

TRUMP`S WATERGATE?

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Introduction

There are quite a number of similarities between the present time and the 1970s – in those days the “currency manipulators” were the French who were busy exchanging dollars for gold to undermine the USD-gold peg rather than the Chinese of today, or the running down of a major war, then Vietnam and now the “War on Terror” both—but it is, of course, the allegory of President Trump’s own possible “Watergate” and impeachment, which demands our consideration.

It is said that history does not repeat itself but that it does often *rhyme*, which I take as the underlying thrust of this article as we seek to compare the present situation of the Trump Presidency with that of the then President Nixon. A visit to Nixon’s presidential museum at Yorba Linda about two years ago and a library stocked with books on Nixon, should assist in this undertaking.

One comment to make at the onset concerns the institution of the Presidency, which is not considered. In 1973, the noted American political historian, Arthur Schlesinger penned a book entitled *The Imperial Presidency*, which outlined the growing presidential powers and prerogatives, particularly evident in the then Nixon presidency. A flavour of this enhanced power was Nixon’s claim after his resignation in a famous (notorious?) interview that “when the President did it, it was not illegal”. Times may have changed but, if anything, the Presidency is even more powerful now notwithstanding the Watergate scandal and indeed, if anything, those powers may have actually increased *because of* Watergate – surely an unintended consequence!

Reagan escaped impeachment despite his authorising of arms shipments to Iran in exchange for releasing US hostages in Lebanon (just five years after US diplomats held hostage in the Tehran Embassy were released by the Iranians) and used monies derived to finance *the Contras* waging a violent insurgency in Nicaragua, notwithstanding congressional bans outlawing such support. George W Bush would rely on “torture memos” provided by White House and Justice Department lawyers to conduct waterboarding and other bodily assaults against suspects, notwithstanding longstanding international conventions outlawing such treatments. Nixon’s claim – “when the President did it, it was not illegal” – was thus evermore truer now than it ever was.

This increase in powers is also reflected in the scale of the presidency. To give some examples:

Even in the 1990s, the National Security Council was comprised of 50 staff. In Kissinger’s time – the time of Watergate – it was probably 30. In 2014, staff numbers were over 350.

The White House Counsel – almost a “kitchen table” set up during the Nixon era and heavily engaged in the cover up (it was John Dean, the then counsel who “gave up” Nixon in his testimony) – is now a fully fledged operation with over thirty top flight lawyers to provide its boss with the appropriate legal cover to assert executive privilege. It was the White House Counsel, as supported by an enhanced Office of Legal Counsel (residing in the Justice Department) which would provide the infamous “torture memos” justifying inhumane treatment of suspects under George W Bush.

While President Obama may have conducted a less abrasive and less assertive display of presidential power and privilege than his predecessor, he did not do anything to fundamentally change the overarching (and overbearing) influence enjoyed by the president. Powers that were not available in the heyday of the Nixon Imperial Presidency, but are now at the service of one Donald Trump.

Executive Summary

The highlights are as follows:

The Watergate scandal is considered in its own regard. Notwithstanding a significant presidential victory in November 1972, Nixon’s presidency was essentially over by October 1973 and he resigned in August 1974 ahead of a likely impeachment. Contrary to later mythmaking, Nixon’s departure was by no means assured by the country’s system of “checks and balances” and separation of powers.

A key factor in ensuring Nixon’s downfall was that the Democrats had majorities in both houses of congress and were able to ensure the Republicans joined them in the investigation. In the Trump administration, the Republicans have effective majorities in both houses – including the important Senate where impeachment can only proceed with “the concurrence of two-thirds of the members present”. Simply put, the Democrats don’t have the votes. There is also good reason to believe that the Republicans will not

accept a Watergate style investigation, notwithstanding a mutually shared (with the Democrats) antipathy, if not outright hostility, for Putin and Russia.

While the Republicans may join with the Democrats to ensure Trump does not raise sanctions against Russia, they are unlikely to collaborate on a removal of the President.

Nixon's departure, ensured by the Republicans, was eased by the knowledge that the Republicans had a "trusted pair of hands" in Gerald Ford taking over the role of Vice President from a discredited (and indicted) Spiro Agnew in October 1973. It would still take another ten months to remove Nixon notwithstanding. Ford would go on to lose the presidential election in 1976 due to providing Nixon with a presidential pardon. The Republicans do not want to pursue a similar path by removing Trump and running the risk of having to pardon him as part of a deal to leave office. That said, the Republicans will wish to see the effects of the mid term elections to be held in late 2018 as a "reality check" on Trump and his effect on their standing.

The Cabinet under Trump has no comparative figures to Kissinger and Schlesinger of the Nixon administration, with the possible exception of the Defense Secretary, Jim Mattis. The cabinet as formed is a "Trump creation" and lacks any substantial standing in its own right. Its Secretary of State, Rex Tillerson, is, together with his colleagues, reliant on, and works at the pleasure of, Trump. The cabinet is unlikely to force out Trump (Vice President and over half of cabinet are required to do so under the US Constitution) as, in fact, neither did Nixon's cabinet. The cabinet will remain bystanders.

