

Worse than Watergate? The Mother of All Constitutional Crises

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On July 31, 1973, while the Vietnam war was still being fought, Representative Robert Drinan, a Massachusetts Democrat, introduced the first impeachment resolution against President Richard Nixon. One of the grounds for indictment Drinan proposed was the secret bombing of Cambodia, ordered by the President. To Drinan, this was a crime at least as great as the domestic scandals which had already come to be known as “Watergate.” The fourteen months of massive B-52 “carpet bombings,” which killed tens of thousands of Cambodian villagers and an unknown number of Vietnamese communist soldiers in border sanctuaries, were run outside the military’s chain of command. They were also kept completely secret from Congress and the public (until exposed by New York Times reporter William Beecher). In recently released transcripts of telephone conversations between Nixon and his closest aides, the President ordered “a massive bombing campaign in Cambodia [using] anything that flies on anything that moves.” (The transcript then records an unintelligible comment that “sounded like [General Alexander] Haig laughing.”)

The secret bombing of Cambodia involved the same abuse of power and political manipulation of government agencies as Watergate, but only a few Congressional representatives like John Conyers, Elizabeth Holtzman, and Edward Mezvinsky supported Drinan’s Cambodia article, which was soundly defeated by the House impeachment committee 26-12.

There are many myths about Watergate — among them that Woodward and Bernstein rode into Dodge and rescued the republic all by them. Worse than Watergate, the impeachment of Richard Nixon saved American constitutional democracy from destruction, and that the grounds on which Nixon was impeached were a fair reflection of what he and “all the President’s men” had actually done. In American mythology, “the system worked.”

To most Americans, the slaughter of millions of Cambodians, Vietnamese, and Lao, as well as the destruction of their countries, seem unrelated to “Watergate.” Henry Kissinger, one of the architects of the secret bombing of Cambodia, who had ordered his own dissenting staffers and several journalists illegally wiretapped to stop leaks, escaped indictment and would soon be awarded the Nobel Peace Prize.

Few now remember that it was Indochina, not the burglary of Democratic National Committee headquarters at the Watergate Complex that really set Watergate, the scandal, in motion and led to a pattern of Presidential conduct which seems eerily familiar today. In his 1974 book, *Time of Illusion*, Jonathan Schell wrote of “the distortions in the conduct of the presidency which deformed national politics in the Vietnam years — the isolation from reality, the rage against political opposition, the hunger for unconstitutional power, the

conspiratorial mindedness, the bent for repressive action.” He concluded that three presidents “consistently sacrificed the welfare of the nation at home to what they saw as the demands of foreign affairs.”

To recast an infamous Vietnam slogan: They had to destroy American democracy at home in order to save the world for democracy.

Saving the System in the Name of National Security

It would seem little has changed. Rather than “saving the system,” Watergate only slowed for a brief period the increasing concentration of power in the White House and the Pentagon, not to speak of its abuse after Ronald Reagan came to power in the name of national security. Worse than Watergate. The now nearly forgotten Iran-Contra scandal during Reagan’s reign revealed in a stark way the illegal lengths to which that administration’s anti-communist ideologues were willing to go to defy Congress. Using every stealth method at their command, top Reagan officials defied and effectively nullified a Congressional ban on aid to the “Contras,” right-wing Nicaraguans who were determined to overthrow the leftist Sandinistas then in power in their country. White House, CIA, State Department, and Pentagon officials schemed to pass along to the Contras profits from the illegal sale of high-tech arms to the fundamentalist Muslim regime of Ayatollah Khomeini in Iran. (Iran was in a desperate war with Saddam Hussein’s Iraq, then officially supported by the Reagan Administration.)

Now, once again, ideologues — this time formerly anti-communist neoconservatives — have taken America into another foreign war, whose pretext was as flimsy as the fabricated North Vietnamese attack on American destroyers in the Tonkin Gulf that led to Lyndon Johnson’s decision to send combat troops to Vietnam. This latest war is being run by an administration at least as isolated, enraged, obsessed with secrecy, and abusive of power as Richard Nixon’s. Americans are as obsessed by the relatively minuscule number of American casualties in Iraq as they were by the 58,000 Americans who died in Vietnam and just as blind to the suffering of Iraqis as they were to the millions of Indochinese who died.

Just as during Watergate and Iran-Contra, the machinations of Beltway leakers — in this case in the Plame affair — carry more weight politically than life-and-death issues like the legalization of torture, the creation of secret, offshore CIA “black” prisons, the administration’s campaign to suspend the constitutional rights of defendants and the protections of the Geneva Conventions, not to speak of the administration’s drive to create a presidency of unfettered power. Revelations of war crimes by American GIs and CIA operatives have been quickly dismissed by picking a few low-ranking scapegoats like Lyndie England while higher ups go unpunished, just as the chain of responsibility for the My Lai massacres in Vietnam stopped with Lt. William Calley. Secret agent Valerie Plame in her Jackie O shades, posing for Vanity Fair with her whistleblowing husband Joe Wilson, becomes the celebrity du jour standing in for Daniel Ellsberg, leaker of the Pentagon Papers, the secret history of the Vietnam war, who was photographed by the radically chic Richard Avedon.

