

Names

Periods

Date

WONOR CASE

## WORKSHEET - UNITED STATES V. NIXON

1. What does executive privilege allow Presidents to do?  
The right of the President to withhold information from Congress or the Court, often on Nat'l Security grounds
2. What is a subpoena? Who asked the Federal District Court to issue a subpoena?  
What was he seeking and WHY? A court order to appear or produce material in court.  
Special Prosecutor, Archibald Cox.  
Secret tapes from the Oval Office of possible conversations about the cover up.
3. What were the three reasons why Nixon would not surrender the tapes?
  1. Executive Privilege protected his conversations.
  2. Past Presidents had used Ex. Priv.
  3. The subpoena threatened separation of powers + weakened the Presidency.
4. What was the constitutional issue in this case? BE SURE YOU WORD THIS AS A QUESTION!  
D. & S.O.P. + Exec. Priv. prevent the courts from requiring the President to turn over confidential material needed as evidence in a criminal trial?
5. Why would Presidents and their aides need confidentiality in performing their duties?  
It might be necessary to protect nat'l security.
6. What did the Court order Nixon to do in their decision? What was the vote?  
Turn over the tapes. 9-0
7. Which of the following statements are true about the decision?
  - a. The Court ruled that there is no constitutional basis for executive privilege.
  - b. The Court said that the need for evidence in a criminal trial is greater than the need for executive privilege.
  - c. The Court said that the effect of the Constitution is to make executive privilege unlimited.
8. In what way did the Court's decision put limits on executive privilege?  
It ~~was~~ limited the areas that could be used for exec. Priv.
9. In what way did the Court's decision strengthen executive privilege?  
It acknowledged that Ex. Pr. does in fact exist and is Constitutional.
10. Overall, do you think the decision strengthened or weakened the Presidency?  
Answers vary.