The media and press are, by virtue of modern technology and the internet, not as well equipped to tackle the presidency as in the Nixon era. That said, then, as now, the press and media was reliant on the hostility of the presidential incumbent and leaks by administration insiders, to help it do its job. So far, there has been no "smoking gun" to lead to the president but there has been unrelentingly bad news for Trump as his choice for National Security advisor was forced to resign and his Attorney General has faced calls for consideration of his position. Leaks may yet undermine Trump's presidency but they will not force him out on their own.

The judiciary has been tentatively viewed as a "thorn in the side" of the Trump presidency. But, so far, the White House Counsel and the Office of Legal Counsel (see above) have not made their presence felt due, in part, to Trump's chaotic transition. They will, as under recent presidencies, become more effective in driving forward Trump's political agenda (if only to realising some of his election trail promises) and pursuing his aims. These bodies have vastly more significant resources at hand than was ever the case under Nixon. Furthermore, whilst Nixon obeyed the Supreme Court judgement against him, this was an historical anomaly. There is every reason to believe, by nature of his very personality and resources available, Trump will be unlikely to be so pliant. Furthermore, Nixon's resignation came about because he knew he did not have the votes in the Senate and the Republicans were unwilling to back him. This is just not the case now, notwithstanding antipathy to Trump by a number of Republican senators.

Of real interest and perhaps a more decisive factor than in Nixon's time is the "National Security State", otherwise called "the Deep State". The reality is that Trump's room for manoeuvre is sharply curtailed by the military and assorted intelligence services. They are far more represented in the national security establishment than was ever the case in the Nixon era. Indeed, the Defense Secretary enjoys a far higher level of autonomy than his predecessors and a higher political profile than the nominal Secretary of State. The civilian control over the military is so nominal as to be almost redundant – the concept of "retirement" from the military services is essentially meaningless in the light of recent appointments to the cabinet and national security council. Trump's outreach to Russia is stillborn – vetoed by the Republicans and the National Security State. Indeed, a question arises as to whether these two "bodies" are as separate as perhaps existed in the Nixon era.

Ancillary to this is whether legal and political appearances – quaint concepts such as "checks and balances" and separation of powers – do not clash with sociological realities. Supreme Court justices with backgrounds in the National Security State and upholding domestic surveillance as well as nondisclosure of Congressional members of military reserve despite constitutional ban on holding "any office of the US" being just two examples thereof. There is thus, in fact, a considerable blurring of such institutional delineations in the USA. Of interest is that the National Security State may have become the "check and balance" of the Trump presidency, as enabled by the transmission of leaks to the press and media. This is quite a turn of events for US politics and remains a major difference with the Watergate years.

Trump's financial situation remains his "soft underbelly" and where he is most likely vulnerable for a whole range of reasons from possible over inflation of his real worth to tie ups with parties viewed an unsavoury. Leaks here could be damaging particularly if there is shown to be a "Russian connection".

Overall, we do not believe Trump is likely to face impeachment and certainly not this side of the mid term elections and even then, there are grave doubts whether there would be enough votes to muster to move the impeachment. Trump is therefore likely to preside over the next four years until a "smoking gun" appears. For reasons outlined, the Republicans will be loath to see that materialise.

The Watergate Scandal and the Unravelling of the Nixon Presidency

First of all, Watergate was less a place and an event, than a *mode of behaviour* which entailed the carrying out of essentially illegal acts in a political setting and the performance of a cover up in order to distance high ranking persons from the underlying illegal acts.

I hesitate to add “domestic” prior to “political setting” as, of course, President Reagan was to face difficulties over his “Iran Contra” affair in 1987 which might also have led to his impeachment if Congress had been so minded to act. Indeed, in all likelihood the consequences of Watergate and the aftermath may well have served to ensure, inter alia, that Reagan did not face impeachment. There is also good cause to believe a substantial part of the current political establishment – with particular emphasis on the Republican side – will be loath to pursue against Donald Trump.

The basic facts of Watergate are that it took place in June 1972 during the period of Nixon’s re election campaign. Five men were arrested by the police at the offices the Democratic National Committee’s headquarters at the Watergate complex in Washington. The individuals, who were mainly Cuban-Americans, had attempted to break into the offices to replace bugging devices, which had already been installed on a prior occasion. It is important to note that this event was but an episode in a range of dirty tricks and illegal activities directed against the Democratic Party as part of the election campaign.

It did not take long before a link was established between the burglars and the White House through ties to the Campaign to Re elect the President (famously known as CREEP) and a secret unit called “the Plumbers” which had been established to investigate and “plug” leaks which had embarrassed the Nixon administration. A further monetary link was to trace monies for the criminal defense of the burglars to illegal campaign contributions provided by Big Business to CREEP.

Nixon himself won reelection on 7 November 1972 in one of the largest landslide election victories in American history. He defeated his opponent George McGovern with over 60 % of the popular vote. However, a Senate judiciary investigation commenced in February 1973 and Nixon was forced to resign by early August 1974.