The Genuine Articles

But are things simply the same as in the 1970s (and again the Reagan era) or is our present situation actually “worse than Watergate,” as former Nixon White House counsel John Dean, who turned on the President and his comrades to save himself, argued in his prescient 2004

book of that title?

The articles of impeachment Congress eventually framed to indict Richard Nixon make interesting reading these days. The first article had at its heart the Watergate break-in and the elaborate cover-up that followed, including “making false or misleading statements to lawfully authorized investigative officers and employees of the United States,” “endeavoring to misuse the Central Intelligence Agency, an agency of the United States,” and “making or causing to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States...”

Article 2 was a catch-all indictment of all the violations of Americans’ rights ordered by the White House, iWorse then Watergate.ems ncluding the political use of the IRS, CIA, Secret Service, Justice Department, and FBI as well as wiretapping, surveillance, and burglaries against those on President Nixon’s notorious “enemies list.” In all such acts, “national security” was the justification given.

The facts may be different, but do the charges themselves sound familiar?

Article 3 concerned the White House’s refusal to honor Congressional subpoenas for the infamous tapes secretly recorded by the President and various papers relevant to the Watergate investigation. “In refusing to produce these papers and things Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the...House of Representatives.”

No one would expect history simply to repeat itself, especially since memories of Watergate (and myths about it) have affected presidential actions ever since. Ronald Reagan and his handlers, faced with Iran/Contragate, certainly remembered how Nixon’s cover-up came to seem more egregious than the actions it sought to conceal. Reagan immediately fired Oliver North, the National Security Council staffer who masterminded the scheme, and sent his National Security Adviser Admiral John M. Poindexter packing (if only for a trip back to the Navy). He then appointed the Tower Commission and a special prosecutor to investigate, appearing to cooperate with Congressional investigations even while undermining them. In his comprehensive and fascinating book, *The Wars of Watergate*, historian Stanley I. Kutler points out how much cleverer the Reaganites were than Nixon’s men in leaving no documents or tapes to be seized.

George W. Bush and his associates must have remarkably short memories. While he has been careful to mouth words of cooperation in the Plamegate case, he has depended on the RepublicWorse then Watergate.ems an control of Congress to stonewall on just about every egregious misdeed that has seen the light of day, blocking public hearings into Abu Ghraib, the treatment of prisoners at Guantanamo, the CIA secret prison system, faux intelligence on Iraq, and Plamegate itself.

That felicitous Watergate phrase “high crimes and misdemeanors” and the word “impeachment” are now heard in circles on the left, with the legal grounds for impeachment being explored by lawyers like Elizabeth de la Vega in the *Nation* magazine and at Tomdispatch. But what special counsel Patrick Fitzgerald may still lack to crack open the case for a White House-led conspiracy to manipulate intelligence, destroy the Wilsons, and

get back at the CIA is a whistleblower like John (“there’s a cancer on the Presidency”) Dean or even Jeb Magruder, the top Republican campaign aide who helped plan the Watergate break-in and cover-up, only to finally cop a plea. Now that I. Lewis Libby and New York Times reporter Judy Miller, thick as thieves — “entanglement” was the word that paper’s Executive Editor Bill Keller used — before the vice-presidential chief of staff’s indictment, have been designated the fall folks in Plamegate and the administration’s rush to war in Iraq, the question is: Could resentment for shouldering the blame alone (so far) lead Libby to disloyal testimony against his higher-ups as happened in Watergate?

Unlike in the Watergate years, however, most of the legal action that might just dent the Bush administration’s imperial armor is happening abroad. Just as the most revelatory reports about American abuses of power and war-making — from the Italian newspaper *La Repubblica*’s three-part series on the yellowcake forgery to the recent Italian TV film on the American use of white phosphorus against civilians in Falluja — have surfaced abroad, so the only real court actions against American abuses of power are taking place in Europe. There, an Italian court has indicted CIA agents for “extraordinary rendition” kidnapping operations on the streets of Milan. Spanish courts — which sought to try Chilean dictator Augusto Pinochet for torture — are now pursuing American violations of national sovereignty because CIA planes ferrying detainees to secret “black sites” used airports in the Azores and the Canary Islands. Both the United Nations and the European Union are investigating the CIA use of secret European prisons and airfields in their “rendition” operations. If Congress won’t act to punish Bush Administration officials who enacted a torture policy, perhaps the Europeans will.

