

## The Crimes of Richard Nixon

### Part A.

Read the handout and answer the questions that follow.

*Counts 1-9 charge a single plan or scheme, i.e., a conspiracy headed by the President, to deprive political opponents of their constitutional rights by various methods, some of which were themselves illegal. The plan began in 1969 when the President ordered domestic wiretaps without court order and the IRS was ordered to harass political enemies. The President himself ordered an admittedly illegal plan for domestic surveillance by means of wiretaps and burglaries and personally approved the creation of a new interagency intelligence unit to gather the same kind of information on political opponents. He personally approved the creation of the "plumbers," an extra-legal, private, White House operation headed by White House staff aide Egil Krogh. The President also personally approved the trip by two of the "plumbers," Liddy and Hunt, to "case" the office of Daniel Ellsberg's psychiatrist for an illegal entry and was to receive any information obtained by the entry. The President himself ordered his chief domestic aide, John Ehrlichman, to approach the trial judge, Judge Byrne, in the midst of the Ellsberg trial (which was of great importance to the President) about a promotion to the Directorship of the FBI.*

All of the activities of the campaign group were directed by and known to the President's closest aides, Haldeman and Mitchell. The espionage plan that led to the Watergate burglary was approved by Mitchell, then Attorney General, and Colson, Special Counsel to the President, and was presumably known to Haldeman. Their illegal acts of wiretapping and burglary were intended to benefit Richard Nixon by ensuring his reelection.

Following the burglary, the effort to cover up White House involvement by (a) buying silence with promises of money and executive clemency, (b) suborning the perjury of campaign officials Jeb S. Magruder and Herbert Porter, and (c) restricting the FBI's investigation (by invoking CIA involvement) deeply involved Mitchell, Haldeman, Herbert Kalmbach (the President's lawyer and long-term political associate, who raised the hush money) and White House Counsel John Dean. The President by his own admission participated in (c) (trying to hamstring the FBI) and by John Dean's testimony, contradicted by others, participated in a decision to make offers of money and executive clemency to keep the burglars quiet. And of course the President, whose reelection was at stake, was the principle beneficiary of the cover-up effort.

Counts 10-25 charge a second plan or scheme, created and carried out by the same persons, with the addition of others like Maurice Stans and Murray Chotiner, to collect a political campaign fund without precedent in history by the use of methods known to be in violation of law, including the corrupt bargaining of governmental benefits for cash.

The finance operation was first headed by Kalmbach, who was designated by Haldeman, speaking for the President, in January, 1971. Mitchell and Haldeman were involved and were kept informed from then on. Maurice Stans became finance chairman in February, 1972, but there is no indication that reports to the White House ceased, and the White House gave advice to Stans about funding problems. The President oversaw the whole operation; his private secretary, Rose Mary Woods, maintained a list of over-\$1000 campaign contributions. And, of course, the fund raising operation had as its sole purpose the support of President Nixon's reelection campaign—he was its chief, if not sole, beneficiary.

In the course of this operation Kalmbach and Stans solicited and obtained campaign contributions from corporations and unions and they and other fund raisers were able to trade immensely valuable government decisions for campaign contributions from powerful and interested economic interests.

Thus Robert Vesco paid \$200,000 for promises by Mitchell and Stans to divert the SEC from investigating his financial dealings. A Greek oil dealer paid \$25,000 and received a \$4.7 million contract to fuel the Sixth Fleet in Piraeus. McDonald's hamburger chain chairman paid \$200,000 and received permission from the Price Commission to raise the price of their cheeseburger. Carpet manufacturers paid \$200,000 and obtained a meeting with Colson and Commerce Department officials—set up by Stans—that resulted in the killing of proposed new, stricter safety/flammability standards for carpets.

Dwayne Andreas paid \$25,000 (in cash, used to finance the Watergate burglary) and received approval of a national bank charter application in record time. Robert Allen paid \$100,000, likewise used to finance the Watergate burglary, and obtained the dropping by the government of action against his company's pollution. The Seafarers Union paid \$100,000 and obtained the dropping by the government of a prosecution for illegal campaign gifts the Union made in 1968. Howard Hughes paid \$100,000 to C.G. Rebozo, Nixon's closest friend and obtained (a) approval by the President of his purchase of Air West and (b) approval by the Justice Department of his proposed purchase of another casino in Las Vegas.

