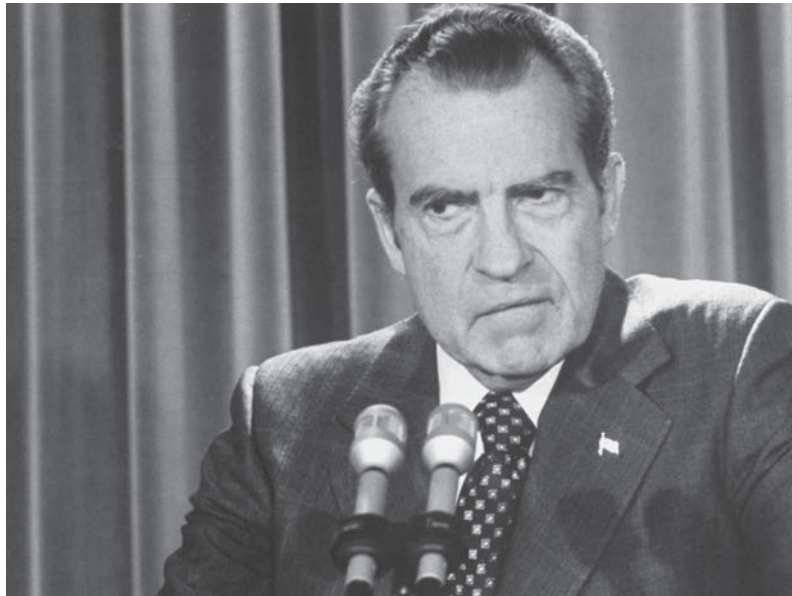


DEFINING MOMENTS WATERGATE



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Chapter 5

THE WATERGATE TAPES



If Nixon had destroyed the tapes, there would have been no solid, concrete evidence of a cover-up. The tapes were the key evidence that he had participated in obstructing justice. If the tapes had not existed, the situation certainly would have been quite different.

— Former President (and Nixon vice president) Gerald Ford

During John Dean’s dramatic testimony before the Senate Watergate Committee chaired by Sam Ervin, he alluded to the possibility of a secret tape recording system in the Oval Office. These remarks prompted committee investigators to ask everyone scheduled to testify before the Ervin Committee if they knew about the existence of such a tape recording system. This questioning extended to so-called “satellite witnesses”—assistants, secretaries, and aides employed by the White House or the Committee to Re-Elect the President (CREEP)—who had been called in by investigators desperate to find someone who could corroborate some of the explosive charges Dean had leveled against the president.

Until July 13, 1973, all witnesses appearing before the Ervin Committee had denied knowledge of any White House tape recording system. On that day, however, White House aide Alexander Butterfield met with investigators from Ervin’s Watergate Committee. This interrogation, which was intended to prepare Butterfield for his impending public testimony before the committee, proceeded routinely until the very end. At that time, one of the investigators asked Butterfield if he knew anything about the presence of a tape recording system in the Oval Office. “I was hoping you fellows wouldn’t ask that,” Butterfield replied.

Butterfield's remark stunned the investigators, who demanded details. Butterfield explained that a taping system had been installed by the Secret Service about 18 months into Nixon's first term. He also told investigators that beside himself, only two other White House aides—former Chief of Staff H. R. Haldeman and his aide Larry Higby—knew of the system's existence. Finally, he revealed that the recording system had been installed not only in the Oval Office, but also in the White House Executive Office Building retreat, the Cabinet Room, several private White House rooms, and the president's cabin at the Camp David presidential retreat in Maryland. "Everything was taped ...as long as the President was in attendance. There was not so much as a hint that something should not be taped," Butterfield added.

Investigators later learned that from February 16, 1971, to July 18, 1973—when the recording system was shut down—the system taped approximately 4,000 hours of presidential meetings and telephone conversations. Nixon later confirmed that he installed the system in order to keep a record of his presidency. He had reasoned that the tapes would help him prepare his memoirs after leaving office, and he thought the tapes would be valuable historical artifacts in their own right.

Butterfield revealed the existence of the Nixon tapes to the world on July 16, 1973, when he gave his public testimony before the Ervin Committee. The news triggered a firestorm of reaction. Everyone involved in the Watergate scandal—from the Nixon White House to investigators and reporters—recognized the significance of the tapes: the tapes had the potential to reveal, once and for all, whether Nixon had been truthful when he said that he was not involved in the Watergate cover-up. One day after Butterfield's testimony, on July 17, 1973, Ervin formally asked the White House to release the tapes to his committee. Special Prosecutor Archibald Cox, who was carrying out a separate investigation of the Watergate affair, made a similar request on July 18.

Nixon pondered this new development from a hospital bed, where he was being treated for a serious case of viral pneumonia. Aides and advisors huddled around his bedside to discuss how the president should respond to the tape requests. Many people urged the president to destroy the tapes, insisting that they were private property that he could dispose of in any way he pleased. But White House counsel Leonard Garment threatened to resign and go public with his objections if this "evidence" was destroyed. More importantly, Nixon himself was convinced that the tapes could not legally be taken from him, so he decided not to destroy them.



Alexander Butterfield's testimony about the secret White House taping system stunned the Ervin Committee.

Nixon's decision to keep the tapes instead of destroying them remains one of the great points of debate of the Watergate scandal. As historian Stanley Kutler wrote in *The Wars of Watergate*, "of the numerous imponderables about Watergate, Nixon's failure to destroy the White House tapes is one of the most bewildering and confusing." Many observers admit that destroying the tapes would have triggered widespread condemnation. But they also speculate that, with the tapes gone, Nixon could have survived any impeachment proceedings.

