

WATERGATE SCANDAL

The term "Watergate" refers to a series of events, spanning from 1972 to 1974, that began with U.S. President Nixon's administration's abuse of power toward the goal of undermining political opposition in the public anti-war movement and the Democratic Party. The famous scandal came in the political context of the ongoing Vietnam War, which had since Lyndon Johnson's presidency grown increasingly unpopular with the American public. Though Nixon had endured two years of mounting political embarrassments, the court-ordered release of the "smoking gun tape" in August 1974 brought with it the prospect of certain impeachment for Nixon, and he resigned only four days later on August 9.

The Burglary

On June 17, 1972, Frank Wills, a security guard working at the office complex of the Watergate Hotel in Washington, D.C., noticed a piece of tape on the door between the basement stairwell and the parking garage. It was holding the door unlocked, so Wills removed it, assuming the cleaning crew had put it there. Later, he returned and discovered that the tape had been replaced. Suspicious, Wills then contacted the D.C. police.

After the police came, five men — Bernard Barker, Virgilio González, Eugenio Martínez, James W. McCord, Jr., and Frank Sturgis — were discovered and arrested for breaking into the headquarters of the Democratic National Committee. The men purportedly had broken into the same office three weeks earlier as well, and had returned intending to fix wiretaps that were not working and, according to some, to photograph documents.

The need to break into the office for a second time was just the highlight of a number of mistakes made by the burglars. Another, the telephone number of E. Howard Hunt in McCord's notebook, proved costly to them — and the White House — when found by the police. Hunt had previously worked for the White House, while McCord was officially employed as Chief of Security at the Committee to Re-elect the President (CRP), later commonly referred to as CREEP. This quickly suggested that there was a link between the burglars and someone close to the President. However, Nixon press secretary Ron Ziegler dismissed the affair as a "third-rate burglary". Though the burglary occurred at a sensitive time, with a looming presidential campaign, most Americans initially believed that no President with Nixon's advantage in the polls would be so foolhardy or unethical as to risk association with such an affair. At his arraignment before Judge John Sirica, burglar McCord identified himself as retired from the Central Intelligence Agency (CIA). The Washington D.C. district attorney's office began an investigation of the links between McCord and the CIA, and eventually determined that McCord had received payments from CRP. Washington Post reporter Bob Woodward was at the arraignment, and he, along with his colleague, Carl Bernstein, began an investigation into the burglary. Most of what they published was known to the Federal Bureau of Investigation (FBI) and other governmental investigators — these were often Woodward's and Bernstein's sources — but they helped keep Watergate in the spotlight. Woodward's relations with a principal inside source added an extra layer of mystery to the affair. This source was codenamed "Deep Throat", and his true identity was kept from the public. Decades of speculation ended on May 31, 2005, when W. Mark Felt, the No. 2 official at the FBI in the early 1970s, revealed that he was Deep Throat — a claim later confirmed by Woodward.

President Nixon and White House Chief of Staff H. R. "Bob" Haldeman were tape-recorded (a standard, but secret, Nixon practice) on June 23 discussing use of the CIA to obstruct the FBI's investigation of the Watergate break-ins. Nixon followed through by asking the CIA to slow the FBI's investigation of the crime, claiming that national security would be put at risk. In fact, the crime and numerous other "dirty tricks" had been undertaken on behalf of CRP, mainly under the direction of Hunt and G. Gordon

Liddy. The pair had also worked in the White House in the Special Investigations Unit, nicknamed the "Plumbers." This group investigated leaks of information the administration did not want publicly known, and ran various operations against the Democrats and anti-war protestors. Most famous of their activities was the break-in at the office of the psychiatrist of Daniel Ellsberg. Ellsberg, a former employee of The Pentagon and State Department, had leaked the Pentagon Papers to the New York Times and, as a result, was prosecuted for espionage, theft, and conspiracy. Hunt and Liddy found nothing useful, however, and trashed the office to cover their tracks. The break-in was only linked to the White House much later, but at the time it caused the collapse of Ellsberg's trial due to evident government misconduct.

There is still much dispute about the level of involvement of leading figures in the White House, such as Attorney General John Mitchell, chief of staff Haldeman, leading aides Charles Colson and John Ehrlichman, and Nixon himself. Mitchell dubbed these events the White House horrors. As the head of CRP, along with campaign manager Jeb Stuart Magruder and Fred LaRue, Mitchell approved Hunt's and Liddy's espionage plans, including the break-in, but whether it went above them is unclear. Magruder, for instance, gave a number of different accounts, including that he had overheard Nixon order Mitchell to conduct the break-in in order to gather intelligence about the activities of Larry O'Brien, the director of the Democratic Campaign Committee.