The exhibition in Yorba Linda bears an almost triumphal postscript by Bob Dole (a US senator and later a contender himself for the highest office) that “the system worked” and that the “the checks and balances” worked such that the US “ship of state” sailed serenely into the sunset.

It was anything but. That statement constituted a considerable layer of gloss on the period in question. Nixon’s Presidency was pretty well all but over in July 1973 when it was revealed that he had a taping system in place in the Oval office which would corroborate witness testimony regarding a cover up and Nixon himself was essentially incapacitated during the October 1973 War in the Middle East. It would take almost a year – in August 1974, before he formally resigned without the impeachment process actually starting in Congress.

The Watergate scandal would lead to 69 government officials being charged and 48 being found guilty. Nixon himself would avoid criminal indictment only through a presidential pardon granted by his immediate successor, Gerald Ford. Observers would believe that a major contributing factor to Ford losing the Republican White House to the Democrats was this pardon. The fallout from Nixon’s resignation would also ensnare the country’s intelligence services and reveal the complicity of numerous presidents in tasking the CIA with foreign assassinations as well as the FBI, amongst others, in wideranging (and illegal) surveillance of US citizens.

Today, President Trump faces serious allegations that his presidency was essentially won with the active assistance of President Putin and Russia’s intelligence services. The fact that the US intelligence services believe that the Russian intelligence services sought to interfere in the US election is not at issue. What is less clear and more potentially explosive is that members of the Trump election team collaborated with the Russians to further their ends in terms of winning the election through coordination of leaks by the Russians and meetings between Trump advisors and the Russians.

Congress

In 1972, the elections to the House of Representatives saw the Republicans benefit to some extent from Nixon’s own re election by managing a net gain of twelve seats but that still left the Republican Party with 192 seats facing the Democrats with 242. Advantage, Democrats.

With respect to the Senate elections in that year, despite Nixon’s victory, Democrats increased their majority by two seats. After the election, Democrats held 56 seats and the Republicans held 42 seats, with 1 Conservative and 1 independent Senator. Again advantage, Democrats.

On 7 February 1973, the Senate voted 77–0 to approve Senate Resolution S.Res. 60 and establish a select committee to investigate Watergate, with Sam Ervin named chairman on the following day. There was a measure of unanimity at this level to get to the bottom of the Watergate affair given almost half the Republicans voted to establish the committee with the other half abstaining.

Fast – forward to 2016 and we can observe the following:

House of Representatives: The Republicans had a net loss of 6 seats but still enjoyed a majority over the Democrats by 241 seats to 197.

Senate: The Republicans lost two seats but still retained a majority in the Senate of 54 seats to the Democrats` 46 seats.

While the Senate election marked the first time since 2000 in which the party in opposition i.e the Democrats, to the elected or reelected presidential candidate made net gains in the Senate, the overall picture was of the Republicans for the first time in control of the Presidency and both houses of congress.

On the face of it, this would appear to dampen the possibility of Trump facing impeachment. After all, the Democrats had working majorities in congress to frustrate the Nixon presidency and were able to carry sufficient Republican members, by dint of the force of arguments of there having been "crimes and misdemeanours" warranting impeachment as well as the Republicans facing political meltdown in the wake of the allegations made against Nixon, to ensure Nixon`s removal. Replacing Nixon with Ford would lead to the Democrats gaining just one seat in the House of Representatives and both parties gaining one seat each in the Senate in the 1976 elections, but matters may not be so straightforward this time round.

Trump won the primaries for the Republican Party to become the candidate for President despite considerable reservations from the party`s establishment and the congressional party. The fact that he won the presidency without it being translated into adverse effects on the party electoral performance was greeted with uniform sighs of relief by the party establishment. Some of Trump`s policies are acceptable to the party, such as scrapping the Affordable Care Act (the so called Obamacare), reducing taxes (at least for the wealthy), increasing military spending and promoting business deregulation constitute good political fare; others, such as increased budget deficits, economic nationalism in terms of raising trade barriers and an "ourselves alone" approach to foreign affairs and (mis)treatment of friends and allies, do not.

Indeed, there remain few issues which unite the Republicans and Democrats than perceptions of certain foreign countries. Notwithstanding a high degree of supposed partisanship during the Obama presidency, both sides looked particularly askance at Iran and Saudi Arabia and promoted legislation and certain sanctions against both countries. Both parties have also found common ground, if on precious little else, in their stance on Russia. The Republicans have viewed Putin`s Russia as essentially hostile to US interests for some time – their presidential candidate, Mitt Romney, cited Russia as "US`s Number One Enemy" in the 2012 campaign, which was dismissed at the time by President Obama. The Democrats – with their email systems hacked by several Russian intelligence services and their internal communications selectively leaked to create as much embarrassment as possible to Hillary Clinton during the campaign – have also at long last come on board.

Both have looked askance at the Trump`s reaching out to Putin and his equivocation over the Russian involvement in hacking, Syria and The Ukraine as well as the floating of raising of sanctions against Russia. Indeed, both parties appear to be considering giving legal effect to sanctions being in place and overriding any possible presidential veto.

