Sixth in a Series—The Case for Impeachment:

The Threat to Press Freedom

Richard M. Nixon has committed an impeachable offense by interfering with the constitutionally guaranteed freedom of the press by means of wiretaps, FBI investigations and threats of punitive action.

On October 17, 1969, former White House aide Jeb Stuart Magruder wrote former Presidential Assistant H. R. Haldeman:

"I have enclosed from the log approximately 21 requests from the President in the last 30 days requesting specific action relating to what could be considered unfair news coverage. . . . In the short time that I have been here, I would gather that there have been at least double or triple this many requests made through other parties to accomplish the same objective.

"It is my opinion this continual daily attempt to get to the media or to anti-Administration spokesmen because of specific things they have said is very unfruitful and wasteful of our time. . . .

"The real problem . . . is to get to this unfair coverage in such a way that we make major impact on a basis which the networks-newspapers and Congress will react to and begin to look at things somewhat differently. It is my opinion that we should begin concentrated efforts in a number of major areas that will have much more impact on the media and other anti-Administration spokesmen and will do more good in the long run. The following is my suggestion as to how we can achieve this goal:

"1. Begin an official monitoring system through the FCC as soon as Dean Burch is officially on board as chairman.

"2. Utilize the anti-trust division to investigate various media relating to anti-trust violations. Even the possible threat of an anti-trust action I think would be effective in changing their views in the above matter.

"3. Utilizing the Internal Revenue Service as a method to look into the various organizations that we are most concerned about. Just a threat of IRS investigation will probably turn their approach."

Attached to this memo was a list of requests from the President which included:

"President's request that you take action to counter (CBS Newscaster Dan) Rather's allegation that the Hershey move was decided upon because of the moratorium.

"President's request for a report on what actions were taken to complain to NBC, Time and Newsweek concerning a recent article coverage on the Administration.

"President's request that you take appropriate action to counter biased TV coverage of the Administration over the summer. CONFIDENTIAL.

"President's request that you ask Rogers Morton (Interior Secretary) to take action to counter (ABC Newscaster) Howard Smith's remarks concerning the three House seats lost by the GOP this year.

"President's request that we have the Chicago Tribune hit Senator Percy hard on his ties with the peace group. CONFIDENTIAL.

"President's request for letters to the editor regarding Newsweek's lead article covering the President's UN speech."

On February 4, 1970, Haldeman wrote Magruder:

"The need, probably, is to concentrate on NBC and give some real thought as to how to handle the problem that they have created in their almost totally negative approach to everything the Administration does. I would like to see a plan from you; don't worry about fancy form; just some specific thinking on steps that can be taken to try to change this. . . .

"Another area is the mobilization of the Silent Majority. . . . We just haven't really mobilized them, and we have got to move now in every effective way we can to get them working to pound the magazines and the networks in counteraction to the obvious shift of the establishment to an attack on Vietnam again. Concentrate this on the few places that count, which would be NBC, Time, Newsweek and Life, the New York Times, and the Washington Post. Don't waste your fire on other things."

On July 16, 1970, Larry Higby, Haldeman's aide, wrote to Magruder:

"We need to get some creative thinking going on an attack on (Newscaster Chet) Huntley for his statements in Life. . . . The point behind this whole thing is that we don't care about Huntley — he is going to leave anyway. What we are trying to do here is to tear down the institution. . . . Let's put a full plan on this and get the thing moving."

In an undated memo, Magruder wrote to Higby:

"We will continue to hammer at press favoritism on a regular basis. We will ask the Vice President to make this standard fare while he's on the stump in the congressional campaigns. We will keep tabs on examples of partisan press treatment and feed them into the Vice President (and Cabinet officers on the stump) on a regular basis."

On July 17, 1970, Magruder sent Haldeman a memo outlining a "tentative plan on press objectivity" which included a compilation of suggestions from White House staff members Herbert Klein, William Safire, now a New York Times columnist, Lyn Nofziger, Charles Colson and Patrick Buchanan, which said:

"Objective: To question the overall objectivity of a television newscaster (NBC's Chet Huntley) who has expressed opinionated views (in the July 17 issue of Life) in an influential consumer publication while still employed as a supposedly objective television newscaster and to question the motivation for such remarks and the possible breach of professional ethics by allowing such remarks to be published prior to retirement into private life. Further, to extend these questions to cover the professional objectivity and ethics of the whole media and to generate a public re-examination of the role of the media in American life. . . .

"The focus of our effort should be to raise the larger question of objectivity and ethics in the media as an institution. To do this, we will have to turn objectivity into an issue and a subject of public debate.

