

## Feldstein's Deplorable Review

*By John D. O'Connor*

I write in response to the review by Mark Feldstein, hopefully to initiate a needed debate about the accuracy of modern investigative reporting, which often resorts to the *Washington Post's* Watergate journalism as an “ethical shield” against criticism. Feldstein's piece unwittingly demonstrates this reflexive defense mechanism.

Feldstein picks around the edges of the inconsequential parts of *Postgate*, but ignores the book's major thrusts. Since these deal with central journalistic issues, shouldn't a journalism academic address these major issues, and, to the extent appropriate, call out my errors? One would think so.

Unlike my prior book, my criticisms of the *Post's* Watergate journalism in *Postgate* are central to the work, and, if unrefuted, devastating. They are:

- 1) The *Post*, with studied intent, [*Editor*: allegedly] concealed and misrepresented major portions of the Watergate evidence;
- 2) Bob Woodward breached three of four protective promises to his iconic source, Deep Throat, and anticipatorily breached the fourth by stating his intention to name him at death;
- 3) To prevent the slight risk of exposure of 1) and 2), the *Post* largely successfully executed a dishonest “catch and kill” regarding Felt's story in our book, *A G-Man's Life*.

To distract attention from these deadly blows, which Feldstein did not ward off, he quarrels with the inconsequential, without disclosing the central themes of *Postgate*. One of the book's “errors” which Feldstein notes, for example, is my description of Anthony Lukas' *Nightmare* as the “definitive” and “most widely respected summary of Watergate.” That is nonsense, Feldstein asserts, “Stanley Kutler's 1991 effort, *The Wars of Watergate*, is the best.” I am not alone in thinking that Lukas's work was very well-written and remarkably insightful, while considering Kutler's book good but dry, ploddingly written, engorged with unnecessary detail, and inferior in comparison. But this is clearly a matter of opinion, not fact, and if the most grievous of my “errors,” I stand vindicated.

Again attacking *Postgate* peripherally, Feldstein assigns as another major error that the CIA was not, as I wrote, plotting in 1972 against Jack Anderson. While it may be true that the White House was plotting against Anderson, there can be no doubt that the CIA had launched “Operation MUDHEN” against Anderson, ostentatiously and ominously stalking him, finally reaching some unknown accord with the reporter when Richard Helms had a sit-down with him at a Chinese restaurant. James McCord, the head of security for the Committee for the Re-election of the President (Nixon), was at the same time writing a “research paper” on Anderson that he delivered to the CIA through his [*Editor: alleged*] handler. So, it seems, by claiming I am in error on this one, Feldstein throws a haymaker that misses badly. But, like most of Feldstein’s review, it is attempted impeachment on a collateral matter.

I am largely in agreement with Feldstein’s prior writings describing the *Post*’s Watergate journalism as being a “mythology” that inspires today’s investigative journalism. Citing the sociologist Michael Schudson, author of *Watergate in American Memory*, Feldstein wrote:

Despite its historical inaccuracy, Watergate’s media mythology survives . . . . “impervious to critique.” It offers journalism “a kind of larger truth that is precisely what myths are for: not to tell us in empirical detail” what really happened in the past, but to inspire us in the future.<sup>1</sup>

This is proof enough of my argument asserting that the *Post* Watergate coverage “began today’s partisan advocacy journalism.” I do not attempt in *Postgate* to dissect any particular piece of journalism other than the *Post*’s Watergate coverage, itself a daunting task to complete in 276 dense pages. When I mention in passing, for example, the Trayvon Martin reporting, I make no attempt to explore it, as Feldstein suggests I had tried to do. No, my point is made by Feldstein himself when he asserts correctly that the *Post* created a mythology which inspires investigative reporters today. That is *precisely* my point.

Regarding more of Feldstein’s irrelevancies: Mark Felt was both essential to *Post* journalism and had ethical motives, but these issues are tangential to *Postgate*. Oddly, Feldstein accuses me, both incorrectly and irrelevantly, of not having interviewed the “approachable” William Ruckelshaus. Ruckelshaus was my father’s law partner, as Feldstein could have discerned from my book jacket. And I noted my conversation with Bill’s brother, Jack, at the family law office, in a footnote. I did in fact both speak with and correspond with Bill Ruckelshaus, who I first met sixty years ago, regarding Felt, but his knowledge as to any matters here pertinent is not of any moment, since Felt worked for him all of ten days before John Crewdson of the *New York Times* outed Felt as a leaker. [*Editor: Crewdson has denied “outing” Felt*]. Feldstein thus affects an all-knowing stance on many matters of which he has no knowledge and as to which he made

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<sup>1</sup> Mark Feldstein, “Wallowing in Watergate: Historiography, Methodology, and Mythology in Journalism’s Celebrated Moment,” *American Journalism*, Vol. 31, No. 4, 570; Michael Schudson, *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past* (New York: Basic Books, 1992), 124.

no attempt to verify. I, for example, am also “approachable” and I could have debunked his charges in a few seconds. [*Editor*: Book reviewers do not interview authors, as the book is expected to speak for itself].

Another embarrassing strikeout is Feldstein’s support of Felt’s prosecution for “illegal” searches, a case spurred by *Post* cheerleading. This was such an abuse that Congress passed Foreign Intelligence Surveillance Act to protect FBI agents acting in good faith to protect us against terrorism, as Felt was.

Perhaps now I can circle back to address what my book is really about, Feldstein’s feints notwithstanding. What material concealments and suppressions in the mythological Watergate journalism does *Postgate* claim the *Post* made?

