**Aim:**

**Topic: Checks and Balances in the 70’s**

**Task: Read about the three tests of Separation of Powers and Checks and Powers.**

**Document #1 – The Watergate Scandal**

At 2:30 AM, June 17, 1972, a guard at the Watergate complex in D.C. caught five men breaking into the campaign headquarters of the Democratic National Convention (DNC) at the Watergate Hotelto find out the strategies of the Democrats in their bid for the presidency (since this was a Presidential Election year). These men were part of a team who worked for a group known as the Committee to Reelect the President (CRP). This group, though not directly run by Nixon, was very important to him. Immediately after the break-in, Nixon could have disowned the entire operation and demand the resignation of everyone involved, but that would mean getting rid of people that Nixon depended on and were effective politicians. Nixon chose to use the president’s resources to buy the silence of the burglars who were caught. The White House, with Nixon’s consent, also urged the CIA to ask the FBI to quit investigating this crime.The *Washington Post* picked up on the story, while reporters [Carl Bernstein](http://en.wikipedia.org/wiki/Carl_Bernstein) and [Bob Woodward](http://en.wikipedia.org/wiki/Bob_Woodward) relied on an FBI informant known as "[Deep Throat](http://en.wikipedia.org/wiki/Deep_Throat)" to link the men to President Nixon and the White House trying to cover it up. As the investigation continued and during the trial of the original burglars, despite having been paid for their silence, some caved to the pressure and accused the higher-ups in the Nixon administration of planning the break-in. Many of Nixon’s top aides resigned (including his Vice President), but Nixon refused to admit any wrongdoing in the break-in itself or the cover-up of the break-in.

The Senate and Congress have the power to investigate, have a trial and **impeach (remove from office)** the President if he is going against the Constitution, and the Congress, controlled by Democrats did so. The Senate established an investigation of the Watergate scandal. As the Senate got closer to the truth Nixon then organized the “**Saturday Night Massacre**” where he fired the special prosecutor, Archibald Cox. The Senate, however continued the investigation and discovered that Nixon had the practice of recording all conversations and discussions in the White House and subpoenaed the tapes of those conversations. Nixon refused saying he did not have to give them due to “executive privilege”. The Senate took Nixon to court to obtain the tapes. In the case of **United States v. Richard Nixon**, the Supreme Court forced Nixon to release the tapes. Congress got the Supreme Court to order the White House to release recorded telephone conversations between the President and his aides: one tape had a suspicious 18-minute gap in it, while the other tape revealed that Nixon knew of the cover-up from its beginning and had suggested to administration officials that they try to stop the [FBI](http://en.wikipedia.org/wiki/FBI)'s investigation. Instead of facing an impeachment trial, Nixon resigned. Gerald Ford (who became the vice president after the first vice president resigned), took over, and quickly gave Nixon a Presidential Pardon which prevented him from being investigated and brought to trial on the charges. Being charged with obstruction of justice, abuse of power, and contempt of Congress and facing impeachment hearings, Nixon resigned. He was defiant to the end, however, and admitted no guilt only that some of his judgments were bad. Gerald Ford, the Vice President took over the presidency. Ford, in an attempt to unify the country, also chose to pardon Nixon rather than send him to trial. He stated “Our long national nightmare is over.” Many people felt however that Nixon should have faced trial and the Watergate Scandal rocked the United States and established skepticism and lack of faith of American people in the USA government. In addition, because of the Watergate Scandal’s infamy (famous in a bad way), future scandals are always referred to with a “gate” at the end (such as

**1) What happened at the Watergate Hotel?**

**2) Why did the Senate choose to investigate Richard Nixon?**

**3) How is the Watergate Scandal an example of checks and balances?**

**4) Do you agree with the Supreme Court’s decision to force Nixon to hand over the tapes or do you agree with Nixon that he has executive privilege? Explain.**

**5) Do you agree with President Gerald Ford’s decision to pardon Nixon or do you think he should have let Nixon face trial? Explain.**

**6) Why would the Watergate scandal create a loss of faith in government?**

**Document #2 – Nixon vs. New York Times**

During the end of the Vietnam war, the a member of the Pentagon (the military headquarters of the United States) leaked a 30 year history of secret military reports about Vietnam, which showed how President Johnson lied about why he went to Vietnam and how Nixon was conducting bombing missions, even though the White House never said anything about it. The New York Times began printing a series on **“The Pentagon Papers,”** and the White House sued to stop them. The White House said that the New York Times printing top secret documents was bad for national security. However, the Supreme Court said that the New York Times was allowed to do so under the first amendment.

**1) What were the Pentagon Papers?**

**2) Why did the White House want to stop the printing of them?**

**3) Do you agree or disagree with the Supreme Court’s decision that this represents freedom of the press?**

**Document #3 – The War Powers Act**

The Korean War and the Vietnam War were both **undeclared wars**. That means that the President used his power of Commander in Chief of the American Armed Forces to send soldiers overseas without a declaration of war by Congress (however Congress did have to pass funding). In 1973, Congress passed **The War Powers Act** which limited the power of the President to use the Armed Forces. The act states that the President must first go to Congress for approval, and if it is an undeclared war, the army cannot stay in another country for more than 30 days. However, every president since Nixon has treated the War Powers Act as unconstitutional because it limits the Constitutional power of the President as Commander in Chief and has not fully followed the act.

**1) What is the War Powers Act? How does it limit the power of the President?**

**2) Do you think Congress should be able to limit the President’s power this way? Why/why not?**

**Exit Ticket:**

***Does Nixon’s Image deserve to be ruined by his Constitutional controversies? (why/why not?) 1-2 paragraphs with at least 3-4 details from today and yesterday’s lesson and handouts.***