"Follow-up: . . . Plant a column with a syndicated columnist which raises the question of objectivity and ethics in the news media. Kevin Phillips (author of 'The Emerging Majority' and a former White House aide) would be a good choice. . . . — Klein

"Through an academic source, encourage the dean of a leading graduate school of journalism to publicly acknowledge that press objectivity is a serious problem that should be discussed. Also, attempt to arrange an in-depth analysis in a prestigious journal like the Columbia Journalism Review.—Klein/Safire

"Have Rogers Morton go on the attack in a news conference. . . . Have him charge that the great majority of the working press are Democrats and this colors their presentation of the news. Have him charge that their (sic) is a political conspiracy in the media to attack the Administration.—Klein/Colson

"Have Dean Burch 'express concern' about press objectivity in response to a letter from a congressman. —Nofziger

"Arrange for an 'expose' to be written by an author such as Earl Mazo or Victor Lasky. . . . —Klein

"Produce a prime-time special, sponsored by private funds, that would examine the question of objectivity and show how TV newsmen can structure the news by innuendo. For instance, use film clips to show how a raised eyebrow or a tone of voice can convey criticism.—Klein/Magruder

"Have outside groups petition the FCC and issue public 'statements of concern' over press objectivity.—Colson

"Have a senator or congressman write a public letter to the FCC suggesting the 'licensing' of individual newsmen, i.e. the airwaves belong to the public, therefore the public should be protected from the misuses of these airwaves by individual newsmen.—Nofziger."

On August 26, 1970, Colson wrote Haldeman:

"I think it is time for us to generate again a PR campaign against the Democrats and CBS."

On the memo was the notation: "Absolutely.—H."

On September 25, 1970, Colson wrote Haldeman, in an "Eyes Only" memo:

"The networks are terribly nervous over the uncertain state of the law, i.e., the recent FCC decisions and the pressures to grant Congress access to TV. They are also apprehensive about us. . . .

"ABC and NBC believe that the whole controversy over 'answers' to the President can be handled by giving some time regularly to presentations by the Congress. . . . (On this point, which may become the most critical of all, we can split the networks in a way that will be very much to our advantage.)

"This all adds up to the fact that they are damned nervous and scared and we should continue to take a tough line, face to face, and in other ways.

"As to follow-up, I believe the following is in order:

"1. I will review with (then CBS President Frank) Stanton and (NBC President Julian) Goodman the substantiation of my assertion to them that their news coverage has been slanted. We will go over it point by point. This will, perhaps, make them even more cautious.

"2. There should be a mechanism . . . every time we believe coverage is slanted whereby we point it out either to the chief executive or to whomever he designates. . . . We should do it so they know we are not bluffing.

"3. I will pursue with ABC and NBC the possibility of their issuing declarations of policy (one that we find generally favorable as to the President's use of TV). If I can get them to issue such a policy statement, CBS will be backed into an untenable position.

"4. I will pursue with Dean Burch the possibility of an interpretive ruling by the FCC on the role of the President when he uses TV, as soon as we have a majority. I think this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks and their professed concern with achieving balance.

"I think we can dampen their ardor for putting on 'loyal opposition' type programs."

On March 14, 1972, Buchanan wrote to then-campaign director John Mitchell:

". . . if we get anything less than equal (TV network) time . . . send a memorandum to John Mitchell who should get on the horn to the network president and point this out, indicating that if it is not corrected, and equal time provided—this will be made an issue in the campaign, and the subject of legislation in the coming Congress."

On November 17, 1972, Colson wrote in a memo to former White House Counsel John Dean:

"I have received from an informer some interesting information on Jack Anderson. . . . You know my personal feelings about Jack Anderson. After his incredibly sloppy and malicious reporting on Eagleton, his credibility has diminished. It now appears as if we have the opportunity to destroy it. Do you agree that we should pursue this activity?"

On May 14, 1973, Acting FBI Director William Ruckelshaus said:

"Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances — wiretaps — having been placed on telephones of government employes and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employes that these surveillances had been performed and that the records relating to them were missing from the FBI files. . . .

"(My) investigation revealed that from May 1969, to February 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks. . . .

"There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks. . . . The taps were on for varying lengths of time . . . ; two for as little as 30 days and one for as long as 21 months. . . .

". . . the records were located in the White House, having been filed in a safe in Mr. (former Presidential Assistant John) Ehrlichman's outer office."

On May 22, 1973, President Nixon admitted ordering the wiretaps, citing "national security leaks" as his justification.

On June 25, 1973, Dean told the Senate Watergate Committee:

"I would guess that I had been at the White House almost a year before (White House Aide John) Caulfield told me he had been directed by Ehrlichman to wiretap a newsman's telephone in pursuit of a leak. He told me that he had been directed to perform the wiretap when Mr. Hoover (former FBI director) was unwilling, but Mr. Ehrlichman wished to proceed. . . . I believe Caulfield told me it was (columnist) Joseph Kraft's telephone they tapped."

Richard M. Nixon has committed an impeachable offense by interfering with the constitutionally guaranteed freedom of the press by means of wiretaps, FBI investigations and threats of punitive action.

Therefore, Richard M. Nixon, President of the United States, should be impeached—now.