

92<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 976

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1972

Mr. CONYERS (for himself, Mrs. ABZUG, Mr. RYAN, Mr. DELLUMS, and Mrs. CHISHOLM) submitted the following resolution; which was referred to the Committee on the Judiciary

---

## RESOLUTION

Whereas article II, section 4, of the Constitution of the United States provides: "The President, the 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"; and

Whereas article I, section 2, paragraph 5, of the Constitution of the United States provides: "The House of Representatives shall have the sole Power of Impeachment"; and

Whereas Richard M. Nixon, President of the United States from January 20, 1969, to the present time has known that this House and the Senate of the United States have at no time declared war against the Democratic Republic of Vietnam, the National Liberation Front, the sovereign state of Cambodia, or the sovereign state of Laos, pursuant to article I, section 8, clause 11, of the Constitution of the United States

which provides: "The Congress shall have power \* \* \* to Declare War"; and

Whereas Richard M. Nixon has committed the acts hereinafter set forth, which constitute high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States:

#### ARTICLE I

1. On January 20, 1969, Richard M. Nixon executed the oath of office of President of the United States, solemnly swearing that "I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

2. From January 20, 1969, to the present time, Richard M. Nixon has known that this House and the Senate of the United States have at no time declared war against the Democratic Republic of Vietnam, the sovereign state of Cambodia, or the sovereign state of Laos, pursuant to article I, section 8, clause 11, of the Constitution of the United States, which provides: "The Congress shall have power \* \* \* to Declare War," and has nevertheless committed the acts, including acts of war, hereinafter specified.

3. On January 12, 1971, after enactment by the Congress, Richard M. Nixon approved Public Law 91-672, section 12 of which repealed the Southeast Asia (Tonkin Gulf) resolution, Public Law 88-408, approved August 10, 1964, withdrawing and terminating any power which may have been granted under such Tonkin Gulf resolution to the President respecting the use of the Armed Forces of the United States in Southeast Asia.

4. On November 17, 1971, after enactment by the Congress, Richard M. Nixon approved the Military Procurement Authorization Act for fiscal year 1972, Public Law 92-156.

5. Section 601 of the said Act, known as the Mansfield amendment, in pertinent part declares it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces."

6. Section 601 called upon the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from

Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

7. On November 11, 1971, Senator John Stennis, chairman of the Senate Armed Services Committee, in commenting on section 601 prior to its enactment, stated to the Senate: " \* \* \* for the first time we now have as a proposed law, language which makes our withdrawal from Indochina 'the policy of the United States,' rather than the sense of the Congress as contained in the previous version. For those who supported the Mansfield amendment, I would urge that they closely consider the meaning of this change in language. As a policy matter it binds the Congress and the President of the United States." (Congressional Record, November 11, 1971, page S 18288).

8. On November 17, 1971, upon approving Public Law 92-156 by affixing his signature thereto, and despite the will of the Congress in enacting section 601, Richard M. Nixon stated: "Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end."

9. On February 16, 1972, the United States District Court for the Eastern District of New York ruled in *DaCosta against Nixon*, 72 Civil Action 207 (John F. Dooling, D.J.), that: "When the bill embodying section 601 was passed by the Congress and approved by the President's signature it established 'the policy of the United States' to the exclusion of any different executive or administration policy, and had binding force and effect on every officer of the Government, no matter what their private judgments of that policy, and illegalized the pursuit of an inconsistent executive or administration policy. No executive statement denying efficacy to the legislation could have either validity or effect."

10. Despite the aforesaid enactment into law of the said section 601, Richard M. Nixon ordered the following actions:

(1) On March 23, 1972, broke off the negotiations in Paris with representatives of the Democratic Republic of Vietnam and the National Liberation Front;

(2) From March 24, 1972, to April 26, 1972, refused to return to said negotiations;

(3) On May 4, 1972, broke off again said negotiations, suspending them indefinitely;

(4) Since April 1972, escalated the air war in Indochina to levels unprecedented in the history of warfare, and on May 8, 1972, without prior consultation with or consent of the Congress, announced that he had ordered the mining of all North Vietnamese ports and the interdiction by United States forces of rail lines and other communications entering the Democratic Republic of Vietnam.

11. By refusing to declare a final date for the complete withdrawal of all United States forces in Indochina, as called for by section 601 of Public Law 92-156, by insisting upon his Vietnamization policy, and by intimating that a residual military force would be left in South Vietnam until such time as the Democratic Republic of Vietnam and forces allied with that Government acceded to his demands for the release of American prisoners of war, a cease-fire, and new elections under a caretaker government controlled and administered by Nguyen Van Thieu, Richard M. Nixon jeopardized the security of the United States.

