

IMPEACHMENT OF PRESIDENT
DONALD JOHN TRUMP

THE EVIDENTIARY RECORD
PURSUANT TO H. RES. 798

VOLUME XI, PART 7

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93d Congress }
2d Session }

HOUSE COMMITTEE PRINT

WORK OF THE IMPEACHMENT INQUIRY
STAFF AS OF FEBRUARY 5, 1974

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HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
SECOND SESSION



FEBRUARY 1974

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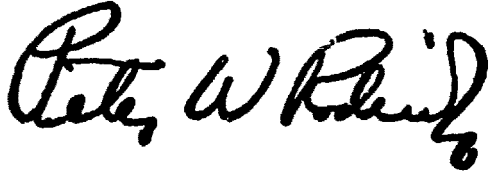
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 ALEXANDER B. COOK, *Counsel*

Foreword

I am pleased to make available this report from Special Counsel, John Doar, advising the Members of the House Judiciary Committee regarding the work being carried on by the Inquiry Staff as of Tuesday, February 5, 1974.

A handwritten signature in black ink, appearing to read "Peter W. Rodino". The signature is fluid and cursive, with the first name "Peter" being the most prominent.

Chairman.

FEBRUARY 5, 1974

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I. Organization

Constitutional and Legal Research.—Under the general supervision of Joseph Woods, this section is providing the legal support for the office. As legal questions arise, they are referred to this section for research, analysis and report. The major project at this time is the research into the constitutional issue of defining the grounds for impeachment.

Factual Investigation.—This work is under the general supervision of Richard L. Cates and Bernard W. Nussbaum, both experienced attorneys with many years of practice. The group is organized into task forces with a task force leader in charge of each. The task forces are collecting and examining all the evidence available—both exculpatory and inculpatory—in the six following categories:

1. Allegations concerning domestic surveillance activities conducted by or at the direction of the White House;

2. Allegations concerning intelligence activities conducted by or at the direction of the White House for the purposes of the Presidential election of 1972;

3. 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;

4. Alleged improprieties in connection with the personal finances of the President;

5. The allegations concerning efforts by the White House to use agencies of the Executive Branch for political purposes, and alleged White House involvement with illegal campaign contributions;

6. The allegations concerning other misconduct that do not fall within one of the foregoing categories, such as the secret bombing of Cambodia, impoundment of funds.

In the paragraphs that follow on page 2, I have endeavored to offer a representative selection of events under investigation. I am listing these examples only because I want to give the Committee a rough idea of our work. I want to emphasize that the events mentioned are merely examples, that the list is by no means exhaustive and that the selection does not represent any judgment by this office concerning the relative gravity of the allegations. Furthermore, the mere fact that we are undertaking investigation into a particular subject should not be interpreted to mean that we think there was any wrongdoing there, or that any prejudgment of the evidence has been made. Charges are not proof. We consider it the duty of this office to search out *all* the facts—those that exonerate as well as those that may implicate—in order to reach a fair and impartial conclusion about the truth of the charges that have been made.

Among the subjects being explored by the task force examining domestic surveillance activities are allegations with respect to (a) the 1969 wiretaps, (b) the Huston Plan, (c) the activities of Messrs. Caulfield and Ulasewicz, (d) the activities of the special investigative unit in the White House, and (e) the activities surrounding the Ellsberg trial.

The task force charged with examining campaign intelligence activities is examining allegations with respect to the following activities, among others: (a) White House "dirty tricks," (b) intelligence activities of the Committee to Re-Elect the President, (c) the Diem cables, (d) the plan to burglarize and to firebomb Brookings Institution, and (e) Operation Sandwedge.

Among the areas under consideration by the task force considering the Watergate break-in and aftermath are allegations with respect to (a) the Liddy plan, (b) the actual break-in at Watergate, (c) the destruction of files, documents and other evidence, (d) payments to the Watergate defendants, (e) the relationship between the CIA and the Watergate investigation, (f) offers of executive clemency to the Watergate defendants, (g) the role of John Dean in the Watergate investigation, (h) the firing of Mr. Cox, and (i) the Presidential tapes.

The task force examining the President's personal finances is examining, among others, allegations concerning (a) tax deductions taken for the gift of Vice Presidential papers, (b) deductions and expenditures attributable to private uses of San Clemente and Key Biscayne, (c) the sale of the New York apartment, (d) the deductions on the Whittier home, (e) the sale of certain Florida lots, (f) the possibility that income should be imputed by virtue of personal use made of Government facilities and services, and (g) improvements to San Clemente and Key Biscayne properties of a non-protective nature at Government expense. In connection with the President's personal finances, the Joint Committee on Taxation is reviewing the President's returns. We have not attempted to duplicate that investigation, nor could we with our present capability.

There are a number of allegations under consideration by the task force considering agency practices. Before listing some of them, I want to emphasize again that these are mere allegations. The fact that an inquiry is being or will be made should not be taken to mean that we think there was necessarily wrongdoing there, nor should it be taken to mean that there has been any prejudgment whatsoever. Some of the allegations under consideration are (a) White House involvement in the solicitation of illegal campaign contributions, (b) allegations involving links between dairy contributions and dairy import quotas and price supports, (c) allegations involving the compilation of an "enemies" list and action taken with various agencies, particularly the IRS, to penalize or harass those listed, (d) allegations involving instructions to the Antitrust Division to accord ITT favorable treatment because of a campaign contribution, and (e) allegations involving a connection between the White House and the events leading to the indictment of Messrs. Mitchell and Stans.

In each task force the attorneys are first collecting and sifting the evidence available in the public domain. Simultaneously, the attorneys are marshaling and digesting the evidence available through various

governmental investigations, whether completed or in progress. The information is then collected in status reports compiled by each attorney on the area of investigation for which he is responsible.

The status reports are designed to assist the inquiry staff in determining exactly what is known and what remains to be proved or disproved. Status reports generally contain a list of all sources researched thus far; a chronology of undisputed facts; a narrative version of these same undisputed facts; identification of key factual disputes; a list of the sources that remain to be examined; comments of the attorney conducting the research, including recommendations for further investigation and requests for legal research; and an appendix containing documents necessary to an understanding of key portions of the report.

On the basis of these reports the investigation will be regularly evaluated and given further direction.

The central file system is intended to support the work of the attorneys. It is operated by a staff of seven. The investigative files are organized to correspond to the six subject areas described in the preceding section: Domestic Surveillance, Campaign Intelligence, Watergate and Aftermath, Personal Finances, Agency Practices, and Other Conduct. There is a separate group of Persons files, as well as a set of files on Constitutional and Legal Analysis.

Material which pertains to more than one category is filed in, or cross-referenced to, the files of all applicable categories.

In addition to material pertaining to specific investigative areas, the library contains the following materials: selected case papers and testimony in Watergate-related litigation; transcripts of relevant congressional hearings and reports; the Weekly Compilation of Presidential Documents from 1969 to the present; the U.S. Code Annotated; several Federal Reporters; and various treatises. Other volumes are borrowed from the various libraries on Capitol Hill as needed.

Office Management.—To provide support for the attorneys working in the substantive areas and for the library and file room, Robert A. Shelton, an attorney from Baltimore with experience in office management and security procedures, is in charge of the physical functioning of the office. He is responsible for the layout of the offices, office security and security procedures, secretarial and messenger services, xeroxing, office furniture and equipment, telephone equipment, supplies and the budget. His assistant is Ms. Janet A. Howard, who has had two years experience in office management, five years of experience on Capitol Hill and who joined the staff of the Judiciary Committee in October, 1973.

Ms. Howard is responsible for organizing and supervising the delivery of secretarial services. With the exception of the senior attorneys, who have their own secretaries, the office secretarial needs are met by a flexible pool arrangement, since the need for services varies in each task force from day to day. In addition, Ms. Howard is responsible for tabulating and responding to all mail addressed to the Judiciary Committee concerning the special inquiry.

Benjamin Marshall, a retired Air Force colonel who specialized for twenty-five years in all phases of security, has been hired to assist

Mr. Shelton with the task of insuring the physical security of the office and designing secure procedures for handling documents, receiving and controlling sensitive material, and controlling the use of the two xerox machines.

Barbara Fletcher (225-8465), who has worked for Members of Congress from her district in North Carolina for the past 6 years, has been hired to serve as liaison between the inquiry staff and the offices of members of the Judiciary Committee, the offices of Members of Congress and the public. All inquiries and requests for information, except from the press, will be routed through her. It is our intention to provide prompt and courteous service to members of the committee and to keep them fully informed as to the progress of the inquiry.

Donald Coppock who has had some experience with the press during his 32-year career with the Immigration and Naturalization Service, has been hired as a public information officer for the Judiciary Committee to handle relations with the press and to provide the press with information in accordance with the policies and directions of the chairman and the Judiciary Committee. The staff has been instructed to keep him abreast of developments and to cooperate fully with him in a manner consistent with the proper discharge of our professional responsibilities.

