, with Charles Colson; and on foreign affairs, with Henry Kissinger. The vast majority of the President's time was spent with Haldeman, (Butterfield testimony, 1 HJC 14-16, 40) who, according to Butterfield, "was an extension of the President":

He [Haldeman] was far and away the closest person to the President. There was never any competition with regard to Mr. Haldeman's role. . . . He was an extension of the President . . . . (Butterfield testimony, 1 HJC 13)

Haldeman was the alter ego. Haldeman was almost the other President. I can't emphasize that enough. (Butterfield testimony, 1 HJC 66)

In his public statement of March 12, 1973 refusing to permit members of his personal staff to honor requests for Congressional appearances, the President himself said:

If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency. ("Presidential Statements," 3/12/73, 6)

In his testimony before the Committee, Butterfield drew an organizational chart of the White House staff showing the President's relationships to Haldeman and to other members of his staff. This diagram was made part of the record.