

This is an excerpt from

IN NIXON'S WEB: A Year In the Crosshairs of Watergate

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The Watergate Books: Fact and Fiction

IT'S NOW NEARING THE END OF THE SUCCESSION OF FIRST-person Watergate accounts. Most of the major figures have had their say, and the pattern can now be seen.

The books written by those convicted or who pled guilty to a crime will always be subject to reasonable skepticism no matter how detailed or entertaining. Their axes were all in need of some sort of grind. John Dean's *Blind Ambition* and Mark Felt's *The FBI Pyramid From the Inside* are the high and low end of this spectrum in both readability and sales. Pat Gray read and vetted them both. Neither comes out well. The former seems to have contained some inaccuracies, the latter was almost certainly a pack of lies.

The memoirs written by the prosecutors, judges, and investigators can be more confidently relied upon to be factual, but those witnesses were just that: witnesses after the fact. The same can be said for the historians. No matter how carefully they dug into the record or how many people they interviewed, it was still secondhand. My father read and annotated many of these books as well.

Then there were the journalists' accounts. The one that stands out, obviously, is *All the President's Men*. It's a terrific book. The story is gripping and the characters are memorable. It reads like a novel and translated seamlessly into a screenplay. But what gave it the legs to become an

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iconic best-seller and an Oscar-winning movie was the sleight of hand it got away with from the outset. In the book they wrote about themselves, Woodward and Bernstein aren't the after-the-fact voyeurs they were in reality; they're the main characters. In *All the President's Men* the Watergate conspiracy isn't unraveled by the authorities, it's uncovered by a pair of plucky reporters who wouldn't quit. The literary trick they employed to achieve that shift was as simple as it was brilliant: in the narrative they treat every new discovery as if they were the ones who first uncovered it. It simply wasn't true. They didn't uncover the crimes, they followed the investigation that had already uncovered the crimes. The advantage they exploited was their First Amendment press privilege to publish anything they wanted as soon as they heard about it. Thus their revelations in the *Washington Post* were always ahead of the legally constrained and tactically deliberate public announcements of the prosecutors. When the American people began to get a sense that there really was a conspiracy, they got their hints from the press, not from the government.

But of course that's true in any crime story. We always get bits and pieces of the prosecution's evidence long before the trial. In the much-later court testimony, we get the details of a story we already know, but it's nonetheless far more compelling than the pretrial publicity. The courtroom drama eclipses all those early news scoops. We end up knowing the judge, the prosecutors, the defendants, and the defense lawyers, but no one remembers the bylines of the reporters. So how did Woodward and Bernstein become so famous?

By short-circuiting the process. In the world according to *All the President's Men*, the government never was going to tell the tale. The prosecution was going to be stopped with the low-level burglars themselves, and the big shots were going to get away with it because everybody was in on the conspiracy, including the head of the FBI. Only through the pluck and grit of the two cub reporters was the evil scheme uncovered, the top dogs forced to resign, and the wheels of justice handed back to the honest lower echelons.

It was a great story, but it had one big problem: the prosecution

hadn't stopped. The story line could hold water only if the book were published before the next round of revelations, indictments, and trials, including the biggest one of all: Nixon's impeachment trial. And that's just what Woodward and Bernstein did, writing it in 1973 and rushing the book out in February 1974, six months before the whole story came out and Nixon resigned. It was a brilliant move—not only did they get their story out before it was eclipsed by the impeachment trial, but its publication helped to drive the president from office before the trial could even start.

Even with that masterstroke, the book might still have fallen as flat as all the others that came out at the same time. According to David Obst, the literary agent who helped write the proposal in Woodward's apartment, the original concept was an insider's account of reportage in the style of Theodore H. White's *The Making of the President* books. There was no "Deep Throat" in the proposal. But before the first draft was finished, Robert Redford bought the screen rights for \$350,000 and invited Woodward to dinner, where he introduced him to William Goldman, who was to write the screenplay. Goldman and Redford suggested a few changes. "Deep Throat" appeared and so did the dramatic story line.

What sets Woodward and Bernstein's story apart from, say, their boss Barry Sussman's much more accurate and insightful *The Great Coverup* (published the same year) is the fiction-like drama that appeared in later drafts as *All the President's Men* took shape. Late-night meetings in parking garages, warnings that everyone's life is in danger, clandestine encounters in out-of-the-way bars. Those are screenplay elements. They seem fabricated. So does "Deep Throat."