Years later, Nixon himself recalled his decision to keep the tapes with enormous regret and bitterness. "If I had indeed been the knowing Watergate conspirator that I was charged as being," he declared in *RN: The Memoirs of Richard Nixon*. "I would have recognized in 1973 that the tapes contained conversations that would be fatally damaging. I would have seen that if I were to survive they would have to be destroyed."

Constitutional Showdown

After consulting with his advisors, Nixon formally turned down both requests for the White House tapes. The president insisted that the tapes were private property. In addition, he claimed that their contents were “entirely consistent with what I know to be the truth and what I have stated to be the truth.” Nixon also repeated his claim that turning over the tapes would be a dangerous violation of the principle of executive privilege. Finally, he asserted that the tapes contained material that could compromise national security.

The president’s refusal to release the tapes to Ervin and Cox was harshly criticized by investigators. It also proved to be a public-relations disaster with the American people, who voiced growing doubts about the president’s integrity and truthfulness. Nixon was battered by charges that he was purposely hindering the investigation into the Watergate affair, and his approval ratings declined dramatically.

Unwilling to take no for an answer, both the Ervin Committee and Cox asked Watergate trial judge John Sirica to issue subpoenas for several of the tapes. (A subpoena is a judicial order that compels the recipient to testify or provide evidence in legal proceedings.) In the case of the Ervin Committee, it voted unanimously to call for the subpoenas. This marked the first time since 1807 that a congressional committee had subpoenaed a president (in 1807 President Thomas Jefferson was subpoenaed to testify at the treason trial of former Vice President Aaron Burr; Jefferson declined to appear, establishing an early precedent for the concept of executive privilege).

On August 29, Sirica ordered the president to give him the tapes for his own private review. The judge hoped that this compromise would satisfy Nixon’s desire to protect presidential privacy while also upholding the principle that the courts had ultimate authority over defining what material qualified for protection under the executive privilege doctrine. But the Nixon White House refused to recognize the subpoenas, stating that the president was under no legal obligation to turn over the tapes. This stance paved the way for a momentous constitutional showdown between Congress and the presidency. Both sides clearly felt that the law was on their side.

Angered by Nixon’s stand, the Ervin Committee promptly asked the courts to force Nixon to obey the subpoenas. The fundamental issue, Ervin later wrote in *The Whole Truth*, was “whether the President is immune from all

of the duties and responsibilities in matters of this kind which devolve upon all the other mortals who dwell in this land.” Special Prosecutor Cox joined in the battle as well, insisting that the White House had no legal right to withhold the tapes. In early September, Sirica ruled that he did not have the power to force the president to release the tapes. But this ruling was only a modest victory for the Nixon administration, since it merely moved the battle over possession of the tapes to a higher court, the U.S. District Court of Appeals.

Nixon Fires Cox

On October 12, 1973, the U.S. District Court of Appeals ordered Nixon to turn over the subpoenaed Watergate tapes. Cox and Ervin expressed satisfaction with the decision, but they knew that Nixon and his lawyers might challenge the ruling. Initially, however, the administration held off on filing an appeal of the court’s decision. Instead, the White House countered with a compromise that it said would relieve the “constitutional tensions of Watergate.” It offered to release edited transcripts of the tapes, but under strict terms. Under the proposal, Nixon would provide a summary of the tapes’ contents under the supervision of Democratic Senator John Stennis of Mississippi. In return for this concession, Nixon wanted Cox to “make no further attempts by judicial process to obtain tapes, notes or memoranda of presidential conversations.” Nixon also reminded Cox that his status as an employee of the executive branch made him subject to the directives of the Oval Office.

Nixon and his advisors hoped that their strategy would neutralize Cox, or even convince him to resign. But Cox refused to back down. Instead, he mounted a public relations offensive that received widespread coverage on television and in print. Cox condemned the administration for noncompliance with the court order, and he reminded the country that he had been guaranteed total independence in pursuing his investigation. “I am certainly not out to get the president of the United States,” Cox said in a nationally televised press conference. “I am even worried, to put it in colloquial terms, that I am getting too big for my britches, that what I see as principle could be vanity. I hope not. In the end I decided that I had to try to stick by what I thought was right.”

“I am certainly not out to get the president of the United States,” Cox said “I am even worried, to put it in colloquial terms, that I am getting too big for my britches.”



Former U.S. Attorney General Elliot Richardson was fired by Nixon when he refused to fire Special Prosecutor Cox.

Cox's refusal to obey Nixon's directive gave the White House a clear-cut excuse to fire him. On October 20, 1973, Nixon called Attorney General Elliot Richardson into the Oval Office. The president ordered Richardson, who was Cox's direct superior, to fire the special prosecutor. But Richardson flatly refused. Instead, he reminded the president that Cox had been promised total independence in his investigation. When Nixon refused to relent, Richardson regretfully submitted his own resignation. Angered and distressed by Richardson's stand, Nixon lashed out. "I'm sorry that you insist on putting your personal commitments ahead of the public interest," declared the president. Richardson replied defiantly, stating "I can only say that I believe my resignation is in the public interest."

