

Case Study: *United States v. Nixon*

“ . . . it is . . . the duty of the judicial department to say what the law is.”

—Majority Opinion, *United States v. Nixon*, 1974

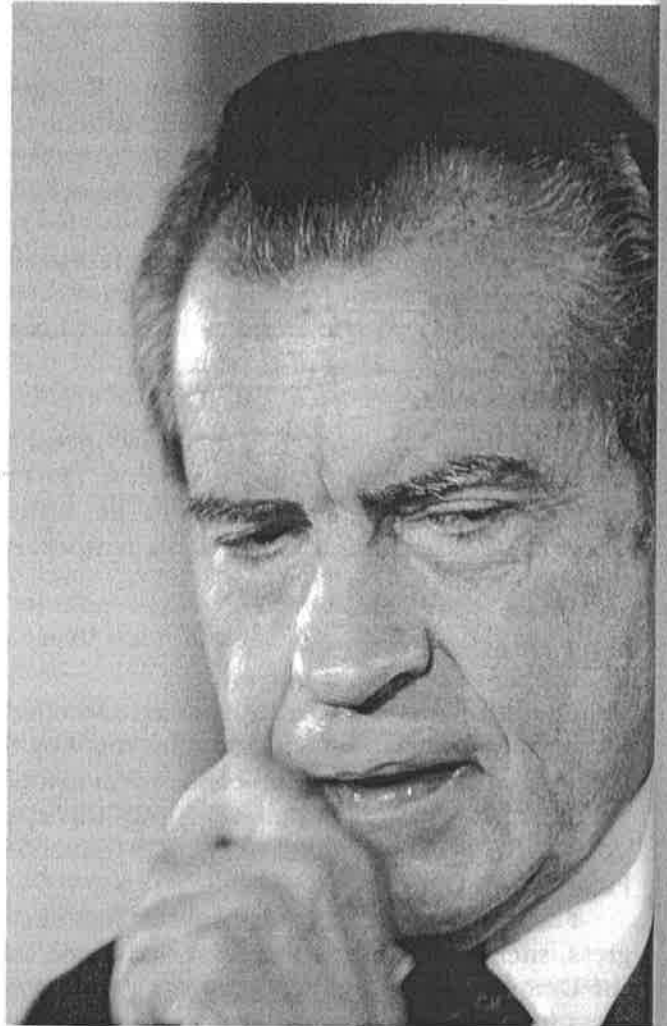
President Richard M. Nixon had a commanding lead during the 1972 election over his Democrat challenger. Then on the evening of June 17, Washington, D.C. police answered a burglar alarm at the Watergate office complex. There they arrested seven men hiding electronic spying equipment in the Democratic Party’s national headquarters. Some of the suspects, police found, worked for the Republican Committee to Re-Elect the President. Although Republican officials and the President quickly denied knowledge of the break-in, many people felt the President was trying to create a cover-up.

As the investigation continued, evidence of more serious crimes began to come out. On April 20, 1973, three of the President’s close advisors resigned. Other individuals faced criminal charges.

Then in 1974 investigators discovered the President had tape recorded all conversations in his office since 1971. Investigators quickly asked the President to turn over tapes for the time just before and after the break-in. Nixon refused. Because of “executive privilege,” he felt he did not have to reveal conversations with his advisors. This privilege, the President argued, was important to the separation of powers.

Finally, the question reached the Supreme Court. Did a President have the right to withhold this information? On July 24, 1974, the Supreme Court ruled no, by a vote of 8–0. Although “executive privilege” is an important safeguard, it is not unconditional. In this case, “executive privilege” was being used to hinder a criminal investigation. The President had to turn over the tapes.

From the tapes, it was clear the President had been part of a cover-up. As the House pondered impeachment proceedings, Richard M. Nixon resigned. In the end, the basic concept of constitutional government—rule by the law—won out.



The idea of executive privilege was tested during the Watergate investigations when Nixon withheld taped conversations containing evidence of a crime. A Supreme Court decision ruled that Nixon had to turn over the tapes.

REVIEW

1. Why is the concept of “executive privilege” important?
2. Why did President Nixon have to resign from office after releasing the tapes?
3. Can you imagine other events that might cause a President to resign from office? Give examples.