There is now convincing evidence that "Deep Throat" was indeed a fabrication. Bob Woodward has provided it himself.

In April 2003, Bob Woodward and Carl Bernstein sold their Watergate papers to the University of Texas for five million dollars. To be included were all their notes of personal interviews, with the proviso that notes of confidential sources would be withheld from public view until the earlier of (a) the death of that person or (b) "such time as Woodward

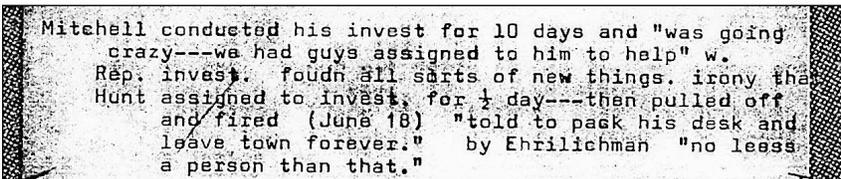
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and Bernstein determine it appropriate." In 2003, the identity of "Deep Throat" was still a closely guarded secret, so Woodward kept his notes of those conversations out of the original set of documents deposited at the Harry Ransom Center in Austin, Texas.

When Mark Felt was identified as "Deep Throat" by his own family in May 2005, the University of Texas announced that Woodward would deposit his Mark Felt interview notes later that fall. When I visited the Ransom Center a year later, in May 2006, to research the "Woodstein" archive (as it's called there), I was disappointed to learn that Woodward still had not deposited any of his Mark Felt papers. The archivists had no explanation for the delay. Instead, they steered me to what was already there, and I took away copies of some interview notes and documents.

In January 2007, Woodward finally deposited his "Deep Throat" papers, now identified by him as notes of his conversations with Mark Felt. There were only ten pages—eight typed and two handwritten—of interviews dated October 9, 1972; January 24, 1973; March 5, 1973; March 24, 1973; and an on-the-record interview in July 1973. The October 9 and March 5 meetings were marked "meeting with X" and the January 24 notes began "interview with my friend." The March 24 interview was completely unattributed. When I got my copies a few days later, I looked at them carefully.

The first thing that struck me was that some of the information passed to Woodward in these meetings could not have come from Mark Felt. On October 9, 1972, "X" told Woodward that immediately after the burglary, John Mitchell, the chairman of CREEP, conducted his own investigation.



Mitchell conducted his invest for 10 days and "was going crazy---we had guys assigned to him to help" w. Rep. invest. foudn all sorts of new things. irony the Hunt assigned to invest. for 1/2 day---then pulled off and fired (June 18) "told to pack his desk and leave town forever." by Ehrlichman "no less a person than that."

I turned to my copy of *All the President's Men*. Here's how this interview appears in the book, as an exact quote from "Deep Throat" during one of their clandestine garage meetings.

"Mitchell conducted his own—he called it an investigation—for about ten days after June 17. And he was going crazy. He found all sorts of new things which astounded even him. At some point, Howard Hunt, of all the ironies, was assigned to help Mitchell get some information. Like lightning, he was pulled off and fired and told to pack up his desk and leave town forever. By no less than John Ehrlichman."

It's close, but it's not the full quote. The authors left out one crucial statement that "X" told Woodward: "We had guys assigned to him to help." Why would they leave out such a critical bit of information? Most likely to shield Woodward's source, since it identified "Deep Throat" as being part of a group of insiders "assigned to help."

But the dropped quote also reveals who "X" could not be. If "X" were Mark Felt, then his "we" could only mean the FBI. But there certainly were no FBI agents assigned to an internal CREEP investigation of its own employees immediately after the break-in, the results of which were precisely what Mitchell and CREEP wanted to keep away from the FBI. If there had been FBI agents "assigned to help" who "found all sorts of new things," not only would the Watergate case have been broken during those first ten days, but the FBI's files would be filled with FD-302s of the resultant interviews. There are none.

The conclusion is inescapable: "X" could not have been Mark Felt. It was someone from outside the FBI, someone close enough to CREEP to be asked to "help."