After Richardson's departure, Nixon ordered Deputy Attorney General William Ruckelshaus to fire Cox. But Ruckelshaus refused as well, and he submitted his resignation a short time later. Nixon and his aides then turned to Solicitor General Robert Bork, who dismissed Cox effective immediately. Cox left, but not before issuing a brief public statement in which he mused that "whether we shall continue to be a government of laws and not of men is for Congress and ultimately the American people" to decide.

Years later, Cox acknowledged that he knew his clashes with Nixon had placed his job in jeopardy. "I suppose if anyone had said to me, 'Won't the result of this be that you will be fired?' I would have responded, 'I guess so,'" he told Gerald and Deborah Hart Strober in *Nixon: An Oral History of His Presidency*.

I truly think this was not important in my mind at the time. The most important thing was that the rule of law should prevail; the president must comply with the law. This depends whether the people in a moral and political sense will rise up and force



The Saturday Night Massacre escalated anti-Nixon sentiment across the country and prompted demonstrations outside the White House.

him to comply with the law. Will they understand what is at stake? Because, ultimately, all their liberties were at stake.

The White House under Siege

In the immediate aftermath of Cox's ouster, a wave of relief washed over the White House. Nixon and his inner circle convinced themselves that the events of October 20 had rid the administration of a dangerous foe (Cox) and tightened the president's grip on the tapes. But the White House completely underestimated media and public reaction to the departures of Cox, Richardson, and Ruckelshaus.

The American public expressed outrage over the firings and resignations, which came to be known collectively as the "Saturday Night Massacre." In homes, businesses, and universities across the country, anger and dismay at the president's actions reached a new high. *Newsweek* magazine described

the furious reaction as “a nationwide rebuke” that constituted “the most devastating assault that any American president has endured in a century.”

In the days following the White House shake-up, Nixon’s approval rating with American voters plummeted to an astounding 17 percent, according to a national Gallup poll. This decline in public confidence reflected a fundamental and dramatic reassessment of the Watergate affair by legislators and ordinary Americans alike. Prior to the Saturday Night Massacre, most people did not think that the scandal posed a mortal threat to the Nixon presidency. But afterward, the terms “impeachment” and “resignation” popped up much more frequently in public discourse.

Indeed, over the space of two days (October 23 and 24) following the Saturday Night Massacre, 44 Watergate-related bills were introduced in the U.S. Congress. Fully half of these bills called for an impeachment investigation. (In the impeachment process, the House of Representatives decides whether an indictment of the president for criminal wrongdoing is justified. If the House makes such a determination, the chief justice of the Supreme Court presides over a trial, with the Senate serving as jury. If the president is found guilty of “high crimes or misdemeanors,” he is removed from office.)

“President Nixon is impeaching himself in the minds and hearts of his countrymen,” warned the Dallas Times Herald.

The change in the public mood was also evident on the nation’s editorial pages. Several leading newspapers and magazines boldly called for Nixon to step down. The *Dallas Times Herald*, for example, declared on October 22 that “President Nixon is impeaching himself in the minds and hearts of his countrymen.” *Time* magazine suspended its policy of never writing editorials in order to publish one that called for Nixon’s resignation in extremely strong terms (see “*Time Magazine Urges Nixon to Resign*,” p. 147).

Even staunch defenders of the president changed their positions. The editors of the *Salt Lake Tribune* stated on October 22, 1973, that “In view of our years of support for the man and for many of his policies, we regret that we now find it necessary, for the good of the country, to call upon Richard M. Nixon to resign.” And newspapers that chose not to call for Nixon’s resignation still issued blistering editorials about his perceived lack of integrity and principles. “We have reached a point where we no longer can believe our President,” lamented the *New Orleans State-Item*.

The scale and intensity of the negative reaction sent the White House reeling. As it struggled to respond, Nixon and his advisors came to the unwelcome realization that the president's choices to fill the attorney general and special prosecutor vacancies could not be perceived as being even mildly friendly to the administration. The president subsequently selected William Saxbe as attorney general and Leon Jaworski as special prosecutor (see Jaworski biography, p. 105). The choice of Jaworski was viewed with some skepticism by some members of Congress and a number of staffers in the Special Prosecutor's Office. The mere fact that the White House had selected him cast a shadow over his appointment. But as soon as Jaworski and Saxbe assumed their duties, it became clear that they intended to pursue the Watergate investigation with the same aggressive tenacity as their predecessors.



Leon Jaworski succeeded Cox as Special Prosecutor in the Watergate case.

The Deadlock Continues

As October 1973 drew to a close, the tapes remained in Nixon's possession. But both sides realized that the legal battle over them would ultimately be decided by the United States Supreme Court. In the meantime, the Nixon White House suffered further blows to its credibility. On October 10, 1973, Vice President Spiro Agnew became the first vice president in U.S. history to resign because of criminal charges. These charges—bribery, extortion, and tax fraud—were unrelated to the Watergate affair, but they cast another stain on the tattered reputation of the Nixon administration. In the meantime, the Internal Revenue Service's ongoing investigation into Nixon's tax records continued to generate negative headlines.

Then, in November 1973, the White House abruptly claimed that two of the subpoenaed tapes did not even exist. It also admitted that another one of the

subpoenaed tapes contained a mysterious 18½ minute gap. Nixon's secretary, Rose Mary Woods, claimed that she had accidentally erased part of the tape. But her explanation was widely dismissed, and administration critics pointed to the erasures as clear evidence that Nixon could not be trusted with the tapes. (On January 15, 1974, a panel of six technical experts reported that the gap was the result of five separate manual erasures.) By December 1973 Chairman Sam Ervin had become convinced, as he later wrote in his memoirs, that Nixon's sole reason for keeping the tapes was "to hide ... the truth respecting Watergate."

