

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.²

² 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.

Name _____
Date _____

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?

Part B.

Read the list of statutes Nixon violated and match them with the specific Watergate violation on the following pages (Section B). Note: Some incidents may represent more than one violation.

Section A—Violations of Statutes

- a. Violation of limits on gifts president may accept
- b. Bribery, federal
- c. Aiding and abetting criminal acts
- d. Offering, giving, soliciting, or receiving bribes
- e. Conspiracy against the civil rights of any citizen
- f. Conspiracy to commit any federal offense
Conspiracy to defraud the United States
- g. Political campaign contributions by corporations and labor unions
- h. Political campaign contributions by foreign nationals
- i. Conversion and embezzlement of public monies, property or other things of value belonging to the United States
- j. Extortion
- k. Fraud and false statements
- l. Obstruction of justice in court proceedings
- m. Perjury
- n. Suborning perjury
- o. Wiretapping
- p. Burglary

Bribery: the act or practice of giving or accepting a bribe (anything given or serving to persuade or induce)

Abet: to encourage, support, or countenance by aid or approval, usually in wrongdoing

Solicit: to seek to influence or incite to action, especially unlawful or wrong action

Conspiracy: an agreement by two or more persons to commit a crime, fraud, or other wrongful act

Embezzle: to appropriate fraudulently to one's own use, as money or property entrusted to one's care

Extortion: the crime of obtaining money or some other thing of value by the abuse of one's office or authority

Obstruction: the delaying or preventing of business before a deliberative body, especially a legislative group, by parliamentary contrivances

Perjury: the willful giving of false testimony under oath or affirmation, before a competent tribunal, upon a point material to a legal inquiry

Suborn: to bribe or induce (someone) unlawfully or secretly to perform some misdeed or to commit a crime

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Wiretap: an act or instance of tapping telephone or telegraph wires for evidence or other information

Section B—Offenses

1. **Bunker Hill Case**

Robert Allen, President of Gulf Resources and Chemical Corporation, contributed \$100,000.00 to C.R.P. (The Committee to Re-Elect the President). Gulf Resources' principal asset is a lead and zinc mining and smelting operation in Idaho, the Bunker Hill Company.

In March 1972, the EPA said it was going to impose stiffer air pollution control standards. After April 3, the EPA dropped its stiffer standards. Bunker Hill profits that year were 86 million dollars.

2. **Quarter Pounder Case**

In November 1971, McDonald's raised its price for the Quarter Pounder cheeseburger from 59 cents to 65 cents without authorization from the Price Commission. In May 1972, the Commission ordered McDonald's to reduce its price of its Quarter Pounder. Between May and September 1972, Ray Kroc, owner of McDonald's, contributed over \$200,000.00 to C.R.P. In September 1972, the Price Commission reversed its decision and granted McDonald's price increase.

3. **Vesco Case**

Robert Vesco, a financier, was being investigated by the SEC on charges of impropriety in business practices. Vesco contributed \$200,000.00 to C.R.P. The SEC investigation was postponed. Later, the SEC filed suit against Vesco and he demanded that the contribution he made to C.R.P. be returned to him. It was.

4. **Carpet Case**

The Department of Commerce planned to require a stricter product safety flammability test for carpets. Several leading carpet industry executives contributed \$200,000.00 to C.R.P. Shortly afterward the Department of Commerce dropped all plans to use a new instrument to test for carpet safety.

5. **Seafarer Case**

The Seafarers International Union was indicted in June 1970, for violation of the Federal Corrupt Practices Act. The gist of the indictment was that SPAD, the Seafarers Political Activity Donation Committee, was a sham and that through SPAD, the union made political contributions to Nixon totalling \$750,000.00 of union funds. The indictment also charged extortion of contributions from union members and from foreign sailors. In September 1970, the District Court dismissed the indictment for lack of prosecution. In October 1972, the Department of Justice abandoned the case.

6. **Greek Case**

Thomas Pappas, a wealthy Greek/American businessman, held dual citizenship. Pappas was a Nixon fundraiser and a co-chairman of C.R.P. (Finance Department). He made eleven round trip flights to Greece on company business. Less than twelve days before the 1972 election, two Greek Nationals contributed \$25,000 each to C.R.P. One of the men owns an oil company in Greece. In December, his oil company was awarded a \$47 million contract for the refueling of the United States Sixth Fleet, based in Greece.

_____ 7. **The Milk Case**

The three largest dairy cooperatives established political action committees to make political contributions. A representative of one of the dairy P.A.C. wrote the president to discuss a matter of some delicacy and of significant political impact. The dairy P.A.C. contributed about \$135,000 to Republican candidates in the 1970 election. The dairy representative agreed to establish appropriate channels for contributing \$2 million to C.R.P. The remainder of the letter contained a plea for immediate imposition of revised dairy import quotas. Two weeks later, dairy import quotas were revised according to industry wishes.

_____ 8. **Eavesdropping**

In May 1969, Nixon ordered the illegal wiretapping of thirteen government officials and four newsmen.

_____ 9. **Enemies List**

In the summer of 1969, Nixon requested the I.R.S. to move against leftist organizations and to have them audited and harassed by its agents.

_____ 10. **Plumbers**

In June 1971, Nixon personally approved the creation of a special investigation unit within the White House, later called the Plumbers. Nixon ordered them to find out all they could about Daniel Ellsberg. Later, the group was ordered to go to California and break into Ellsberg's psychiatrist's office and photograph Ellsberg's psychological file. They did this. The Plumbers were paid from C.R.P. funds.

_____ 11. **Judge Case**

President Nixon met with the United States District Judge Byrne during the final stages of the trial of Daniel Ellsberg for turning over the Pentagon Papers to the New York Times. The President's aides then had several subsequent meetings with the judge. Ehrlichman later interviewed the judge for a job as possible F.B.I. Director. The judge eventually declared a mistrial when confronted with the questionable propriety of his discussing a federal appointment during the case.

_____ 12. **Dirty Tricks Case**

In 1972, a committee chaired by a Nixon aide, Don Segretti, operated a campaign to sabotage the campaigns of Nixon's Democratic rivals in the primaries. The Segretti campaign used forged Muskie stationery to charge Senators Humphrey and Jackson with sexual misconduct.

_____ 13. **Watergate Break-in—Culprits Caught**

The break-in and wiretapping of the Democratic National Committee's Watergate offices occurred on May 27, 1972. On June 17, 1972, five agents of the Nixon campaign were apprehended.

_____ 14. Officials of C.R.P. lied under oath when asked about Nixon's activities.

_____ 15. **Gifts**

Nixon donated his presidential papers and, later, claimed false tax deductions in the amount of \$570,000.