Wanting to be sure of that conclusion, I turned to the next set of notes. On March 5, 1973, "X" said this to Woodward about the Kissinger wiretaps that had just been revealed by *Time* magazine:

headed
 said that Mardian ~~had~~ an "out of channels" vigilante squad of wiretappers that did, as *Time* reported, tap phones of reporters, including Hedrick Smith and Neil Sheehan for several weeks after *Times* refused to stop Pentagon Papers publication. authorization by Mitchell and FBI only found out about it indirectly. said this was very closely ~~held~~ held knowledge and Gray could deny it under oath because his knowledge was "out of channels."

Whoever "X" was, he was wrong here. On March 5, 1973, my father knew nothing about these wiretaps, as he attested to under oath at his confirmation hearings that very week. And, as my father and the rest of the country learned later, there was nothing "out of channels" about the Kissinger taps, nor did the FBI find out about them indirectly. The wiretaps had been set up and run by the FBI with Hoover's full knowledge and John Mitchell's written authorization, back when he was still the attorney general. And according to FBI documents and Mark Felt's own autobiography, Felt not only knew all about the Kissinger wiretaps, he was assigned to lead the inquiry into their whereabouts when Hoover learned that Bill Sullivan had removed the transcripts from the Bureau and given them to Bob Mardian at the Justice Department.

This March 5 meeting with "Deep Throat" also appears in *All the President's Men*, but not on March 5. The authors decided to move it back to February 26, two days before my father's confirmation hearings were to begin, thereby making it appear in the book that "Deep Throat" was passing his own information to Woodward, rather than merely discussing what that week's *Time* had just reported, as Woodward's notes now demonstrate. And "X" wasn't wrong just on the Kissinger wiretaps. In the book this is also the meeting where "Deep Throat" indicated that my father had blackmailed Nixon in order to get nominated as permanent director, footnoted when Steve Sachs

pointed out to Woodward how preposterous this was. Whoever he was, “X” had fed multiple falsehoods to Bob Woodward.

I then turned to the next item in the “Deep Throat” files, an interview dated March 24 without any attribution listed—not “X,” not “my friend.” I immediately saw a discrepancy with what “X” had said on March 5 about the Kissinger wiretaps.

doesn't know about the term "out of channels," but says that the tappers included some present and former FBI agents. (my source insists absolutely that all were former agents.)

Clearly these two March interviews were not with the same person. “X” had used the phrase “out of channels” twice on March 5, and Woodward had then asked the other person about it three weeks later. When he got a negative answer to that question and a different version of who the wiretappers were, Woodward then noted to himself, “*my source* [emphasis added] insists absolutely that all were former agents,” which is just what “X” had claimed on March 5. As Woodward’s own notes demonstrate, these were unquestionably two different people, yet both interviews were included by Woodward in his “Deep Throat” notes and attributed to Mark Felt. Was it just a mistake?

As I looked more carefully at the March 24 interview, I realized I had already seen it. In fact, I already had a copy of it. It matched a document I had obtained back in May 2006 from Woodward’s files of interviews with people he said were not “Deep Throat.” This interview had caught my eye because the unnamed interviewee told Woodward that my father had learned of the Kissinger wiretaps from Mark Felt. This person was wrong about my father’s knowledge of the taps, but some of the other details in the interview were at least partly accurate.

6 meeting Mar. 24 [1973]

one of reporters tapped was the NYT reporter who broke the stories on the SALT talks. about six reporters total; on June 19, 1972 when supreme court decision against nat. security wiretaps, had about two in and Felt said they better get them out.

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project began as early as 1971. Gray learned from felt that the taps were there---but all Gray's information was second hand so he can deny it, saying there are no records.

6

The top portion of the newly deposited interview, from the "Deep Throat" papers.

meeting Mar. 24

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The top portion of the previously deposited interview.

I e-mailed Stephen Mielke, the manuscripts archivist in charge of the Woodstein archive, and pointed out the overlap. Mielke went to the folder in which I had found the previously deposited notes and e-mailed me back with some new information. In the same folder, just behind the carbon that I had, was a second typed carbon that started:

“from very high Justice Dept. official who is Dean critic ‘one of john’s more visible attributes is that he is an ass-kisser . . .’”

Mielke then pointed out that alongside it was a note in Woodward's handwriting that started:

“Santarelli—Assoc. deputy Atty Gen—‘One of John's more visible. ass-kissing . . .’”