In December 1973, Michigan Congressman Gerald R. Ford took the oath of office as the country's new vice president, succeeding Agnew. Ford was selected over other potential candidates because of his strong loyalty to the Republican Party and his solid public reputation. The Ford nomination sailed easily through both Senate and House confirmation votes, and he was sworn in on December 6.

Sirica Listens to the Tapes

A few days later, the White House finally turned the subpoenaed tapes over to Judge Sirica. Joined by his young law clerk, Sirica carefully listened to the tapes (see "Judge Sirica Listens to the First Wave of Watergate Tapes," p. 152). In his memoir *To Set the Record Straight*, Sirica acknowledged that the tapes convinced him that "we did have a dishonest man in the White House, a president who had violated the law, who had conspired to obstruct the very laws he was sworn to uphold. It was a frightening thing to know." After listening to all the tapes, Sirica upheld claims of executive privilege or irrelevance on all or parts of three tapes, then turned the remaining tapes over to Special Prosecutor Jaworski and the grand jury.

When Jaworski listened to the tapes, he felt sure that they proved that Nixon had been criminally involved in the Watergate cover-up. His staff of investigative lawyers agreed. But in a remarkable display of restraint and professionalism, they never leaked the contents of the tapes to the news media. Instead, they debated how to proceed against a sitting president who had apparently committed crimes while holding office.

On January 9, 1974, the Watergate prosecutors signaled their determination to press forward when Jaworski requested more White House tapes. Fearful of negative reaction from Congress and the American public, Nixon and his inner circle did not officially deny the request. But they engaged in a pattern of stalling tactics to keep them out of Jaworski's hands.

On January 30, 1974, Nixon delivered the annual State of the Union address to the nation. He spent most of the speech highlighting his administration's accomplishments over the previous five years. But he also took advantage of the spotlight to declare that "one year of Watergate is enough." Finally, he signaled his determination to fight his accusers to the bitter end, vowing that he had "no intention whatever of ever walking away from the job that the people elected me to do for the people of the United States."

Nixon's words did nothing to calm public opinion. Instead, the ongoing battle for possession of the tapes kept the nation in turmoil. In addition, the legal struggles of dozens of individuals caught up in the investigation of the Watergate break-in and cover-up were widely reported by the press, which contributed to the uproar. "Relentlessly, week after week, investigations, indictments, confessions, trials, charges, and countercharges were reported, whether by the print media or by radio and television," stated historian Keith W. Olson in *Watergate*. "The legal processes in a democracy are complex and time-consuming, and with the president involved, the public had a right to know about each procedural step. And the public seemed interested."

Washington Post managing editor Ben Bradlee put the level of public interest in Watergate in even stronger terms. "No news story has ever grabbed and held Washington by the throat the way Watergate did," he recalled in a June 14, 1992, column in the *Post*. "No news story in my experience ever dominated conversation, newspapers, radio and television broadcasts the way Watergate did. There were times when you could walk whole city blocks and ride taxis all around town and never miss a word of hearings or press conferences."

Nixon's Options Dwindle

On February 6, 1974, the House of Representatives voted by a 410-4 tally to launch a formal impeachment inquiry. Three weeks later, the House



In December 1973 Judge John Sirica finally received the first of the subpoenaed White House tapes.

Judiciary Committee asked Nixon to turn over another group of tape recordings. This development greatly concerned Nixon, for unlike the Special Prosecutor's Office, the House had a clear constitutional right to carry out impeachment proceedings against the president. The administration stalled for time, reluctant to refuse the request outright.

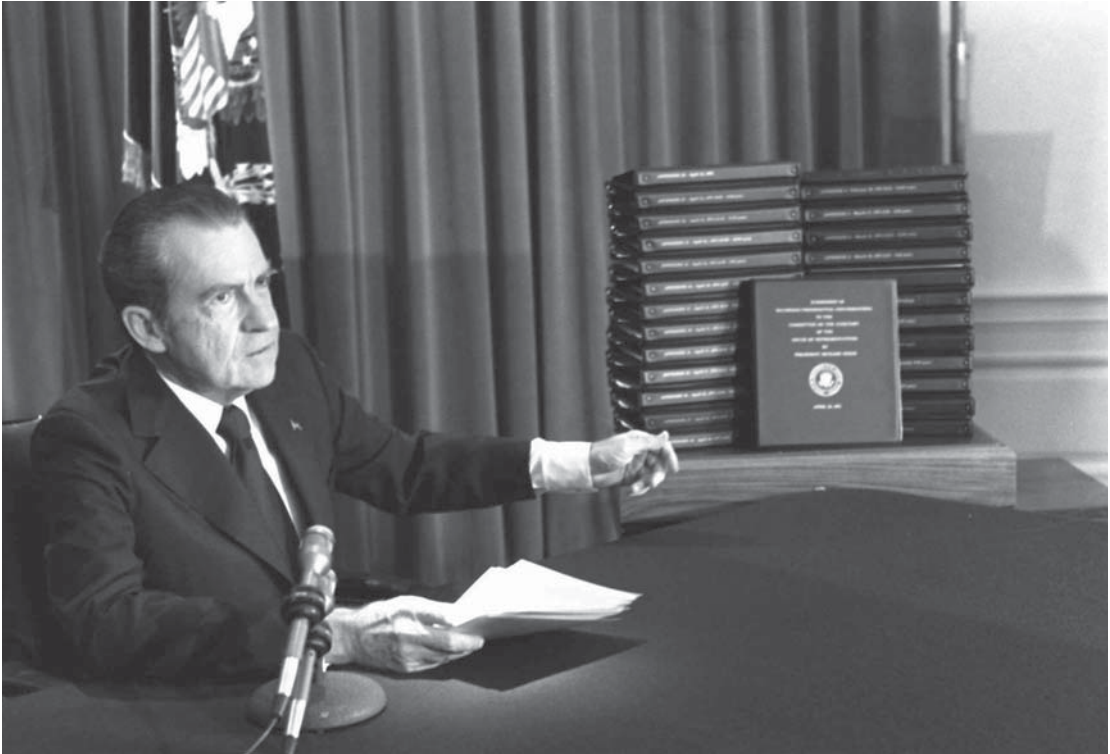
In the meantime, Nixon's political fortunes continued to slide. In mid-March, prominent Republican Senator James Buckley of New York publicly called for Nixon's resignation. According to Buckley, Americans had lost faith in the president's "credibility and moral authority." He also argued that Nixon's troubles constituted a major threat to the institution of the presidency. Buckley's remarks reflected widespread concern within the Republican Party over Nixon's actions and their impact on the party.

