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A 33-Year-Old Pledge Was Kept at a Price: The Post's Lost Scoop

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How, after 33 years of secrecy, did The Washington Post get scooped on its own story about the tantalizing mystery of Deep Throat?

The answer is that Bob Woodward, Carl Bernstein and Ben Bradlee felt they were in a box -- the promise of confidentiality made to W. Mark Felt during the Nixon administration -- and were not convinced that the 91-year-old former FBI agent was lucid enough to release them from that pledge.

Family members "have said he just doesn't have any memory now," Woodward said yesterday, referring to e-mails he received from Felt's relatives. The dilemma, said Woodward, was whether "someone in his condition and age" was "competent" to make the decision to go public.

"I had been in touch with Mark Felt," said Woodward, the best-selling author who is an assistant managing editor at The Post. "How was his health? Had he changed his mind about being identified? This was an ongoing reporting enterprise." Felt suffered a mild stroke in 2001.

Woodward said the Vanity Fair story detailing Felt's role came as a total surprise to him when it was released Tuesday morning. "I didn't know he was gearing up to go public," he said.

To Bradlee, who was the paper's executive editor during Watergate, there was no decision to be made. "If you give your word you're not going to do it, you can't do it," said Bradlee, now a Post Co. vice president. "We were the only people who were clinically and morally bound not to break this story, so how could we break it?"

What's more, Bradlee said of Felt, "the guy has not got all his marbles. The question was whether he could have given us permission."

The image of Woodward meeting Deep Throat in a Washington parking garage -- stamped on the public consciousness by Robert Redford and Hal Holbrook in the movie "All the President's Men" -- had made Felt the most famous unnamed source in modern history.

The unexpected disclosure of Felt's role as the former No. 2 official at the FBI who guided Woodward about the investigation of Nixon administration corruption has re-energized the debate over the press and unnamed sources. It is a debate with particular resonance in 2005, as a special prosecutor seeks to jail reporters Matt Cooper and Judith Miller for refusing to reveal their sources in the Valerie Plame leak probe, and as Newsweek is reeling from a retracted story about the alleged desecration of the Koran that was based on inaccurate information from an unnamed government official.

"Reporters live by the law of the jungle," said Tom Rosenstiel, director of the nonprofit Project for Excellence in Journalism. "You have your word, and the words have to mean something literally. Your credibility with all the future sources you might deal with, and the credibility of your organization, depends on people understanding that. The Post looks better today because Woodward and Bernstein allowed themselves to be scooped."

The Post began planning for a Deep Throat story about two months ago, when Leonard Downie Jr., who became executive editor in 1991, heard Woodward say in an interview that the legendary source was very old. Downie recalled telling Woodward that he didn't want to be "caught flat-footed" if Deep Throat died, and Woodward offered to let him read a lengthy piece he was preparing on their relationship, "with the obvious implication that for the first time I would know who Deep Throat was," Downie said.

Woodward, who had visited Felt in California in 1999, said Felt's daughter, Joan, forwarded him a May 29 e-mail from John D. O'Connor, a San Francisco area lawyer who had been working with Felt and is the author of the Vanity Fair article.

Strangely enough, O'Connor proposed in the e-mail that they collaborate on a book with Felt, even though "he has no memory," Woodward recalled. "There was nothing about Vanity Fair or anything coming." The note closed with "I'm a great fan -- keep the books coming," Woodward said.

O'Connor wrote in Vanity Fair that he and Felt's daughter had spoken to Woodward by phone "on a half-dozen occasions over a period of months about whether to make a joint revelation, possibly in the form of a book or an article. Woodward would sometimes begin these conversations with a caveat, saying, more or less, 'Just because I'm talking to you, I'm not admitting that he is who you think he is.' Then he'd express his chief concerns. . . . First, was this something that Joan and I were pushing on Felt, or did he actually want to reveal himself of his own accord? . . . Second, was Felt actually in a clear mental state?"