Mielke told me that when he first catalogued Woodward's notes, he thought that these two typed carbons and the handwritten note were from the same interview, but he could not be certain of it. He also pointed out that the March 24 interview was the only set of “Deep Throat” notes deposited by Woodward that did not correlate to any of the “Deep Throat” meetings described in *All the President's Men*. (Earlier we had both noted that though there are seventeen contacts between Woodward and “Deep Throat” described in the book, Woodward has so far deposited notes for only four of them.)

I knew that Donald Santarelli, the official mentioned in Stephen Mielke's e-mail, had been in the Justice Department with my father, and that he was still practicing law in Washington, but I had never spoken with him. I called him on January 23, 2007, and told him that I was finishing this book for my father and wanted to talk to him. He proceeded to relate several stories that more or less corroborated what my father had already written. He said he liked my father and thought he got badly used by the Watergate conspirators because he naively trusted them. “How shall I put this?” he said. “Your father wasn't Italian enough.”

When I asked him about Felt being “Deep Throat,” he was just as adamant. “‘Deep Throat’ is still a composite,” he said. “It wasn't just Mark Felt.”

I then sent Santarelli an e-mail and attached the notes from Woodward's interview of March 24, 1973.

After our excellent conversation, can I test your patience with a specific question?

Attached from the Woodstein archive at the U. of Texas is a page of notes by Woodward of his conversation with you on 3/24/73. The topic is the Kissinger taps, and you say that LPG learned about them from Felt. My father always denied that, and he did so under oath. As you may recall, my father was the subject of a criminal inquiry as to whether or not he committed perjury when he made those sworn statements. He was exonerated.

I know it's 3 decades, but is there any chance you can recollect for me why you thought that Felt had passed the information to my father? You weren't the only one who thought at the time that it was true, and I'm trying to find out why so many people believed that, other than that it seemed intuitively likely.

On February 5, ten days after I sent him the Woodward notes, Santarelli called me back. "Sorry I'm so slow to respond," he said, "but this was a long time ago and I'm having trouble remembering the conversation. I remember having it with Woodward, but the details are slow to come back."

"But this was a conversation that you had with Woodward?" I asked.

"Oh, yes," he said. "This definitely was me. Bob would call me regularly and would ask me stuff like this." Santarelli went on to say that he dealt more with Bill Sullivan than he did with Mark Felt, and that he had learned about the Kissinger taps indirectly. "I just picked it up," he said. "I was never briefed on them."

Now that Santarelli had confirmed to me that the March 24 interview was with him, I e-mailed him again, pointing out that in the recent release of the "Deep Throat" notes, Woodward had included this March 24 interview. I asked Santarelli if he wanted to notify the Texas archivists of the error, or would he prefer that I did? He didn't reply, even when I called to follow up.

I then got in touch with Bob Woodward. After an exchange of cordial e-mails, he called me on March 8, 2007. We talked for an hour and a half, and he told me at the outset that all of it was on the record.

Though I did not disclose to him that I had been in touch with Santarelli, I did ask him point-blank about the March 24 interview. He had a copy in front of him and he read it again. “Yes,” he said, “I see the internal inconsistencies with the March 5 conversation, but both are definitely Mark Felt.”

“Could it have been Don Santarelli?” I asked.

“Absolutely not,” Woodward replied. “He was gone by then, wasn’t he?”

I told Woodward that at the time of the interview, Santarelli had recently left the Justice Department to run the Law Enforcement Assistance Administration. “That’s what I thought,” he replied. He then reiterated that all the notes he had just deposited at the University of Texas were definitely of conversations he had had with Mark Felt, including both the March 5 and March 24 meetings.

That can’t be true. Not only are the two interviews plainly with two different people, but the March 24 meeting was with Donald Santarelli, by Santarelli’s own admission. The March 5 interview certainly was not with Mark Felt, because it was with “X,” the source whose information about the CREEP internal investigation proved he could not have been in the FBI, and whose information about the Kissinger wiretaps was so at odds with what Mark Felt actually knew. The conclusion was so inescapable I decided to give Woodward one more chance to explain it. On April 18, I e-mailed him.

I’ve got a couple more questions on the DT notes as they apply to my book. If you’d rather discuss them over the phone, feel free, of course.