On January 8, 1973, the original burglars, along with Liddy and Hunt, went to trial. All except McCord and Liddy pleaded guilty, and all were convicted of conspiracy, burglary and wiretapping. The accused had been paid by CRP to plead guilty but say nothing, and their refusal to allocute to the crimes angered the trial judge, John Sirica (known as "Maximum John" because of his harsh sentencing). Sirica handed down thirty-year sentences, but indicated he would reconsider if the group would be more cooperative. McCord complied, implicated CRP in the burglary and the payoff for the burglars' silence, and admitted to perjury.

The Senate investigation

The connection between the Watergate burglary and the President's re-election campaign fundraising committee dramatically increased the profile of the crime and the consequent political stakes. Instead of ending with the trial and conviction of the burglars, the investigations grew broader; a Senate committee chaired by Senator Sam Ervin was set up to examine Watergate and started to subpoena White House staff.

On April 30, Nixon was forced to ask for the resignations of two of his most influential aides, Haldeman and Ehrlichman, both of whom would soon be indicted and ultimately go to prison. He also fired White House counsel John Dean, who had just testified before the Senate and would go on to become the key witness against Nixon himself.

On the same day, Nixon named a new Attorney General, Elliot Richardson, and gave him authority to designate for the growing Watergate inquiry a special counsel who would be independent of the regular Justice Department hierarchy, to preserve his independence. On May 18, Richardson named Archibald Cox to the position. Televised hearings had begun the day before.

The tapes

President Nixon giving a televised address explaining release of edited transcripts of the tapes on April 29, 1974.

The hearings held by the Senate Watergate Committee, in which White House Counsel John Dean was the star witness and in which many other former key administration officials gave dramatic testimony, were broadcast from May 17 to August 7, causing devastating political damage to Nixon. Each network carried coverage of the hearings every third day, starting with ABC on May 17 and ending with NBC on August 7. It was estimated that 85% of Americans with television sets tuned in to at least one portion of the hearings. [1]

Most famously, Republican Senator Howard Baker of Tennessee asked the memorable question "What did the president know, and when did he know it?" which focused attention for the first time on Nixon's personal role in the scandal.

On July 13, Sanders asked Alexander Butterfield, deputy assistant to the President, if there were any type of recording systems in the White House. Butterfield answered that though he was reluctant to say so, there was a system in the White House that automatically recorded everything in the Oval Office. The shocking revelation radically transformed the Watergate investigation. The tapes were soon subpoenaed by both first special prosecutor Archibald Cox and the Senate, as they might prove whether Nixon or Dean was telling the truth about key meetings. Nixon refused, citing the principle of executive privilege, and ordered Cox, via Attorney General Richardson, to drop his subpoena.

Saturday night massacre

Cox's refusal to drop his subpoena led to the "Saturday night massacre" on October 20, 1973, when Nixon compelled the resignations of Richardson and then his deputy William French Smith in a search for someone in the Justice Department willing to fire Cox. This search ended with Solicitor General Robert Bork, and the new acting department head dismissed the special prosecutor. Public reaction was immediate and intense, with protestors standing along the sidewalks outside the White House holding signs saying "HONK TO IMPEACH," and hundreds of cars driving by honking their horns. Allegations of wrongdoing caused Nixon to famously state "I am not a crook" in front of 400 Associated Press managing editors at Walt Disney World in Florida on November 17.

Nixon was forced, however, to allow the appointment of a new special prosecutor, Leon Jaworski, who continued the investigation. While Nixon continued to refuse to turn over actual tapes, he did agree to release edited transcripts of a large number of them; Nixon cited the fact that any sensitive national security information could be edited out of the tapes; it was also speculated that the tapes may have contained both foul language and racial slurs which would have made Nixon look bad. The tapes largely confirmed Dean's account, and caused further embarrassment when a crucial, 18½ minute portion of one tape, which had never been out of White House custody, was found to have been erased. The White House blamed this on Nixon's secretary, Rose Mary Woods, who said she had accidentally erased the tape by pushing the wrong foot pedal on her tape player while answering the phone. However, as photos splashed all over the press showed, for Woods to answer the phone and keep her foot on the pedal would have required a stretch that challenged many a gymnast. She was then said to have held this position for the full 18½ minutes. Later forensic analysis determined that the gap had been erased several — perhaps as many as eight — times over, refuting the "accidental erasure" explanation.

Supreme Court

This issue of access to the tapes went all the way to the Supreme Court. On July 24, 1974, in *United States v. Nixon*, the Court (which did not include the recused Justice Rehnquist) ruled unanimously that claims of executive privilege over the tapes were void, and they further ordered him to surrender them to Jaworski. On July 30 he complied with the order and released the subpoenaed tapes.