Plamegate, after all, is no more just an odious but simple case of Beltway character assassination than the plumbers’ break-in at Democratic Party headquarters was just a burglary. Famed Watergate reporter Carl Bernstein now argues that just as the Watergate break-in was the key that opened a strongbox of ugly facts about the Nixon Administration’s unbridled abuse of power, so might the Plame affair break open the Bush Administration’s imperial *modus operandi*.

The Politics of Impeachment and the One-Party State

Will Plamegate lead to the collapse of the Bush presidency or even impeachment? These are, in the end, matters less of legality than politics, consciousness, and conscience. A Republican-dominated Congress impeached President Bill Clinton for lying to a grand jury about sex with a White House intern, while President Bush remains free even from hearings, let alone legal action, on his administration’s many Watergate-like excesses. Now that’s politics!

What makes the Plame affair so odd, however, is this: Unlike Watergate or the Iran-Contra revelations, it doesn’t really tell us anything we didn’t know (or at least that we couldn’t have known) before the Iraq War was launched. The neoconservatives’ long-standing plans to invade Iraq, the administration’s blanket policy of secrecy and the lies it told Congress and the public, the political manipulation of the intelligence community including the CIA, FBI, and the military — all rivaling in scope any similar Nixonian schemes — were in plain sight for those who cared to look during the run-up to the war. Even the Downing Street memo, the now infamous secret minutes of a meeting of Prime Minister Tony Blair’s senior foreign policy and security officials, describing the White House’s commitment to invade Iraq at a time when it was telling Americans it had no plans to do so, had little, if anything, new in it. (At least, its exposure in the British press,

like the latest reporting on Plame affair revelations, helped chip away at what had once been a well-armored administration.)

In fact, one of the most revelatory pieces of reporting on the whole pre- and post-invasion period could be found not in the American press but in an extraordinary three-part series in the leftist Italian newspaper *La Repubblica*, articles which have received only a few skeptical references buried in the back pages of our major papers (while being headline news in the on-line world of political websites and blogs). The Italian investigative reporters do tell us something new — exactly how two of the key administration arguments for war in Iraq were concocted and known to be bogus by Italian intelligence and discredited by the CIA, the Defense Intelligence Agency and State Department officials until Vice President Cheney pounded CIA Director George Tenet and Secretary of State Colin Powell into submission.

According to *La Repubblica*, the yellowcake story and the forged documents that were its source were cooked up by a bottom-feeding double agent who needed the money. (He's worse than Watergate's most colorful character, rivaling G. Gordon Liddy, Watergate's handlebar-mustachioed, gun-loving CIA operative.) And Italian intelligence knew that the infamous aluminum tubes purchased by Saddam Hussein's regime were for rockets, not centrifuges in a nuclear-weapons program, because the Italian military had once equipped the Iraqis with that make of rocket.

High-level Italian spies are quoted in the piece as being well aware that they needed to hook up with the rogue Cheney/ Rumsfeld back-channel intelligence operation — running counter to CIA analysis — in order to keep their hand in with the White House. (Where is this era's James McCord, the Watergate burglar and CIA loyalist who told all because he feared the White House sought political control over the CIA?) Pre-war, the aluminum tubes were also roundly dismissed as evidence for an Iraqi nuclear weapons program by the UN's nuclear-weapons inspectors as well as recent Nobel Prize winner Mohamed ElBaradei, head of the International Atomic Energy Agency. Ex-Ambassador Wilson was only the last in a long line to discredit Cheney's zealotry about Saddam's nonexistent nuclear program.

As for the Bush Administration's insistence that Saddam had chemical and biological weapons, last week the *Los Angeles Times*, in a stunning exposé, documented how German intelligence had repeatedly warned the CIA that an Iraqi defector dubbed "Curveball," who was the sole source for these claims, was a con artist who cooked up his story to get a German visa. But the CIA went right ahead, funneling "Curveball's" phony info into Secretary of State Colin Powell's UN rush-to-war speech and other presidential and vice-presidential saber-rattlings.

Even the weak-kneed Senate Intelligence Committee has revealed how analysts at the Defense Intelligence Agency and the CIA among others, discredited the administration's assertions that al-Qaeda operatives were in league with the Iraqis and gave the infamous Chalabi network of defectors (the main source for Judy Miller's "scoops") zero marks for credibility.

It's often forgotten how long it took for Watergate to get traction as a political juggernaut. The initial *Washington Post* reports by Woodward and Bernstein on the Watergate burglary were printed before the 1972 election and yet Nixon was re-elected. (The two reporters had not then traced Liddy, McCord, and the other Nixon "plumbers" back to the Committee to Reelect the President and the White House). Three decades later, much more was known about the Bush administration's excesses before the 2004 election. But times are very

different. The young investigative reporter of Watergate morphed over those three decades into insider icon Bob Woodward, the “stenographer for the White House” who managed not to report on, no less mention to his editors, his all-too-close relationship to the Plame affair, while publicly disparaging its importance.