II. Breakdown of the Staff and Biographies of Counsel

Total impeachment inquiry staff

Counsel	¹ 39
Investigators	4
Research assistants:	
Organization of central files and chronology	6
Acquisition of court transcripts and other documents	2
Legal research	1
Clipping and distribution of newspaper articles and Congressional Record	1
Subtotal	10
Public Information Director	1
Congressional Liaison	1
Security Director	1
Administration	3
Secretaries	21
Clerks:	
Mail	4
Employed on part-time basis for mail	2
Xerox	2
Messenger, part-time Xerox, legal library	2
Subtotal	10
Total	90

¹ A list of counsel and their resumes follows this page.

Impeachment Inquiry Staff List

COUNSEL—39

Fred Altshuler	R. L. Smith McKeithen
Thomas Bell	Robert Murphy
William Paul Bishop	Bernard W. Nussbaum, <i>Senior</i>
Robert Brown	<i>Associate Special Counsel</i>
Richard Cates, <i>Senior Associate</i>	James B. F. Oliphant
<i>Special Counsel</i>	Richard H. Porter
Michael Conway	George Rayborn
Rufus Cormier	James Reum
Edward Lee Dale	Hillary Rodham
John B. Davidson	Robert Sack
Evan Davis	Stephen Sharp
John Doar, <i>Special Counsel</i>	Robert Shelton
Samuel Garrison III, <i>Deputy</i>	Jared Stamell
<i>Minority Counsel</i>	Roscoe Starek
Constantine Gekas	Gary Sutton
Richard Gill	Edward Szukelewicz
Dagmar Hamilton	Robert Trainor
David Hanes	Jean Traylor
Albert E. Jenner, Jr., <i>Minority</i>	William Weld
<i>Counsel</i>	William White
John Kennahan	Joseph Woods, <i>Senior Associate</i>
John Labovitz	<i>Special Counsel</i>

Résumés

JOHN M. DOAR

Residence: Brooklyn, New York.

Born: Minneapolis, Minnesota—December 3, 1921.

Family Status: Divorced from Anne Leffingwell Doar. Children: Gael, 21; Michael, 18; Robert, 12; Burke, 10.

Education: Princeton University, B.A., 1944; University of California at Berkeley, LL.B., 1949.

Former Employment:

1969-73, President, Bedford-Stuyvesant D and S Corp., Brooklyn, N.Y.

1968-69, Member, President, Board of Education, City of New York.

1960-67, Department of Justice, Washington, D.C.

1965-67, Assistant Attorney General, Civil Rights Division.

1960-65, First Assistant, Civil Rights Division.

1950-60, Practicing Lawyer, New Richmond, Wisconsin.

Admitted to Bar: 1950, California; 1950, Wisconsin.

ALBERT E. JENNER, JR.

Residence: 119 Tudor Place, Kenilworth, Illinois 60043.

Born: Chicago, Illinois—June 20, 1907.

Family Status: Married to Nadine Newhill Jenner; one daughter, Cynthia Lee Jenner.

Education: University of Illinois, Champaign, Illinois, J.D., 1930.

Former Employment: 1933-Present, Partner, Jenner and Block (formerly Thompson, Raymond, Mayer, Jenner and Block), Chicago, Ill.

Admitted to Bar: 1930, Illinois.

JOSEPH A. WOODS, Jr.

Residence: 127 Bonita Avenue, Piedmont, California 94611.

Born: Decatur, Alabama, March 24, 1925.

Family Status: Married to former Virginia Wallace Steele. Two children: Joanne Evelyn Woods and Calvin Wallace Woods.

Education: University of California at Berkeley, A.B., 1947; University of California at Berkeley, J.D., 1949.

Former Employment: 1950-Present, Donahue, Gallagher, Thomas & Woods, 1417 Central Building, Oakland, California (on leave of absence).

Admitted to Bar: 1950, California.

SAMUEL GARRISON III

Residence: 6126 Edsall Road, Apartment 102, Alexandria, Virginia 22304.

Born: Roanoke, Virginia, February 21, 1942.

Family Status: Married to former Mary C. Richards of Roanoke. Children: David, 9, and Lisa, 6.

Education: University of Virginia, Charlottesville, Va., B.S., 1963; University of Virginia, LL.B. (now J.D.), 1966.

Former Employment:

1972-73, Special Assistant, Office of the Vice President, U.S. Senate.

1971-72, Associate Minority Counsel, Committee on the Judiciary, U.S. House of Representatives.

1970-71, Commonwealth's Attorney, City of Roanoke, Virginia.

1966-69, Assistant Commonwealth's Attorney, City of Roanoke. Admitted to Bar: 1966, Virginia.

RICHARD L. CATES

Residence: 3401 Hammersley Road, Madison, Wisconsin 53711.

Born: New York City, November 22, 1925.

Family Status: Married to Margaret L. Cates. Children: Richard, 22; John, 20; David, 18; Christine, 15; Robert, 13.

Education: Dartmouth College, B.A., 1947; University of Wisconsin, LL.B., 1951.

Former Employment: Lawson & Cates, Madison, Wisconsin (on leave of absence).

Admitted to Bar: 1951, Wisconsin.

BERNARD W. NUSSBAUM

Residence: 11 Tyler Road, Scarsdale, N.Y.

Born: New York City, March 23, 1937.

Family Status: Married to the former Toby Ann Sheinfeld. Three children.

Education: Columbia College, B.A., 1958; Harvard Law School, LL.B., 1961.

Former Employment:

1966-74, Partner, Wachtell, Lipton, Rosen & Katz, New York, New York.

1962-66, Assistant U.S. Attorney, Southern District of New York.

Admitted to Bar: 1962, New York.

ROBERT D. SACK

Residence: 32 Sherwood Place, Scarsdale, N.Y. 10583.

Born: Philadelphia, Pennsylvania, October 4, 1939.

Family Status: Married to the former Karen H. Jacobson. Three children.

Education: University of Rochester, A.B., 1960; Columbia University School of Law, LL.B., 1963.

Former Employment:

1964-74, Patterson, Belknap & Webb, One Wall Street, New York, N.Y. (partner since 11/1/70).

1963-64, Law Clerk, Hon. Arthur S. Lane, U.S. District Judge, District of New Jersey.

Admitted to Bar: 1963, New York; 1968, District of Columbia.

ROBERT A. SHELTON

Residence: 15 Charles Plaza, Baltimore, Maryland 21201.

Born: Atlanta, Georgia. July 15, 1941.

Family Status: Single.

Education: Oberlin College, A.B., 1963; Harvard Law School, LL.B., 1966.

Former Employment:

1973-Present, Partner: Venable, Baetjer, and Howard, Baltimore, Maryland (on leave of absence).

1967-72, Associate; Venable, Baetjer, and Howard.

1966-67, Law Clerk, Hon. Alexander Harvey II, U.S. District Judge, District of Maryland.

Admitted to Bar: 1966, Maryland.

RICHARD H. GILL

Residence: 3140 Southview, Montgomery, Alabama 36106.

Born: Montgomery, Alabama, April 9, 1940.

Family Status: Married to Minnie Lee Gill. One child.

Education: Vanderbilt University, A.B., 1962; University of Virginia, LL.B., 1965.

Former Employment: Hobbs, Copeland, Franco & Screws, 444 South Perry Street, Montgomery, Alabama (on leave of absence).

Admitted to Bar: 1969, Alabama.

EVAN A. DAVIS

Residence: 20 West 64th Street, New York, New York 10023.

Born: New York, New York, January 18, 1944.

Family Status: Single.

Education: Harvard College, A.B., 1966; Columbia Law School, J.D., 1969.

Former Employment:

1972-74, Chief, Consumer Protection Division, New York City Law Department.

1971-72, General Counsel, New York City Budget Bureau.

1970-71, Law clerk to Justice Potter Stewart, U.S. Supreme Court.

1969-71, Law clerk to Judge Harold Leventhal, U.S. Court of Appeals for the District of Columbia Circuit.

Admitted to Bar: 1970, New York.

DAVID GORDON HANES

Residence: 5071 Sedgwick Street, NW., Washington, D.C. 20016.

Born: New York City, July 7, 1941.

Family Status: Married to Ann Derby Gulliver. Two children.

Education: Yale University, B.A., 1966; Columbia Law School, J.D., 1969.

Former Employment:

1971-73, Associate; Wilmer, Cutler & Pickering, Washington, D.C.

1970-71, Senior Law Clerk to the Chief Justice.

1969-70, Law Clerk to Mr. Justice Reed (retired), U.S. Supreme Court.

Admitted to Bar: 1970, New York; 1971, District of Columbia.

RUFUS CORMIER, JR.

Residence: 3390 West Euclid Street, Beaumont, Texas.

Born: Beaumont, Texas, March 2, 1948.

Family Status: Married to Yvonne C. Cormier. No children.

Education: Southern Methodist University, Dallas, Texas, B.A., 1970; Yale University School of Law, J.D., 1973.

Former Employment: Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York 10022.