On March 1 Special Prosecutor Jaworski secured indictments for obstruction of justice from the federal grand jury against seven Nixon aides. The grand jury also named Nixon as an "unindicted co-conspirator," meaning that Nixon would not be indicted by legal authorities, but he was considered a conspirator in the criminal actions. This action reflected Jaworski's belief that a sitting president was not subject to criminal indictment by a grand jury. Nixon's new status as an unindicted co-conspirator was not revealed to the American public, however.

Desperate to turn the tide of public opinion and avoid a confrontation with the House Judiciary Committee, Nixon released a 1,300-page transcript of the Watergate tapes on April 29, 1974. Upon releasing the edited transcripts, he admitted that some of the material in the transcripts was embarrassing. But he insisted that the material would show that he had no prior knowledge of the Watergate break-in until March 21, 1973, when he met with former White House Counsel John Dean.

As investigators combed through the details of the documents, ordinary Americans expressed shock at the profanity, racist remarks, and naked political calculations that dotted the transcript. "It is difficult after listening to the tapes or reading the transcripts to emerge with much admiration for Richard Nixon as a person," wrote historian Melvin Small in *The Presidency of Richard Nixon*:

Nixon's defenders contend that one should not take literally much of what he said on the tapes; he was merely blowing off steam and thinking out loud, as demonstrated by the fact that many of his orders were not carried out. But some of those



Under enormous political pressure, President Nixon released edited transcripts of White House tapes—the so-called “blue books”—in April 1974.

orders were carried out, and saying that he was merely blowing off steam does not excuse the racial and religious slurs that littered his conversations.

Lawmakers from both parties expressed displeasure over the contents of the transcripts. In fact, historian Stanley Kutler notes in *The Wars of Watergate* that some of the harshest reactions came from Republicans. Senator Hugh Scott described the transcripts as “shabby, disgusting, immoral,” and Senator Robert Packwood expressed amazement that Nixon did not voice “even any token clichés about what is good for the people.” The “overall flavor” of the transcripts, concluded Kutler, “devastated [Nixon’s] public standing and left him naked to the winds of criticism. The October firestorm [the Saturday Night Massacre] left burning embers; the release of the tape transcripts in April and May rekindled the flames. It was another disaster.”

The Supreme Court Decision

President Nixon relied on the concept of executive privilege in his legal battle to retain control over the tapes of his White House meetings and conversations. But on July 24, 1974, the U.S. Supreme Court unanimously ruled that President Nixon had to release the tapes and turn them over to investigators.

In its opinion in *U.S. v. Nixon*, the Supreme Court agreed that the office of the president had some constitutionally based rights to confidentiality. But it stated that since Nixon's claim of executive privilege was based "solely on the broad, undifferentiated claim of public interest in the confidentiality of [presidential] conversations, a confrontation with other values arises." The Court ruled that the privilege of confidentiality did not outweigh the legal system's need to gather important evidence in deciding criminal cases. The Court also expressed deep concern that Nixon's interpretation of executive privilege would upset the balance of power among the three branches of the U.S. government—the executive, legislative, and judicial branches. The Court feared that if Nixon's interpretation of executive privilege had been allowed to stand, it would have crippled the U.S. Congress's lawful right to investigate wrongdoing in the executive branch.

On July 8, 1974, the battle for possession of the subpoenaed Nixon tapes finally reached the U.S. Supreme Court. Justice William Rehnquist recused himself because he had worked under Nixon in the Justice Department many years earlier. The other eight justices listened as Special Prosecutor Leon Jaworski and White House Counsel James St. Clair presented their cases. On July 24, the Supreme Court issued a unanimous decision that Nixon was legally obligated to turn over all of the subpoenaed tapes (see "The Supreme Court Decision," p. 56).

