

## **Obama's Watergate?**

In May, 2013, President Barack Obama was engulfed in a firestorm of scandal. News broke that his administration was behind IRS harassment of right-wing Tea Party organizations, wiretapping of reporters' phones at the Associated Press (AP) and Fox News services, and most damaging, an alleged cover-up of the September, 2012, attack on the U.S. embassy in Benghazi, Libya, in which four Americans were killed. The severity of the allegations, along with the timing of the media frenzy surrounding them, caused many to speculate that President Obama had stumbled into his own Watergate, a reference to the scandal that toppled Richard Nixon's presidency during his second term. In the years since Nixon's resignation, Watergate has become the "standard against which to judge or misjudge scandals" (Clymer para. 2). The truth of the matter, however, is that the press, the public and their elected officials have become much more jaded in the 40 years since the Watergate story broke. Each two-term president since Nixon has suffered at least one major scandal during his second term. Such scandals inevitably resulted in the opposing party calling for impeachment and special investigation. Ultimately, however, little has come of it. In spite of the seriousness of the allegations that the Obama administration is facing, President Obama has not yet met his Watergate.

### **The Watergate Scandal**

In the early morning hours of June 17, 1972, five months before the presidential election, police arrested five men inside the Democratic National Committee (DNC) offices in the Watergate building outside Washington, D.C. The five men - James McCord, Bernard Barker, Eugenio Martinez, Virgilio Gonzalez, and Frank Sturgis - carried electronic equipment, cameras, and a considerable amount of cash (*United States v. Haldeman*). They had been hired by the Committee to Reelect the President [Nixon] ("CREEP") and had been in the DNC offices once before, in late May 1972. Their mission was to repair a defective bugging device, placed during the prior break-in, on the telephone of Democratic National Chairmen chairman Lawrence O'Brien. All this was done with the knowledge and guidance of both John Mitchell, the Attorney General of the United States and White House Chief Counsel John W. Dean (*Haldeman*).

Upon arrest, all five men gave aliases to the D.C. police. G. Gordon Liddy, was hired for the job by senior White House official John Ehrlichman, had been monitoring the operation from a motel across the street, reported the capture to CREEP's highest officials informing them that one of the burglars, James McCord, was on CREEP's payroll as chief of security. In an effort to avoid the appearance of any link between CREEP and the burglars, Mitchell met with other conspirators and decided to contact the new Attorney General, Richard Kleindienst, urging him to have McCord released from jail before the police penetrated his alias. Kleindienst insisted that the burglars receive no special treatment (*Haldeman*).

In Washington, White House and CREEP files were being cleansed of sensitive materials relating to Gemstone. Gordon Strachan, a White House staffer, performed this function under orders from H.R. Haldeman, the President's Chief of Staff.

John Dean, White House Counsel, monitored the Watergate investigation to guarantee that no one was implicated beyond the five burglars. However, on September 15, 1972, the grand jury indicted the five burglars plus Hunt and Liddy (*Haldeman*).

What Dean and others did during this period eventually led to the March 1, 1974 indictment of seven additional men, including Mitchell, Haldeman, Ehrlichman, Strachan, CREEP lawyer Kenneth W. Parkinson and White House aide Charles Colson. They were charged with conspiracy to obstruct justice, making false statements to a government agency, and defrauding the United States by corrupting the operation of the CIA and FBI. n128 Dean and two key CREEP executives were not named as defendants because, by the time of the indictment, they were cooperating with prosecutors. President Nixon was referred to as an unindicted co-conspirator. Four months after the cover-up and indictment, when the secret Watergate taping system revealed that Nixon was involved in obstruction of justice, he resigned as President on August 8, 1974 (*Haldeman*).

### **Watergate's Legacy and the Obama Administration**

In the aftermath of Watergate, Americans developed a mistrust of politicians and for the office of the President, in particular. Especially among the media, the level to which political missteps are criminalized has grown exponentially over the last four decades, and the actual level to which a political act must rise for real culpability to ensue now stands at a height that hasn't been reached since Watergate (Clymer). Reagan, the first president after Nixon to serve two terms, directed that arms be funneled to Iran in order to pay for CIA-backed civil war in Nicaragua. The Iran-Contra scandal, which

came to light during Reagan's second term, reached the highest levels of the administration. In spite of the media's evisceration of the cast of characters involved in the dustup, Reagan's vice president (and former head of the CIA), George H.W. Bush was elected president in 1988.