But it is the scale and magnitude of the contacts between Trump`s advisors and Russian officials, intelligence officers and businessmen (often the same) which has caught their attention. Trump`s insouciance and mendacity over this, combined with his other character defects, thus has real potential for bringing both parties together.

The Republicans: Willing participant or Trump`s Hostage?

But what of the Grand Old Party? Now encumbered with some of the worst presidential ratings on record by its candidate. In the 1970s – an age of now largely unforgotten terrorist outrages – there came into being the expression of "Stockholm Syndrome" whereby it was found that some of the hostages taken fell in love with their terrorist captors and registered sympathy with their aims and their very person.

More recently, one report has alluded to the Republican Party being akin to the passengers on the ill fated UA 93 which crashed into the fields of Pennsylvania en route to Washington on 9/11. In this case, the passengers fought back against the terrorists in the plane cockpit. Ergo, the Republican Party needs to wrestle back control of its party from the Trump "hijackers".

But I prefer to return to the 1970s and employ the unusual case of Patty Hearst. She is the granddaughter of the American publishing magnate William Randolph Hearst, widely believed to be the basis for the Citizen Kane character in the Orson Welles film. In 1974, Patty, then a nineteen year old student was kidnapped by the Symbionese Liberation Army (SLA), a notorious left-wing terrorist group.

On 3 April 1974, two months after she was abducted, Hearst announced on an audiotape that she had joined the SLA and assumed the nom de guerre "Tania". On 15 April 1974, she was recorded on surveillance video wielding an M1 carbine while robbing a bank in San Francisco. There is a famous photo of her striking a pose in her Che Guevara beret with gun at the ready. Patty went on the run and was only arrested in September 1975.

Hearst was to claim that she had been brainwashed and threatened with death if she did not cooperate with the SLA in their activities. Others, including witnesses from the bank robbery, law enforcement and courts, took a less sanguine view and believed she had actively engaged with the gang. She was found guilty of bank robbery, sentenced to thirty-five years and indeed only later received a presidential pardon from Bill Clinton.

Patty/Tania's tale is one of considerable ambiguity as both sides claim and counter claim whether there was coercion or whether she actually did enjoy "free will" and had signed up to the beliefs of the SLA. The Republican Party faces a similar situation – it remains unsure whether it can cooperate with an individual who won the electoral vote but remains both an unknown quantity to it (and most likely himself, as well); or to take active means to demonstrate free will by seeking to unload the current President before he does lasting damage to their prospects, as they did when it had become long obvious that Nixon was an electoral "liability". Indeed, the congressional elections – particularly the House of Representatives' result of one less seat – would appear to have endorsed this act of "damage limitation".

The Republicans, like Patty/Tania, appear to be also "on the run" for the time being while the Trump presidency plays out. Hearst was caught almost two years after being kidnapped. The Republicans face mid term elections in around two years when it will also find out whether the choice it has made now remains valid.

The Vice President: The Agnew "Defence"

One of the obstacles to Nixon being forced from office during 1973 was his Vice President, Spiro Agnew. Prior to his being Vice President in 1969, Agnew had served as the Governor of Maryland. During 1973, Agnew was investigated on charges of extortion, tax fraud, bribery, and conspiracy and was later indicted for having accepted bribes totalling more than USD 100,000. He left office in October 1973 and, with that, Nixon's advance to impeachment took one more step forward. Congress might have hesitated with replacing Nixon with Agnew but having one of their most respected members – Gerald Ford, House Minority Leader from 1965 to 1973 and Michigan's 5th District's representative since 1949, now Vice President, had made a decision on Nixon's removal less difficult to make.

The appointment of Mike Pence, a former Governor of Indiana, a longstanding representative of Indiana (2001 – 2013) and Republican Party stalwart, would tend to remove the "Agnew defence" of not wanting to impeach President Trump for fear of "apres lui, le deluge", notwithstanding allegations of Pence using a private email for state government purposes.

The Cabinet

The end of Nixon's first term in the presidency would lead him to ask for all his then Cabinet members to submit to him their letters of resignation which would then be "activated" on Nixon winning his second term of office. For Kissinger, then the President's National Security advisor, it was a sign of a man who had lost human empathy given the relative success of the administration in addressing an array of issues, both domestic, economic and foreign. But, in a sense, it merely revealed the transitory nature of the cabinet member and reinforced the notion that such members serve entirely at the pleasure of the President.

The second term Nixon cabinet was not successful. The Defense Secretary role changed three times during the first half of 1973 before James Schlesinger took over in July. Kissinger himself, who constituted the effective "ballast" of the administration and himself enjoyed a singularly highly favourable press (in contrast to the President) through his diplomatic successes, became Secretary of State in September 1973 as well as the President's National Security advisor, a role he would maintain into the Ford presidency.

As Nixon's presidency entered its death throes, but with no sign of Nixon relinquishing the presidency, it was these two individuals: Kissinger and Schlesinger, who remained the bulwark against the administration being overwhelmed by events. As Nixon came under increasing pressure, it has been stated that both individuals ensured that any military orders issued by Nixon should be agreed to by themselves before their implementation.

