

Pegasus



A newsletter for the Caux Round Table Network
looking at business above the clutter and confetti

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Moral Capitalism At Work

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October, 2015
Volume V, Issue X

Pegasus

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INTRODUCTION

This issue of *Pegasus* brings you two seemingly disparate topics: one on the ethics of the new U.N. Sustainable Development Goals (“SDGs”) and the other the impeachment of public officials.

From a Caux Round Table (“CRT”) perspective, these are two facets on the same diamond or two sides of the same coin. The diamond or the coin, as you prefer your metaphor, is personal character as deployed in positions of power and responsibility. Professor Klaus Leisinger, now a Senior Mentor to the CRT with our great thanks, writes about the ethics of sustainable development – what “mind-set” should we each have to commit to sustainable efforts based on hope and expectation for wise and better futures?

The two subsequent items are articles of impeachment under the U.S. Constitution, one most recent and the other of former President Richard Nixon in 1974.

Impeachment under the Constitution is an action for abuse of trust in public office. It seeks removal of the office holder for breach of trust, though the legal term used is “high crimes and misdemeanors.” But that term of art was placed in the Constitution by George Mason to adopt English parliamentary practice, in particular, the impeachment of Warren Hastings brought by Edmund Burke.

The CRT proposes that a public office is a public trust in its Principles for Government. Power, in other words, is to be held in trust for the benefit of a public, for a public good. In nations around the world and in international relations among nation-states, if power was divorced from desires for dominion and subjugated to fiduciary standards of loyalty and care for the planet and humanity, then our world would be more safe, peaceful and prosperous.

The standards of ethical government were well captured by Burke in the conclusion of his speech before the House of Lords in placing before that body the articles of impeachment of Warren Hastings for his abuses of power as manager of the East India Company.

Burke famously charged Hastings as follows:

- I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.
- I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.
- I impeach him in the name of all the Common of Great Britain, whose national character he has dishonored.
- I impeach him in the name of the people of India, whose laws, rights and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.
- I impeach him in the name and by virtue of those eternal laws of justice which he has violated.
- I impeach him in the name of human nature itself, which he has cruelly outraged, injured and oppressed, in both sexes, in every age, rank, situation and condition of life.

The recent articles of impeachment filed against John Koskinen, U.S. Commissioner of Internal Revenue, are important in demonstrating that the CRT’s ethical principles of public office as a public trust still is the law in the United States.

Prof. Leisinger’s comments can be summarized with the thought that each of us, each company, each government, holds a trust that the powers we each have should be used sustainably for the benefit of the common good. We are in a deep sense fiduciaries for the rest of humanity, for the planet and for our common future.

Stephen B. Young
Global Executive Director
Caux Round Table

Corporate Sustainability, Global Values and Pluralistic Societies: What can we know? What ought we to do? What may we hope?

September 9, 2015
Excerpts and Commentary

Klaus M. Leisinger

Today's world community is undergoing another round of political and cultural fragmentation. The universal norms of the Rule of Law, tolerance for the diversity inherent in human dignity and for common standards of human rights and entitlements, and political accommodation are being forgotten. A new kind of tribalism is rising as we see with Chinese ethnic assertiveness, Russian great-powerism, Sunni/Sh'ia fratricide, Scot and Catalan separatism, the de-facto partition of Belgium into three independent cultural zones, tribal rivalries in Somalia, Kenya, and other parts of Africa, and a defensiveness on the part of many White Americans.

Prof Leisinger, to his credit and for our advantage, points to another path forward for humanity – sustainable development as a common moral framework for human endeavor and mutual appreciation. He writes:

The goal of the sustainable development endeavors—very similar to the aspiration articulated in the Preamble of the Universal Declaration of Human Rights—is a new common standard of practices for all peoples and all nations, to the end that every individual and every organ of society, keeping the necessity for a sustainable development path constantly in mind, shall strive to promote coherent action and implement state-of-the-art national and international measures progressively, to secure universal and effective recognition and observance.

