**PRE-VIEWING ENRICHMENT WORKSHEET FOR *ALL THE PRESIDENT'S MEN***

*THE WATERGATE SCANDAL AND THE DOWNFALL OF RICHARD NIXON*

During the 20th century, the executive branch of the U.S. government gained power as the country faced new and complex challenges and became increasingly involved in world affairs. Historians coined the term "the Imperial Presidency" to describe this phenomenon. In the early 1970s Richard Nixon, the 37th President of the United States, began to act is if he were above the law to ensure reelection in 1972 and thus maintain the power of the executive branch. The President and his close aides authorized a number of illegal campaign tactics. One of them was an attempt to break into and bug the headquarters of the Democratic National Committee located in the Watergate office complex. The burglars were caught in the act on June 17, 1972. Nixon and his aides tried to cover up their own involvement through perjury, payoffs and the destruction of evidence. This obstruction of justice, a felony, was planned and executed from the White House and the office of the Attorney General of the United States.

*Question 1: What advantages could be gained in a presidential campaign by spying on the opposition?*

Another example of the anti-democratic efforts of the Nixon White House was the successful effort to destroy the fledgling presidential campaign of Maine Senator Edmund Muskie. Nixon and his political operatives feared Muskie as a potential opponent. Therefore, they sought to remove him from the Democratic primaries for president through a series of "dirty tricks," such as forged letters on Citizens for Muskie letterhead making false charges of sexual misconduct against other candidates, disrupting a fund raising dinner, placing advertisements harmful to Muskie in newspapers and on radio stations, disrupting rallies by assigning agents to appear with posters and ask embarrassing questions, etc. With Muskie out of the way, the Democrats nominated South Dakota Senator George McGovern, a much easier candidate for Nixon to beat. Donald Segretti, the political operative in charge of the dirty tricks campaign, had 28 paid agents working for him in 12 states. Segretti was later sentenced to six months in federal prison on three misdemeanor counts of distributing illegal campaign literature.

*Question 2: In what ways do "dirty tricks" played upon an opponent in an election actually undermine the democratic process?*

Much of the cover-up, including distribution of money from a slush fund, was directed by the Attorney General of the United States, the man charged with seeing that the laws are enforced and obeyed. The two top aides to the President were active in the cover-up. Nixon and his aides spread the corruption to several other law enforcement agencies. The CIA was enlisted to falsely tell the FBI that the Watergate Investigation was harming national security and that the FBI should back off. The FBI was recruited for "black bag jobs" in which agents secretly searched homes and offices without warrants. The acting head of the FBI resigned in disgrace after admitting that he had burned evidence to keep it from coming to light.

*Question 3: How might ethical CIA and FBI agents have dealt with the illegal acts assigned to them in Nixon's efforts to assure reelection?*

Crucial pieces of what came to be called the "Watergate scandal" were first uncovered by two junior reporters from the Washington Post, Bob Woodward and Carl Bernstein. This movie is a dramatization of their experiences. Bob Woodward developed a source, a person highly placed in the Administration, who did not want to be identified. Woodward and Bernstein kept the identity of "Deep Throat" secret for more than 30 years. After Bernstein and Woodward broke the story, other newspapers became involved. In 2005, Deep Throat's family revealed his identity. His name was Mark Felt who had been second in command of the FBI at that time.

*Question 4: Deep Throat served in the capacity we now call a whistle blower, one who provides information about illegal or suspect activities. There are laws now in place to protect such people from retaliation but there are also laws punishing people who leak government secrets. Under what circumstances are people who disclose to the press information about government actions justified?*

After the press uncovered evidence of wrongdoing by President Nixon's aides, the Congress and the courts began to investigate the White House. The Senate formed a Select Committee to Investigate Campaign Practices. The question that dominated the hearings was: "what did the President know and when did he know it?" The Committee's chairman was North Carolina Senator Sam Ervin, who projected the image of a "country lawyer" who used common sense to cut through complex issues and who knew right from wrong. At the beginning of the hearings, Senator Ervin said, "If the many allegations made to this date are true, then the burglars who broke into the headquarters of the Democratic National Committee at the Watergate were in effect breaking into the home of every citizen of the United States. ... And if these allegations prove to be true, what they were seeking to steal was not the jewels, money or other precious property of American citizens, but something much more valuable - their most precious heritage: the right to vote in a free election."