FRED H. ALTSHULER

Residence: 103 G Street, SW., Washington, D.C.

Born: Detroit, Michigan, October 21, 1943.

Family Status: Single.

Education: Stanford University, B.A., 1965; University of Chicago Law School, J.D., 1968.

Former Employment:

1969-73, California Rural Legal Assistance, 1212 Market Street, San Francisco, California.

1968-69, Law Clerk to Judge John Godbold, U.S. Court of Appeals, Fifth Circuit, Montgomery, Alabama.

Admitted to Bar: 1969, California.

THOMAS D. BELL

Residence: RFD 2, New Richmond, Wisconsin.

Born: Boonville, Missouri, January 2, 1946.

Family Status: Single.

Education: Williams College, Williamstown, Mass., B.A., 1968; University of Wisconsin, J.D., 1971.

Former Employment:

1972-74, Doar, Drill, Norman & Bakke, Attorneys at Law, New Richmond, Wisconsin (on leave of absence).

1971-72, Law Clerk, Hon. Earl R. Larson, U.S. District Judge, District of Minnesota.

Admitted to Bar: 1971, Wisconsin.

WILLIAM PAUL BISHOP

Residence: 3544 Ivy Road, Atlanta, Georgia 30342.

Born: Atlanta, Georgia, February 14, 1948.

Family Status: Married to Pamela R. Bishop. No children.

Education: University of Virginia, B.A., 1970; University of Georgia, J.D., December 1973.

Former Employment: No prior legal employment except legal research for law professor.

ROBERT L. BROWN

Residence: 184 North 19th Street, East Orange, New Jersey.

Born: Birmingham, Alabama, July 31, 1947.

Family Status: Single.

Education: Rutgers Law School, Newark, New Jersey, J.D., 1973.

Former Employment:

Instructor of Mathematics, Rutgers University, Newark, New Jersey (while attending Law School).

Corporation Council, City of Albany, Albany, New York (Summer, 1972).

Admitted to Bar: 1973, New Jersey.

MICHAEL M. CONWAY

Residence: 806 West St. James Street, Arlington Heights, Illinois.

Born: St. Joseph, Missouri, March 11, 1946.

Family Status: Married to Kathleen S. Conway. Two children, ages two years and three months.

Education: Northwestern University, Evanston, Ill., B.S. 1968;

Yale University School of Law, New Haven, Conn., J.D., 1973.

Former Employment: Hopkins, Sutter, Owen, Mulroy & Davis, One First National Plaza, Chicago, Illinois 60670 (on leave of absence).

Admitted to Bar: Illinois.

E. LEE DALE

Residence: 1575 Ivy Street, Denver, Colorado.

Born: Pittsburgh, Pennsylvania, October 10, 1943.

Family Status: Married to Beverlee Dale. One daughter, Kyra,

Education: Westminster College, New Wilmington, Pa., B.A., 1965; Vanderbilt School of Law, J.D., 1968.

Former Employment: Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colorado 80202.

Admitted to Bar: 1968, Colorado.

JOHN B. DAVIDSON

Residence: 2440 Lakeview, Chicago, Illinois 60614.

Born: Chicago, Illinois, 1944.

Family Status: Single.

Education:

Harvard University, A.B.

Harvard Business School, M.B.A.

Harvard Law School, J.D., 1972

Former Employment: Louis G. Davidson and Associates, 111 West Washington Street, Chicago, Illinois 60602 (on leave of absence).

Admitted to Bar: 1973, Illinois.

CONSTANTINE J. (CHRIS) GEKAS

Residence: 510 East Columbia Street, Falls Church, Virginia 22046.
Born: Chicago, Illinois, March 1, 1946.

Family Status: Married to Markie Carlson Gekas. No children.

Education: University of Chicago, B.A., 1967; University of Illinois, College of Law, J.D., 1970.

Former Employment:

1973-74, Legislation and Special Projects Section, Criminal Division, Department of Justice.

1972-73, Graduate Law Student, Georgetown Law Center, Washington, D.C.

1971-72, Associate Attorney; Chadwell, Kayser, Ruggles, McGee, Hastings & McKinney; Chicago, Illinois

1969, Law Clerk; Chadwell, Keck, Kayser & Ruggles; Chicago, Illinois

Admitted to Bar: 1971, Illinois; 1973, Virginia.

DAGMAR S. HAMILTON

Residence: 403 Allegro Lane, Austin, Texas 78746.

Born: Philadelphia, Pennsylvania, January 10, 1932.

Family Status: Married to Robert N. Hamilton. Children: Eric, age 17; Randy, age 16; Meredith, age 13.

Education: Swarthmore College, A.B. with High Honors, 1953; University of Chicago Law School, 1954-55; American University Law School, J.D., 1961.

Former Employment:

Academic: 1966-73, Lecturer, Department of Government, University of Texas at Austin; 1971, Lecturer, School of Law, University of Arizona.

Legal: 1962-73, Editor and Research Associate for Mr. Justice Douglas, U.S. Supreme Court; 1965-66, Lawyer, Civil Rights Division, U.S. Department of Justice.

Admitted to Bar: 1972, Texas.

JOHN EDWARD KENNAHAN

Residence: 433 South Fairfax Street, Alexandria, Virginia 22314.

Born: New York City, May 23, 1924.

Family Status: Married to Miriam Kennahan. Two children.

Education: Georgetown University, B.S.

Georgetown University Law Center, LL.B., J.D.

Former Employment:

1969-73, Commonwealth's Attorney, City of Alexandria, Virginia.

1958-69, Private law practice in District of Columbia and Virginia.

1957-58, Legislative Counsel, National Committee on Uniform Laws and Ordinances.

1956-57, Office of Legal Advisor, U.S. Department of State.

Admitted to Bar: Virginia; District of Columbia.

JOHN R. LABOVITZ

Residence: 5417 Mohican Road, Washington, D.C. 20016.

Born: Washington, D.C., November 18, 1943.

Family Status: Single.

Education: Brown University, A.B., 1965, University of Chicago, J.D., 1969.

Former Employment:

December, 1973, Research Associate, Brookings Institution, Washington, D.C.

1971-73, Affiliated Scholar, American Bar Foundation.

1970, Associate Editor, President's Commission on Campus Unrest.

1970, Staff Associate, John D. Rockefeller, 3d.

1969, Assistant Director, Commission on Foundations and Private Philanthropy.

1965-66, VISTA Volunteer.

Admitted to Bar: 1971, District of Columbia.

R. L. SMITH McKEITHEN

Residence: 305 West 103rd Street, New York, New York 10025.

Born: February 14, 1944, Albemarle, North Carolina.

Family Status: Single.

Education: Davidson College, Davidson, North Carolina, B.A., 1965; Columbia Law School, J.D., 1971.

Former Employment:

1971-74, Shearman and Sterling, 53 Wall Street, New York, New York 10005.

Summer, 1970, Law Clerk, Townsend and Lewis, 120 Broadway, New York, New York 10005.

Summer, 1969, Claims Adjustor, Building Construction, Liberty Mutual Insurance Company, New York, New York.

Admitted to Bar: New York.

ROBERT PAUL MURPHY

Residence: 7981 15th Avenue, Adelphi, Maryland 20783.

Born: Lewiston, Maine, May 9, 1946.

Family Status: Married to Ellen Rosenberg Murphy. No children.

Education: Duke University, A.B., 1968; Columbia University School of Law, J.D., 1973.

Former Employment: Attorney-Advisor, United States General Accounting Office.

Admitted to Bar: 1973, District of Columbia.

JAMES B. F. OLIPHANT

Residence: 1211 35th Street, NW., Washington, D.C. 20007.

Born: New York City, December 11, 1938.

Family Status: Married to Elizabeth Oliphant.

Education:

Williams College, Williamstown, Mass., B.A., 1961.

University of Madrid, Madrid, Spain, 1960.

University of Colorado, Boulder, Colorado, J.D., 1966.

Former Employment:

1973, Chief of Criminal Division, Office of the Attorney General of the Virgin Islands.

1972-73, Chief Counsel, Joint Narcotics Task Force, Government of the Virgin Islands.

1968-72, Organized Crime and Racketeering Section, Criminal Division, U.S. Department of Justice.

1966-68, W. R. Grace and Company, Lima, Peru.

Admitted to Bar: 1966, Colorado.

RICHARD H. PORTER

Residence: 4534 North Wilson Drive, Shorewood, Wisconsin 53211.

Born: March 25, 1948.

Family Status: Married. No children.

Education: Dartmouth College, A.B., 1969; Yale Law School, J.D., 1972.

Former Employment: 1972-present, Foley & Lardner, 735 North Water Street, Milwaukee, Wisconsin 53202.

Admitted to Bar: 1972, Wisconsin.

GEORGE G. RAYBORN, JR.

Residence: 2241 Bridgen Road, Pasadena, California.

Born: Mississippi, May 10, 1937.

Family Status: Married to Maureen M. Rayborn. One child.

Education: University of Mississippi, B.A., 1960; Rutgers University School of Law, LL.B., 1963.

