

DEC 20 1973

*House pattern
as it should*

The Hon. Clifford Case
Old Senate Office Building
Washington, D.C.

Dear Senator Case:

I know that you, like most Americans, have been appalled and astonished at some of the misconduct and abuses of power that the several Watergate investigations have revealed, and have probably thought a great deal about possible remedies.

We at the TIMES have done a good deal of thinking on this tragedy too, and have reluctantly come to the conclusion that there is only one satisfactory recourse left: impeachment.

Enclosed is a copy of our recent editorial on the subject. We are asking several national legislators from this area for their reaction to the editorial, so that we can let our readers know how you stand on the subject. We would greatly appreciate hearing yours.

Sincerely,

[Redacted signature]

*letter fine; didn't want
by phone me 12/28*

Impeachment is the only answer

Something over a year ago, the American people went to the polls, and by one of the largest margins in our history, endorsed Richard Nixon for re-election to the Presidency.

This newspaper, too, endorsed Mr. Nixon's re-election.

Like many Americans, we were perturbed by the hints and rumors of scandal that even then were in the air. We felt he knew about the Watergate break-in, but thought the President could and would clear things up by leveling with the American people. On the basis of his record of accomplishment, especially in foreign affairs, we felt he deserved another term. Also, we were turned off by the extremism of his opponent, George McGovern.

In the thirteen months since his election, everything has changed. Overwhelming evidence has been presented that the President and his appointees were involved in an unprecedented web of illegal acts, political chicanery, usurpation of power, and deceitfulness that would dishonor a banana republic, let alone ours. These "horrors" went far beyond the original Watergate break-in. Little convincing evidence has been presented to the contrary.

So today, regretfully, we are joining the rising chorus of those calling for Mr. Nixon's impeachment. We do so with regret not for him, or for those around him, but with regret for the office he has dishonored, and for the millions of Americans who put their faith in the President, who believed him and his cohorts, and who have been so totally betrayed.

It is an ugly word, "impeachment." Only once in nearly 200 years has the constitutional procedure for indicting a President been resorted to, and that was in the frenzied aftermath of a bitter civil war and a tragic assassination. Even then President Andrew Johnson was acquitted, and finished out his term in relative tranquillity.

If those times were extraordinary, though, the past twelve months have been worse. Indeed, never has this country had to take the kind of shocks to its basic confidence that the "Watergate" revelations have caused.

Since Mr. Nixon's re-election, we have seen his Attorney General, his Secretary of Commerce, his White House Counsel, his chief of staff, and uncounted Presidential aides indicted for obstruction of justice.

We have seen the President himself defy the Federal courts' request for pertinent information regarding criminal acts, then announce to an incredulous nation that the evidence had been

destroyed by a "mysterious force", or never existed at all.

We have seen that the President personally ordered a White House team of mercenary spies to conduct illegal investigations culminating in a felonious break into a psychiatrists' office, and personally offered a judge a prestigious job at the same time the judge was sitting on a court case Mr. Nixon wanted the Government to win.

If these were the only charges, they would be enough to warrant his impeachment. But Richard Nixon has done much more.

—He has ordered the secret bombing of a country with which we were legally at peace, deliberately and deceitfully hiding this from Congress and the American people, against the clear language of the Constitution.

—He has ignored Congress and refused to spend \$40 billion in appropriated funds, an act which 28 Federal courts judged to be illegal.

—He has ordered wiretaps of 13 government officials and four newsmen, without the court authority required by law.

—He has ordered the Internal Revenue service to harass, through income tax investigations, many prominent Democrats, anti-war activists, and newsmen.

—He has approved a "domestic intelligence plan" that involved his own secret squad of special agents carrying out burglaries, wiretaps, buggings, and similar activities with no constitutional authority whatever.

On and on the list of offenses goes. He has evaded paying more than token income taxes the past few years, through a highly questionable tax loophole and by procedures of dubious legality. His homes in Florida and California have been the beneficiary of some \$1 million in improvements clearly beyond those required for security. He has caused the government to take actions that would favor the ITT Company and the Associated Milk Producers, among others, shortly after receiving huge campaign contributions from them.

