

Watergate Revisited: An Insider's View

Condensed Course Syllabus

1/28/2019

This course is offered at 1pm for twelve successive Mondays, beginning January 28, 2019, in Rooms 520-521 of the Osher Lifelong Learning Institute at Temple University, located at 1515 Market Street in Philadelphia.

The Instructor, Geoff Shepard, was a young lawyer on Nixon's staff throughout the scandal's unfolding and has authored two books on the subject. This is being offered as a history course, designed to provide an in-depth behind-the-scenes review of the issues, the players, and the political maneuvering from that era.

Because the course is being videotaped, it will consist of a one hour lecture by the Instructor, followed by a half hour question and answer period.

What follows is a condensed syllabus, identifying the central focus for each week.

For those interested in greater detail, there is an 80 page Annotated Chronology of the unfolding of the Watergate scandal posted on the Instructor's website at <http://geoffshepard.com/detailed-chronology/>

Week One: Three Surprising Revelations

- Introductory Remarks
- Watergate Overview
- Instructor's Background and *Bona Fides*
- Three Surprising Revelations
 - Judge Sirica's Secret Meetings with Prosecutors: Trial Judge John Sirica improperly met, in secret, at least a dozen times with Watergate prosecutors and other interested parties to resolve issues in advance of the trials.
 - Dean's Disappearing Prison Sentence: John Dean, Nixon's former counsel and the cover-up's "chief desk officer," was sentenced to 1-4 years in prison, with incarceration to begin the first day of trial, for the express purpose of increasing his credibility as a witness, only to be set free immediately upon the trial's conclusion. It later developed that he'd never spent a single night in jail.
 - Prosecutors' Secret Allegations Against President Nixon: Watergate prosecutors secretly (but erroneously) assured grand jurors, as well as House Judiciary Committee staff, that President Nixon had personally approved the payment of blackmail to

Howard Hunt. Nixon's defenders were unaware of this allegation and thus unable to refute it. Had Nixon known of this allegation, he would never have resigned, for he would have known it to be untrue. Later, at trial, prosecutors' own witnesses proved this allegation could not have happened.

- Q&A

Week Two: The Setting

- Nixon, the classic outsider
 - Congressman, Senator and Vice President
 - Key Importance of
 - Alger Hiss investigation (1947)
 - Nixon v Harvard conflict
- 1968 Presidential Election
- Successes of the first term, resulting in Nixon's landslide 1972 re-election [The Instructor has produced almost 40 documentaries, co-sponsored by the National Archives, which focus on Nixon's public policy initiatives: <http://geoffshepard.com/the-nixon-legacy-forums/>.]
- Key Watergate Figures
 - The Burglars
 - Nixon Administration Officials
- A Truly Bungled Burglary
 - Issues raised by the "doubter" books
 - Fred Thompson's *At That Point in Time*
 - Jim Hougan's *Secret Agenda*
 - Len Colodny's *Silent Coup*
 - Ray Locker's *Haig's Coup*
 - See Shepard's presentation, "Mysteries of Watergate," <https://www.youtube.com/watch?v=hZIF0oSXBJE&feature=youtu.be>
- Three Critical Timeframes (whose background remains totally misunderstood)
 - June, 1972, Establishing the Cover-up: The two weeks following the break-in arrests
 - March, 1973, The Cover-up's Collapse: Burglar Sentencing Week
 - July-August, 1974, Nixon's Dramatic Demise: Events Culminating in Nixon's resignation
- Q&A

Week Three: The Cover-up

- John Dean, the cover-up's "chief desk officer"
 - Coordinated White House (WH) and Committee to Re-Elect the President (CRP) responses

- Had undisclosed conflicts of interest
- Opposed any WH disclosures, as scandal grew
- Committed additional crimes
- Department of Justice (DOJ) Investigation
- “Deep Throat” and the Woodward/Bernstein revelations
- Chief Watergate Trial Judge John Sirica
- Burglar Trial Timetable
- Q&A

Week Four: Collapse of the Cover-up

- Ervin Committee Creation and Investigation
- Burglar Sentencing Week of March 19, 1973
- Post-Sentencing Developments
- Dramatic Events of April 30, 1973
 - Resignations of Haldeman, Ehrlichman, Dean and Kleindienst
 - Nomination of Elliot Richardson as Attorney General
- Q&A

Week Five: Impact of Re-staffing

- Arrival of Alexander Haig and Fred Buzhardt from the Department of Defense (DOD)
- Richardson’s Confirmation Hearings
- Appointment of Archibald Cox as Special Prosecutor
- Watergate Special Prosecution Force (WSPF) Composition
- Ervin Committee’s Dramatic Disclosures
 - John Dean’s testimony
 - Alex Butterfield’s disclosure of WH taping system
- Legal Battle over the WH tapes
 - Ervin Committee Subpoena for “all materials”
 - Grand Jury Subpoena for Nine Tapes
 - House Judiciary Committee (HJC) Subpoena for 42 Tapes
 - WSPF’s Subpoena for 64 additional tapes

