

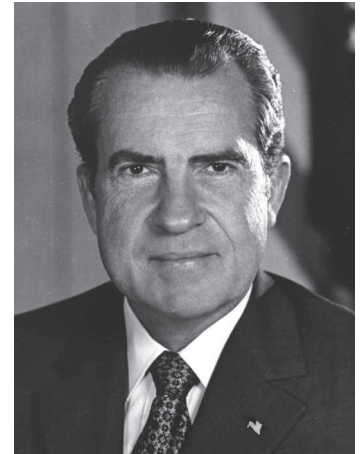
U.S. v. Nixon (1974)

Name: _____

A Presidential-Size Scandal

No president wants to serve only one term. But President Richard Nixon was especially determined to win re-election in 1972—so determined that his campaign launched spy operations against the Democratic presidential candidate, Nixon's opponent. At 2:30 a.m. one night in 1972, five men were caught planting a wiretap inside the Democratic National Committee office at the Watergate office complex in Washington, D.C.

President Nixon denied knowing anything about the break-in. Later, however, it came out that secretly recorded conversations from the White House would prove that Nixon was involved in covering up the Watergate break-in. Amid the massive scandal, several men were charged with serious crimes. Nixon himself was identified as a co-conspirator, but he was not charged. A court ordered the White House tapes to be turned over as evidence for the trial against the men. Nixon refused to hand over the tapes.



Richard Nixon was president from 1969—1974.

ISSUE

Do all of a president's communications have the privilege of confidentiality?

DECISION

No. The criminal justice system's ability to function may outweigh that privilege.

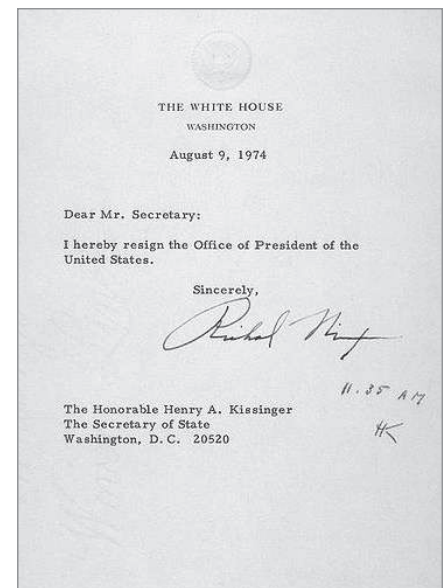
The Argument

Nixon argued that because he was the president, his recordings were **confidential**, or private. First, Nixon argued that a president's communications with his advisors must be kept private in order for them to properly do their jobs. Second, Nixon argued that the executive branch of government is independent from the judicial branch. Therefore, even though the court had a right to force regular people to turn over evidence in a criminal case, the court could not demand his presidential recordings.

The Decision

The Supreme Court disagreed. In some cases, the Court said, a president's communications must be kept private. That's because some presidential communications include sensitive information such as military secrets. Making this kind of communication public could put the nation's safety at risk. But Nixon did not claim that his recordings contained any sensitive information.

The Court explained that the American criminal justice system cannot work if the court does not have all the evidence available. Given this, the Court weighed Nixon's desire to keep every recording private against the justice system's need to conduct fair trials. The Court reasoned that it is rare for a president's communications to be needed as evidence. Therefore, a president won't feel uncomfortable talking with his advisors just because of this possibility. On the other hand, the basic function of the criminal justice system could be seriously hurt if a president's communications could never be used.



President Nixon resigned in 1974.

So What?

This case shows that in the United States, the president is not above the law. This is different from some countries, where the leader has absolute authority. But in the U.S., the requirements of the Constitution can come before even the president's wishes.