Vanity Fair Editor Graydon Carter said that O'Connor's dual role as attorney and author "didn't affect us all that much. He acted in his capacity as a confidant and writer. John acted in large part as a ghost." Carter said he was not put off by an initial request that the family be paid for its cooperation because "non-journalists think, 'Why should the publication benefit from this and not my family?' "

Carter said that he "felt very badly" about publishing the story without checking with Woodward or Bernstein, a Vanity Fair contributing editor, but that given the magazine's two-week lead time, it would have been too easy for Woodward to rush his version of the story into print.

On Tuesday morning, Carter was at a small airport, returning to New York from his honeymoon, and feeling uneasy as Vanity Fair made the article public. "My own nervousness was, is this Deep Throat? I felt very confident but obviously could not be 100 percent confident."

At 11:30 that morning, Downie was making a presentation about The Post's future at a corporate retreat in St. Michael's, Md., when his cell phone rang. He ignored it, but when he heard Post Co. Chairman Donald Graham's cell phone ring, he quickly wound up his talk. Graham crooked his finger at Downie and filled him in on the just-released article. Downie immediately told editors at the paper to begin preparing coverage, pending a final decision on whether to confirm Felt's identity, then jumped into his car and raced back to Washington at speeds that risked arrest.

Back at the paper, Downie spoke to Bradlee, who he said "figured this was the end" of Woodward's agreement with Felt. But Woodward -- who had issued a statement with Bernstein that declined to confirm the disclosure -- was not so sure. "He once again brought up the devil's advocate argument about whether this meant the agreement was over," Downie said. But Downie decided to go ahead, reasoning that Felt "either knew what he was doing in revealing himself, or if he wasn't in a position to know, his daughter and lawyer were acting on his behalf."

Downie maintained he was not disappointed at losing the scoop because Woodward had behaved "honorably" and "didn't want to push Mark Felt into doing anything he didn't want to do."

In persuading Felt to talk, O'Connor told NBC's "Today," he told Felt that he "admired Deep Throat and I thought he had kept the Justice Department clean and incorruptible." He said Felt "didn't think he was heroic" and "was afraid what the FBI would think" if he went public. "Over time the family has convinced him he's a hero," O'Connor said. He confirmed that he had originally tried to sell Felt's story as a book, but said the idea that the family would profit "was the daughter's way of pushing" Felt into acknowledging his role for history.

"We wouldn't be coming out and doing this if it was for money," O'Connor said.

Confidential sources sometimes identify themselves under pressure. Jim Taricani, a Rhode Island television reporter, was sentenced to six months of home confinement last year for refusing to divulge who had given him

an FBI videotape in a Providence corruption case. A lawyer, Joseph Bevilacqua Jr., said a week later that he had been the source.

In the probe into the leaking of Valerie Plame's role as a CIA operative, Lewis Libby, Vice President Cheney's chief of staff, agreed to waive the confidentiality of his conversations with Time magazine's Matt Cooper, who is facing jail in the case. But Cooper was later found in contempt of court for refusing a second subpoena for notes and other information.

The motivation of leakers has come under fire in other cases. The Clinton White House frequently assailed independent counsel Kenneth Starr for leaking during the Monica Lewinsky probe that led to Clinton's impeachment. Starr told journalist Steven Brill that he and his top deputy spoke to reporters on a not-for-attribution basis to counter "misinformation."

While many people regard Felt as a hero who blew the whistle on a corrupt administration, former Nixon aides such as Chuck Colson, G. Gordon Liddy and Pat Buchanan have criticized Felt in interviews this week. But Carter, in a letter to readers, hailed Felt as a man who "chose conscience over coercion."

As the debate rages, Woodward is left to contemplate the surprise ending of the secret he has kept for three decades.

"Look, I have one goal in all this, to try and do it right," Woodward said. Felt "seems happy from the pictures I've seen, the reports I've heard. I'm not going to second-guess. The disclosure was taken out of my hands."