Former Employment:

1972-74, Federal Public Defender, Los Angeles, California.

1971-72, Private Practice, Gulfport, Mississippi.

1968-71, U.S. Attorney's Office, Los Angeles, California.

1964-67, U.S. Department of Justice.

1963-64, U.S. Department of Agriculture.

Admitted to Bar: 1964, District of Columbia; 1964, Mississippi; 1968, California.

JAMES M. REUM

Residence: 345 East 81st Street, New York, New York 10028.

Born: November 1, 1946, Oak Park, Illinois.

Family Status: Single.

Education: Harvard College, A.B., 1968; Harvard Law School, J.D., 1972.

Former Employment: 1973-Present, Associate, Davis, Polk & Wardwell, New York, New York.

Admitted to Bar: New York.

HILLARY RODHAM

Residence: 235 Wisner Street, Park Ridge, Illinois 60068.

Born: Chicago, Illinois, October 26, 1947.

Family Status: Single.

Education: Wellesley College, B.A., 1969; Yale Law School, J.D., 1973.

Former Employment: Children's Defense Fund of the Washington Research Project, 1746 Cambridge Street, Cambridge, Massachusetts 02138.

Admitted to Bar: 1973, Arkansas.

STEPHEN A. SHARP

Residence: 1131 Dolly Madison Tower, 2300 South 24th Road, Arlington, Virginia 22206.

Born: Columbus, Ohio, June 10, 1947.

Family Status: Married to the former Lynn Cawley.

Education: Washington and Lee University, Lexington, Va., B.A. 1969; School of Law, University of Virginia, J.D., 1973.

Former Employment:

1973-present, Attorney, Office of the General Counsel, Legislation Division, Federal Communications Commission.

1972, Law Clerk, Office of the General Counsel, Enforcement and Defense Division, Federal Communications Commission.

1971-72, Legal Assistant to Reuben Clark, Visiting Lecturer, School of Law, University of Virginia.

1970, News Secretary and Special Assistant, Office of the Governor-Elect, State of Tennessee.

1968, News Reporter, WAVY-TV, Portsmouth, Virginia.

1967-68, Staff announcer, WREL Radio, Lexington, Virginia.

Admitted to Bar: 1973, Virginia.

JARED STAMELL

Residence: 1733 34th Street, NW., Washington, D.C. 20007.

Born: Detroit, Michigan, January 24, 1947.

Family Status: Married to Susan Frank StameLL. No children.

Education: University of Michigan, A.B., 1968; Harvard Law School, J.D., 1971.

Former Employment: 1972-73, Department of Justice.

Admitted to Bar: 1972, Massachusetts; 1973, New York; 1973, District of Columbia.

ROSCOE B. STAREK III

Residence: 7201 47th Street, Chevy Chase, Maryland 20015.

Born: Minneapolis, Minnesota, November 17, 1947.

Family Status: Married to Carolyn E. Starek. No children.

Education: Maxwell School, Syracuse University, B.S., 1969; Washington College of Law, The American University, J.D., 1973.

Former Employment:

1973, Federal Energy Office, Washington, D.C.

1973, Permanent Subcommittee on Investigations of the Government Operations Committee, U.S. Senate.

1972, The Honorable Charles H. Percy, U.S. Senate.

Admitted to Bar: 1973, Illinois.

GARY WILLIAM SUTTON

Residence: 405 East 82nd Street, New York, New York 10028.

Born: Alberta, Canada, February 12, 1944.

Family Status: Single.

Education: University of Minnesota, B.A., 1966; Harvard Law School, J.D., 1969.

Former Employment: Shearman & Sterling, 53 Wall Street, New York, New York 10005.

Admitted to Bar: 1972, New York.

EDWARD S. SZUKELEWICZ

Residence: 3534 Quesada Street, NW., Washington, D.C. 20015.

Born: Brooklyn, New York, October 18, 1916.

Family Status: Married to Jeannette Szukelewicz. Four children.

Education: St. John's College, Brooklyn, N.Y., B.A., 1937; St. John's University School of Law, LL.B., 1940; New York University School of Law, LL.M., 1949.

Former Employment:

1973-74, Served as expert consultant to the Administrative Office of U.S. Courts in connection with analysis of legislative proposals affecting the Federal judiciary.

1951-73, Attorney, U.S. Department of Justice:

1970-74, Chief, Selective Service Unit, Criminal Division (formerly Internal Security Division).

1967-70, Associate Supervisor, Government Operations Section, Criminal Division.

1965-67, Trial Attorney, Trade and Consumers Unit, Government Regulations Section, Criminal Division.

1964-65, Acting Head, Trade and Consumers Unit, Government Regulations Section.

1960-64, Conducted grand jury investigation of the pharmaceutical industry, and the trial of several drug firms on resulting indictments.

1955-60, Senior Attorney, General Crimes Section, Criminal Division.

1951-55, Prepared, on the merits as well as in opposition to certiorari, briefs in criminal and civil cases on appeal in U.S. Supreme Court under the overall direction of the Solicitor General.

1946-51, Assistant U.S. Attorney in Eastern District of New York.

Admitted to Bar: 1940, New York; 1973, District of Columbia.

ROBERT JAMES TRAINOR

Residence: 1866 Wyoming Avenue, NW., Washington, D.C. 20009.

Born: New York City, January 8, 1947.

Family Status: Married to former Kathleen Stohl.

Education: Villanova University, B.A., 1968; Villanova Law School, J.D., 1971.

Former Employment:

1973, Select Committee on Crime, U.S. House of Representatives.

1972-73, Legislative Assistant, Congressman Alphonzo Bell, U.S. House of Representatives.

1971-72, Law Firm of Fronefield, de Furia & Petrikin, Media, Pennsylvania.

Admitted to Bar: 1971, Pennsylvania.

JEAN LARUE TRAYLOR, JR.

Residence: 5004 Dalton Road, Chevy Chase, Maryland 20015.

Born: Buffalo, New York, January 6, 1938.

Family Status: Single.

Education: University of Buffalo, N.Y., B.A., 1967; School of Law and Jurisprudence, SUNY at Buffalo, N.Y., 1968-71.

Former Employment:

1972-73, Criminal Section, Civil Rights Division, U.S. Department of Justice.

1971-72, Reginald Heber Smith Community Lawyer Fellowship, Contra Costa Legal Services Foundation, Richmond, California.

1968-71, Erie-Niagara Regional Planning Board, Grand Island, N.Y.

1967-68, Curtiss-Wright Metal Processing Division, Buffalo, N.Y.

1967, Carborundum, Niagara Falls, N.Y.

Application to Bar: 1974, Michigan.

WILLIAM FLOYD WELD

Residence: 180 Beacon Street, Boston, Massachusetts 02116.

Born: New York City, July 31, 1945.

Family Status: Single.

Education: Harvard College, B.A., 1966; Oxford University, Diploma in Economics, 1967; Harvard Law School, J.D., 1970.

Former Employment:

1971-74, Hill and Barlow, 225 Franklin Street, Boston, Massachusetts.

1970-71, Law Clerk to Judge R. Ammi Cutter, Massachusetts Supreme Court.

1967, Intern in office of Senator Jacob Javits, U.S. Senate.

Admitted to Bar: 1970, Massachusetts.

WILLIAM ANTHONY WHITE

Residence: 1127 East Capitol Street, SE., Washington, D.C. 20003.

Born: Washington, D.C., July 27, 1940.

Family Status: Married to Pamela B. White. No children.

Education: Middlebury College, B.A., 1962; Northwestern University School of Law, 1969.

Former Employment: 1970-73, Assistant United States Attorney, Washington, D.C.

Admitted to Bar: District of Columbia.

93d Congress }
2d Session }

HOUSE COMMITTEE PRINT

WORK OF THE IMPEACHMENT INQUIRY
STAFF AS OF MARCH 1, 1974

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
SECOND SESSION



MARCH 1974

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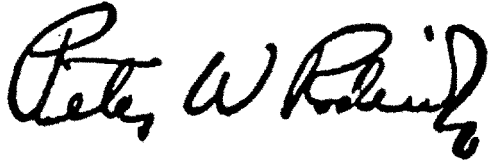
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(II)

Foreword

I am pleased to make available this report advising members of the House Judiciary Committee regarding the work being carried on by its Impeachment Inquiry Staff as of March 1, 1974.

A handwritten signature in black ink, reading "Peter W. Rodino, Jr." in a cursive style.

PETER W. RODINO, Jr., *Chairman.*

MARCH 5, 1974

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Part A

I. PURPOSE OF REPORT

The Judiciary Committee met with Special Counsel John Doar and Minority Counsel Albee Jenner on January 29 and 31, 1974, to discuss the status of the impeachment inquiry. The chairman instructed the impeachment inquiry staff to deliver a status report on the factual investigation (but not the facts discovered) as of March 1, 1974.

As outlined in the report of the staff dated February 5, 1974, the investigation has been organized into six areas of inquiry. Within each area, further categorization by subject has been undertaken. The work on each subject has focused primarily on an identification and analysis of pertinent testimony and materials from other investigations.