When Nixon learned of the Supreme Court's decision, he sensed that his political career was nearly over. After all, one of the tapes contained the record of his conversation with former Chief of Staff H. R. Haldeman on June 23, 1972, when Nixon had clearly stated his approval of a cover-up of the

Many observers believe that when the Supreme Court considered the case, it made a special effort to come up with a unanimous decision. In an interview for *Nixon: An Oral History of His Presidency*, former assistant attorney general William Ruckelshaus explained the importance of this goal:

On a lot of decisions that involve issues of national moment, the Court strives mightily to come out with a unanimous decision. They used to do it in civil rights cases and, particularly where they are making new law which has an impact on the country, they try very hard to come up with unanimous decisions; they recognize that any dissent on the Court would divide the country and provide ammunition for those who oppose the decision and, thereby, keep the country in sort of an ambiguous position relating to those kinds of policy. I thought they would decide [the tapes issue] unanimously.... As the president became weaker, and as his actions—particularly where he became involved in the discharge of myself, Elliot Richardson, and Archibald Cox—gave the impression, at least, that he was trying to hide something, it became more likely that they would be released. The Supreme Court is not immune to the strength of public support, or nonsupport, for the president or the congressional branch.

Watergate break-in. The contents of this tape were conclusive proof—the so-called “smoking gun” sought by Watergate investigators—that Nixon had been deeply involved in the cover-up within days of the Watergate burglary.

Nixon Turns Over the Tapes

On July 24, 1974, the House Judiciary Committee concluded its investigation and prepared to vote on whether to recommend impeachment (see “Representative Barbara Jordan’s Speech on Constitutional Law, July 25, 1974,” p. 156) On July 27, 1974, the House Judiciary Committee passed its first article of impeachment by a 27-11 vote, sending the article to the full House for a vote. This was soon followed by two other articles of impeach-

ment accusing Nixon of obstructing justice in the Watergate affair (see “House Judiciary Committee Resolution to Impeach President Nixon,” p. 161).

Throughout the proceedings, the members of the House Judiciary Committee went about their business in a careful, methodical manner. Each step of the way, the committee took great care to make sure that Americans understood the impeachment process. This somber and serious approach proved reassuring to the American public. “Whatever one’s sentiments about impeachment, the prevailing view was that the televised proceedings had conveyed an image of congressional conscientiousness, intelligence, and fair-mindedness,” observed Kutler. “Those images nourished a public confidence that lent some legitimacy and calm to the eventual outcome of events.”

“We can be lied to only so many times,” said Senator Barry Goldwater. “The best thing [Nixon] can do for the country is to get the hell out of the White House, and get out this afternoon.”

On August 2, Republican representative Charles Wiggins, who had long been the administration’s fiercest advocate on the committee, went to the White House. At Nixon’s invitation, he read the transcript of the June 23 tape. After reading the transcript, though, Wiggins urged the president to release the tape. He also warned Nixon that the contents of the tape meant certain impeachment and conviction.

Over the weekend of August 3 and 4, Nixon huddled with family, aides, and members of Congress to ponder his next step. He received conflicting advice in these meetings. Members of his immediate family, for example, urged him to stand firm and fight impeachment. His wife and daughters had been steadfastly loyal to Nixon throughout the Watergate ordeal, and they were extremely distraught at the thought of seeing him resign the presidency. But many other advisors and friends pleaded with him to resign for the good of himself, his family, and the nation.

On August 5, 1974, Nixon released all the subpoenaed tapes, including the “smoking gun” tape of June 23, 1972. At the same time, he issued a public statement acknowledging that “portions of the tapes of these June 23 conversations are at variance with certain of my previous statements.” The last remnants of Nixon’s defenses collapsed with the release of the tapes. Representative Wiggins, for example, publicly announced “with great reluctance and deep personal sorrow [that] I am prepared to conclude that the magnifi-

cent career of public service of Richard Nixon must be terminated.” Republican Senator Barry Goldwater was more blunt. “We can’t support this any longer. We can be lied to only so many times. The best thing he can do for the country is to get the hell out of the White House, and get out this afternoon.”

The overwhelming negative reaction to the tapes finally forced Nixon to concede that his presidency was doomed. There was no doubt that if he refused to resign, he would be removed from office. He thus began making preparations to inform the nation that he was ready to bring his troubled presidency to a close.



John Ehrlichman 1925-1999

Domestic Policy Advisor to President Richard Nixon

Central Figure in the Watergate Cover-Up

Born in Tacoma, Washington, on March 20, 1925, John D. Ehrlichman was a decorated Air Force pilot during World War II. After the war he attended UCLA, where he met H. R. Haldeman for the first time. After graduating in 1948, he enrolled at Stanford Law School, earning a law degree in 1951. He then practiced law privately, rising to the position of partner in a Seattle law firm. In 1968 he was an important campaign manager for the Nixon presidential campaign, and after Nixon took office he brought Ehrlichman with him to the White House.

Ehrlichman was officially known first as President Nixon's White House counsel and then as his chief advisor for domestic affairs. But his "off the books" responsibilities included directing the White House's "plumbers unit" that carried out many illegal schemes, including the Watergate break-in. After Nixon decided to cover up his administration's involvement in the burglary, he relied heavily on both Ehrlichman and Haldeman for advice and reassurance. Indeed, the two aides were deeply involved in the Watergate cover-up from the outset.

White House efforts to put the Watergate burglary story to rest ultimately failed. Instead, multiple investigations gradually uncovered the administration's efforts to deceive Congress and the American public. Speculation about the complicity of Haldeman and Ehrlichman in the affair grew with each passing week. At the height of the Watergate investigation, the names "Haldeman" and "Ehrlichman" seemed virtually inseparable in news accounts of the unfolding scandal. As a result, Ehrlichman resigned from his White House post on April 30, 1973, under pressure from Nixon. Haldeman submitted his resignation the same day.