The Trump cabinet has been a singularly mixed affair in its establishment. A combination of factors: Trump's lack of preparedness for winning the election; a wasted transition period marred by infighting; a predilection for billionaires and multimillionaires with fortunes to report on and if necessary divest to gain approval in their nomination process; a distrust of "experts" with experience in previous Republican administrations – this is the natural career ladder of all administrations of different hues hitherto as candidates who have served in earlier administrations become a "pool" for selection in the new; and, troublingly, candidates not prepared to accept positions in the administration due to their concerns over Trump himself.

The most important cabinet post – the Secretary of State, went to Rex Tillerson, a man of considerable experience and success in the oil industry but with no visible trackrecord in public service and government. Much attention has been focused on his enjoying good relations with President Putin and the Russians. One cannot ignore that this was most likely the only factor considered by Trump in his favour.

Tillerson was voted through by a number of Republicans holding their noses (or in expectation of special favours to be granted by a desperate President) and the tie vote by the Vice President in the Senate – an almost unheard of notion for such a senior cabinet position.

Tillerson's humiliation in his appointment has been compounded by the news that his department – already hardpressed and as noted by one former Defense Secretary as having less diplomats than the armed forces' bandmen – will undergo further cost reduction measures of up to 37% of its existing budget. Trump's priorities do not encompass a move to enhance US diplomacy – a surefire must given the election campaign has been won and the world awaits clarification of what Trump's actual intentions are – and this can only be viewed as worrying.

But, of particular note, is the fact that foreign diplomacy of the more critical nature appears to have been outsourced to two military individuals: James Mattis, the US Defense Secretary; and John F Kelly, the Secretary of Homeland Security.

The former has been particularly active on overseas trips to reassure nervous friends and allies; while Tillerson has been largely deskbound. Precluded from Russian business and presumably viewed with suspicion by the Chinese for his suggestion of blockading their South Sea island bases, he has been handed the Mexico "file" – managing the fallout of "build the wall" and anti Mexican rhetoric by Trump.

On the other, Mattis has been dispatched to NATO countries and Pacific allies to "pour oil on troubled waters". To all intents and purposes, Mattis has become the country's top diplomat. But his position remains ambiguous both in this role and his more formal position as Defense Secretary.

The Secretary of Defense is a statutory office, and the general provision in 10 U.S.C. § 113 provides that the Secretary of Defense has "authority, direction and control over the Department of Defense", and is further designated by the same statute as "the principal assistant to the President in all matters relating to the Department of Defense". He is the assistant only and while in the chain of command, the reality is that the President, by dint of office, is the Commander in Chief of the armed forces and, in extremes, can work round the Defense Secretary. General Mattis still serves at the pleasure of President Trump.

It is important to understand the context in which "cabinet" is employed in the US constitution and its political arrangements. In many instances, say, the UK, cabinet roles are allocated to individuals who enjoy a measure of support within their party and individuals are appointed to provide balance from a party management perspective. Thus, individuals enjoy a modicum of autonomy. When they are dismissed or resign, the Prime Minister seeks to manage any fallout arising through adverse circumstances and move to replace with figures who enjoy party respect and support.

This is quite different from the US and indeed the doyen of US political science, Samuel Huntington, has described the US system as essentially "Tudor" in construct i.e based on sixteenth century England! By this, he means that the "cabinet" as constructed in the USA owes more to the time when the monarch gathered around him people to advise on his running the nation's affairs as opposed to the practise (eighteenth century onward in the UK) of the premier establishing a cabinet to conduct government business on an efficient and effective basis.

The cabinet during the Nixon second term were unable to force the President to resign when it had become long obvious that he was essentially incapacitated. The cabinet in the Trump administration is unlikely to be different and indeed without the ballast of Kissinger and Schlesinger types is more likely to be powerless in effecting any counterweight to Trump. That said, there is an exception which is discussed later below in "□".

The Media and Press

We noted the establishment of the Senate committee to investigate Watergate scandal. These hearings were broadcast from 17 May to 7 August 1973 and were covered by the three major networks of the time, which agreed to take turns covering the hearings live. An estimated 85% of Americans with television sets tuned into at least one portion of the hearings.

In this day and age of multichannel channels, the internet/social media -which has profoundly disrupted atypical press and media business models – and the fragmentation of audiences as well as a decline in newspaper readership, it remains difficult to believe a hearing into allegations of Trump colluding with the Russians would command such an audience.

Cases in point: the proportion of households tuning into network news declined by half between 1980 and 2000, from 40 % to 20%. In the early 1980s, three-quarters of front page stories and network news-casts focused on government and politics; by the late 1990s, just 60 % or so. Both statistics have deteriorated since then. Finally, the number of newspaper reporters and broadcast news analysts has fallen from 66,000 in 2000 to 52,000 in 2009. Those employment levels have also since fallen.

During the early part of the Watergate scandal, the press paid little or no attention with their focus being on the Nixon campaign and the shortcomings of the Democrats' candidate. But that was to change

as the Washington Post, New York Times and Time were to pursue leads on the scandal, often provided by anonymous sources.