The hearings were televised live. They riveted the nation. The misconduct exposed by the "Watergate Committee" appalled the public and eroded support for the President. The Senate hearings led to the disclosure that President Nixon secretly taped most of his meetings in the White House. The tapes were promptly subpoenaed by the Committee but Nixon refused to provide them. Finally, the U.S. Supreme Court ordered Nixon to produce the tapes. The tapes were very damaging to the President, and there was one 18 and a half minute erasure of a crucial meeting. One of the tapes that President Nixon didn't want disclosed showed him conspiring with his top aide, John Haldeman, to get the CIA to falsely tell the FBI that national security required the FBI to stop investigating the Watergate break-in.

*Question 5: When should government officials refuse to obey a lawful order of the President of the United States?*

Public pressure had forced Nixon to agree to the appointment of a Special Prosecutor to investigate Watergate related crimes. The prosecutor was selected by Nixon's new attorney general, Elliott Richardson. The Special Prosecutor was Archibald Cox, a Harvard Law School professor. Cox subpoenaed the White House tapes. When Cox would not drop the subpoena (and as it became apparent that he would vigorously prosecute White House aides), Nixon ordered Richardson to fire Cox. During his confirmation hearings, Richardson had promised the Senate that he would give Cox complete freedom in the investigation. Richardson refused the President's order and resigned in protest. Nixon then demanded that the second in command at the Justice Department, Deputy Attorney General William Ruckelshaus, fire Cox. Ruckelshaus had also promised the Senate that the Special Prosecutor would have complete freedom. Ruckelshaus, too, resigned rather than fire Mr. Cox. Finally, Nixon found someone who would do his bidding. The third in line at the Justice Department, Solicitor General Robert Bork (who had made no promises about the Special Prosecutor to the Senate) followed the President's order and fired Cox. This chain of events occurred on a Saturday evening and came to be called the "Saturday Night Massacre." It dealt a devastating blow to Nixon's credibility. The next week articles of impeachment of the President were introduced in the Congress. The firing of Cox didn't do Mr. Nixon much good. The new Special Prosecutor, Leon Jaworski, vigorously pursued the investigation and continued to seek the tapes.

The Special Prosecutor's investigation was aided by U.S. District Court Judge John J. Sirica, who was assigned the case of the original Watergate burglars. Called "Maximum John" because of the long sentences that he customarily handed out to convicted defendants in criminal cases. Judge Sirica threatened the Watergate burglars with long prison terms if they didn't cooperate with the government. One of them, James McCord, a former FBI and CIA agent who worked as security director for the Committee to Re-elect the President (CREEP) at the time of the burglary, was the first to crack. (McCord was responsible for the care of a mentally handicapped child and didn't know what would happen to the child if McCord went to jail.) He wrote a letter to Judge Sirica stating that the Watergate burglars had been pressured to enter guilty pleas to avoid the publicity of a trial and that perjury had been committed. He was spared jail in return for cooperating with the prosecutors and the Senate Watergate Committee.

*Question 6: James McCord as a first time offender could normally count on a short prison sentence or even a suspended sentence and probation if he was convicted. What do you think about Judge Sirica's actions in threatening to sentence McCord and the other defendants to extraordinarily long prison sentences if they did not provide information on those who had hired them to break into the Democratic Party's national headquarters?*

The process for removing a president from office begins with impeachment by the House of Representatives. (1) The appropriate committee will hold hearings and draw up articles of impeachment. (2) If the House votes to impeach the President, it will (3) appoint a committee to prosecute the President in a (4) trial the Senate. The Chief Justice of the United States presides over the trial in the Senate. A vote of two-thirds of the Senate is required to convict the President and remove him from office. U.S. Constitution, Article I, sections 2 and 3.