As is appropriate for any universal claim to goodness, especially in the tradition of Immanuel Kant's approach to ethics as universal norms – as categorical imperatives – Prof. Leisinger reminds us that:

The primary responsibility for sustainable development lies with every one of us—no governmental regulation can substitute individual environmental and social awareness and respective conduct.

He adds a practical rationale for his placing of an abstract moral responsibility on each of our shoulders:

Small changes among the 1.5 billion people at the top of the global income pyramid with regard to e.g., the use of energy, water, nonrenewable raw material, or the mobility patterns will make a bigger difference to global sustainability than a UN resolution or government regulation would ever be able to.

Prof. Leisinger is too much of a modern thinker to believe that one moral code of behavior fits all persons. He is guiding to a sweet spot where the universal and the particular can be mutually supportive:

Sustainable development is a normative concept in as much as there are a number of dilemmas that have to be addressed by deciding which of the economic, social, ecological, human rights- specific and cultural values at stake should take precedence

in a concrete situation. Priorities assigned in such decision processes depend on values, worldviews and the variety of diverging interests of the different stakeholders involved. To construct a tailor-made reform process that satisfies all relevant stakeholders is already difficult for a modern pluralistic society such as Switzerland, Germany or the United States—it becomes far more complex if we take into consideration countries such as China, India, Brazil or sub-Saharan countries with their differing stages of socio-economic development. Context-specificity and normativity apply also to companies: The scope, content, structure and speed of corporate sustainability processes depend on the size, sector, geographical location, profitability, political and cultural operating context.

And yet, any effort as complex and sweeping as sustainable development on a global basis must be very collective in application. Government is very much needed as Prof. Leisinger reminds us:

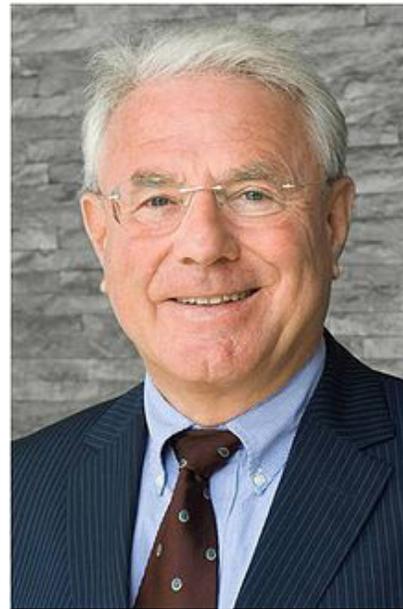
And yet, national governments and their administrations can facilitate and accelerate behavioral changes by mobilizing domestic resources e.g. for sustainable infrastructure and renewable energy, set the appropriate purchasing priorities and allocate the resources available to them coherently. The extent to which this “plan of action for people, planet and prosperity” will be implemented also depends on the willingness of the developed countries to fulfill their official development assistance commitments, in order to enable transfer of technology and help finance appropriate infrastructural investments.

He does not overlook the demand of this new good conduct regime that cross-sector collaboration must also be front and center:

More than ever before, success of sustainability endeavors depends on multi-stakeholder partnerships that “mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries” It is in the context of such multi-stakeholder partnerships that the corporate sector—the single most efficient source of economic activity and innovation—is expected to support the collective global reform journey. Large international corporations can and should play a leadership role in this respect.

Prof Leisinger then borrows from Kant’s *Critique of Pure Reason* to posit for us 3 questions about our moral obligation to seek fulfillment of the SDGs:

1. What can we know?
2. What ought we to do?
3. What can we hope for?



Klaus Leisinger

He then answers these questions as follows:

1. What can we know?

Most of the knowledge about the root causes of our currently unsustainable development path and the reform processes necessary to steer spaceship Earth into a *future we want for all* is easily accessible.

... achieving sustainability [is] a “wicked problem”—“wicked” not in the sense of being *evil*, but because the problems are tricky, devious, messy, ambiguous, interacting and evolving in a dynamic societal context.

