

United States v. Nixon / Background •

As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

In 1972, five burglars broke into the national office of the Democratic Party. There, party members make decisions relating to political campaigns. They also decide how they will raise money to help the candidates.

The burglars were caught. Later, **investigators** discovered that President Richard Nixon and his aides were involved in the burglary. They had hired people to break into the offices. They wanted to get information that would help President Nixon get re-elected. Investigators discovered that the president and his aides had committed other illegal acts too.

In the United States, the president has to follow the rule of law. If he breaks the law, he can be put on trial. Since President Nixon was accused of breaking the law, the federal government decided to investigate him and gathered evidence against him. They discovered that President Nixon had a tape recorder in the Oval Office. He taped most of what happened in his office. The tapes included conversations he had with his aides.

The prosecutor in the case believed that the tapes probably had information about the illegal things President Nixon and his aides had done. He asked President Nixon to turn over the tapes. Nixon said no. A federal judge told him he had to give the tapes to the prosecutor.

The president **appealed** the decision to the U.S. Circuit Court of Appeals. The prosecutor asked the Supreme Court of the United States to hear the case instead. The Court agreed to hear the case because it was so important.

President Nixon's lawyers argued that the president's tapes were protected by **executive privilege**. This is the belief that the conversations between the president and his aides are **confidential**. Sometimes, these discussions need to be private to protect the country. Other times, privacy is needed to protect the advisers. They need to be able to give the president advice without worrying about being criticized by other people. That way, they can be honest with the president. Their honest opinions help the president to make decisions.

The lawyers for the United States said that the tapes were necessary to prove that the president had committed a crime. They argued that justice in this criminal case was more important than protecting the privacy of the president and his aides. Therefore, President Nixon should turn over the tapes.

Questions to Consider

1. Why did the prosecutor want President Nixon's tapes?
2. Why would a president record his conversations in the Oval Office? Why do you think President Nixon taped his conversations when he was discussing illegal activities?
3. What is executive privilege? How could executive privilege help to keep the executive branch separate from the other branches of government?
4. Describe an example of a time when it would be important for a president to keep communications with aides confidential.
5. Who should decide when the communications between a president and presidential aides is made public, the president or the courts? Why?
6. Sometimes conversations the president has with aides might be needed for a criminal trial. If the president does not have to reveal what is said in these conversations, how could this affect the legal system?