In 1973, when the House of Representatives began to consider articles of impeachment against President Nixon, the chairman of the committee in charge was Peter Rodino, a Democrat. Congressman Rodino went to great lengths to make the proceedings of the committee non-partisan. He took the unusual step of sharing with the ranking Republican member of the committee the power to subpoena witnesses. (This was usually reserved for committee chairmen.) He agreed to call as witnesses anyone suggested by the President's attorneys. As the revelations continued to come out, Republican members of the Committee who had initially voted against impeachment changed their minds. Eventually, the Committee, with substantial Republican support, reported three Articles of Impeachment to the full House of Representatives: (1) obstruction of justice in the Watergate case, (2) violating the constitutional rights of citizens, and (3) refusing to comply with the committee's subpoenas. The matter never reached a vote by the entire House of Representatives. When President Nixon's allies told him that impeachment by the House was sure to occur and that the votes did not exist in the Senate to prevent his conviction and removal from office, President Nixon resigned. The date was August 9, 1974.

*Question 7: In your own words, what are the four steps that result in a president's impeachment?*

After Nixon resigned, Gerald Ford became President and, within a month, pardoned Nixon for all of his Watergate related crimes. Ford to this day denies that he made a deal to pardon Nixon. The Nixon pardon is considered the primary reason why Ford lost his effort to be elected President in his own right in the 1976 elections. Mr. Ford is the only President to serve who was not elected by the people. President Ford had been a Republican leader in the Congress. He was appointed Vice President by Nixon when Nixon's first Vice President, Spiro Agnew, resigned in a plea bargain with prosecutors. Apparently Agnew had been taking payoffs from people interested in government business while he was Vice President.

Two Attorney Generals of the U.S. appointed by Nixon, plus thirty of Nixon's closest aides, were convicted of crimes stemming from the burglary, the cover-up, and the Nixon administration's illegal efforts to eliminate the most viable candidates in the 1972 Democratic Presidential primaries. About half served time in federal prison. Nixon was spared trial and possible imprisonment when President Ford granted him a pardon from all crimes that he may have committed while President. Richard Nixon is the only U.S. President to resign from office.

The Watergate scandal established what most Americans had known all along, that the President was not above the law.

*Question 8: Do you think it was right that Nixon was pardoned for any crimes he may have committed while in office? Be sure to give support for your opinion.*

Not available to the public at the time of the Watergate hearings and kept secret when Bernstein and Woodward were busy with their investigation, is the biographical details in the character of the informant called "Deep Throat."In June of 2005 when he was 91 years old and suffered from dementia, his family disclosed his identity. He was W. Mark Felt, who had been second in command of the FBI during much of the Watergate period.

Over a 31 year career, from 1942 to 1973, Mr. Felt worked his way up the FBI career ladder. By 1972 Mr. Felt was third in command of the Bureau. J. Edgar Hoover was the first director of the FBI and built the organization. Hoover kept secret files on many political leaders, including presidents, and used those files to keep his post at the FBI. Few dared speak against him when he was alive, but after he died many of his abuses of power became known and his reputation was badly tarnished. However, Mr. Felt has always remained loyal to Hoover and to Hoover's legacy at the FBI.

J. Edgar Hoover died in office on May 2, 1972. His Associate Director, Clyde A. Tolson, had been in failing health and he resigned a week later. Mr. Felt was the logical choice to move up to the post of director, and he lobbied for the job. However, Nixon wanted to control the FBI as he controlled the CIA, the Justice Department and other parts of the government. He appointed a political loyalist, L. Patrick Gray, III, as acting FBI director. Mr. Felt, now second in command at the FBI, was disappointed and angry. He was also concerned about Nixon's attempt to interfere with the independence of the FBI. During his tenure as acting director, Mr. Gray was absent from Washington much of the time, either because of illness or traveling to FBI field offices. In Mr. Gray's absence, the administration of the FBI was left to Mr. Felt. Mr. Gray later resigned in disgrace after it was revealed that on instructions of the White House he had burned files that incriminated a White House aide.