A sample of only some of these concealments are as follows:

- 1) Burglary supervisor Howard Hunt’s CIA [*Editor*: alleged] undercover status;
- 2) Hunt’s part-time employer Mullen and Company’s CIA cover contract;
- 3) James McCord’s [*Editor*: alleged] admission to his D.C. detective friend that the burglary was a “CIA operation”;
- 4) John Dean’s destruction of Hunt’s operational CIA notebook showing Dean as one of his principals;
- 5) Hunt’s planned “CIA defense” hampered by Dean’s destruction of the notebooks;
- 6) A desk key found on burglar Eugenio Martinez, which he struggled to divert on arrest;
- 7) Lou Russell’s [*Editor*: alleged] presence as the “Sixth Burglar” as shown in FBI reports;
- 8) The bug fabricator’s checking on McCord’s CIA credentials, confirmed by the Agency for this operation;
- 9) The ordering of bugs [*Editor*: allegedly] linking to CIA satellites, all in FBI records;
- 10) The documented meretricious assignments, which [*Editor*: allegedly] were the seeming target of the electronic monitoring; and
- 11) The tapping of the phone, not of Larry O’Brien, but of Spencer Oliver, Jr., for the foregoing purpose.

There is much more, all conveniently hidden by Feldstein, precisely making the larger point of the book. If even some of the many claims of fraudulent concealment are sound, the consequences are dire for Feldstein’s enshrinement of the “mythology” of Watergate journalism, one of his main academic interests. While he readily takes on my alleged errors on collateral issues, it is telling that he neither mentions, even in general terms, my central claims, nor does he try to refute a one. He provides no answer to them.

What about *Postgate*'s claim that Woodward breached his protective promises to his source under their "inviolable" agreement? Woodward has, in soft and muffled tones, admitted to some of these breaches, as Feldstein noted in prior writings. One of these promises was that the reporter would never disclose that he had a major source of Felt's ilk. Can you say, "Deep Throat?"

The fourth promise—never to name his source—Woodward anticipatorily breached by announcing he would name Deep Throat after his death. Feldstein's response to this is surprising since it contravenes all notions of source protection. Rather than criticizing the adored Woodward, Feldstein derides me as "an interloper who glommed onto Felt's family, interfering with the reporter's decades-old plan to dramatically reveal Deep Throat's identity upon his death."

I suppose Feldstein thinks I should apologize for ruining Woodward's final "dramatic" monetization of his source, while instead seeking to put money in the source's pocket for his grandchildren. But of course I cannot apologize, because Mark and his family together savored the warm glow of Mark's widely-acknowledged heroism while he was alive. He had been previously a confused, divided elder, having been forced by Woodward to dance in the searchlights for thirty years, as a result of the selfish disclosure of the character Deep Throat. As an elderly man with some dementia from aging, Mark no longer had the same mental strength as he previously had to compartmentalize. The family will tell anyone that the disclosure of Mark's identity allowed him, finally, to inhabit a unified self, blissfully happy in his final three years, some of them stolen from the Grim Reaper by his joy.

In my view, any ethical journalist should be appalled at this critique. So *Postgate* raises the question of whether a journalist owes any duties whatsoever to act in the best interests of his source. Stunningly, Feldstein argues in the negative.

Feldstein tries his best to discredit my motives. I have "anger," I have a "grudge," and so forth. I have tried to be candid about my thought process leading to *Postgate*. Woodward, as I describe in the book, was less than admirable in his dealings with Mark and his family. But these concerns, raised in 2002-2005, were well in our rearview mirror by the time Mark died, and all was well with both Woodward and Carl Bernstein. And, as I note, I like Woodward. If I remained upset with every lawyer who less than honorable in our dealings, I would be perpetually angry.

I do detail in *Postgate* the stomach-turning *Post*-centric fraud I discovered in 2010 and as a result began researching this book. Feldstein has not addressed this central theme.

The *Post*, in short, caused me to write *Postgate* by committing unnecessary fraud intended to suppress a book I wrote for the modest personal and financial needs of Woodward's source and his family. The *Post* simply couldn't leave well enough alone. I thus accuse the *Post* of "jumping the shark" with its gratuitous fraud of this trusting family.

When I hang out a shingle to practice law, as my father “Honest John” O’Connor did with the Ruckelshaus family firm for almost fifty years, I implicitly make promises to my clientele, to wit, that not only am I capable in my practice, but I am also faithful to those I undertake to represent. I did not want to be the one who revealed Mark’s identity but was forced to do so because Woodward would not take on that role for fear of it costing him his “dramatic” after-death revelation. I was forced to write *A G-Man’s Life* both because Woodward had eschewed our joint book, and because my *Post*-controlled publisher thought I would go along with its program as an amateur author. I didn’t want any of this, as I detail in *Postgate*. I thought, happily, I was completely through with this financially-unrewarding, albeit psychically-fulfilling, part of my life when I celebrated Mark’s life with, among others, Woodward and Bernstein in 2009. We had a great time, as I described in *Postgate*.

So, contrary to Feldstein, I have no grudges against either of these reporters, who, as I take pains to note in the book, had no editorial control over the deceptive editorial decisions of the *Post*. But I do feel a duty to Mark even unto his grave. I could not abide the fraud I discovered and needed to research what became *Postgate*. When a lawyer’s client has been defrauded, an ethical practitioner does something about it. That something led to *Postgate*. I wrote it, ironically, for the same reasons Feldstein writes and teaches about the *Post*’s Watergate journalism: it is important.

Feldstein has validated my decision to spend nine years on this project. He has proven beyond any demonstration I could make of partisan arrogance and deceptiveness of modern journalism. There is a rich vein of literature dramatizing how criminal justice officials, such as prosecutors and police, often adopt characteristics of their criminal prey. Feldstein’s review can only be termed “Nixonian.”

I would be happy to debate this further but suspect that, like other discussions about Watergate journalism that could aid our democracy, this, too, will die in darkness.

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