He has, in short, betrayed his trust. And it was precisely for cases like his that the Founding Fathers put in the Constitution a clause providing for impeachment.

"For high crimes and misdemeanors," the document says, a President can be removed.

Scholars may differ on the meaning of the words, but the American people have a pretty good idea of what impeachment means. And they are slowly and painfully coming to the conclusion that their President must be impeached.

At the time of the Watergate break-in, and for some months after, reasonable men could honestly say that they believed the President was not involved, in any of the mounting scandal, that he was telling all the truth, that we should believe him.

No fair-minded person can say that any more.

Mr. Nixon has had months of opportunities to face his accusers, to answer them candidly, to offer a defense. What has he done? He has obscured the facts, he has tried to brush them aside, he has desperately appealed to people's patriotism, their trust, their concern for national security.

Like a man caught in quicksand, the more he struggles, the deeper in he is drawn. He claims that the truth will vindicate him, yet he has not brought it forth, and even his strongest partisans must now see that the truth is not on his side.

So let him be impeached. If he is, he will have full opportunity to defend himself before the Senate, if indeed he has a defense that he has been hiding all this time.

We frankly doubt that any such defense exists, but it would be far better for the country for him to have the opportunity to offer it, and be judged accordingly, than for him to take the easy way out and resign.

For a resignation, surely accompanied by a parting blast at the press and Mr. Nixon's other imagined "enemies," would leave the country permanently torn. For years after, people could say he was railroaded out, and not be refuted.

No, impeachment is the answer. And it must come soon. An impeachment after next year's Congressional elections, when the Democrats will probably win overwhelming majorities in both houses, would have the air of a political circus and would further divide our country.

This country is a strong and resilient one, but in the past months it has endured perhaps its greatest trauma since the Great Depression. We cannot continue this way, with a president under the gravest suspicions, whose word is not believed by the majority of his countrymen.

There are great problems to be solved — great challenges to be met. We must have a man in the White House that we can trust and who at least has an even chance of leading us through these trying times. Mr. Nixon has lost forever his ability to lead.

Impeachment, painful as it will be, will provide the kind of clean break this nation needs, to rid itself of the never-ending nightmare the Nixon presidency has become.

Since the Watergate first broke, I have urged
^{through going}
an investigation by an independent prosecutor. I have believed
it essential that only disclosure of all the facts can restore
public confidence in the integrity of government.
~~As I believe it should, the House Judiciary~~
Committee

~~The Senate leadership has~~

In the light of developments since Mr. Jaworski suc-
ceeded Rep. Cox, the Senate leadership decided against
bringing up legislation, ^{at this time} of which I ^{am} a member, to that end.

Meanwhile, however, the House Judiciary Committee
~~has~~ Under the Constitution the House is preeminent in
a matter for the House of Reps; I thought that Judiciary
Committee is now engaged in preparing for hearings on
As I believe it should, the House Jud. Committee is
now preparing for hearings on the question of impeachment
in the second session. Since, as a member of the

Since ~~if~~ impeachment is voted, the Senate will be called
upon to ~~try~~ ^{try} sit as a jury, ^{in my view} ~~and therefore must~~ ^{refrain from}
~~refrain~~ ^{refrain from} from any comment I believe I should ~~make~~
~~no further~~ ^{comment} comment on the matter.

COPY ^{WATERGATE SPEC. PROSECUTOR}

December 28, 1973

[REDACTED]
Willingboro, New Jersey 08046

Dear Mr. Turkington:

Thank you for your letter.

Since the Watergate case first broke, I have urged a thorough going investigation by an independent prosecutor because I believe that only full disclosure of the facts can restore public confidence in the integrity of government. In the light of developments since Mr. Jaworski succeeded Mr. Cox, the Senate leadership decided against taking up the legislation at this time.

Under the Constitution impeachment is a matter for the House of Representatives. As I believe it should, the House Judiciary Committee is now preparing for hearings on the question of impeachment to be held early in 1974. Because if impeachment is voted by the House the Senate will be called upon to sit as a jury, I have refrained from further comment on the matter.

Sincerely,

Clifford P. Case
U. S. Senator

CPC/hna