One of the Post's key informants, known as *Deep Throat*, was later identified as a senior official in the FBI. He was to provide a constant flow of leaks involving the involvement of the CIA, FBI, Justice Department and the White House in the scandal, which led to a steady seeping into the public consciousness of the dark deeds at the heart of the Watergate affair.

Then, as now, mutual distrust between the press and the president escalated. Of interest is that both the Washington Post and the New York Times appear to be fulfilling their almost "historic mission" of reporting based on leaks from senior officials, including those from the country's intelligence services. But they are doing that with fewer resources than in the 1970s and any increased circulation is still unlikely to reverse the overall trajectory of their business model in the age of the internet and bloggers.

Leaks are a standard mode of communication throughout the political world as parties seek to "trial balloon" possibly contentious policies and new appointments, take credit for policies adopted or just rubbish opponents, both actual or perceived. There is an old saying of how such leaks are viewed by insiders such that the verb "to leak" is conjugated as follows:

You/they leak

I/We unattributably brief

Thus, the verb changes for people as their position is benefitted or damaged by the outcome of the original leaks conducted.

The forced resignation of Michael Flynn from the National Security Council, just a few weeks after his appointment, arose from leaks to the press over a discrepancy between what Flynn had reported to the Vice President and what the intelligence services knew Flynn had actually said to the Russian ambassador.

A further leak has led to questions arising as to the judgement of Trump's Attorney General (and former Alabama Senator and early supporter), Jeff Sessions. In this instance, Sessions had informed a senate committee looking into his nomination that he was aware of no dealings with the Russians and had not disclosed that he had, in fact, met the Russian ambassador on two occasions.

We will look at other possible matters involving the intelligence services and the press in terms of leaks which, like the Nixon administration, have clearly unsettled the Trump White House.

Notwithstanding the rise of "alt facts", friendly media, such as Breitbart (from whence Steve Bannon, Trump's senior advisor, has come) and allegations of certain press soft pedalling on Trump – the clearest instance being the Murdoch owned Fox News and Wall Street Journal, where matters have not been helped by the revelation that Murdoch is a trustee of funds of Trump's children – the press and media appear to be seeking to hold the White House to account.

It is almost par for the course that all administrations run into problems with the Fourth Estate, but it is the resorting to of the Trump White House to calling the media "enemies of the people" which evoke memories of the Nixon second-term-as-nightmare in office and the creation of an "enemies list" which also encompassed Hollywood actors – also no friends of President Trump. It was the late Paul Newman, a star of such films as *Butch Cassidy*, *The Hustler*, *The Verdict* and *The Color of Money*, for which he received an Oscar, who said that the award that he was the most proud of, was to find himself on Nixon's "Enemies List".

Notwithstanding Twitter feed or new technology, the traditional press and media have considerable means available, as facilitated by unhappy officials, to inflict misery on the Trump administration.

Of interest to watch going forward is the fate or otherwise of John Sessions. Nixon's Attorney General, John N Mitchell went from this role for which he was noted for personifying the "law-and-order" positions of the administration, to taking a leading role in the re election of Nixon in 1972. Thus, in a slightly different sequence to Sessions who has gone from a leading campaign role for Trump to his senior legal officer. Mitchell was found to be heavily involved in Watergate and the cover up and later served nineteen months in prison for his wrongdoings.

The Judiciary

The judiciary at the early stages of the Trump presidency has been viewed as akin to the press and media in terms of frustrating the "general will" of the US people (as expressed in the electoral college) in seeking to overturn the Executive Order of Trump which was to ban travellers from six (originally seven) Middle Eastern (and essentially Muslim dominated) countries.

This has followed a series of incidents where Donald Trump has expressed disparaging remarks on members of the judiciary, including describing a US judge who had ruled against him on a private business matter as "Mexican". In Trump's language, as voiced on the campaign, this was not viewed as a positive attribute.

The notorious scapegoating of the judiciary was to earn a rare (albeit privately expressed) rebuke from none other than Trump's candidate for the vacant position on the Supreme Court, Neil Gorsuch. Mr Gorsuch is reasonably respected but to get through the Senate confirmation process – he needs

60 votes. This is six more votes than the Republicans have at present and thus to avoid a contentious rule change in the Senate to drop the normal 60 to just 51, he requires six Democrats to carry him over the line.

Given the Republicans frustrated the Obama nomination for the vacant Supreme Court position (the Court was down to eight members after the death of Judge Scalia) without even proceeding to consider the candidate, the Democrats might yet vote this appointment down. Gorsuch's comments on Trump should be viewed as seeking to distance himself from the person who nominated him as well as seeking as wide a mandate as possible from Democrats in addition to the Republicans. We shall see. If he is appointed, judicial appointees tend to distance themselves from the parties who nominated them.

That said, the Supreme Court has been inclined to err on the conservative side. It essentially awarded the presidency in contentious circumstances to George W Bush in 2000. It has also served to repeal some of the laws passed following Watergate which sought to constrain campaign contributions from big business – as demonstrated by its decision in 2010: *Citizens United v FEC*.

Notwithstanding this tendency to err on the conservative side, through decisions and its internal makeup, the Supreme Court can find itself in pivotal moments when it can be a deciding factor in holding the executive to account.