Even after Nixon's August 1974 resignation, Watergate investigators continued their prosecution of the individuals involved in the scandal.

Ehrlichman was eventually convicted of perjury and conspiracy to obstruct justice in the Watergate case, and of conspiracy in the Watergate-related Daniel Ellsberg case. He was sentenced to four to eight years in prison, but he served only 18 months before gaining his release.

After his release, Ehrlichman moved to New Mexico and became a novelist. A number of his works included thinly veiled attacks on Nixon and various high-ranking members of the ex-president's administration. "This is fiction with a hidden agenda: getting even," wrote one *Washington Post Book World* critic. As Ehrlichman tended his new career, he grew a beard and cultivated a reputation as a mellow and genial fellow—a marked departure from his stiff Watergate-era persona. In 1982 he published a memoir of the Watergate era called *Witness to Power: The Nixon Years*. The book was praised by some critics as entertaining and insightful, and panned by other reviewers as tedious and self-serving.

In 1991 Ehrlichman moved to Atlanta, where he worked as a business consultant. In 1996 dozens of pen-and-ink sketches that Ehrlichman had made during the Watergate era were featured in an Atlanta gallery exhibition. Ehrlichman died in Atlanta from diabetes on February 14, 1999.

Sources

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President Nixon Addresses the Nation about the Watergate Investigation

In late April 1973, President Richard M. Nixon secured the resignations of Chief of Staff H.R. Haldeman, Attorney General Richard Kleindienst, and Advisor John Ehrlichman. He also fired White House Counsel John Dean. On April 30, 1973, Nixon gave a nationally televised speech in which he explained his reasons for removing the men from their positions. This address marked Nixon's most detailed comments on the Watergate scandal up to that point. Following are excerpts from his April 30 address:

Good evening.

I want to talk to you tonight from my heart on a subject of deep concern to every American. In recent months, members of my Administration and officials of the Committee for the Re-Election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity.

The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself. Tonight I wish to address those questions.

Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate break-in. I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the Re-Election Committee were apparently among those guilty. I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was

getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false. The comments I made during this period, and the comments made by my press secretary on my behalf, were based on the information provided to us at the time we made those comments. However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

I again ordered that all persons in the Government or at the Re-Election Committee should cooperate fully with the FBI, the prosecutors, and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from government service. And, with ground rules adopted that would preserve the basic constitutional separation of powers between the Congress and the Presidency, I directed that members of the White House staff should appear and testify voluntarily under oath before the Senate committee which was investigating Watergate.

I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved....

Today, in one of the most difficult decisions of my Presidency, I accepted the resignations of two of my closest associates in the White House—Bob Haldeman, John Ehrlichman—two of the finest public servants it has been my privilege to know.

I want to stress that in accepting these resignations, I mean to leave no implication whatever of personal wrongdoing on their part, and I leave no implication tonight of implication on the part of others who have been charged in this matter. But in matters as sensitive as guarding the integrity of our domestic process, it is essential not only that rigorous legal and ethical standards be observed but also that the public, you, have total confidence that they are both being observed and enforced by those in authority and par-

ticularly by the President of the United States. They agreed with me that this move was necessary in order to restore that confidence.

Because Attorney General Kleindienst—though a distinguished public servant, my personal friend for 20 years, with no personal involvement whatever in this matter—has been a close personal and professional associate of some of those who are involved in this case, he and I both felt that it was also necessary to name a new Attorney General.

The Counsel to the President, John Dean, has also resigned.

As the new Attorney General, I have today named Elliot Richardson, a man of unimpeachable integrity and rigorously high principle. I have directed him to do everything necessary to ensure that the Department of Justice has the confidence and the trust of every law-abiding person in this country.

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case.

Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair, I want the American people to know beyond the shadow of a doubt that during my term as President, justice will be pursued fairly, fully, and impartially, no matter who is involved. This office is a sacred trust and I am determined to be worthy of that trust....

Who, then, is to blame for what happened in this case?

For specific criminal actions by specific individuals, those who committed those actions must, of course, bear the liability and pay the penalty. For the fact that alleged improper activities took place within the White House or within my campaign organization, the easiest course would be for me to blame those to whom I delegated the responsibility to run the campaign. But that would be a cowardly thing to do.

I will not place the blame on subordinates—on people whose zeal exceeded their judgment and who may have done wrong in a cause they deeply believed to be right.

In any organization, the man at the top must bear the responsibility. That responsibility, therefore, belongs here, in this office. I accept it. And I pledge to you tonight, from this office, that I will do everything in my power

to ensure that the guilty are brought to justice and that such abuses are purged from our political processes in the years to come, long after I have left this office.

Some people, quite properly appalled at the abuses that occurred, will say that Watergate demonstrates the bankruptcy of the American political system. I believe precisely the opposite is true. Watergate represented a series of illegal acts and bad judgments by a number of individuals. It was the system that has brought the facts to light and that will bring those guilty to justice—a system that in this case has included a determined grand jury, honest prosecutors, a courageous judge, John Sirica, and a vigorous free press.

It is essential now that we place our faith in that system—and especially in the judicial system. It is essential that we let the judicial process go forward, respecting those safeguards that are established to protect the innocent as well as to convict the guilty. It is essential that in reaction to the excesses of others, we not fall into excesses ourselves.

