

# UNITED STATES v. NIXON

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## Case Basics

### *Docket No.*

73-1766

### *Petitioner*

United States

### *Respondent*

Nixon

### *Consolidation*

Nixon, President of the United States v. United States, No. 73-1834

### *Decided By*

**Burger Court (1972-1975)**

### *Opinion*

**418 U.S. 683 (1974)**

### *Argued*

**Monday, July 8, 1974**

### *Decided*

**Wednesday, July 24, 1974**

## Advocates

### James D. St. Clair

(Argued the cause for the President)

### Leon Jaworski

(Argued the cause for the United States)

### Philip A. Lacovara

(Argued the cause for the United States)

**Location: The White House**

## Facts of the Case

A grand jury returned indictments against seven of President Richard Nixon's closest aides in the Watergate affair. The special prosecutor appointed by Nixon and the defendants sought audio tapes of conversations recorded by Nixon in the Oval Office. Nixon asserted that he was immune from the subpoena claiming "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest. Decided together with Nixon v. United States.

## Question

Is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, entirely immune from judicial review?

## Conclusion

**Decision:** 8 votes for United States, 0 vote(s) against

**Legal provision:** US Const. Art. II

No. The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential

privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. Nixon resigned shortly after the release of the tapes.