This moment arrived in the Nixon presidency when it was called upon to adjudge whether the investigators could gain access to Nixon's tape recordings of his meetings in the Oval Office which involved the commission of the cover up and much else.

On 24 July 1974, the Supreme Court ruled unanimously in *United States v. Nixon* that claims of executive privilege by President Nixon over access to the tapes were void. They ordered the President to release them to the special prosecutor. On 30 July 1974, Nixon duly complied with the order and released the subpoenaed tapes to the public. He was gone from office on 8 August.

But, it should be stressed, above all, that the Supreme Court also depends upon the President's support "even for the efficacy of its judgements". Nixon's decision to obey the ruling almost run counter to the usual historical course of presidents declining to follow, as evidenced by actions in the past by Presidents Thomas Jefferson, Andrew Jackson, Lincoln and even FDR. Nixon obeyed due to very simple political arithmetic – he just did not have the votes to overcome the impeachment.

There is every reason to suppose that Trump has the votes in Congress to avoid such an event and possibly even acquit him if an impeachment process was initiated, based on the current Republican majority in the Senate – under Article 1 Section 3 of the US Constitution, an impeachment can only succeed with the "concurrence of two-thirds of [Senate] members present"; as well as the Republican party being reluctant to see "one of their own" (notwithstanding Trump's idiosyncrasies) face such a process. The shadow of Watergate still looms over the Republicans forty years on.

The National Security State

Take the road from San Diego to Los Angeles and you will see from time to time numerous military installations en route, including the Marine Base at Camp Pendleton. San Diego itself is home to several military, naval and airforce bases which makes the military the largest employer in the city.

Travel from Los Angeles to Las Vegas, you will pass near to Fort Irwin, the National Training Centre – an immense area available for the military to practise for desert warfare.

Read Robert Caro's multivolume biography of Lyndon Johnson, the US' 36th President, and you will note the transformation of Texas from a relatively backward rural economy state to home of multiple military bases before and during the Second World War.

A further facet of this is witnessed in the US via its transmogrification into the congressional-military-industrial complex whereby complex weapons systems are produced in multiple constituencies to enjoy political support eg the B2 bomber manufactured in 22 states.

Marvel at the interstate road network on the main island of Hawaii which was constructed following an investigation into the Pearl Harbour attack of 1941 which recommended a road network to link the various military and naval bases on the island which led to the building of four interstate highways which served to link military garrisons, such as Schofield Barracks, with naval facilities, such as Pearl Harbour. It was duly built together with the road network by President (formerly General) Eisenhower who justified the project through the Federal Aid Highway Act of 1956 as essential to American security during the Cold War and one of the US's largest public works programmes ever conducted.

Or drive through Virginia and Maryland and observe signs directing drivers to Langley – headquarters of the CIA, and Fort Meade – headquarters of the NSA. These are just two bodies out of around 17 intelligence agencies operating in or out of the USA.

There are forty six federal departments and agencies engaged in classified national security work. There are two thousand private companies similarly engaged in such work at around 10,000 locations. Around a million US citizens are cleared for "Top Secret" information through their participation and employment in national security.

The US defence spending is greater than the next dozen countries' expenditures combined and an annual outlay of USD 1 trillion.

The US does not have a "deep state" as such – this is a misnomer, as it is very much in "the open" if you look closely enough – but it has a wide ranging and deeply embedded national security state upon which a considerable number of people depend for employment and economic activity. It is also the basis upon which the USA still enjoys its superpower role. Contrary to the views of critical commentators and much wishful thinking, this is unlikely to change for quite some time.

As the Nixon presidency came to its ignoble end, the Soviet leadership considered that Nixon's fall came about through hostile elements of the national security establishment who were opposed to détente. Interestingly, some of the Russian political system believe that a similar effort is under way to stop Trump from pursuing a new era of détente with President Putin.

In the Nixon case, despite stories appearing of Kissinger or even General Haig (Nixon's Chief of Staff) being Deep Throat – the source of damaging leaks to The Washington Post, it was a disgruntled senior FBI official, Mark Felt, who was later identified as the responsible party. Felt would later be convicted of conducting "black bag" jobs against, and violating the civil rights of, associates of members of the Weather Underground Organisation.

But the Trump case appears to be more wideranging and all the more potentially dangerous for his presidency. First of all, the leaks appear to be from a wider source of people who are keen to ensure the results of their investigations into Trump's and his associates' contacts with Russians are not suppressed by the incoming administration; and even as pushback for Trump's denigration-by-Twitter that likened the CIA to the Nazis. Trump's appearance at the Langley headquarters after his inauguration and his bizarre speech full of personal embellishments and *non sequiturs* would not have won many admirers.

As with all such organisations, the top ranks were (or will be) replaced by those viewed as loyal to the Trump line – note *Trump* rather than necessarily Republican line. That provides ample scope for anxious and outraged middle ranking officers to unattributably brief against Trump.

Of interest is that the anti Russian line enjoys considerable cross party support – one of the few policies that does so in Washington – and even among a number of the Cabinet members.