In each subject area, individual staff members have been preparing working papers bringing together the materials from the other investigations and additional sources—designed to guide the future course of this inquiry.

The reports do not contain any conclusions. Similarly, nothing in this report summarizing the investigation to date should be construed to reflect conclusions or judgments by the staff concerning the relative gravity of any allegations being investigated, the credibility of any evidence available to the staff, or the existence of any wrongdoing.

These reports are now being carefully reviewed by senior staff members for the purpose of identifying what factual areas to concentrate on and what additional facts need to be gathered.

The staff is also engaged in preparing a number of legal memoranda for the benefit of the committee.

II. STATUS OF THE INQUIRY IN SPECIFIC FACTUAL AREAS

A. ALLEGATIONS CONCERNING DOMESTIC SURVEILLANCE ACTIVITIES CONDUCTED BY OR AT THE DIRECTION OF THE WHITE HOUSE

(1) The activities of John Caulfield and Anthony Ulasewicz in carrying out surveillance and intelligence activities allegedly at the direction of the White House, including the formation of the plan for the fire bombing of the Brookings Institution and the plan to create a private corporation with security and intelligence gathering capabilities called Operation Sandwedge. Not included in this category are the allegations concerning the use of Mr. Ulasewicz as a conduit for payments to the Watergate defendants. [See C (4) p. 4.]

(2) Formation and activities of the Special Investigative Unit (the "Plumbers"), including the burglary of the office of Dr. Lewis Fielding.

(3) The 17 wiretaps instituted in 1969, the wiretaps of various newsmen and the wiretaps alleged to have been conducted by G.

Gordon Liddy. This category includes the background, instigation, authorization and disposition of the wiretaps, including the concealment of the wiretap records and their subsequent recovery.

(4) The Dita Beard incident, including the allegation that G. Gordon Liddy was responsible for Mrs. Beard's disappearance from Washington and her seclusion in a Denver hospital, and the report that E. Howard Hunt interviewed her before her public repudiation of the "Dita Beard Memo."

(5) The approach to Judge Byrne during the conduct of the *Ellsberg* trial, the events surrounding the eventual disclosure to the court of the break-in of Dr. Fielding's office, and the events surrounding the disclosure of electronic surveillance of Morton Halperin.

(6) The "Huston Plan", the Inter-Agency Evaluation Committee and related activities.

Material analyzed and organized in this factual area comes from 12 volumes of the public records of the Senate Select Committee ("SSC"), the closed files and interview files of the SSC, and the weekly compilation of Presidential Documents; depositions, pleadings, briefs and other public records in 10 civil and criminal cases related to the Watergate break-in or involving persons relevant to the inquiry (*Halperin v. Kissinger*, *Democratic National Committee v. McCord*, *Ellsberg v. Mitchell*, *People v. Ehrlichman*, *United States v. Krogh*, *United States v. Russo, et al.*, *United States v. Segretti*, *United States v. Chapin*, *Common Cause v. Finance Committee to Re-Elect the President*, and *United States v. Mitchell*); transcripts of hearings before the Senate Foreign Relations Committee on the nomination of Henry Kissinger to be Secretary of State; before the Senate Judiciary Committee on the nominations of Richard Kleindienst to be Attorney General, and L. Patrick Gray to be Director of the FBI; on the CIA before the Senate Appropriations Committee, the Senate Armed Services Committee, the Senate Foreign Relations Committee, and the House Armed Services Committee; before the Senate Judiciary Committee on the Special Prosecutor; and before the Senate Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce on the independence of the SEC; various secondary sources, including the *New York Times Index* and other news accounts and summaries. Staff members also have conferred with attorneys in the Los Angeles District Attorney's office on the activities of the Plumbers in connection with the Fielding break-in.

Organization and analysis of the evidence by task force attorneys contained in these sources is substantially complete. Requests for various materials have been made to the Senate Foreign Relations Committee, the House Armed Services Committee, the Senate Subcommittee on Administrative Practice and Procedure, the Senate Permanent Subcommittee on Investigations, and the CIA.

The next stage in the inquiry in this area is for senior members of the staff to review the material thus far obtained to determine what inquiries should be pursued fully, what witnesses need to be interviewed and what additional documents in the possession of the White House or other departments of the executive branch need to be examined. Letters from the chairman have been sent to Secretary of State Kissinger, Secretary of Defense Schlesinger, and director of the CIA Colby requesting security clearances required to examine some of these documents.

Arrangements for interviewing witnesses have begun. The staff faces the usual problem of coordinating the interviews.

B. ALLEGATIONS CONCERNING INTELLIGENCE ACTIVITIES CONDUCTED BY OR AT THE DIRECTION OF THE WHITE HOUSE FOR THE PURPOSES OF THE PRESIDENTIAL ELECTION OF 1972

(1) The employment and supervision of Donald Segretti, allegations concerning campaign "dirty tricks", and the relationship of Mr. Segretti to E. Howard Hunt and Dwight Chapin.

(2) Allegations concerning the cover-up of the activities of Donald Segretti, including discovery by the press and the FBI of the activities of Mr. Segretti, and allegations concerning the concealment of such activities by White House personnel.

(3) The Diem Cables. Allegations that E. Howard Hunt prepared forged diplomatic cables tying the Kennedy Administration to the assassination of President Diem.

(4) Miscellaneous campaign intelligence activities by the Committee to Re-Elect the President, including allegations concerning campaign intelligence and surveillance activities as well as "dirty tricks" allegedly conducted at the instance of the Committee to Re-Elect the President, such as the two "Sclan Chair" operations and related matters.

Materials examined include the testimony contained in the 12 volumes of the SSC hearings; the closed files and interview files of the SSC; the public documents, depositions, briefs and pleadings files in the cases of *Carroll v. Ehrlichman, Caulfield and Ulasiewicz; Democratic National Committee v. McLeod, et al.; United States v. Segretti;* and *United States v. Chapin*; FBI reports of interviews with relevant witnesses; the logs and diaries of Donald Segretti; relevant memoranda from or to persons allegedly involved in the activities under investigation; the confirmation hearings of L. Patrick Gray III before the Senate Judiciary Committee; the weekly compilation of Presidential Documents, and various media accounts and other secondary sources.

Review of the preliminary inquiry reports is underway to determine precisely what additional evidence and witness interviews are needed in order to complete these investigations.

C. ALLEGATIONS CONCERNING THE WATERGATE BREAK-IN AND RELATED ACTIVITIES, INCLUDING ALLEGED EFFORTS BY PERSONS IN THE WHITE HOUSE AND OTHERS TO "COVERUP" SUCH ACTIVITIES AND OTHERS

(1) The development of the plan to provide the Committee to Re-Elect the President with an intelligence gathering capability for the 1972 Presidential Campaign, including the presentation of various plans by G. Gordon Liddy.

(2) Destruction of evidence immediately following the Watergate break-in of June 17, 1972.

(3) Allegations concerning the custody, removal and destruction of the files in E. Howard Hunt's safe in the Executive Office Building, and subsequent efforts to conceal those events.

(4) Allegations concerning the secret delivery of substantial sums of money to the seven Watergate defendants, their attorneys and their agents, as well as assurances respecting executive clemency allegedly made to certain of the defendants.

(5) Allegations concerning attempts by the White House to involve the CIA in an attempt to block or limit the scope of the FBI's investigation of the Watergate break-in.

(6) Jeb Magruder's testimony before the grand jury and at the Watergate trial, including the alleged decision to offer perjured testimony to the Watergate grand jury and at the Watergate trial and steps taken to implement that decision.

(7) The alleged attempts by the White House to have the CIA retrieve materials delivered by it to the Department of Justice following the Watergate break-in, including a packet of photographs containing evidence of the break-in of Dr. Fielding's office.

(8) The Gray Confirmation Hearings. This involves the series of disclosures made during the Senate Judiciary Committee hearings on the confirmation of L. Patrick Gray III.

(9) Watergate and aftermath, February 25, 1973, to July 16, 1973, including the response of various individuals to events arising out of the gradual disclosure during this period of the scope of the Watergate incident and related events.

(10) The formation of the Special Prosecutor's Office, the agreements and understandings with respect to that office, and the breakdown of those agreements and understandings.

(11) The removal of Special Prosecutor Archibald Cox following his refusal to acquiesce in the White House demands that he desist from further attempts to subpoena tapes and documents from the White House.

(12) White House tapes, including an analysis of the information that could reasonably be expected to be contained in the tapes originally subpoenaed by the SSC and the Special Prosecutor's Office and a review of the efforts to obtain those tapes, their availability and current status.

(13) The apparent obliteration of 18½ minutes of the tape recording of Presidential conversations on June 20, 1972.