A decade later, President Bill Clinton, a Democrat in office with a Republican-controlled Congress, actually faced impeachment hearings. Such hearings weren't held over the shady business dealings that came to light during the Whitewater controversy, nor were they triggered by the military stumble in Mogadishu, Somalia, which left 16 American soldiers dead and was retold in the book, *Blackhawk Down*, and in the film of the same title. As angry as the press appeared to be about the genocide taking place in Rwanda at the time, about which the U.S. government did nothing, or the attacks against the World Trade Center in 1993 and multiple American embassies in Africa in 1998 (masterminded by Osama Bin Laden), Congress did not initiate impeachment hearings against President Clinton until an intern named Monica Lewinsky claimed to have had sexual relations with the President, who denied it under oath. Ultimately, the impeachment proceedings failed and Clinton served out his term. Like George H.W. Bush in the earlier decade, Clinton's Vice President, Al Gore, was elected in the next presidential race – by popular vote anyway: the Supreme Court awarded the electoral votes to the son of former President Bush, George W. Bush (Clymer).

The second Bush presidency was marked by a year of inadequacy followed by seven years of almost constant turmoil that ranged from the terrorist attacks on 9/11 to war with Iraq over non-existent weapons of mass destruction, prisoner abuse at Abu Graib and Guantanamo Bay, including torture by water board, inadequate government response to the thousands affected by Hurricane Katrina – and ultimately, the worst economic meltdown the world had seen since the Great Depression. Throughout, the press documented the high level in the administration to which responsibility rose.

President Obama's presidency has simply reflected the scandals that came before him, and his administration has reacted similarly. Obama inherited the financial crises of the Bush administration and has done little to alleviate the effects of the downturn, saw one of the worst environmental disasters in the country's history with the BP Horizon oil spill, and failed to shut down the prison at Guantanamo Bay, as he promised during his first election campaign. Meanwhile, reports emerged early in his second term that the IRS had been investigating, and targeting for audits, members of so-called Tea Party groups. These right-wing groups are conservative and intensely outspoken in their opposition to Obama. While such use of audits to harass the opposing party smacks of Watergate (Nixon ordered audits against prominent Democrats), they have not yet been directly connected to President Obama. (Mirkinson).

The events in Benghazi, Libya, are perhaps more troubling, in that it seems that it was an ineffective response by the U.S. military and a lack of resources offered by the State Department that led to American Deaths – rather than a YouTube video, which

State and Administration spokespersons initially blamed for causing a demonstration, which apparently never really happened. In response to the September 11, 2012 violence against the U.S. Embassy in Cairo and the brutal murder of U.S. Ambassador to Libya J. Christopher Stevens in Benghazi, both Secretary of State Clinton and President Obama chastised any attacks on others' religions or religious beliefs, referring to the film *Innocence of Muslims*, which had sparked the protests in Cairo; and which State Department officials said was also the cause of a spontaneous demonstration against its facility in Benghazi, which erupted into the fatal attack on the embassy and its annex (Scarborough). None of the communications from personnel involved in the attack, nor did interviews with Libyan witnesses, ever acknowledged that a demonstration of any kind had occurred (Scarborough). Indeed, the State Department later acknowledged that the attacks were apparently pre-planned, and a senior official added that it was never the department's conclusion that the incidents were based on the film. More concerning, however, is that the President and Secretary of State's qualified condemnations of brutal violence that claimed the lives of US citizens--which effectively discourages speech critical of Islamism--undermines the value of, and publicly discredits, the constitutionally protected right to speak openly about religion, a right that exists even when the speech is tantamount to "hate speech" or is otherwise offensive. Indeed, in an opinion written by Justice William Douglas, the US Supreme Court has firmly established that:

[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. (*Terminiello v. Chicago* 4).

In an apparent departure with the classic notions of free speech and its adjunct, freedom of the press, espoused by United States constitutional law, the Obama administration caused further furor when it was made public that the phones and email communications of several journalists had been tapped and monitored by the Department of Justice. In attempt to trace back press leaks in the administration, journalists from Fox News and the Associated Press were subjected to surveillance in an attempt to determine who their sources were. More than anything else, it is this A.P. scandal that resulted in the comparisons to Watergate.

As yet, however, no proof has been offered that Obama directed any of the alleged wrongdoing -- nor even that any such orders emerged from with the senior circles of the White House. Indeed, at this point, nothing beyond poor decision making and bumbling attempts to hide mistakes from the press are implicated in the scandals of the Obama administration. This, ultimately, is why the public is hearing so much about them: the press does not like to be stifled.

Watergate was a scandal born in the media. It has been the media, which has driven much of the frenzy surrounding presidential scandals from the last decade. The Obama poked a hornets' nest when it tried to stifle free speech with the Benghazi mess and then tapped reporter phones. Fortunately for President Obama, in this age of the 24-hour (or less) news cycle, the media dog's teeth are a lot less sharp than they used to be. Like all the other two-term presidents since Watergate, he will likely get bumped and bruised pretty badly by the media, but will serve out his term and write a best-selling memoir.

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*Terminiello v. Chicago*, 337 U.S. 1, 1949.

*United States v. Haldeman*, 559 F.2d 31 (D.C. Cir. 1977).