

THE BREAKING OF RICHARD NIXON

"you outgunned us," said Nixon to Frost afterward; here is a behind-the-scenes account of how it was done, by one of Frost's top guns

IN THE SUMMER of 1976, David Frost's editorial team in Washington—Bob Zelnick, I and, later, for a time, free-lancer Phil Stanford—was hoping to come up with a scoop. This meant plowing over ground that had been worked not only by the Rodino and Ervin committees but also by some 200 journalists in Washington for more than two years. The prospect did not seem encouraging to me, but I was wrong.

In September, Stanford arranged for an interview with Charles Colson. I asked if I could tag along. Stanford plied Colson with a number of questions about the enemies list, Teamster activities and miscellaneous abuses, while I remained dutifully quiet. In the course of the interview, Colson casually mentioned transcripts of conversations with Nixon that he had from the Watergate prosecution. My ears perked up; I had never heard of any Colson-Nixon transcripts. There were none in the Judiciary documents I was working with nor in the edited transcripts released by Nixon.

Without much fanfare, I asked if he would mind letting me see the transcripts of those conversations. To my utter astonishment, he said, "Sure, come back in a week."

At the appointed time, I returned. Laid in front of me were the transcripts of five conversations: June 20, 1972; January 8, February 13, February 14 and April 12, 1973. *June 20, 1972!* On that date, only three days after the break-in, Nixon and H. R. Haldeman had talked about Watergate—and it was the transcript of that conversation that subsequently turned up with the famous 18-and-a-half-minute gap. If there was a conspiratorial conversation that same day with Colson, it would make the 18-and-a-half-minute gap moot! Nixon's joining of the conspiracy at the outset could be established through Colson rather than Haldeman!

But the excerpts I was shown were curiously bland, almost irrelevant. I realized later that they were sanitized.

Not long after, I was to spend several days at the Federal Court of Appeals, wading through the 15,000 pages of testimony in the Watergate-cover-up trial. When the marshal took me back to the filing room to get the box full of transcripts, I was naturally also interested in the box next to it marked EXHIBITS. In it, I found transcripts of Presidential

article By JAMES RESTON, JR.

conversations, dutifully filed in sequence: Nixon/Colson, January 8, February 13, February 14 and March 21, 1973. So here were some of the conversations from which Colson himself had given me sanitized exchanges (significantly minus, however, the June 20, 1972, transcript).

Of the conversations I pulled from the record, the most important were the February 13th and 14th Colson talks. Nixon's official position up to the time of his resignation was that he had not learned about the Watergate cover-up until John Dean had laid it all before him on March 21, 1973. And here he was, discussing with Colson whether or not John Mitchell would crack, how Hunt knew too much, how Jeb Magruder could limit the President's losses. Who was going to step forward and take the rap?

Since the Colson conversations were in the public record, I did not immediately perceive the significance of what I had unearthed. I assumed that these conversations had been released to the press and were simply overlooked in the mounds of other released information.

In the late fall, when the gossip about Frost as a soft touch was rife, a Jack Anderson column about our project became extremely helpful. Under the headline "FROST: TOUGH QUESTIONS FOR NIXON," sources close to Frost were quoted as saying that if Nixon were not responsive to Watergate questions, his behavior would not be in the spirit of the contract, implying, of course, ever so gently, the possibility of a suit for breach of contract. The result was that some important sources appeared out of nowhere and new discoveries came our way.

The most sensational windfall from these sources (whose identity I never revealed to Frost) consisted of two documents from the special prosecutor's investigation. Taken together, they amounted to the Government's plan for the interrogation of Nixon in the cover-up, if he were ever to take the stand as a criminal defendant in Federal court. One document, titled "R.M.N. and the Money," concentrated on the March 21st conversation with Dean and the desperate search in the weeks that followed for ways to meet payment of Hunt's blackmail demand, which was relayed to Nixon on that day. With detailed and extensive references to tape

transcripts, many of which were still secret, an overwhelming case was laid out and Nixon's defense against it anticipated and refuted. In one of the new tapes, of a conversation on April 20, 1974, during which Nixon expressed his concern to Haldeman about the March 21st conversation, fearing what Dean was telling the prosecutors, Nixon's own recollection was that he had said to Dean: "Christ, turn over any cash we got."