The basic sources for the preliminary phase of this inquiry are the 12 volumes of public SSC testimony, with exhibits; the closed files of the SSC, including executive session testimony; the three volumes of testimony given before the House and Senate Judiciary Committees relating to the Office of the Special Prosecutor; the testimony before the Senate Judiciary Committee on the nomination of L. Patrick Gray III, to be Director of the FBI, Richard Kleindienst to be Attorney General, and Elliot Richardson to be Attorney General; the depositions in the Watergate-related civil suits; and the testimony and exhibits in the Watergate-related criminal prosecutions, including proceedings relating to tape recordings of Presidential conversations.

The task force charged with investigating this general area has nearly completed the task of examining and digesting available testimony and other information in the public domain and in the closed files of the SSC and other congressional committees. This information is contained in reports currently being reviewed by senior members of the staff.

Testimony and exhibits sealed by court order in Watergate-related litigation have not yet been obtained.

D. ALLEGATIONS CONCERNING IMPROPRIETIES IN CONNECTION WITH THE PERSONAL FINANCES OF THE PRESIDENT

Preliminary reports have been completed on the following subjects: the President's gift of private papers; the sale of the President's New York apartment; and the improvements to the Key Biscayne and San Clemente properties. These reports do not include a review of the material in the files of the Joint Committee on Internal Revenue Taxation.

Material from congressional sources examined includes transcripts of hearings before the Government Activities Subcommittee of the House Committee on Government Operations and the Treasury, Postal Service, and General Government Subcommittee of the House Appropriations Committee. Other material reviewed includes the Comptroller General's report entitled "Protection of the President at Key Biscayne and San Clemente (with Information on Protection of Past Presidents)," and various accounts in the news media.

For several months the Federal income tax affairs of the President have been the subject of an extensive investigation by the Joint Committee on Internal Revenue Taxation and its highly qualified staff. The results of that investigation will become available shortly. The inquiry staff is prepared to begin immediately to assimilate the results of the Joint Committee's investigation, as they become available.

Meanwhile, the inquiry staff is preparing tentative lists of witnesses to be interviewed and documents to be sought.

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

(1) Allegations that contributions to support the President's re-election campaign were given for the purpose of purchasing ambassadorships.

(2) Allegations of White House involvement with illegal campaign contributions exacted from corporations under pressure of threats of governmental retaliation or promises of governmental favors.

(3) Allegations concerning illegal campaign contributions received from foreign nationals in exchange for promises of favorable treatment by Government agencies.

(4) Allegations that illegal campaign contributions were received from labor unions.

(5) Allegations that campaign contributions were received from persons in exchange for business with the Federal Government.

(6) Allegations that in return for a pledge of campaign contributions the President ordered dairy import quotas to be lowered and price support levels to be raised.

(7) Allegations that, in return for support during the 1972 Presidential campaign, the sentences of various prisoners were commuted.

(8) Allegation that the Comptroller of the Currency granted a bank charter to a Minnesota bank in return for campaign contributions.

(9) Allegations that the White House caused friends of the President to be given favored treatment by the Comptroller of the Currency.

(10) Allegations that lawsuits were not prosecuted by the Environmental Protection Agency because of campaign contributions on behalf of the corporations involved.

(11) Allegations that attempts were made by the White House to use the Federal Communications Commission to control and retaliate against media criticism.

(12) Allegations of attempts to obtain campaign contributions in return for promises of assistance with the Federal Housing Administration.

(13) Allegations that attempts were made by the White House to use the Internal Revenue Service to harass "enemies" of the administration and to prevail upon the IRS to be lenient toward friends of the President and to take positions on tax matters favorable to various entities for political purposes.

(14) Allegations that the Department of Justice failed to prosecute certain lawsuits as a result of campaign contributions by defendants.

(15) Allegations that administration officials caused the Antitrust Division to permit various mergers and acquisitions to go unchallenged because the participants made campaign contributions to or had personal or political connections with the President.

(16) Allegations that the White House attempted to use the Antitrust Division to control or retaliate against media criticism.

(17) Allegations that an antitrust suit against International Telephone and Telegraph Corporation was settled in return for a pledge of financial help toward the cost of conducting the 1972 Republican National Convention in San Diego and that perjury may have been committed by several administration officials during the Senate hearings on the nomination of Richard Kleindienst as Attorney General.

(18) Allegation that the Antitrust Division dropped an investigation of a corporation because its owner was a friend of the President.

(19) Allegations that Attorney General Mitchell caused the Antitrust Division to substitute civil for criminal charges against a defendant because of a pledge of financial assistance to the Republican Party.

(20) Allegations that a corporation obtained permission to increase prices after one of its principals made a substantial campaign contribution.

(21) Allegations that the White House exerted influence on various Federal agencies to direct their efforts in such a manner as to promote improperly the President's re-election.

(22) Allegations that the White House suppressed criminal proceedings against certain recipients of aid from the Small Business Administration for political reasons, and allegations of favoritism in the Small Business Administration and loan program for persons who supported the President's re-election campaign.

(23) Allegations that the White House participated in the solicitation or receipt of campaign contributions made by Robert L. Vesco, involved in the pending criminal action in New York against John Mitchell and Matrice Stans.

(24) Allegations that preferential treatment was obtained from the Securities and Exchange Commission, the Department of Justice and other agencies to certain individuals who had given political support.

(25) Allegation that the Department of Commerce failed to put into effect certain safety standards because of contributions by the industry involved to the President's re-election campaign.

(26) Allegation that in exchange for a contribution to the President's re-election campaign the Department of the Interior failed to revoke an import allocation grant to an oil corporation.

With respect to all of these matters the staff has completed a preliminary review of material on the public record and from congressional sources.

As a result of our preliminary inquiry, formal requests for necessary documents and files have been sent by the chairman to the Secretary of Agriculture, the Secretary of the Interior, the Attorney General (with respect to antitrust matters only), the Federal Communications Commission, the Comptroller of the Currency, the Cost of Living Council, and the Environmental Protection Agency.

All materials requested from the Comptroller of the Currency have been delivered to the staff. Both the Secretary of Agriculture, by General Counsel to the Department of Agriculture, and the Secretary of the Interior, by the Solicitor of the Department of the Interior, have informed the staff that a response to the committee's request will come from Mr. James St. Clair, Special Counsel to the President. Appointments have been or are being made for meetings between members of the staff and the Federal Communications Commission, the Cost of Living Council, and the Environmental Protection Agency to discuss provision of the material requested to the staff. The Attorney General has advised the Special Counsel that he will respond directly to the chairman within several days. He has advised that he has two concerns: First, that disclosure will not endanger any of the prosecutions or investigations of the Special Prosecutor; second, that disclosure will not prejudice any pending or contemplated antitrust actions.

Further requests will be made this week to various agencies including the Small Business Administration, the Federal Home Loan Bank, and the Attorney General (with respect to criminal, pardon and parole matters). It is also expected that material relating to the 1972 Presidential campaign will be requested from the National Archives.

F. ALLEGATIONS CONCERNING OTHER MISCONDUCT

(1) The bombing of Cambodia. This category involves United States bombing in Cambodia between March 1969 and August 1973, and the recording and disclosure of that bombing. A review has been made of State and Federal litigation in which the legality of executive action in bombing and conducting alleged acts of war in Cambodia has been challenged. A summary is being prepared of the legal issues and doctrines on which these lawsuits turn, the results of the particular lawsuits, and compliance by the executive branch with judicial orders resulting from the litigation. The public statements and congressional testimony of executive branch officials, including those within the Department of State, Department of Defense, and the Executive

Office of the President are being reviewed. Classified material presented to the Senate Foreign Relations Committee and Senate Armed Services Committee will be reviewed as it becomes available. Interviews of Federal civil and military personnel may be undertaken with respect both to the secrecy of the bombing and to the reporting thereof as well as past reporting practices concerning possibly analogous activities.

(2) The impoundment of funds. This category is concerned with impoundments or refusal of the executive branch to spend funds appropriated by Congress. The approximately 30 lawsuits in which impoundments of funds by the executive branch have been challenged are being reviewed. A summary is being prepared of the legal issues involved in these lawsuits, the resolution of particular lawsuits, and executive branch compliance with court orders and decisions in this litigation. Practices in past administrations with respect to impoundment of funds are also being studied.

(3) The dismantling of the Office of Economic Opportunity. A review has been made of the pleadings, opinions, and decisions and orders in *Senator Harrison A. Williams, Jr., et al. v. Phillips, Local 2816 AFGE, et al. v. Phillips*, and related lawsuits concerning Executive action taken to dismantle the Office of Economic Opportunity, and of compliance by the executive branch with judicial decisions and orders in these cases.

Within the next 2 weeks senior members of the staff will determine which matters should be pursued further.

III. SUMMARY

The special inquiry staff submitted a report to the Judiciary Committee on February 5, 1974, outlining the method of organization and operation. That method remains unchanged.

On February 21 the inquiry staff received a list of the recordings, documents and other materials that the Special Prosecutor has received from the White House.

On February 25 we requested from Mr. St. Clair certain recordings of Presidential conversations, certain transcripts of Presidential conversations, as well as other documents furnished to the Special Prosecutor by the President.