Articles of impeachment, resignation, and convictions

On January 28, 1974, Nixon campaign aide Herbert Porter pled guilty to the charge of lying to the FBI during the early stages of the Watergate investigation. On February 25, Nixon's personal lawyer Herbert Kalmbach plead guilty to two charges of illegal election-campaign activities. Other charges were dropped in return for Kalmbach's cooperation in the forthcoming Watergate trials.

On March 1, 1974, former aides of the president, known as the Watergate Seven — Haldeman, Ehrlichman, Mitchell, Colson, Gordon C. Strachan, Robert Mardian, and Kenneth Parkinson — were indicted for conspiring to hinder the Watergate investigation. The grand jury also secretly named Nixon as an unindicted co-conspirator. Dean, Magruder and other figures in the scandal had already pleaded guilty. Colson stated in his book *Born Again* that he was given a report by a White House aide that clearly implicated the CIA in the whole Watergate scandal and showed an attempt to implicate him as the one responsible.

On April 7, the Watergate grand jury indicted Ed Reinecke, Republican lieutenant governor of California, on three charges of perjury before the Senate committee. On April 5, former Nixon appointments secretary Dwight Chapin was convicted of lying to the grand jury.

Nixon's position was becoming increasingly precarious, and the House of Representatives began formal investigations into the possible impeachment of the President. The committee's opening speeches included one by Texas Representative Barbara Jordan that catapulted her to instant nationwide fame. The House Judiciary Committee voted 27 to 11 on July 27, 1974 to recommend the first article of impeachment against the President: obstruction of justice. The second (abuse of power) and third (contempt of Congress) articles were passed on July 29 and July 30, respectively.

In August, the previously unknown tape from June 23, 1972 was released. Recorded only a few days after the break-in, it documented Nixon and Haldeman formulating a plan to block investigations by having the CIA claim to the FBI (falsely) that national security was involved. The tape was referred to as a "smoking gun." With this last piece of evidence, Nixon's few remaining supporters deserted him. The ten congressmen who had voted against all three Articles of Impeachment in committee announced that they would all support impeachment when the vote was taken in the full House. Throughout this time, Nixon still denied any involvement in the ordeal.

Nixon's support in the Senate was weak as well. After being told by key Republican Senators that enough votes existed to convict him, Nixon decided to resign. In a nationally televised address on the evening of August 8, 1974, he announced he would resign effective noon on August 9. Though Nixon's resignation obviated the pending impeachment, criminal prosecution was still a possibility. He was succeeded by Gerald Ford, who on September 8 issued a widely-scoped pardon for Nixon, immunizing him from prosecution for any crimes he may have committed as President. Nixon proclaimed his innocence until his death, although his acceptance of the pardon was construed by many as an admission of guilt. He did state in his official response to the pardon that he "was wrong in not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the stage of judicial proceedings and grew from a political scandal into a national tragedy."

Colson pleaded guilty to charges concerning the Ellsberg case; in exchange, the indictment against him for covering up the activities of CRP was dropped, as it was against Strachan. The remaining five members of the Watergate Seven indicted in March went on trial in October 1974, and on January 1, 1975, all but Parkinson were found guilty. In 1976, the U.S. Court of Appeals ordered a new trial for Mardian; subsequently, all charges against him were dropped. Haldeman, Ehrlichman, and Mitchell exhausted their appeals in 1977. Ehrlichman entered prison in 1976, followed by the other two in 1977.

Aftermath

The effects of the Watergate scandal did not by any means end with the resignation of President Nixon and the imprisonment of some of his aides. Indirectly, Watergate was the cause of new laws leading to extensive changes in campaign financing. It was a major factor in the passage of amendments to the Freedom of Information Act in 1986, as well as laws requiring new financial disclosures by key government officials.

While not legally required, other types of personal disclosure, such as releasing recent income tax forms, became expected. Presidents since Franklin Roosevelt had recorded many of their conversations, but after Watergate this general practice ended, at least as far as the public knows.

Watergate led to a new era in which the mass media became far more aggressive in reporting on the activities of politicians. For instance, Wilbur Mills, a powerful congressman, was in a drunken driving accident. The incident, similar to others which the press had previously never mentioned, was reported, and Mills soon had to resign. In addition to reporters becoming more aggressive in revealing the personal conduct of key politicians, they also became far more cynical in reporting on political issues. A new generation of reporters, hoping to become the next Woodward and Bernstein, embraced investigative reporting and sought to uncover new scandals in the increasing amounts of financial information being released about politicians and their campaigns.