The second document was the more sensational, for there, in cold print, were unsanitized excerpts from the June 20, 1972, Colson conversation. The document began with the President's schedule on his first working day back at the White House after the break-in, listing the meeting with Haldeman, which later was found to be erased, and then the meeting with Colson. Here are some references from the Colson conversation:

- Referring tacitly to the break-in, the President said: "If we didn't know better, would have thought it was deliberately botched." Already, he knew some details.

- Referring to the Watergate suspects, Nixon said: "Basically, they are all pretty hard-line guys." Colson interrupted: "You mean Hunt?" Nixon replied: "Of course, we are just going to leave this where it is, with the Cubans. . . . At times, uh, I just stonewall it."

- And, finally, Nixon prophesied: "Oh, sure, you know who the hell is going to keep it alive. We're gonna have a court case and, indeed . . . the difficulty we'll have ahead. We got to have lawyers smart enough to have our people delay, avoiding depositions. . . . That's one possibility."

Perhaps it did not matter to history nor to the American people three years later that Frost could establish for the first time that Nixon had become part of the Watergate conspiracy three days earlier than was previously known. At the time, Frost stood accused in some quarters of being a lightweight and a pushover; startling new discoveries could establish his credentials as a serious interviewer. If we could keep our possession of the new material secret until it was sprung on Nixon *oncamera*, we might be able to get closer to the truth than ever before—perhaps even break Nixon into a confession of guilt.

In the meantime, I had been developing a friendly, working relationship with two former prosecutors in the special

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prosecutor's office, Richard Ben-Veniste and George Frampton. I knew the profound disappointment these young lawyers felt at not ever having got Nixon on the stand, and their impulse to help me was transparently vicarious. The Frost interrogation was likely, they felt, to be the only grilling Nixon would ever get.

When I showed the February 13th and 14th Colson conversations to Frampton and Ben-Veniste, they exchanged glances and then broke into laughter.

"You've got something no one else has," Frampton said. "Those transcripts must have been placed in the official exhibits by a clerical error."

By early April 1977, we had become used to the trip up the coast to Monarch Bay, where the shows were being taped. I was discouraged. It seemed to me the interviews thus far lacked the electricity we had been hoping for. On April sixth, the subject matter had at last come to Watergate. But in those opening sessions, Zelnick and I felt that Frost hadn't pressed hard enough. After a party that night, we badgered him about it, with the result that he buckled down to work the next day and our April 13th trip to Monarch Bay had a totally different flavor from any of the previous trips. Frost had peaked at the right moment. During the drive, we discussed the law on obstruction of justice and I showed Frost its exact wording.

"Mr. President," Frost said crisply as the session began, "to try to review your conduct over the whole Watergate period is a daunting task. With the perspective of three years now, do you feel that you ever obstructed justice or were part of a conspiracy to obstruct justice?"

What followed in the next two hours that Wednesday, and two more hours on Friday, has been called a television epic. Tension started high and built toward an almost unbearable breaking point.

Frost's opening gambit—asking the broad question and hoping for the categorical denial—was met by Nixon's promise to answer, at some future point. Meanwhile, he agreed to let Frost recount the events factually.

There followed a period during which, in response to a sharply worded question by Frost, Nixon would attempt to broaden or divert the answer. Each time, Frost pulled him back, refusing to bite at the rhetorical hooks Nixon dangled. Frost continued recounting the evidence until he came to the date that interested me most: June 20, 1972. He men-

tioned the famous conversation between Nixon and Haldeman containing the 18-and-a-half-minute gap. Nixon, under much pressure from Frost, would not budge from his position that he had no idea how the erasure occurred.