We also asked for a few additional documents and things that we believed were necessary to our inquiry.

We also asked Mr. St. Clair to outline generally how White House files, Presidential papers, and Presidential conversations and memoranda were indexed. We had discussed the matter of indexing at our first conversation with Mr. St. Clair.

We have not received any of the material requested but have been advised by letter from Mr. St. Clair that we will receive an answer to our request on Wednesday of this week. There are additional specific items needed from the White House. We are preparing requests now. We also have requested, but not received, a list of items sought by the Special Prosecutor, but not furnished by the White House. This list may be useful in determining what additional materials to include in our requests.

One of the principal aims of the staff during the next 2 weeks will be to determine which factual categories require further investigation and study. By eliminating those categories that do not appear to warrant additional inquiry the staff can focus its resources to give the more important subjects the preparation, investigation, and analysis required.

It is not yet possible to predict a date when this inquiry will be completed.

Part B

SPECIAL INQUIRY STAFF AND BIOGRAPHIES OF COUNSEL

SPECIAL INQUIRY STAFF ¹	
Counsel.....	43
Investigators.....	4
Research Assistants:	
Organization of central files and chronology.....	9
Acquisition of court transcripts and other documents.....	2
Legal research.....	1
Clippings and distribution of newspaper articles and Congressional Record.....	1
Subtotal.....	13
Public Information Director.....	1
Congressional Liaison.....	1
Security Director.....	1
Administration.....	3
Secretaries.....	25
Clerks:	
Mail.....	4
Assistance with chronological file.....	1
Xerox.....	2
Messenger, Xerox, legal library.....	3
Subtotal.....	10
Total.....	101

¹ The staff also includes five part-time clerical employees.

COUNSEL—43

Fred Altshuler	R. L. Smith McKeithen
Thomas Bell	Robert Murphy
William Paul Bishop	Bernard W. Nussbaum, <i>Senior</i>
Robert Brown	<i>Associate Special Counsel</i>
Richard Cates, <i>Senior Associate</i>	James B. F. Oliphant
<i>Special Counsel</i>	Richard H. Porter
Michael Conway	George Rayborn
Rufus Cormier	James Reum
Edward Lee Dale	Hillary Rodham
John B. Davidson	Robert Sack
Evan Davis	Stephen Sharp
John Doar, <i>Special Counsel</i>	Robert Shelton
Samuel Garrison III, <i>Deputy Minority Counsel</i>	Jared Stamell
Constantine Gekas	Roscoe Starek
Richard Gill	Gary Sutton
Dagmar Hamilton	Edward Szukelewicz
David Hanes	Theodore Robert Tetzlaff ¹
Albert E. Jenner, Jr., <i>Special Minority Counsel</i>	Robert Trainor
John Kennahan	Jean Traylor
Terry Rhodes Kirkpatrick ¹	Ben A. Wallis, Jr. ¹
John Labovitz	William Weld
Lawrence Lucchino ¹	William White
	Joseph A. Woods, Jr., <i>Senior Associate Special Counsel</i>

¹ The résumés of the four counsels employed since February 5, 1974, follow.

TERRY RHODES KIRKPATRICK

Residence: 23 Nottingham Road, Little Rock, Arkansas 72201
 Born: Alexandria, Virginia, November 29, 1947
 Family status: Married to Rafael Guzman. No children
 Education: University of Oklahoma, Norman, Oklahoma, B.A., 1969;
 University of Arkansas Law School, Fayetteville, Arkansas, J.D.,
 1972
 Former employment: 1973–Present, Special Assistant, Criminal Mat-
 ters, Arkansas Supreme Court, Little Rock, Arkansas. 1972–73,
 Partner, White & Kirkpatrick, Fayetteville, Arkansas. 1972, Assist-
 ant Public Defender, Sebastian County Public Defender's Office,
 Fort Smith, Arkansas
 Admitted to bar: 1972, Arkansas

LAWRENCE LUCCHINO

Residence: 519 Susanna Court, Pittsburgh, Pennsylvania 15207
 Born: Pittsburgh, Pennsylvania, September 6, 1945
 Family status: Single
 Education: Princeton University, A.B., 1967; Yale Law School, J.D.,
 1972
 Former employment: 1972, Associate, McCutchen, Doyle, Brown and
 Enersen, San Francisco, California
 Admitted to bar: 1973, California; 1973, Pennsylvania

THEODORE ROBERT TETZLAFF

Residence: 2020 N. Lincoln Park West, Chicago, Illinois 60614

Born: Milwaukee, Wisconsin, February 27, 1944

Family status: Single

Education: Princeton University, A.B., 1966; Yale Law School, LL.B., 1969

Former employment: 1973-Present, Associate, Jenner & Block, Chicago, Illinois (on leave of absence). 1972-73, Associate Director (Acting), Office of Economic Opportunity and Director of the Federal Office of Legal Services, Washington, D.C., 1971, Consultant and Special Assistant to the Director, Federal Office of Legal Services, Washington, D.C., 1970, Legislative Assistant, The Honorable John Brademas, U.S. House of Representatives, Washington, D.C. 1970, Executive Director, National Conference on Police Community Relations, Los Angeles, California, 1969, Reginald Heber Smith Community Lawyer Fellowship, Chicago, Illinois

Admitted to bar: 1969, Indiana; 1969, District of Columbia

 BEN A. WALLIS, JR.

Residence: 9734 Shadydale Lane, Dallas, Texas

Born: Llano County, Texas, April 27, 1936

Family status: Married to Margaret Wallis; no children

Education: University of Texas, Austin, Texas, BB.A., 1961 University of Texas School of Law, J.D., 1966

Former employment: 1973-Present, Vice President of Development, Club Corporation of America, Dallas, Texas. 1970-72, Private practice, Dallas, Texas. 1968-70, Investigator-Prosecutor, State Securities Board, Austin and Dallas, Texas. 1966-68, Private practice, Llano, Texas

Admitted to bar: 1966, Texas

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93d Congress }
2d Session }

HOUSE COMMITTEE PRINT

The Impeachment Inquiry: What It Means

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
SECOND SESSION



MARCH 1974

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 ROBERT W. KASTENMEIER, Wisconsin
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 EDWARD MEZVINSKY, Iowa

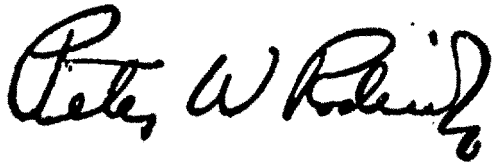
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 CARLOS J. MOORHEAD, California
 JOSEPH J. MARAZITI, New Jersey
 DELBERT L. LATTA, Ohio

Foreword

For the first time in over one hundred years, the House of Representatives has voted to conduct an inquiry to determine whether or not the President of the United States should be impeached.

In the course of recent months, the Committee on the Judiciary has issued a series of extensive legal publications describing the constitutional and procedural bases of the impeachment process in the United States. The response to these publications has been enormous.

At the same time, the committee continues to receive innumerable requests for a concise and simplified explanation of the impeachment inquiry that has been undertaken. For that reason, I am pleased to make available this brief description of the work being done in the House of Representatives.

A handwritten signature in black ink, reading "Peter W. Rodino, Jr." in a cursive style.

PETER W. RODINO, JR.

MARCH 5, 1974

(III)

The Impeachment Inquiry: What It Means

For the first time in over one hundred years, the House of Representatives has voted to conduct an inquiry to determine whether or not the President of the United States should be impeached. A number of impeachment resolutions were introduced by Members of the House in the first session of the 93d Congress. They were referred to the Judiciary Committee by the Speaker. Judiciary Committee Chairman Peter W. Rodino, Jr., in speaking to the House of Representatives on February 6, 1974, recognized the seriousness of the Impeachment Inquiry when he said:

These are extremely grave questions, which seriously preoccupy the country. We cannot turn away, out of partisanship or convenience, from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate, and then to pretend that we had not by default, made choices.

We stand in such a position now. And—whatever the result—we are going to be just, and honorable, and worthy of the public trust.

Our responsibility in this is clear. "The House of Representatives," the Constitution says, in Article I; Section 2, Clause 5, "shall have the sole Power of Impeachment."

WHAT DOES THE CONSTITUTION SAY ABOUT IMPEACHMENT?

Article II, Section 4 of the Constitution provides that:

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.

Article I, Section 2 of the Constitution states that:

The House of Representatives . . . shall have the sole Power of Impeachment.

And, Article I, Section 3 of the Constitution describes the Senate's role:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to

hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Other provisions of the Constitution deny the President the power to grant reprieves and pardons in cases of impeachment (Article II, Section 2), and deny the right to trial by jury in cases of impeachment (Article III, Section 2).

WHAT DOES THE CONSTITUTION MEAN BY IMPEACHMENT?

Impeachment is a process by which the House of Representatives charges the President, Vice President, or civil officers of the United States with misconduct. The charge of misconduct is made by a majority vote of the House. If the House does not think that grounds for impeachment exist, it will not vote to impeach. If, however, a majority of the House believes that there are such grounds, it will vote for impeachment. A vote to impeach is followed by a trial in the Senate.