1. In your notes of the 10/9 meeting, X says: Mitchell conducted his invest for 10 days and “was going crazy—we had guys assigned to him to help” w. Rep. invest. found all sorts of new things.

My question is this: By saying “we” Felt can only mean the FBI. Did he really say this? (I asked you this question in my 3/3 email but I don’t think we discussed it when you called.)

Woodward answered the next day. “He did say that,” he wrote, “and at the time I wondered about it also.” He went on to explain that he thought Felt could have meant “former FBI agents because there was one who I think was named King who acted as bodyguard for Martha Mitchell. Did the AG have bodyguards then who were FBI agents?” Woodward then said he wished he knew more. So did I. For one thing, John Mitchell wasn’t even the attorney general then and he certainly had no FBI bodyguards as head of CREEP. More important, nothing in Woodward’s explanation had altered the apparent truth, that “X” could not have been Mark Felt, as Woodward has continued to maintain.

So who was “X”? At this point it no longer mattered to me. What did matter was that “Deep Throat” was not the single individual Woodward always claimed him to be, an assertion my father always dismissed out of hand without even looking into it. “Deep Throat” was instead the composite fiction that knowledgeable people like my father always insisted he had to be. “X,” whoever he was, was just part of the fable.

Why is it so important that “Deep Throat” was a fictional character and not an actual person? For two reasons, one specific to Pat Gray, the other important for the rest of us.

First the personal. *All the President’s Men* isn’t just the title of a best-selling book and a major motion picture. It is a list of evildoers and Pat Gray is still on that list. Check the current paperback, first page, “Cast of Characters.” Check the Web site at the University of Texas, which houses Woodward and Bernstein’s papers and where L. Patrick Gray III is still listed prominently by Woodward and Bernstein as a “conspirator.” Pat Gray isn’t just a name on that list; his photograph was included with Nixon’s and ten others’ on the book’s

original dust jacket. Of those ten men, every one except Pat Gray either pled guilty or was convicted of a crime. As a list, *All the President's Men* needs to have one name removed.

But more important, like several recently disputed memoirs, the book itself needs to be reclassified. *All the President's Men* is today accepted as a factual recitation—and often *the* factual recitation—of how Nixon and his “men” were driven from office. Until Woodward and Bernstein sold their notes to the University of Texas there was no way to test the book’s claim of historical accuracy. Those verifiable documents have provided the previously unavailable key. “Deep Throat” was a fiction. So, therefore, is *All the President's Men*.

In the year Pat Gray sat in the FBI director’s chair there was a clandestine war being fought among those who wanted to take that position from him. Chief among those plotters was Mark Felt. Without Watergate it would have been a tight little backstage drama. It got Shakespearean only because the stage got lit up and the whole country starting watching. In that war Mark Felt used every reporter he could get his hands on; Bob Woodward was just one of them. In their reporting for the *Washington Post*, Carl Bernstein and Bob Woodward used every source they could get their hands on; Mark Felt was just one of them. But in the creation of their after-the-fact myth, *All the President's Men*, Woodward and Bernstein bent the truth to fit the dramatic needs of a movie. They invented a hero named “Deep Throat.” And since every hero needs a villain, Pat Gray was recast as one. In *All the President's Men* he is a liar, a blackmailer, and a conspirator. In reality he was none of those.

Pat Gray was caught in the middle of this war for fame and riches, a noncombatant casualty who was never supposed to learn there was even a battle going on. But Pat Gray was nobody’s noncombatant. Felt’s ill-advised confession and Woodward’s reluctant confirmation brought Pat Gray back to the place he loved more than any other: a battleground. This one was unfamiliar, but in the conflict between truth and myth the best weapons are facts and Pat Gray was well armed. He meant this book to be the vehicle for his assault on the

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many fictions he had to live with after Watergate. The high ground to be retaken was his own good name.

I once asked my father if he had ever read *All the President's Men*. Since he had read and annotated nearly every other book on Watergate, I assumed the answer would be yes. It was no.

"It wasn't important enough," he said. "I wanted to hear what was happening from those on the inside like I was, not what some reporter had to say about it."

I'm glad he didn't read it. But if he had, this battle might have been joined a lot sooner, and he would have been the one to write the last chapter of his book, not me.