12. By reason of the aforesaid acts, Richard M. Nixon has arrogated to himself the power to declare war and the power "to make Rules for the Government and Regulation of the land and naval forces," which are committed by article I, section 8, clauses 11 and 14 of the Constitution solely to the Congress, and has, in violation of his oath as President of the United States, of section 601 of Public Law 92-156, of the Charter of the United Nations, and of principles of the Law of Nations, to the detriment of the national interest, at the cost of prolonging the retention of American prisoners of war, and at the risk of confrontation with the Governments of the Union of Soviet Socialist Republics and the People's Republic of China, caused untold killing and maiming of American military personnel and the people of Indochina and inflicting death and destruction upon the innocent civilian populations of said region, and has thereby committed and is guilty of high crimes and misdemeanors within the meaning of article II, section 4 of the Constitution of the United States.

## ARTICLE II

13. From January 20, 1969, to the present time, Richard M. Nixon, in violation of

(a) his oath of office to preserve, protect, and defend the Constitution of the United States,

(b) article I, section 8, clauses 11 and 14 of the Constitution of the United States, which assign solely to Congress the powers to declare war and to make rules for the Government and regulation of the land and naval forces of the United States,

(c) section 601 of the Military Procurement Authorization Act for fiscal year 1972, Public Law 92-156, declaring it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina",

(d) section 12 of Public Law 91-672, the congressional repeal of the Gulf of Tonkin resolution, which withdrew and terminated any power which may have been granted by such Gulf of Tonkin resolution to the President, and

(e) the Charter of the United Nations, to which the United States is a signatory, and which is therefore part of the supreme law of the land, which obligates the United States to refrain from the unilateral use or threat of force in its international relations, and which obligates the United States to settle international disputes by peaceful means,

did willfully and intentionally cause and direct the Armed Forces of the United States to continue to engage in military hostilities and to continue to carry on a war against the ter-

ritory and people of South Vietnam, the Democratic Republic of Vietnam, the sovereign state of Cambodia, and the sovereign state of Laos, all without a declaration of war by the Congress of the United States pursuant to article I, section 8, clause 11 of the Constitution.

14. By reason of the aforesaid acts, Richard M. Nixon has arrogated to himself the power to declare war and the power "to make Rules for the Government and Regulation of the land and naval Forces", which are committed by article I, section 8, clauses 11 and 14, of the Constitution solely to the Congress, and has, in violation of his oath as President of the United States, of section 601 of Public Law 92-156, of the Charter of the United Nations, and of principles of the Law of Nations, to the detriment of the national interest, at the cost of prolonging the retention of American prisoners of war, and at the risk of confrontation with the Governments of the Union of Soviet Socialist Republics and the People's Republic of China, caused untold killing and maiming of American military personnel and the people of Indochina and inflicting death and destruction upon the innocent civilian populations of said region, and has thereby committed and is guilty of high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States.

#### ARTICLE III

15. From January 20, 1969, to the present time, Richard M. Nixon has caused and directed the Armed Forces of the United States to engage in acts of terror against the civilian population and of devastation of the territory of Indochina, to kill and wound hundreds of thousands of innocent civilians by means of aerial, land, and naval bombardments

directed against noncombatants, the designation of "free fire zones," "harassment," and "interdiction" fire, indiscriminate use of antipersonnel bombs, napalm, and defoliants, to drive innocent civilians from their homes into squalid refugee camps, and to commit other similar acts, all in violation of—

(i) "the supreme law of the land," pursuant to article VI, clause 2 of the Constitution of the United States, as embodied in the Hague Convention Numbered IV of 18 October 1907, Respecting the Laws and Customs of War on Land (36 Stat. 2277, Treaty Series 539); Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (T.I.A.S. 3365); Hague Convention Numbered IX of 18 October 1907, Concerning Bombardment by Naval Forces in Time of War (36 Stat. 2351; Treaty Series 542); Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field of 27 July 1929 (47 Stat. 2074; Treaty Series 847), to which the United States is a signatory,

(ii) the Law of Land Warfare embodied in United States Field Manual 27-10, and

(iii) the laws of civilized society, including crimes against peace, crimes against humanity, and war crimes, agreed upon in "The Principles of International Law Recognized in the Charter of the Nuremberg Tribunal" adopted unanimously by the first General Assembly of the United Nations at the initiative of the United States.