Horst Rittel and Melvin Webber developed the concept of “wicked problems” for complex social-environmental problems and contrasted them with “tame problems” which are clearly definable and can be solved with pre-existing modes of data research pathways, decision preparation and decision making. See Rittel H.W.J. and M.M. Webber (1973): Dilemmas in a General Theory of Planning. In: Policy Sciences Vol. 4, pp. 155-169.

Part of the wickedness is caused by the fact that a huge number of people was involved in the genesis of the problem and has to be included in the solution attempts. To “tame” a problem of the complexity, dimension and wickedness presented by the overcoming of the current unsustainable development path, multiple stakeholders all over the world need to be involved: civil society organizations representing the people affected, governments, multi-lateral institutions, academia and the private sector.

(Prof. Leisinger adds a note of economic reality with his observation that pricing is knowledge of a necessary quality in sustainable development if private market are to play their part constructively.) Obviously sustainable development depends not only on enlightened corporate leaders doing the right thing, but also on a good governance framework that strives for the internalization of external costs. The power of market forces can only be used for sustainability if the prices express the ecological and social truth.

It also depends on consumers to align their purchasing power with the available knowledge. To accelerate this process, sustainability education and training is necessary starting at primary school and progressing all the way through to university studies in order to shape public awareness about the sustainability requirements.

(He also recognizes that internalizing what is not automatically made a cost to a company requires an expanded framework for business decision-making.)

Having said this, we shall concentrate on the role of corporate leadership. Corporate decision makers can know that *legality* is only the non-negotiable ethical minimum. As in many countries local legislation fails to keep up with the progress of knowledge about sustainability, enlightened managers are not content with observing merely the ethical minimum. Living up to the necessities of sustainable development—let alone assuming a leadership role in this reform process—involves much more than a legalistic “compliance definition” of corporate sustainability responsibility. Leaders will therefore strive for *legitimacy* in their conduct. This means first and foremost integrating sustainability in all organizational processes and using available knowledge and capabilities to continuously align

... Enlightened corporate leaders know that a *business as usual* approach to managing corporate affairs is not sufficient to initiate and support the necessary global change of course, nor is looking at corporate sustainable development exclusively through the lens of short-term “profitability versus non-profitability”.

... This will facilitate coordination and collaboration, create synergies in “doing things right” and simplify innovation.

(Prof. Leisinger, correctly I think, goes on to point out that the framework of seeking legitimacy requires new approaches by companies.)

Enlightened corporate leaders are aware of the necessity, the usefulness and the power of

stakeholder dialogues and partnerships. They are *necessary*, because different knowledge, skills, experiences and resources become available, *useful*, because they offer an opportunity to advocate and defend one’s own legitimate corporate interests and *powerful* because unorthodox coalitions can trigger new business models. Unorthodox dialogue partners questioning customary “self-evidentialities” and predominant ideologies (e.g. the dominance of the *shareholder value principle*) create an atmosphere in which new thinking can develop.

2. What ought we to do?

Acting with integrity and in the spirit of the “Golden Rule”

The first idea that strikes sensible bearers of responsibility in the business world in connection with the question “What ought we to do?” is: “Acting in a way which is in line with the available knowledge and in accordance with one’s personal value convictions—in other words: Acting with integrity”. A second thought that comes to morally sensitive business leaders is: “Live up to the spirit of the Golden Rule” in an intergenerational manner.

Reflections of Top Management

To comprehend what integrity and the Golden Rule mean in concrete practical terms, a fundamental reflection on sustainability values is necessary. ... With the achievement of a full understanding of the problem an essential part of the solution has already been found.

Among the questions an enlightened top management must answer in this regard at regular intervals are the following:

- What values do we stand for and what does that mean in the context of sustainability?
- What should the world look like that we wish to hand on to our descendants?
- What could be our corporate contribution to that kind of world?
- What rules in this respect govern priority setting in the case of dilemmas, for example between the size of short-term profits and the consideration of long-term ecological interests or social inclusion?

