

Lesson 17

Watergate

Objective

- To recognize how Richard Nixon had obstructed justice and abused the powers of the Presidency to the extent that Congress was prepared to remove him from office

Notes to the Teacher

After losing a very close election to John F. Kennedy in 1960, Nixon became convinced that he must never again leave anything undone in an election campaign—no matter how certain victory appeared. In view of his great popularity in the polls in 1972, there was no cause for alarm before the November election. Nevertheless, Nixon's Committee to Re-elect the President (CREEP) engaged in an extensive "dirty tricks" campaign to discredit and sabotage the Democratic opposition. Their tactics included illegal wiretapping, writing slanderous letters to the press discrediting Democratic candidates, concocting false advertisements in support of President Nixon, and intimidating Administration "enemies" with threats of harassment by the IRS. The break-in at the Watergate office complex to steal Democratic documents and "bug" the opposition's offices was part of that "dirty tricks" campaign.

Members of the press, notably Carl Bernstein and Bob Woodward of the *Washington Post*, subsequently conducted an extensive and relentless investigation to unravel the President's involvement in the Watergate break-in and cover-up. Students might enjoy reading the book *All the President's Men*, (subsequently made into a motion picture), Woodward and Bernstein's story of their investigative reporting of the affair. The Senate Special Committee on Presidential Campaign Activities, headed by Senator Sam Ervin of North Carolina, uncovered further damaging evidence of the President's role in Watergate.

As evidence against the President mounted, the House Judiciary Committee, chaired by Peter Rodino of New Jersey, held hearings to consider possible impeachment charges against the President.

In this lesson, students read the Articles of Impeachment and complete a study guide to gain a sense of the pattern of misconduct that forced Nixon, faced with certain impeachment, conviction, and removal from office, to resign the presidency in August, 1974. This lesson may take two days to complete.

Procedure

1. Ask students if any American president has been impeached. Responses will vary; Nixon's name will probably be mentioned, and some may know of Andrew Johnson. Be sure the students understand that Andrew Johnson was impeached but not convicted. They should realize that Nixon, although not officially impeached, was unofficially convicted by many Americans. Briefly review the impeachment process. Use material in Notes to the Teacher to provide a frame of reference for the Judiciary Committee's hearings.
2. Distribute **Handout 17** and have students use their textbook or other reference materials to identify, in writing, the following terms or people as their homework assignment:
 - a) Watergate break-in of June 17, 1972; b) Committee to Re-Elect the President (CREEP); c) "Saturday Night Massacre" of October 20, 1973; d) Watergate "tape gap"; e) Watergate transcripts; f) concept of executive privilege; g) Sam Ervin; h) Peter Rodino; i) Carl Bernstein and Bob Woodward of the *Washington Post* and j) Judge John J. Sirica.
3. Review the terms and people from the homework assignment.

Suggested Responses: Homework

- a. Watergate break-in of June 17, 1972—*Republicans attempted to enter Democratic headquarters to steal Democratic campaign documents and "bug" the opposition's offices.*

- b. Committee to Re-Elect the President (CREEP)—Nixon’s campaign committee, which engaged in a covert campaign, discredited and sabotaged the Democratic opposition by tactics such as illegal wiretapping, writing slanderous letters to the press discrediting Democratic candidates, concocting false advertisements in support of President Nixon, and intimidating Administration “enemies” with threats of harassment by the Internal Revenue Service.
- c. “Saturday Night Massacre”—Nixon had offered to provide summaries of the Watergate tapes but not the tapes themselves. When Special Prosecutor Archibald Cox demanded the actual tapes, Nixon ordered Attorney General Elliot Richardson to fire Cox. Richardson resigned from office rather than comply. So did the Deputy Attorney General. Finally, Solicitor General Robert Bork fired Cox.
- d. Watergate “tape gap”—Eighteen minutes of a crucial tape recording were found to be inexplicably missing; many other tapes had inaudible or unintelligible parts, usually at critical moments in conversations.
- e. Watergate transcripts—After numerous delays Nixon released written transcripts of some of the Watergate-related recordings; in the words of Senator Hugh Scott of Pennsylvania, the tapes were “deplorable, disgusting, shabby, immoral.”
- f. Concept of executive privilege—Nixon contended that under the principle of separation of powers, the Founding Fathers implied the President’s right to maintain the confidentiality of his records and defend executive power against encroachment.
- g. Sam Ervin—Chairman of U.S. Senate Special Committee on Presidential Campaign Activities that uncovered considerable damaging evidence on the President’s role in Watergate.
- h. Peter Rodino—Chairman of the House Judiciary Committee that held hearings and voted Articles of Impeachment against the President. These Articles would have been presented to the full House of Representatives for debate and a vote if President Nixon had not resigned.
- i. Carl Bernstein and Bob Woodward of the Washington Post—Investigative reporters who unraveled the President’s involvement in the Watergate break-in and cover-up
- j. Judge John J. Sirica—Federal judge who heard the original Watergate burglary case by imposing stiff sentences; he prompted one of them to implicate the White House.
4. Have the students read the Articles of Impeachment in **Handout 17** and complete the accompanying study guide either individually, in small groups, or as a large group activity. Be sure to reserve time to review their responses.

Suggested Responses: Handout 17

1. a. obstruction of justice
b. abuse of powers of Presidency
c. failure to respond to subpoena
 2. Watergate break-in
 3. Answers will vary; see reading
 4. Answers will vary; see reading
 5. legal order requiring a court appearance to give testimony
 6. impeded House of Representatives’ opportunity to gain necessary evidence to complete their task of voting on impeachment, a duty assigned to them by the Constitution
 7. Answers will vary.
5. Conclude the discussion of this lesson by asking students whether they believe President Nixon deserved to be removed from office and why.

Watergate

The Articles of Impeachment voted by the Judiciary Committee of the House of Representatives give a good summary of the scope of Richard Nixon's alleged violations of the public trust. Use the reading that follows as a resource in completing the study guide at the end of the selection.

RESOLUTION

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

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

ARTICLE I

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath . . .

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 subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful 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:

(1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

(3) approving, condoning, acquiescing in, and counseling 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;

(4) interfering or endeavoring 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;

(5) 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;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investiga-

tive officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

(8) making 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

(9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony. . . .

ARTICLE II

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath . . .

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 purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored 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 endeavored 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. . . .

ARTICLE III

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

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 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.¹

1. Skim the introductions to find the main charge against the President in each article:
 - a. Article I:

 - b. Article II:

 - c. Article III:

2. In Article I, what event is Nixon charged with covering up?

¹Theodore H. White, *Breach of Faith: The Fall of Richard Nixon* (New York: Atheneum Publishers, 1975), Appendix A, 345–348.

3. In your own words, explain at least six methods the President was accused of using to cover up the June 17, 1972 break-in at the Watergate Apartments.

a.

b.

c.

d.

e.

f.

4. From Article II, explain, in your own words, four ways that the President is said to have violated the constitutional rights of citizens.

a.

b.

c.

d.

5. What is a *subpoena*?

6. According to Article III, in what way did Nixon violate the principle of separation of powers?

7. In what respect do the charges suggest a pattern of conduct that the Congress and American people would find intolerable?