

## **Deep Throat and Me**

It was supposed to be “the case of the century.” That was when important legal cases did not concern errant pop stars or crazed husbands who wanted to get rid of their wives. “Big” cases that got lots and lots of newspaper publicity were most often political scandals.

In 1972, when the “Watergate Scandal” broke, I was a law student at Georgetown University Law Center in Washington, D.C. I received a telephone call from the office manager of a law firm that I had worked for as a law librarian and clerk in New York City; Rothblatt, Rothblatt, Seijas and Peskin. Henry Rothblatt, the great criminal lawyer who wrote a number of books with F. Lee Bailey, was going to represent the “Miami Men” who broke into the Watergate. He was putting together a defense team to defend those men, and he remembered me as a “reliable” clerk in his New York office.

I was thrilled. I needed to work part-time to help pay my tuition and rent in the rat-infested building on “I” Street in the District of Columbia. The offer could not have come at a better time. On top of that, I was to be Mr. Rothblatt’s personal assistant, essentially running errands for him and serving as chief gopher, while the Honorable John Sirica of the District of Columbia Federal Court was to be the trial judge.

The trial started with jury selection. The trial was to take place in the ceremonial courtroom in the United States District Courthouse for the District of Columbia. Bernard Barker seemed to be the leader of the anti-Castro Cubans who had been the “plumbers” at the Watergate break-in. Rothblatt did not share with me his trial strategy, but it was clear that he saw these men as patriots and local folk heroes who somehow thought they were helping the United States by serving CREEP, the Campaign to RE-Elect the President, which of course was President Richard M. Nixon.

Then, it happened! A man who looked exactly like the great and even then well-known Washington Post reporter, Carl Bernstein, stopped me in the hallway to ask me what I knew and what Mr. Rothblatt had told me about rumors that “hush money” was being paid to the Cuban defendants to prevent them from testifying. Rumors had been circulating in New York’s *Newsday* Newspaper that the “plumbers”, would plead guilty and accept money for so doing. Did I know if the rumors were true? Did I know who was paying the money? Why was the money being paid? What was Mr. Rothblatt going to do about it? I knew nothing. I could tell the reporter nothing. I would not tell the reporter anything even if I knew about it, due to the rules of professional responsibility, but it was “way cool,” nevertheless, just to be questioned by the

incredibly aggressive journalist. At one point he even said to me: “Look, if the answer is yes that hush money is being paid, just don’t answer.” That outraged me. I said: “Wait a minute, I don’t know anything, so if I don’t answer, that means hush money is being paid”?

To understand Henry Rothblatt’s reaction, one must read Woodward & Bernstein’s All The President’s Men, or a number of other books written in the post-Watergate era. This was a time when the United States had recently emerged from its Vietnam trauma. People wanted peace, quiet, no confrontation, and a more restful nation. Nixon, always paranoid and a lightning rod for criticism, inevitably was drawn to the idea that the only way to save America was for him to have information about his enemies. It was easy to use anti-Castro Cuban refugees because of their tremendous loyalty to this country and their belief that helping the President and the Republican Party was the patriotic thing to do, even if it meant breaking into someone else’s premises. That was to be Henry Rothblatt’s defense. The defense was, that the men did not have scienter or intent necessary to break the criminal laws because of their naiveté concerning our legal system and the fact that important political people told them to commit the acts which turned out to be crimes. Whether one thinks the defense is legitimate or bogus, it was the heartfelt belief of the defendants and of their lawyer, Henry Rothblatt, himself a veteran of defending many military veterans. Rothblatt believed that the “plumbers” considered themselves in the military and were required to act in the defense of their country at the behest of “higher ups.”

How would Rothblatt handle the fact that his clients now wanted to plead guilty so that they would not have to tell who paid them, accepting money for their silence? Rothblatt was a proud man with a great reputation, to whom honor for his profession was above wealth, power, fame, or any other virtue. Like the Founding Fathers of this country, Henry Rothblatt believed that law and fundamental freedom were partners in the great experiment called “America.” Without law there was no freedom and democracy, and in a nation with freedom and democracy there must be the rule of law. It was for the great trial lawyer in the prime of his life not merely a matter of duty, but almost a religious regard for the role of the trial lawyer as an independent, honest broker.

I was one of many people on the defense team, and without question the lowest on the totem pole. One evening I received a telephone call in my apartment. It was Henry Rothblatt asking if he could stop over at my apartment. I was bewildered. Within a half hour Mr. Rothblatt showed up, sat down on one end of my bed (that’s all I had in the apartment), impeccable in his black suit (as always), his starched white shirt and his black bowtie. The craggy, lanky, handsome Rothblatt, wearing his black toupee and waxed mustache told me that he was going to have to lay me off. “In fact, I am going to be laying off everyone on the defense team. I cannot represent men who would plead guilty in order to hide the truth.” He asked me if there was

anything he could do to help me find another job when I graduate from law school, since he felt bad that I had left another part-time job in order to work for him. I asked him if he would give me a recommendation for a federal clerkship, and he readily agreed. As he got up to leave, he asked me if I had any questions, and I said: “Just one. Are the rumors true that ‘higher ups’ in the administration are responsible for this cover up”? He said, “Yes, it’s Mitchell and Stans.” The Attorney General of the United States and an important administration official responsible for paying a few exiled Cubans to break into the Watergate to obtain some information about the Democratic Party’s strategy in an upcoming election? It was hard for me to believe.

With that, Rothblatt left, and I never saw him again. Henry Rothblatt did write a recommendation for me, and that is probably how I wound up working for the Honorable Malcolm Muir in Williamsport, starting in September of 1973.

When the books were written on Watergate, Henry Rothblatt came in for universal praise. He was above temptation. He refused to represent the men who were being paid for their silence, willing to plead guilty and to go to jail for a crime they did not understand and did not think they had committed. Other lawyers did not act so nobly.

Having been raised on Kennedy’s ‘Profiles in Courage,’ clearly Henry Rothblatt represented to me a profile in courage.

On the last day of May 2005, we learned that “Deep Throat” was the second in command at the CIA, Mark Felt. Felt also acted with courage at a time when few others were willing so to do.

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