Mr. Felt served as Woodward's background source on Watergate beginning in June of 1972. During that time, he was suspected by the Nixon White House of being Deep Throat, but he was defended by Mr. Gray. During 1972 and 1973 Mr. Felt was placed in charge of several attempts to find leaks from the FBI. In this capacity he was able to deflect attention away from himself. From the beginning, Mr. Felt established strict ground rules with Bob Woodward: he would not provide information and he could never be quoted; he would confirm facts that they had obtained elsewhere and occasionally add some perspective.

*Question 9: What irony lies in Felt's having been assigned to find leaks in the FBI?*

In 1976, many FBI agents were under investigation for their roles in the "black bag jobs". Mr. Felt publicly announced that he had ordered the break-ins. He contended that individual agents had merely been following orders and should not be prosecuted. He claimed that the black bag jobs were justified and stated that he would do it again if faced with the same circumstance. Admitting that the break-ins were "extralegal" he asserted that they protected the "greater good." In the early 1970's, Mr. Felt and other FBI administrators authorized FBI agents to break into homes of persons linked to those involved in the Weather Underground, a small domestic terrorist organization. No search warrants were issued. Later, Mr. Felt and another FBI official, Edward S. Miller, were indicted, tried and convicted for the conspiracy to violate the constitutional rights of American citizens by searching their homes without warrants. Seven hundred current and former FBI agents demonstrated on Mr. Felt's behalf outside the courthouse. Ironically, Richard Nixon and several of his assistants testified for the defense at the trial. Their claim was that black bag jobs had been authorized by presidents in foreign intelligence and counterespionage investigations beginning with Franklin D. Roosevelt. Nonetheless, the jury convicted Felt and Miller who were both pardoned by President Reagan. The proclamation of the pardon stated the following:

"Their convictions in the U.S. District Court, on appeal at the time I signed the pardons, grew out of their good-faith belief that their actions were necessary to preserve the security interests of our country. The record demonstrates that they acted not with criminal intent, but in the belief that they had grants of authority reaching to the highest levels of government.

America was at war in 1972, and Mssrs. Felt and Miller followed procedures they believed essential to keep the Director of the FBI, the Attorney General, and the President of the United States advised of the activities of hostile foreign powers and their collaborators in this country. They have never denied their actions, but, in fact, came forward to acknowledge them publicly in order to relieve their subordinate agents from criminal actions.

Four years ago, thousands of draft evaders and others who violated the Selective Service laws were unconditionally pardoned by my predecessor. America was generous to those who refused to serve their country in the Vietnam War. We can be no less generous to two men who acted on high principle to bring an end to the terrorism that was threatening our nation"

The pardon was criticized as a political gesture because President Reagan had not consulted the prosecutors before issuing the pardon. The Assistant U.S. Attorney who prosecuted Mr. Felt said, "I would warrant that whoever is responsible for the pardons did not read the record of the trial and did not know the facts of the case." After the pardon, former President Nixon, still not aware that Mr. Felt was Deep Throat, sent him a bottle of champagne with the message, "Justice always prevails."

*Question 10: Do you believe that there should be such a thing as a presidential pardon? Be sure to back up your opinion.*

There has been much speculation about why Mr. Felt agreed to serve as a source for the Washington Post. He may have had a patriot's justifiable concern about the criminal conspiracy emanating from the Nixon White House. He may have been concerned about Nixon's attempts to dominate and subvert the FBI, an organization to which Felt had devoted his life. Finally, he may have also been angry over the fact that after the death of J. Edgar Hoover, the longtime head of the FBI, Nixon passed over Mr. Felt and appointed a politically pliable Nixon loyalist to the post of FBI director. Further difficulties during the Watergate scandal surfaced when it came out that FBI agents, on orders from the White House, had conducted burglaries of files from the office of the psychiatrist of Daniel Ellsberg, the man who gave the press copies of the Pentagon Papers, a confidential government history and analysis of the Vietnam War that revealed a considerable amount of governmental dissembling in perpetrating the war.

*Question 11: Do you see Mr. Felt as a hero or as a villain? Be sure to back up your opinion.*