Week Six: Two-Pronged Attack: Indictment and Impeachment

- Establishment of the HJC’s Impeachment Inquiry
- Jaworski Arrival and Concerns Regarding his WSPF Staff
- Jaworski’s Secret Meetings with Judge Sirica
- Comprehensive Cover-up Indictment
 - Seven Defendants: Mitchell, Haldeman, Ehrlichman, Colson, Mardian, Parkinson and Strachan
 - Charged Offenses were all “Thought Crimes”: Conspiracy, Obstruction and Perjury
- The Roadmap (the Grand Jury’s Sealed Report to the HJC) and its Enduring Significance

- Plumbers Indictment
 - Six Defendants: Ehrlichman, Liddy and the Cuban Americans
 - Charged Offenses: Civil Rights Statutes
- Q&A

Week Seven: The Plumbers Prosecution

- Events Culminating in the Break-in into Daniel Ellsberg's Psychiatrist's Office
 - Pentagon Papers Leak
 - Formation of Plumbers Unit
 - WH Decision to "Go Operational"
 - Ambiguity of Break-in's Success
- Trial Issues
 - National security as Ehrlichman's principal defense
 - Prosecutors' Judge Shopping
 - Contrast between Prosecution's Witness Testimony (Krogh v Young)
 - Appeal and contrived DOJ letter
 - Claimed precedents
- Church Committee Disclosures of Warrantless Break-ins Stretching Back to 1936
- Q&A

Week Eight: Nixon's Dramatic Demise

- Supreme Court rules in US v Nixon
- HJC recommends three Articles of Impeachment
- WH releases "Smoking Gun" transcript
- GOP leaders come to visit
- Nixon announces resignation
- President Ford pardons Nixon
- Q&A

Week Nine: The Cover-up Trial

- Trial Issues
 - Dean testimony as lead government witness
 - Mitchell testimony denying Liddy plan approval
 - Jury conviction of Mitchell, Haldeman and Ehrlichman on all counts
 - Reduction of Dean and Magruder prison terms to "time served"
- Issues on Appeal
 - Argued
 - Jury taint and bias
 - Sirica's pre-judgement on venue
 - Sirica's *voir dire* of jurors

- Sirica's jury instructions on specific intent
 - Unknown (at the time)
 - Sirica's series of *ex parte* meetings
 - Intentional "temporary" sentencing of John Dean
 - Prosecutors' Brady violations and selective prosecutions
- Final Outcomes
 - Mitchell, Haldeman and Ehrlichman are only ones convicted of cover-up
 - Each sentenced to prison term of 2½ to 8 years; each served some 18 months.
 - In all, two dozen Nixon administration people were convicted and imprisoned
- Q&A

Week Ten: Allure of the White House Tapes

- Wrongly Expected to Resolve All Ambiguities
- Background and Operation of Presidential Taping Systems
- Discussion and Analysis of Six Key Tapes
 - Week Following the Break-in
 - The 18½ Minute Gap
 - Nixon's "Smoking Gun" Decision
 - Week of the Cover-up's Collapse
 - Nixon/Ehrlichman Review Session (Monday evening)
 - Dean's Cancer on the Presidency Meeting (Wednesday am)
 - Nixon's Decision to Disclose (Wednesday pm)
 - Nixon's "Stonewall" Instruction (Thursday pm)
- Q&A

Week Eleven: Focus on Judicial and Prosecutorial Abuses

- Special Prosecutors inevitably become politicized, leading to selective enforcement and lack of due process
 - Richard Harris column in *The New Yorker*
 - Renate Adler's articles in *Canary in the Mine Shaft*
 - Attorney General Robert Jackson's 1940 Admonition
- Key Elements of Due Process
 - Fair and Impartial Trial Judge
 - Non-partisan Prosecutors, evenhandedly enforcing the law
 - Jurors selected from a pool that is both untainted and unbiased
 - Automatic right of appeal for fair and impartial review
- Sirica's *Ex Parte* Meetings
- Two key elements in understanding Nixon's demise
 - "Smoking Gun" tape has been totally misunderstood for forty years. See <http://geoffshepard.com/august-2014-understanding-the-smoking-gun/>

- WSPF wrongly assured Grand Jury and HJC staff, both in secret, that Nixon had personally approved Hunt's blackmail payment. See <http://geoffshepard.com/geoff-filed-motion-to-unseal-grand-jury-transcripts/>
- Recent Developments
 - Jaworski and Vorenberg documents surfaced after forty years
 - Shepard's 2015 book, *The Real Watergate Scandal: Collusion, Conspiracy and the Plot that Brought Nixon Down*.
 - Current legal efforts to unseal the Road Map and related transcripts
- Q&A

Week Twelve: Relevance to today: Is it *Déjà Vu* all over again?

- Trump v Nixon, as individuals
 - Similarities
 - Differences
- Parallel Special Prosecutor Concerns
- Critical Elements for National Scandals
 - Divisive Era
 - Divided Government
 - Appointment of Special Prosecutor
- Search for Alternatives
- Q&A
- Course Summation and Participant Recognition