

WATERGATE SCANDAL PRIMARY SOURCE LESSON

Thank you so much for your support! This lesson features an excellent primary source document to have your students analyze.

This actual memo can be found on Page 2. It was written for the Watergate Special Prosecutor in August of 1974 after Nixon resigned, but before President Ford pardoned him. Page 3 is a transcription of the same document. I provide this if you find that your students might struggle to read the actual document.

The main question of the document is, “Should the special prosecutor seek an indictment of the former President?”

I start the lesson by having students view a background video. Two options for this can be found below. The WatchMojo one is a little more in-depth and I actually prefer it over the History version.

Next, we review the timeline so students can get a better idea of how the events transpired.

Finally, I have students review the memo in small groups and complete the worksheet. I give them about 20 minutes to read it and craft their responses. We then come together and list their reasons for/against prosecution on the board. This leads to a great class discussion on whether or not Nixon should have been charged or if his pardon was truly best for the country. It’s great to connect this to current events and help students to understand that a lot of the public’s distrust of Washington and distaste of politics comes directly from this scandal.

Background Videos

WatchMojo: “The Watergate Scandal: Timeline and Background” - <https://youtu.be/IHnmriyXYeg>

History Channel: “Watergate Explained” - <http://www.history.com/topics/watergate>

GOOGLE DRIVE

Are you in a paperless classroom? You can [access the Google Drive Version of this resource here](#). This slightly modified lesson includes links to various online resources that may benefit students as well. The link above will have you make a copy of the Google Doc, so be sure to be signed in to your Google account. The answer key is not included there, so you can share directly with your students.

If you are interested in more Google Digital Resources, check out my [Digital Interactive Notebooks here](#). Here are some additional resources that you might enjoy as well:



Memorandum

TO : Leon Jaworski
Special Prosecutor

FROM : Carl B. Feldbaum
Peter M. Kreindler

DATE: August 9, 1974

SUBJECT: Factors to be Considered in Deciding Whether to
Prosecute Richard M. Nixon for Obstruction of
Justice

In our view there is clear evidence that Richard M. Nixon participated in a conspiracy to obstruct justice by concealing the identity of those responsible for the Watergate break-in and other criminal offenses. There is a presumption (which in the past we have operated upon) that Richard M. Nixon, like every citizen, is subject to the rule of law. Accordingly, one begins with the premise that if there is sufficient evidence, Mr. Nixon should be indicted and prosecuted. The question then becomes whether the presumption for proceeding is outweighed by the factors mandating against indictment and prosecution.

The factors which mandate against indictment and prosecution are:

1. His resignation has been sufficient punishment.
2. He has been subject to an impeachment inquiry with resulting articles of impeachment which the House Judiciary Committee unanimously endorsed as to Article I (the Watergate cover-up).
3. Prosecution might aggravate political divisions in the country.
4. As a political matter, the times call for conciliation rather than recrimination.
5. There would be considerable difficulty in achieving a fair trial because of massive pre-trial publicity.

The factors which mandate in favor of indictment and prosecution are:

1. The principle of equal justice under law requires that every person, no matter what his past position or office, answer to the criminal justice system for his past offenses. This is a particularly weighty factor if Mr. Nixon's aides and associates, who acted upon his orders and what they conceived to be his interests, are to be prosecuted for the same offenses.
2. The country will be further divided by Mr. Nixon unless there is a final disposition of charges of criminality outstanding against him so as to forestall the belief that he was driven from his office by erosion of his political base. This final disposition may be necessary to preserve the integrity of the criminal justice system and the legislative process, which together marshalled the substantial evidence of Mr. Nixon's guilt.
3. Article I, Section 3, clause 7 of the Constitution provides that a person removed from office by impeachment and conviction "shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law." The Framers contemplated that a person removed from office because of abuse of his public trust still would have to answer to the criminal justice system for criminal offenses.
4. It cannot be sufficient retribution for criminal offenses merely to surrender the public office and trust which has been demonstrably abused. A person should not be permitted to trade in the abused office in return for immunity.
5. The modern nature of the Presidency necessitates massive public exposure of the President's actions through the media. A bar to prosecution on the grounds of such publicity effectively would immunize all future Presidents for their actions, however criminal. Moreover, the courts may be the appropriate forum to resolve questions of pre-trial publicity in the context of an adversary proceeding.

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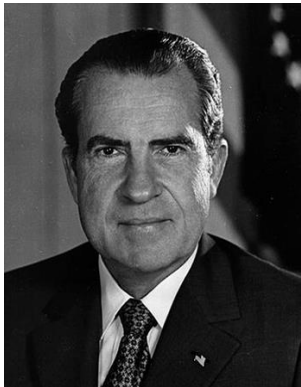
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Watergate Scandal Timeline

- June 1972** Five men linked to Republican President Richard Nixon's reelection campaign were arrested for trying to bug (plant listening devices in) the offices of the Democratic National Committee in the Watergate office building in Washington, DC.
- April 1973** Nixon denied knowledge of the Watergate break-in or any cover-up.
- May 1973** Archibald Cox was named as the Justice Department's special prosecutor for Watergate. The Senate Watergate Committee began nationally televised hearings.
- June 1973** Former White House advisor John Dean told investigators that Nixon authorized a cover-up.
- July 1973** Nixon, claiming executive privilege, refused to release tape recordings made of secretly recorded Oval Office conversations.
- October 1973** Nixon offered summaries of the tapes, which Special Prosecutor Cox refuses. Nixon fires Cox.
- November 1973** Leon Jaworski is named as the new Special Prosecutor.
- March 1974** Former Nixon administration officials are indicted on charges of conspiracy in the Watergate break-in. Nixon is named as an "unindicted co-conspirator."
- July 1974** The Supreme Court ruled unanimously that Nixon had to surrender all White House recordings requested by the new special prosecutor. The House Judiciary Committee recommended impeachment for the president.
- August 1974** Transcripts of tapes show that Nixon ordered a cover-up of the Watergate break-in. On August 9th, Nixon became the first U.S. President to resign.
- September 1974** President Gerald Ford (Nixon's former Vice President) pardons former President Nixon.



**Richard
Nixon**



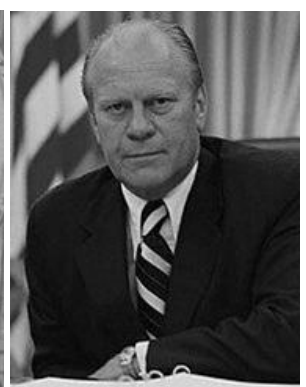
**Archibald
Cox**



**John
Dean**



**Leon
Jaworski**



**Gerald
Ford**

Name _____

WATERGATE SCANDAL PRIMARY SOURCE ANALYSIS

Directions: Analyze the memorandum prepared for the Watergate Special Prosecutor Leon Jaworski.

1. What crime was the Special Prosecution considering against President Nixon?
2. What “clear evidence” was there that Nixon was guilty of this crime?
3. What are the most convincing reasons for prosecuting Nixon?
4. What are the most convincing reasons for **not** prosecuting Nixon?
5. Should Richard Nixon have been indicted and prosecuted? Use evidence from the memo and your own background knowledge to support your answer.