Against this common line, there is however a considerable difference of opinion as to how to proceed. The Republicans will know that a prolonged investigation will damage not only Trump, but themselves by their *nominal* association – they understand what Watergate style scandal and investigation can do to their agenda. The national security state will almost recall that the Watergate scandal was just the beginning of their troubles as "dirty linen" involving involvement in assassinations, both successful and not, and coups etc spilled into the public domain. Several hundred CIA officers were fired in the Carter era (1977–1981) in the ensuing fallout with disastrous consequences.

Leaks will serve to undermine the Trump presidency with attendant adverse implications for the conduct of US government and reputation. Talk of a coup by the national security state – as explored in the film, *Seven Days in May* – remain fantasy but not without some matters that warrant attention.

There has over the last decades been an increased politicisation of the military and the colonisation of national security posts, particularly those which were supposedly civilian held positions. Interestingly, this move was triggered in the Reagan presidency.

Before 1980s, of the 42 secretaries of army, navy and airforce appointed, almost all were civilian.

But after 1980, of the twenty seven appointee, almost a quarter had over 15 years of military service; while 44 % had over 5 years' service.

The new national security advisor replacing the ill-fated (retired) Lieutenant General Michael Flynn, and the temporary replacement, (retired) Lieutenant General Keith Kellogg is: Lieutenant General HR McMaster. Indeed, since Kissinger filled this role, out of the nineteen holders of this role, there have been nine individuals with extensive military backgrounds. The Iran – Contra scandal – which almost proved fatal to Reagan's presidency – was conducted under the remit of two of these military appointments, and a further NSC secondee, Colonel Oliver North.

Interestingly, despite appearances to the contrary, the National Security Council has come under more control by the National Security State. While attention has focused on the appointment of Steve Bannon to this body and the removal of the Head of the Joint Chiefs of Staff and the Director of National Intelligence from their fixed roles, this if anything appears to have enhanced the status of the Defense Secretary, Jim Mattis, who can speak with one voice on behalf of the military.

As we have seen, Mattis also enjoys the pre eminent role of being essentially the US Secretary of State, notwithstanding the formal position of Rex Tillerson.

A further matter to note, as mooted earlier in terms of the politicisation of the military, is the changing political bent of the senior officer corps. In 1976, just 33 % of the officer corps was Republican; but by the early 2000s, this had risen to 67 %. The armed forces' senior ranks have become Republicans "in uniform".

Thus, a key aspect to watch is the ongoing relationship between General Mattis and Trump as a litmus test of Trump's relationship with the powerful (although, by no means, hegemonic) national security state.

Wildcards

That said, there are two wildcards to keep an eye out for:

- Health
- Wealth

Trump has been notoriously reticent about proffering any information on his health aside from a few trite comments. He was at his inauguration over seventy years of age. This makes him older than Ronald Reagan when he ascended to the presidency. Reagan, as befitting his Hollywood background and as attested to by the photos at his Santa Barbara Ranch Museum, enjoyed good physical health. While laid low by an assassination attempt, Reagan made a recovery that was to see him just about complete his two terms with there being clear evidence of Alzheimer's disease. It is believed that this as well as Congress harbouring grave doubts over another possible impeachment process, barely a decade after Watergate, was just sufficient to ensure he completed his term in office.

Under Amendment XXV to the US Constitution, it would require the Vice President and half of the Cabinet to remove Trump from office for non performance of his duties. Based on the lack of autonomy and owing their positions to Trump, this is unlikely to be triggered. The presence of family members, such as his son in law, Jared Kushner, in the White House may well mitigate against a quick transition from Trump to Pence in the event of debilitating illness. Historical precedents for continuing in office, despite ill health and/or incapacity would include: Woodrow Wilson, FDR, Eisenhower, Kennedy, Nixon (towards the end) and Reagan.

In the Nixon museum one can see the video of Nixon's Checkers speech held on 23 September 1952 when he was serving as Vice President and countering allegations of improprieties concerning a fund set up by wealthy backers. As part of his defence live on television, Nixon offered up opinions by well respected lawyers and auditors – the latter, I recall, being an earlier incarnation of Pricewaterhouse, one of the world's leading audit firms. Astonishingly, almost sixty five years after this event and forty years after Watergate when it became all but essential to gain high office, President Trump's own business dealings and his tax returns have enjoyed no such airing let alone third party independent verification. Indeed, the claiming of a tax deduction from losses incurred in the early 1990s which led to no tax being paid by Candidate Trump for at least a decade thereafter and a lack of transparency over the financing of his businesses has elicited little or no reaction from the electorate.

Notwithstanding, Trump's financial situation remains his "soft underbelly" and where he is most likely vulnerable for a whole range of reasons from possible over inflation of his real worth to tie ups with parties viewed an unsavoury. Leaks here could be damaging particularly if there is a "Russian connection".

Overall, we do not believe Trump is likely to face impeachment and certainly not this side of the mid term elections and even then, there are grave doubts whether there would be enough votes to muster to move the impeachment. Trump is therefore likely to preside over the next four years until a "smoking gun" appears. For reasons outlined, the Republicans will be loath to see that materialise.