Such an internal reflection of top management leads to better insights if all relevant stakeholders have been involved. Understanding their issues and expectations, knowing their concerns and interests broadens and deepens the decision basis. Without a principled debate on such issues at the top level of management the corporate cultural compass cannot be aligned or employees committed.

A coherent practical follow up on these basic reflections is the initiation of a congruous, anticipatory, strategic sustainability values management process through which respective organizational governance is adapted and management systems extended.

(Prof. Leisinger calls for a “tour d’horizon” approach to decision-making, a 360 degree awareness, what in my 2004 book, *Moral Capitalism*, I called, borrowing from 18th century Scottish moral philosopher Thomas Reid, “self-interest considered upon the whole.”)

Situation ethics approach is often the right procedure. In such an approach respectful use is made of all the sustainability principles in order to evaluate which norms should be given which weight in the given situation. It is no longer a question of isolated analysis based on a single preferred economic, social, ecological or governance norm. Situation ethics represents an *all things considered* assessment, which weighs up all arguments before a decision is taken.

In such decision situations often compromises have to be reached—i.e. a desirable economic aspect might be “sacrificed” for an ecological or social aspect that in the given situation is considered to be more important. If we look at the sustainability agenda from a moral perspective, this means that a *moral compromise* has to be reached. ... Moral compromises are characterized by the fact that something morally questionable is tolerated (for example damage to the breeding grounds of rare birds at an investment site or the acceptance of local labor norms corresponding to a level acceptable in OECD countries in the 1930s).

An *all things considered* decision could temporarily be the *best possible* or the *least bad option*. Using situation ethics is admittedly a dangerous tightrope act. If the search for shared values and a moral common sense is part and parcel of decision making processes involving such compromises moral dangers can be mitigated.

3. What can we hope for?

“Our problems are man-made, therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. This message that John F. Kennedy gave more than 50 years ago has never been more relevant.

Whatever has to be done to change course and bring humanity back on a sustainable path of develop-

ment—it has to be done by human beings. There are two main areas of hope in this respect; *first*, human beings all over the world integrate sustainability in the way they define a “good life” and “happiness”, and *second*, human ingenuity brings about technological progress which helps to stretch the time span needed for eventually adopting voluntarily sustainable consumption, production and waste patterns.

The sustainability man (homo sustinens)

Evolutionary predecessors of modern humans, e.g. *homo habilis*, *homo erectus* or *homo sapiens* were able to survive and develop because they were innovative and able to adapt to changing circumstances.

In his *Oration on the Dignity of Man* of 1486 Giovanni Pico della Mirandola described his idea of man in a beautiful poetic way. He characterized man as “the most wonderful creation of the world”, “the intermediary between creatures, familiar of the gods above him, the lord of the beings beneath him, by the acuteness of his senses, the inquiry of his reason, and the light of his intelligence, he is the interpreter of nature, set midway between the timeless unchanging and the flux of time; the living union, the very marriage hymn of the world, little lower than the angels.”

And, Pico lets God tell man something important for all spheres of human decision-making, i.e. “with free choice and dignity, you may fashion yourself into whatever form you choose. To you is granted the power of degrading yourself into the lower forms of life, the beasts, and to you is granted the power, contained in your intellect and judgment, to be reborn into the higher forms, the divine.”

Individual responsibility for sustainability cannot be shifted onto others and not doing “the right thing” despite knowing the consequences of not doing it cannot be attributed to a lack of good governance, wrong financial incentives or obstructive market circumstances. The hope is that human beings all over the world in all their professional and private roles accept responsibility for sustainable development and act coherently in their sphere of influence in a spirit of shared values and shared responsibility

Better technologies available today have already changed the definition of eco-efficiency, and more of the same is to be expected. ... Human ingenuity is the single most powerful force for sustainable development. Specific resources (e.g. copper) are no longer or significantly less needed for the particular services they can yield (such as the capacity to conduct electricity), since there are substitutes (such as optical fibers).