President Nixon was personally involved in several of these transactions. Dairy interests wrote him a letter promising \$2 million for his reelection campaign and asked for quotas on dairy product imports—which the President promptly imposed. When the Secretary of Agriculture refused to increase the 1971 price support for milk, long-time Nixon associate Murray Chotiner set up the channels for a flow of dairy money. After the flow began, dairy leaders met with Nixon and two days later the Secretary of Agriculture reversed himself. The dairy groups eventually paid \$427,500 (of which \$5,000, delivered virtually in Nixon's presence, financed the Ellsberg psychiatrist's break-in) for a decision that cost consumers \$500 million.

ITT paid \$100,000 (it had promised more) to help the Republicans hold their 1972 convention in San Diego. The company obtained, from the Antitrust Division of Justice, the dropping of a suit to stop ITT from acquiring the Hartford Fire Insurance Company, with the President telling Justice not to oppose bigness-as-such and to treat ITT "fairly." Nixon, Colson wrote, was "directly involved," he discussed the ITT case with Mitchell and personally ordered Deputy Attorney General Kleindienst to delay the case.

Counts 26–28 charge the President with using his office to enrich himself personally by causing the government to spend money on his private estates and by taking an unallowable tax deduction. He knew what physical improvements were being made to the property, and could veto them; indeed the work was usually ordered or approved by Kalmbach or Haldeman. Like all other citizens he assuredly signed his own tax returns, in which he declared taxable income of around \$7000 on a salary of \$200,000.

There are a number of points of overlap and intersection among these various acts. For example, the Watergate burglary, the last known overt act in pursuance of the plan to suppress dissent and opposition to the administration, was financed in part by campaign contributions apparently contributed out of corporate funds and "laundered" through foreign bank accounts, which funds appear to have been contributed in exchange for

the dropping by the government of enforcement action against the corporate giver's polluting smelter in Idaho. Likewise, the burglary of the office of Daniel Ellsberg's psychiatrist carried out by the "plumbers," directed and employed by the White House, was in part financed by money contributed by dairy cooperatives who obtained a price support increase for dairy products with promises of contributions of \$2,000,000 (less than 25% of which was actually delivered).

Of course the two organizations that carried out these acts—the White House staff and the Committee to Re-Elect the President—were under the overall direction of and were ultimately responsible only to one man—President Nixon. Indeed, he has admitted "responsibility" for the acts of his subordinates. Moreover, the various acts were carried out directly by and under the direct supervision of the President's closest official and unofficial advisers. The President's personal attorney, Herbert Kalmbach, a political and personal associate of Mr. Nixon for twenty years, handled much of the campaign contribution solicitation personally and directed the entire operation until February, 1972, when Maurice Stans resigned as Secretary of Commerce to take formal charge. Kalmbach ordered and supervised installation at government expense of improvements at the President's estate in San Clemente, California, and his partner Frank DeMarco handled the President's tax avoidance device. Kalmbach was in charge of making payoffs to some of the burglars and wiremen who served as the White House "plumbers" and then were employed by the Committee to Re-Elect the President to burglarize the Democratic National Committee, and raised money to pay their legal fees and living expenses—or to buy their silence—after they were apprehended.

H.R. Haldeman, the President's chief of staff and the effective guardian of the President's time, appears to have supervised and was kept informed of campaign contribution affairs, likewise ordered property improvements at San Clemente, and was generally involved in the various devices used in efforts to suppress dissent. John Mitchell, the President's 1968 campaign manager, law-and-order Attorney General and then 1972 campaign manager, approved illegal domestic wiretaps and the Liddy campaign espionage plan, was part of the campaign contribution collection operation and in furtherance of it made decisions at the Justice Department that favored big contributors.

All three of these men were the President's chosen instruments—his agents. As we shall see, he is criminally liable under the law for all the acts carried out in the conspiracy which he headed.<sup>2</sup>

<sup>2</sup> William A. Dobrovir, *The Offenses of Richard M. Nixon: A Guide for the People of the United States of America* (New York: Times Book Co., 1973), 11-15.

**Questions**

1. List and define the constitutional rights that Nixon violated.
  
  
  
  
  
  
  
  
  
  
2. What did the president hope to gain by sending Ehrlichman to talk to Judge Byrne? What law was broken when that happened?
  
  
  
  
  
  
  
  
  
  
3. Why did the president attempt to interfere with the FBI's investigation following the burglary? What law did he break?
  
  
  
  
  
  
  
  
  
  
4. Define the concept of influence peddling.
  
  
  
  
  
  
  
  
  
  
5. What Nixon aides solicited and obtained campaign funds from corporations and unions? What did the corporations and unions get in exchange for their contributions?