In the early seventies, however skeptical Americans were about Washington after more than eight years of the war in Vietnam under both Democratic and Republican war-makers, some hope of political change still smoldered. Cold War paranoia was ebbing, the horrors of 9/11 yet unimagined. Government was still a bipartisan concept; corporate money had yet to completely dominate elections; the media was still diverse, independent of the Republican attack machine, and skeptical of the powers-that-be. It was still imaginable that classic American checks and balances might right the ship of state.

Now, when the President waves the 9/11 voodoo doll, Congress, the media, and the public flinch. With both houses of Congress under Republican domination and both parties beholden to corporate America but not voting citizens, tWorse then Watergate.ems here have been no Watergate-style hearings, no impeachment hearings, no public investigations at all of Guantanamo, Abu Ghraib, torture and secret prisons, war profiteering, or the lies told in the rush to war. The Supreme Court is controlled by conservatives unblinkingly willing to put into the presidency a man whose party may well have stolen elections in Florida and Ohio.

We have no Sen. Sam Ervin, the avuncular constitutionalist and Chairman of the Senate Judiciary Committee whose Watergate hearings educated Americans about the uses and abuses of government; no Rep. Peter Rodino, who ably and calmly chaired the House impeachment inquiry; not even a Republican like Sen. Howard Baker, who began by defending the White House and came to understand during the Watergate hearings that loyalty to country was more important than the survival of a corrupt president. Congressional critics have no forum like the Watergate hearings and are dependent on the jaded Beltway media to get the word out. But in recent weeks, moderate Republicans and John McCain, one of the few politicians still willing to fight for those quaint, old-fashioned things called “principles,” are gaining traction. And liberal Democrats have new allies in the antiwar fight, most notably conservative Vietnam veteran Rep. John P. Murtha, who recently leapt over gutless wonders like John Kerry and Hillary Clinton to demand the immediate withdrawal of troops from Iraq.

White House attempts to tar critics with treason have met their match in retired colonel Murtha who sarcastically said he “liked guys who got five deferments and [have] never been there and send people to war and then don’t like to hear suggestions about what needs to be done.” (During Vietnam, Vice President Cheney received five deferments and never served in the military.)

We now have something close to one-party goWorse then Watergate.ems vernment in this country, an idea still so fantastic to Americans and their media that the most serious, in depth, and credible exploration of the 2000 and 2004 election fraud by any journalist — the book *Steal This Vote: Dirty Elections and the Rotten History of Democracy in America* — has been done by an Englishman, Andrew Gumbel of the British newspaper *The Independent*. He’s now been joined by American professor Mark Crispin Miller, whose new book *Fooled Again: How the Right Stole the 2004 Elections and Why They May Steal the Next One Too (Unless We Stop Them)* digs into the subject as well.

And instead of the Woodward/Bernstein team, we have Judy Miller (and the reborn Bob Woodward). Only a tiny handful of reporters at the New York Times, Washington Post and Los Angeles Times (all with sinking circulations), 60 Minutes and almost uniquely the New Yorker's Seymour Hersh have been doing the kind of serious, in-depth investigative journalism that was done by many in the Watergate era. On-line reporters, able to circulate a single story at lightening speed around the world, are fueled by the same obsessive zeal as their age of Watergate print compatriots but have radically less money to support investigations of any sort. As Carl Bernstein pointed out recently in Vanity Fair, the Bush administration, like Nixon's, has succeeded only too well "in making the conduct of the press the issue — again in wartime with false claims and smears directed at political opponents, reporters, newspapers, magazines and broadcast organizations for supposedly undermining national security." If only the media of our era had actually justified such attacks.

John Dean was indeed right. The Bush Administration's excesses are "worse than Watergate," in part because the power that has congealed in presidential hands is much greater than Nixon's imperial presidency held in theWorse then Watergate.ems early 1970s. As a result, its zealotry, secrecy, deceit, and abuses of power are more akin to the secret bombing of Cambodia or the Iran-Contra affair — scandals which did not unseat presidents — than Watergate itself. In both the bombing of Cambodia and Iran-Contragate, a power-hungry White House kept secret foreign policies that it knew neither Congress, the courts, nor the public would be likely to approve — even though Americans have traditionally been only too eager to give the White House a blank check on national security. No one was indicted for the secret bombing of Cambodia. In Iran-Contragate, eleven top administration officials, including two national security advisers and an undersecretary of state were finally convicted, but the first President George Bush rushed to pardon four of them as well as Defense Secretary Caspar Weinberger (even before he could be indicted). The specter of this resolution of the Libby case recently prompted Democrats and then a group of CIA officials — to little media attention — to write the President demanding that he go on record indicating there will be no pardons in the Plame affair. They received no reply.

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