In conclusion Prof Leisinger affirms with resolution that: *We know what is at stake; it is obvious what we ought to do—we may hope that we will succeed.*

Klaus Michael Leisinger, founder and President of the Foundation Global Values Alliance, is Professor of sociology at the University of Basel (for development policy, business ethics and corporate responsibility), Special Adviser to the Global Compact of the United Nations for business ethics and the Post-2015 Sustainable Development Goals, member of the Consortium Board of the Consultative Group for International Agricultural Research (CGIAR), as well as member of the Leadership Council of the Sustainable Development Solutions Network launched by UN Secretary General Ban Ki-moon and directed by Prof. Jeffrey Sachs.

Articles of Impeachment against John Andrew Koskinen

.....
(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. RES. _____

Impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

Mr. CHAFFETZ submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors.

1 *Resolved*, That John Andrew Koskinen, Commis-
2 sioner of the Internal Revenue Service, is impeached for
3 high crimes and misdemeanors and that the following arti-
4 cles of impeachment be exhibited to the Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against John Andrew Koskinen, Commissioner
9 of the Internal Revenue Service, in maintenance and sup-

port of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

John Andrew Koskinen, in his conduct while Commissioner of the Internal Revenue Service, engaged in a pattern of conduct that is incompatible with his duties as an Officer of the United States, as follows:

Commissioner Koskinen failed in his duty to respond to lawfully issued congressional subpoenas. On August 2, 2013, the Committee on Oversight and Government Reform of the House of Representatives issued a subpoena to Secretary of the Treasury Jacob Lew, the custodian of Internal Revenue Service documents. That subpoena demanded, among other things, “[a]ll communications sent or received by Lois Lerner, from January 1, 2009, to August 2, 2013”. On February 14, 2014, following the Senate’s confirmation of John Andrew Koskinen as Commissioner of the Internal Revenue Service, the Committee on Oversight and Government Reform of the House of Representatives reissued the subpoena to him.

On March 4, 2014, Internal Revenue Service employees in Martinsburg, West Virginia, magnetically erased 422 backup tapes, destroying as many as 24,000 of Lois Lerner’s emails responsive to the subpoena. This action impeded congressional investigations into the Internal Revenue Service targeting of Americans based on their po-

litical affiliation. The American people may never know the true culpability or extent of the Internal Revenue Service targeting because of the destruction of evidence that took place.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

John Andrew Koskinen engaged in a pattern of deception that demonstrates his unfitness to serve as Commissioner of the Internal Revenue Service. Commissioner. Koskinen made a series of false and misleading statements to Congress in contravention of his oath to tell the truth. Those false statements included the following:

(1) On June 20, 2014, Commissioner Koskinen testified that “since the start of this investigation, every email has been preserved. Nothing has been lost. Nothing has been destroyed.”.

(2) On the same day, Commissioner Koskinen testified that the Internal Revenue Service had “confirmed that backup tapes from 2011 no longer existed because they have been recycled, pursuant to the Internal Revenue Service normal policy”. He went on to explain that “[c]onfirmed means that somebody went back and looked and made sure that in fact any backup tapes that had existed had been recycled”.

(3) On March 26, 2014, Commissioner Koskinen was asked during a hearing before the Committee on Oversight and Government Reform of the House of Representatives, “Sir, are you or are you not going to provide this committee all of Lois Lerner’s emails?” He answered, “Yes, we will do that.”.

Each of those statements was materially false. On March 4, 2014, Internal Revenue Service employees magnetically erased 422 backup tapes containing as many as 24,000 of Lois Lerner’s emails. On February 2, 2014, senior Internal Revenue Service officials discovered that Lois Lerner’s computer hard drive had crashed, rendering hundreds or thousands of her emails unrecoverable. Commissioner Koskinen’s false statements impeded and confused congressional investigations into the Internal Revenue Service targeting of Americans based on their political affiliation.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

John Andrew Koskinen, throughout his tenure as Commissioner of the Internal Revenue Service, has acted in a manner inconsistent with the trust and confidence placed in him as an Officer of the United States, as follows:

During his confirmation hearing before the Senate Committee on Finance, John Andrew Koskinen promised, “[W]e will be transparent about any problems we run into; and the public and certainly this committee will know about those problems as soon as we do.”.