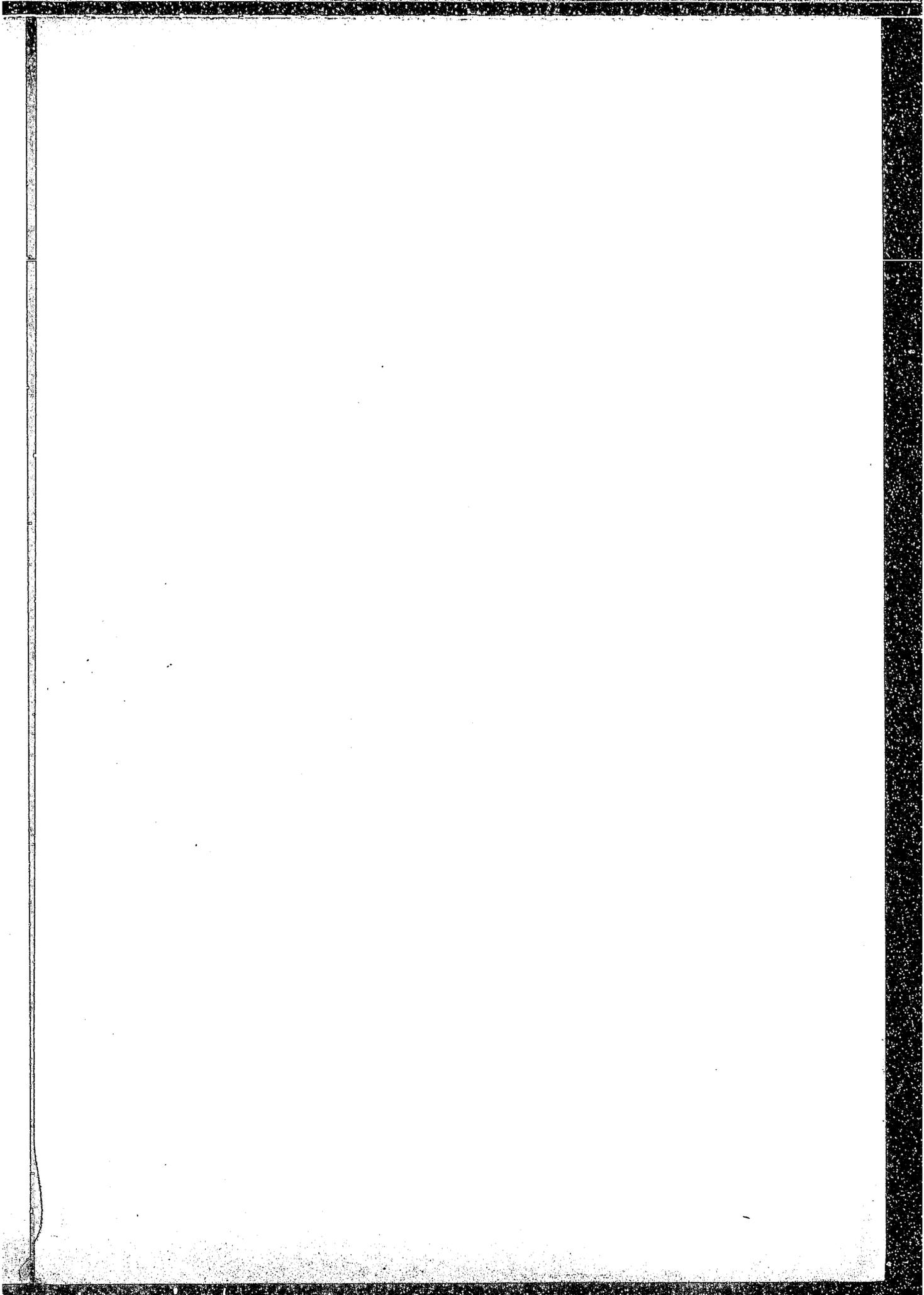
16. By reason of said acts in violation of the said laws and principles, Richard M. Nixon is guilty of high crimes and misdemeanors within the meaning of article II, section 4 of the Constitution of the United States: Now, therefore, be it

1       *Resolved*, That Richard M. Nixon, President of the  
2 United States ought to be, and he hereby is impeached by  
3 this House, and further

4       *Resolved*, That the Speaker appoint a Committee of  
5 Managers on the part of the House, and further

6       *Resolved*, That a message be sent to the Senate to inform  
7 them that this House has appointed managers to conduct the  
8 impeachment of the President of the United States, and have  
9 directed the said managers to carry to the Senate the articles  
10 agreed upon by this House, as contained in this resolution,  
11 to be exhibited in maintenance of their impeachment against  
12 Richard M. Nixon, and that the Clerk of the House do go  
13 with said message, and further

14       *Resolved*, That the articles agreed to by this House, as  
15 contained in this resolution, be exhibited in the name of the  
16 House and of all the people of the United States, against  
17 Richard M. Nixon, President of the United States, in main-  
18 tenance of the impeachment against him of high crimes  
19 and misdemeanors in office, and be carried to the Senate by  
20 the managers appointed to conduct the said impeachment  
21 on the part of this House.



92<sup>ND</sup> CONGRESS  
2<sup>ND</sup> SESSION

H. RES. 976

---

## RESOLUTION

---

Impeaching Richard M. Nixon, President of the United States, for abuse of the Office of President and of his powers as Commander in Chief of the Armed Forces by ordering the mining of all North Vietnamese ports and the massive aerial bombardment without discrimination as to the lives of civilians in Indochina, and for other high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States.

---

By Mr. CONYERS, Mrs. ARZOG, Mr. RYAN, Mr.  
DELTOWS, and Mrs. CHISHOLM

---

MAY 10, 1972

Referred to the Committee on the Judiciary