It is also essential that we not be so distracted by events such as this that we neglect the vital work before us, before this Nation, before America, at a time of critical importance to America and the world.

Since March, when I first learned that the Watergate affair might in fact be far more serious than I had been led to believe, it has claimed far too much of my time and my attention. Whatever may now transpire in the case, whatever the actions of the grand jury, whatever the outcome of any eventual trials, I must now turn my full attention—and I shall do so—once again to the larger duties of this office. I owe it to this great office that I hold, and I owe it to you—to my country....

I have been in public life for more than a quarter of a century. Like any other calling, politics has good people and bad people. And let me tell you, the great majority in politics—in the Congress, in the Federal Government, in the State government—are good people. I know that it can be very easy, under the intensive pressures of a campaign, for even well-intentioned people to fall into shady tactics—to rationalize this on the grounds that what is at stake is of such importance to the Nation that the end justifies the means. And both of our great parties have been guilty of such tactics in the past.

In recent years, however, the campaign excesses that have occurred on all sides have provided a sobering demonstration of how far this false doc-

trine can take us. The lesson is clear: America, in its political campaigns, must not again fall into the trap of letting the end, however great that end is, justify the means.

I urge the leaders of both political parties, I urge citizens, all of you, everywhere, to join in working toward a new set of standards, new rules and procedures to ensure that future elections will be as nearly free of such abuses as they possibly can be made. This is my goal. I ask you to join in making it America's goal.

When I was inaugurated for a second time this past January 20, I gave each member of my Cabinet and each member of my senior White House staff a special 4-year calendar, with each day marked to show the number of days remaining to the Administration. In the inscription on each calendar, I wrote these words: "The Presidential term which begins today consists of 1,461 days—no more, no less. Each can be a day of strengthening and renewal for America; each can add depth and dimension to the American experience. If we strive together, if we make the most of the challenge and the opportunity that these days offer us, they can stand out as great days for America, and great moments in the history of the world."

I looked at my own calendar this morning up at Camp David as I was working on this speech. It showed exactly 1,361 days remaining in my term. I want these to be the best days in America's history, because I love America. I deeply believe that America is the hope of the world. And I know that in the quality and wisdom of the leadership America gives lies the only hope for millions of people all over the world that they can live their lives in peace and freedom. We must be worthy of that hope, in every sense of the world. Tonight, I ask for your prayers to help me in everything that I do throughout the days of my Presidency to be worthy of their hopes and of yours.

God bless America and God bless each and every one of you.

Source: Richard Nixon Library and Birthplace Foundation, http://www.nixonfoundation.org/Research_Center/1973_pdf_files/1973_0134.pdf

IMPORTANT PEOPLE, PLACES, AND TERMS

Agnew, Spiro

Vice President of the United States from 1969 to 1973

Bernstein, Carl

Washington Post journalist who covered the Watergate scandal with colleague Bob Woodward

Butterfield, Alexander

White House aide who revealed the existence of Nixon's audiotaping system

Colson, Charles "Chuck"

Special Counsel to the President

Committee to Re-Elect the President (CRP or CREEP)

President Nixon's 1972 campaign organization

Cox, Archibald

First Watergate Special Prosecutor

CREEP

Unofficial acronym for Nixon's Committee to Re-Elect the President

CRP

Official acronym for Nixon's Committee to Re-Elect the President

Dash, Samuel

Chief Counsel for the Ervin Watergate Committee

Dean, John

White House Counsel in the Nixon Administration

Ehrlichman, John

Chief Domestic Policy Advisor to Nixon

CHRONOLOGY

1968

November 5, 1968 – Richard Nixon wins the presidency with 43.4 percent of the popular vote. *See p. 4.*

1969

January 20, 1969 – Nixon inaugurated as 37th president of the United States. *See p. 4.*

1970

July 14, 1970 – Nixon approves the Huston plan, which expands domestic intelligence-gathering activities. *See p. 6.*

July 28, 1970 – Nixon rescinds approval of Huston plan because of opposition from FBI Director J. Edgar Hoover and Attorney General John Mitchell. *See p. 6.*

1971

June 13, 1971 – The *New York Times* begins publishing the Pentagon Papers, a secret history of the Vietnam War delivered to the *Times* by Daniel Ellsberg. *See p. 8.*

September 3-4, 1971 – White House “plumbers unit” led by aides G. Gordon Liddy and E. Howard Hunt, Jr., supervise burglary of office of Daniel Ellsberg’s psychiatrist. *See p. 8.*

1972

March 1, 1972 – John Mitchell leaves Attorney General post to become director of the Committee to Re-Elect the President (CREEP).

April 27, 1972 – Former frontrunner Edmund S. Muskie withdraws from campaign for presidential nomination of Democratic Party. *See p. 12.*

June 17, 1972 – Five burglars arrested for break-in of Democratic National Committee headquarters at Watergate office and apartment complex in Washington, D.C. *See p. 16.*

June 20, 1972 – Nixon discusses the arrests of the burglars with campaign manager Mitchell and chief of staff H.R. Haldeman; record of the latter conversation is erased by famous 18 1/2 minute gap on Watergate tapes. *See p. 20.*

June 21, 1972 – Mitchell publicly declares that neither CREEP nor the White House are connected to the break-in in any way.

SOURCES FOR FURTHER STUDY

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