

Constitution in Crisis

"Throughout my political life, I always believed what I was told. I was truthful to others; I expected others to be truthful with me."

Gerald R. Ford

In November 1972 the American electorate sent Richard Nixon to his second term in the White House with 61% of the popular vote, sweeping 49 states.

On June 17, 1972, five men working for the Committee to Re-elect the President were caught breaking into the Watergate headquarters of the Democratic National Committee. Two days later House Minority Leader Gerald Ford asked John Mitchell whether anyone at the White House or campaign was implicated. Nixon's campaign manager replied "Absolutely not." While Nixon repeatedly denied prior knowledge of the break-in, a growing body of evidence pointed to presidential involvement in the subsequent cover-up. Reports of White House involvement, either in planning or covering up the crime, led to Senate hearings in the spring of 1973. When news broke that Richard Nixon had secretly taped Oval Office meetings and conversations, then refused to turn these tapes over to Senate investigators and a presidentially appointed special prosecutor, Americans faced a full-blown constitutional crisis.

Heightening the nation's agony was the October 1973 resignation of Vice President Spiro Agnew due to corruption charges stemming from his earlier service as governor of Maryland. In selecting Agnew's replacement, Nixon knew that he might well be choosing his own successor.

The 25th Amendment, ratified in 1967, provided that "whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by the majority vote of both Houses of Congress." With the resignation of Vice President Spiro Agnew, Richard Nixon became the first president to select a vice president under the terms of the 25th Amendment.

Before choosing Spiro Agnew's replacement, President Nixon sought the views of Republicans in and out of Congress. In the end, Gerald Ford received the nod. On December 6, 1973, the United States House of Representatives voted 387 to 35 to confirm Gerald R. Ford as Vice President of the United States.

Gallery Two Activity

Constitution in Crisis Activity Description

METHOD

Before your Museum visit discuss Watergate with your students. While at the Museum have them complete the following *Constitution in Crisis* activity.

Ask the students to read through the exhibit, watch the presentation, take careful notes, make a timeline, and then complete the worksheet.

SUGGESTED POST-VISIT ACTIVITIES

- Classroom discussion about Watergate. What do the students believe was done wrong? Right? What would they have done if they were: Richard Nixon, Alexander Butterfield, Robert Bork, Archibald Cox, or Elliot Richardson. Have students write diary entries from the perspective of one of these men.
- Lead a classroom discussion on the significance of the 25th Amendment. Then examine either the 25th Amendment or the 19th Amendment (www.ourdocuments.gov/). Complete the document analysis worksheet included in the appendix.
- Have the students write a short essay discussing the impact the 25th Amendment has had on the Presidency. Have them discuss how many times it has been used in the past.

PART B: THE VICE PRESIDENCY

- Who was Richard Nixon's first Vice President?
- Why did he resign as Vice President? When did he resign?
- Who were Nixon's top choices to replace Spiro Agnew?
- Who did the House/Senate prefer? Why?
- What document enabled Richard Nixon to select a new Vice President?
- Summarize what the document says.
- When was it ratified?

Gallery Two: Constitution in Crisis- ANSWER KEY

PART A: WATERGATE

- Briefly describe the event called Watergate:
There was a break-in in the Watergate complex; the Democratic Headquarters Offices were burglarized; discovered it was done by men working for President Nixon's re-election campaign.
- Name six people who were involved in Watergate and /or the investigation. Include their title(s). Describe how they were involved.
**G. Gordon Liddy, former FBI Agent / operation to wiretap DNC headquarters*
**E. Howard Hunt, former CIA Agent / operation to wiretap DNC headquarters*
**John Mitchell, Nixon Campaign Manager*
**James McCord, former CIA Agent / arrested at time of Watergate break-in*
**Bob Haldeman, Chief White House Advisor*
**John Dean, White House Counsel*
- What advice did Gerald Ford give President Nixon about Watergate information?
"... why don't we get the records out that prove your innocence? Why don't you release the documentation?"
- Describe the Saturday Night Massacre.
Richard Nixon ordered Attorney General Elliot Richardson to fire Special Prosecutor Archibald Cox. Richardson resigned instead. Richardson's deputy William Ruckelshaus also quit rather than fire Cox. Nixon named Robert Bork Acting Attorney General and he fired Cox.

PART B: THE VICE PRESIDENCY

- Who was Richard Nixon's first Vice President?
Spiro Agnew
- Why did he resign as Vice President? When did he resign?
Charges of income tax evasion. 1973.
- Who were Nixon's top choices to replace Spiro Agnew?
Nelson Rockefeller; Ronald Reagan; Gerald Ford; John Connally
- Who did the House/Senate prefer? Why?
Gerald Ford, because his loyalty was unquestioned. Popularity and trust in Congress.
- What document enabled Richard Nixon to select a new Vice President?
The 25th Amendment
- Summarize what the document says.
"Whenever there is a vacancy in the Office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."
- When was it ratified?
1967

Provisions of the 25th Amendment

Section 1:

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2:

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3:

Whenever the President transmits to the President pro-tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4:

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro-tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro-tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro-tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, with twenty-one days after receipt of the latter written declaration, or, if the Congress is not in session, within twenty-one days after Congress is required to assemble determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.