After the trial, if two-thirds of the Members present in the Senate vote to convict, the officer is removed from office and may be disqualified from holding any other office in the Government. Conviction by the Senate, however, does not bar subsequent indictment, trial, or judgment of the convicted officer in a court of law.

HAVE ANY FEDERAL OFFICIALS EVER BEEN IMPEACHED?

During our Nation's history, only thirteen impeachments have been voted by the House, including the impeachment of President Andrew Johnson in 1868. Of these thirteen only eleven went to trial before the Senate, and only four resulted in a conviction by the Senate. All four of these convictions were of Federal judges.

WHY IS THE JUDICIARY COMMITTEE CONDUCTING THE IMPEACHMENT INQUIRY?

Traditionally impeachment resolutions have been introduced by Members of the House of Representatives and referred for investigation either to a select committee appointed for that purpose, or to one of the standing committees of the House of Representatives. In recent years impeachment resolutions customarily have been referred to the House Judiciary Committee.

In recent months several resolutions calling for the impeachment of President Nixon have been introduced on the floor of the House by various Members and have been referred by the Speaker of the House to the Judiciary Committee. The chairman of the committee is Peter W. Rodino, Jr., a Democrat from New Jersey. The committee has seventeen Republican and twenty-one Democratic members. The composition of the committee generally follows the ratio of Democrats to Republicans in the House of Representatives. All committee members are lawyers.

WHAT HAS THE JUDICIARY COMMITTEE BEEN DOING?

Chairman Rodino of the Judiciary Committee requested and the House appropriated funds for the impeachment inquiry. To assist the committee in conducting the inquiry and discharging its responsibilities to the House, the committee appointed John Doar as its special counsel. Albert Jenner was appointed special counsel for the Republican minority Members. A staff of 43 lawyers has been employed to pursue the inquiry and to assist the Judiciary Committee in its investigation.

On February 6, 1974, the House by 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.

The House adopted this resolution by a vote of 410 to 4. The resolution specifically authorizes broad subpoena powers for the committee's use in the conduct of the investigation.

In offering the impeachment resolution on behalf of the Judiciary Committee on February 6, Chairman Rodino further stated:

It has been said that our country, troubled by too many crises in recent years, is too tired to consider this one. In the first year of the Republic, Thomas Paine wrote: "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it." For almost two hundred years, Americans have undergone the stress of preserving their freedom and the Constitution that protects it. It is our turn now.

We are going to work expeditiously and fairly. When we have completed our inquiry, whatever the result, we will make our recommendations to the House. We will do so as soon as we can, consistent with principles of fairness and completeness.

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: That was the right course. There was no other way.

WHAT IF THE JUDICIARY COMMITTEE DOES NOT RECOMMEND THAT THE PRESIDENT BE IMPEACHED?

At the conclusion of its inquiry, the Committee on the Judiciary will report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper. It is the prerogative of the House to accept or reject any recommendation made to it by one of its committees. If the committee does not recommend impeachment, the House still can impeach by majority vote.

WHAT HAPPENS IF THE JUDICIARY COMMITTEE RECOMMENDS THAT THE PRESIDENT BE IMPEACHED?

If the Judiciary Committee submits articles of impeachment against the President, the House of Representatives will debate the question on the floor of the House. At the end of the debate, each Member of the House will have the opportunity to vote either for or against impeachment.

IF THE HOUSE VOTES FOR IMPEACHMENT, WHAT HAPPENS NEXT?

If a majority of the Members voting favor impeachment of the President, a committee of Members is selected by the Speaker of the House to inform the Senate of the House's vote. A delegation of Representatives from the House, known as "Managers," prosecutes the case before the Senate. The Chief Justice of the United States Supreme Court presides over the trial. The actual conduct of the trial is governed by the Senate's rules of procedures for impeachment trials.

WHAT HAPPENS TO THE PRESIDENT IF THE HOUSE IMPEACHES HIM?

Impeachment is only a charge of misconduct. Only if the President were convicted of the charges by the Senate, would he be removed from office. But up until the time he is actually convicted by the Senate, he remains the Chief Executive of our Government, charged with seeing to it that the laws are faithfully executed.

CONCLUSION

Impeachment is a remedy adopted by the framers of our Constitution from the English parliamentary practice. Its use had been important in developing the English constitution through limiting the powers of the King, and the framers saw in it an appropriate method to limit the President to the role established for him by the Constitution. Clearly, the impeachment process was intended to be used only in cases of grave abuse of the power entrusted to the President by the people.

It is the function of the Judiciary Committee to inquire, on behalf of the House, whether there has been such abuse, and to report the results of its inquiry to the House of Representatives.

The Judiciary Committee hopes that this pamphlet will promote a better understanding of the nature and scope of the impeachment process and the procedures which the House of Representatives follows in meeting its constitutional obligations.



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IMPEACHMENT INQUIRY PROCEDURES

The Committee on the Judiciary states the following procedures applicable to the presentation of evidence in the impeachment inquiry pursuant to H. Res. 803, subject to modification by the Committee as it deems proper as the presentation proceeds.

A. The Committee shall receive from Committee counsel at a hearing an initial presentation consisting of (i) a written statement detailing, in paragraph form, information believed by the staff to be pertinent to the inquiry, (ii) a general description of the scope and manner of the presentation of evidence, and (iii) a detailed presentation of the evidentiary material, other than the testimony of witnesses.

1. Each Member of the Committee shall receive a copy of (i) the statement of information, (ii) the related documents and other evidentiary material, and (iii) an index of all testimony, papers, and things that have been obtained by the Committee, whether or not relied upon in the statement of information.

2. Each paragraph of the statement of information shall be annotated to related evidentiary material (e.g., documents, recordings and transcripts thereof, transcripts of grand jury or congressional testimony, or affidavits). Where applicable, the annotations will identify witnesses believed by the staff to be sources of additional information important to the Committee's understanding of the subject matter of the paragraph in question.

3. On the commencement of the presentation, each Member of the Committee and full Committee staff, majority and minority, as designated by the Chairman and the Ranking Minority Member, shall be given access to and the opportunity to examine all testimony, papers and things that have been obtained by the inquiry staff, whether or not relied upon in the statement of information.

4. The President's counsel shall be furnished a copy of the statement of information and related documents and other evidentiary material at the time that those materials are furnished to the Members and the President and his counsel shall be invited to attend and observe the presentation.

B. Following that presentation the Committee shall determine whether it desires additional evidence, after opportunity for the following has been provided:

1. Any Committee Member may bring additional evidence to the Committee's attention.

2. The President's counsel shall be invited to respond to the presentation, orally or in writing as shall be determined by the Committee.

3. Should the President's counsel wish the Committee to receive additional testimony or other evidence, he shall be invited to submit written requests and precise summaries of what he would propose to show, and in the case of a witness precisely and in detail what it is expected the testimony of the witness would be, if called. On the basis of such requests and summaries and of the record then before it, the Committee shall determine whether the suggested

evidence is necessary or desirable to a full and fair record in the inquiry, and, if so, whether the summaries shall be accepted as part of the record or additional testimony or evidence in some other form shall be received.

C. If and when witnesses are to be called, the following additional procedures shall be applicable to hearings held for that purpose:

1. The President and his counsel shall be invited to attend all hearings, including any held in executive session.

2. Objections relating to the examination of witnesses or to the admissibility of testimony and evidence may be raised only by a witness or his counsel, a Member of the Committee, Committee counsel or the President's counsel and shall be ruled upon by the Chairman or presiding Member. Such rulings shall be final, unless overruled by a vote of a majority of the Members present. In the case of a tie vote, the ruling of the Chair shall prevail.

3. Committee Counsel shall commence the questioning of each witness and may also be permitted by the Chairman or presiding Member to question a witness at any point during the appearance of the witness.

4. The President's counsel may question any witness called before the Committee, subject to instructions from the Chairman or presiding Member respecting the time, scope and duration of the examination.

D. The Committee shall determine, pursuant to the Rules of the House, whether and to what extent the evidence to be presented shall be received in executive session.

E. Any portion of the hearings open to the public may be covered by television broadcast, radio broadcast, still photography, or by any of such methods of coverage in accord with the Rules of the House and the Rules of Procedure of the Committee as amended on November 13, 1973.

F. The Chairman shall make public announcement of the date, time, place and subject matter of any Committee hearing as soon as practicable and in no event less than twenty-four hours before the commencement of the hearing.

G. The Chairman is authorized to promulgate additional procedures as he deems necessary for the fair and efficient conduct of Committee hearings held pursuant to H. Res. 803, provided that the additional procedures are not inconsistent with these Procedures, the Rules of the Committee, and the Rules of the House. Such procedures shall govern the conduct of the hearings, unless overruled by a vote of a majority of the Members present.

H. For purposes of hearings held pursuant to these rules, a quorum shall consist of ten Members of the Committee.