Frost then played his surprise card, casually mentioning the Colson conversation. Here was Frost suddenly coming up with new and highly damaging material. What else did he have?

I watched Nixon's face closely on the monitor as Frost read the excerpts. His jawline seemed to elongate. The corners of his mouth turned down. His eyes seemed more liquid. One could almost see the complicated dials in his head turning feverishly.

"Now, somewhere, you were pretty well informed by that conversation, weren't you?" Frost blandly concluded.

Nixon fumbled for a beginning, toying with an attack on the validity of Frost's questions.

"You have read here excerpts out of a conversation with Colson . . . ah . . ." Then he thought better of it, switched his thrust. "Let me say what my motive was, and that's the important thing. My motive was not to cover up a criminal action but to be sure that as far as any slip-over . . . or should I say slop-over, a better word . . . any slop-over in a way that would damage innocent people or blow it into political proportions." The choice of words between *slip-over* and *slop-over* never failed to get a laugh from audiences later.

The discussion then moved to the day of smoking pistols: June 23, 1972, the day the cover-up was set in place. Frost bore down so hard that Jack Brennan, Nixon's chief of staff in exile, would later say that he had urged Nixon to concede the illegality of the June 23rd actions, but then Nixon had consulted with lawyers. So Frost, the show-business personality, found himself explaining the law to the lawyer and former President.

"If I try to rob a bank and fail, that's no defense," Frost said, "I still tried to rob a bank. I would say you tried to obstruct justice and succeeded in that [June 23rd–July sixth] period."

Nixon stopped him. He granted that Frost was performing as the attorney for the prosecution, but probably he had not read the statute on obstruction of justice. A vision of my showing its exact language to David not one hour before flashed through my mind.

"Well, I have!" Frost exclaimed.

"Oh, I'm sorry. Of course, you probably have read it, but possibly you might

have missed it, because when I read it, many years ago . . . perhaps when I was studying law . . . although the statute didn't even exist then, because it's a relatively new statute, as you know." Later, this painful floundering was called the "most clear-cut researcher's victory one could witness."

The debate finally ended on a clear enunciation of the issue.

"Now, after the [L. Patrick] Gray conversation, the cover-up went on," Frost declared. "You would say that you were not aware of it. I was arguing that you were part of it as a result of the June 23rd conversation."

"You're gonna say that I was a part of it as a result of the June 23rd conversation?" It was a crucial moment.

"Yes," Frost said stoutly.

"After July sixth, when I talked to Gray," Nixon queried.

"I would have said that you joined a conspiracy which you thereafter never left," Frost solidified his position.

"Then we totally disagree on that."

No journalist in America, I concluded, would have had the courage of Frost in that vital moment. But therein lay the failing of American journalism. For Frost here was an advocate. He was far beyond the narrow American definition of "objective journalism."

By the time Nixon spoke his wrenching, yet still defensive apology in the next taping session for having "let down" the American people, and said that he would never more have a place in public life, I saw the final success of Frost's interviews.

The danger that these interviews would provide Nixon with a means of rehabilitation had been smothered. Four weeks earlier, on March 23, 1977, Nixon had said: "As time passed, I felt I might be able in the field closest to my heart to work for peace in the world. . . . I haven't been able to do it yet. But in the few years I have left, I will do it." On April 19th, that seemed highly unlikely. In short, on March 23, 1977, San Clemente might very well have been Elba, but on April 19th, it was St. Helena for certain.

Frost was drained from his ordeal. "I think, Mr. President, that [the burden you carry] may be a little lighter after what you've said here."

Nixon was realistic. "I doubt it," he replied.

He must have realized then that he had underestimated Frost—as at first I had, as well. When Nixon said to the Englishman after it was all over, "You outgunned us," there seemed to be genuine respect, rather than bitterness, in the comment.