Commissioner Koskinen repeatedly violated that promise. As early as February 2014 and no later than April 2014, he was aware that a substantial portion of Lois Lerner’s emails could not be produced to Congress. However, in a March 19, 2014, letter to Senator Wyden of the Senate Committee on Finance, Commissioner Koskinen said, “We are transmitting today additional information that we believe completes our production to your committee and the House Ways and Means [C]ommittee. . . . In light of these productions, I hope that the investigations can be concluded in the very near future.”. At the time he sent that letter, he knew that the document production was not complete.

Commissioner Koskinen did not notify Congress of any problem until June 13, 2014, when he included the information on the fifth page of the third enclosure of a letter to the Senate Committee on Finance.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

Articles of Impeachment against Richard M. Nixon

Article 1

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

ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF ITSELF AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA, AGAINST RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, IN MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANOURS.



President Richard Nixon

ARTICLE 1

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

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

The means used to implement this course of conduct or plan included one or more of the following: making false or misleading statements to lawfully authorized investigative officers and employees of the United States;

1. withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

2. approving, condoning, acquiescing in, and counselling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;
3. interfering or endeavouring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the office of Watergate Special Prosecution Force, and Congressional Committees;
4. approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;
5. endeavouring to misuse the Central Intelligence Agency, an agency of the United States;
6. disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;
7. making or causing to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was no involvement of such personnel in such misconduct: or
8. endeavouring to cause prospective defendants, and individuals duly tried and convicted, to expect favoured treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Adopted 27-11 by the Committee on the Judiciary of

the House of Representatives, at 7.07pm on Saturday, 27th July, 1974, in Room 2141 of the Rayburn Office Building, Washington D.C.



President Richard Nixon

Article 2

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

This conduct has included one or more of the following:

1. He has, acting personally and through his subordinates and agents, endeavoured to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.
2. He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or

any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

3. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.
4. He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavoured to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.
5. In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Adopted 28-10 by the Committee on the Judiciary of the House of Representatives.

Article 3

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the Unit-

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

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States. Wherefore, Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

Adopted 21-17 by the Committee on the Judiciary of the House of Representatives.



New York Times Headline
July 31, 1974

Outro:

Power and Commitment

“Man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary.”

--Reinhold Niebuhr

This issue of *Pegasus* presents the good – our moral obligation and ability to improve our situation, and also the bad – our potential for great missteps in judgment. As Steve noted in his introduction, these topics are linked together by their association with character and the nature of human beings when holding power.

As Niebuhr notes, it is our capacity for justice, which makes human beings unique. It is part of what makes the idea of sustainable development even possible in the least. However, it is our inclination to injustice – for abuse of power, unsustainable development – that makes the extra effort of a global effort on sustainable development necessary.

The interesting aspect to all of this is the idea of commitment. Where does our commitment lie? Does it lie in external pursuits, the idea of making things better for all? Or, instead does it lie in more internal endeavors, seeking only to better your own personal situation? In nearly every situation, whether we are an individual worker, a CEO, or an entire corporation, our commitment should lie outside of ourselves to the bigger community as a whole. It is in this capacity that we, as human beings, possess the ability to create a more evenhanded system of government, a more equitable system of economic development, and a more verdant world for all.

In Niebuhr’s sentiment we see the we have potential for negative, self-focused pursuits but we also have the keys to stop those very same pursuits. All that is needed is the appropriate level of commitment.

In the end it leaves you with the lasting thought of never asking *how* to satisfy a commitment; but, rather, always asking *why*.

As always I welcome your comments,

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Caux Round Table

Published by the Caux Round Table

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Design and Layout by Erik Sande