Since Nixon and many senior officials involved in Watergate were lawyers, the scandal severely tarnished the public image of the legal profession.[1] In order to defuse public demand for direct federal regulation of lawyers (as opposed to leaving it in the hands of state bar associations or supreme courts), the American Bar Association, (ABA) launched two major reforms. First, the ABA decided that its existing Model Code of Professional Responsibility (promulgated 1969) was a failure, and replaced it with the Model Rules of Professional Conduct in 1983. The MRPC has been adopted in part or in whole by 44 states. Its preamble contains an emphatic reminder to young lawyers that the legal profession can remain self-governing only if lawyers behave properly. Second, the ABA promulgated a requirement that law students at ABA-approved law schools take a course in professional responsibility (which means they must study the MRPC). The requirement remains in effect.

The Watergate scandals left such an impression on the national and international consciousness that many scandals since then have been labeled with the suffix "-gate" — such as Koreagate, Contragate, Whitewatergate, Travelgate, "Zippergate" or Filegate in the U.S., Tunagate in Canada, Dianagate/Squidgygate and ThatcherGate in the UK, and even PEMEXGATE and Toallagate in Mexico. In 2003 a scandal involving a group of Poland's key political figures and a Polish media magnate Lew Rywin was frequently referred to in Polish media as "Rywingate." Other impressions included Colegate, Sheikgate and Edgate.

Source:

Wikipedia. (2006, May 11). “”Watergate.” Retrieved on May 11, 2006, from http://en.wikipedia.org/wiki/Watergate_scandal

TRIAL PROCEDURES

Unlike a trial in court, impeachment trials are heard in Congress. The House of Representatives acts as the Grand Jury, which means it is responsible for hearing preliminary evidence and deciding if there is enough of a case against the president (or other elected official) for a trial. If the House finds that there is enough evidence, then it passes **articles of impeachment**. These are simply formal charges against the president stating what he has done wrong. Keep in mind that there are only three offenses that warrant impeachment of the president, as found in Article 2, Section 4 of the Constitution: “**Treason, Bribery, or other high Crimes and Misdemeanors.**”

Once the House of Representatives adopts the articles of impeachment, a trial then takes place in the Senate. The Senators act as the jury, and in most cases the President of the Senate (the Vice President of the United States) acts as the judge. However, when the president is on trial, the **Chief Justice of the Supreme Court** presides over the trial as judge (this is part of checks and balances). The order of proceedings in an impeachment trial is as follows:

1. Opening arguments by the prosecution (members of the House OR Special Prosecutors)
2. Opening arguments by the defense (attorneys for the president)
3. Presentation of evidence and questioning of witnesses by the prosecution; this includes cross-examination by the defense
4. Presentation of evidence and questioning of witnesses by the defense; this includes cross-examination by the prosecution
5. Closing arguments by the prosecution
6. Closing arguments by the defense
7. Deliberations by the Senate
8. Vote on each charge by the Senate

The Constitution requires a 2/3 vote to convict an official in an impeachment hearing. The House of Representatives has impeached 16 government officials, seven of which have been convicted. No president has ever been convicted on impeachment charges; Andrew Johnson and Bill Clinton are the only two presidents who have been impeached (the House was considering articles of impeachment against Richard Nixon when he resigned).

In your trial, you are to call all available witnesses to testify (including President Nixon—even though he did not testify in the actual trial). Attorneys should collaborate with the witnesses to come up with questions to be asked. The Chief Justice should review his/her role, and memorize the order of proceedings. He/she should also research objections that can be made in court, and understand how to rule on them.

The characters for this mock trial are as follows (some classes do not have all characters):

Character	Role
Warren E. Burger	Chief Justice of the Supreme Court
Richard M. Nixon	Defendant/Witness: President
John Mitchell	Defense Attorney/Witness: Former Attorney General/Head of CREEP
*John Dean	Defense Attorney/Witness: Special Counsel to the President
Archibald Cox	Watergate Special Prosecutor
*Leon Jaworski	Watergate Special Prosecutor
Mark Felt	Witness: FBI Agent/Informant (Deep Throat)
Bernard L. Barker	Witness: Former CIA Agent arrested at Watergate (“A Plumber”)
John Ehrlichman	Witness: President’s adviser on domestic affairs
H.R. Bob Haldeman	Witness: President’s Chief of Staff
Alexander Butterfield	Witness: Head of FAA/Revealed tape-recording device in White House
E. Howard Hunt	Witness: Presidential Adviser/Former CIA agent
*G. Gordon Liddy	Witness: General Counsel for CREEP/Former FBI agent
*Maurice Stans	Witness: Finance Chairman for CREEP
*Rose Mary Woods	Witness: Presidential Secretary (erased part of secret tapes)

*Optional character. If there are not enough people to fill this role, leave it out.