



FROM THE BAG

Vita Brevis Ars Æterna Est

Leonard Garment

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THE WICK TAPES

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Len Garment was a most helpful member of the *Green Bag's* board of advisers from our early days until his death a few weeks ago at the age of 89. “*Green Bag* adviser” was surely one of the smallest of the thousand or so roles he played in a life so varied and active and interesting and, well, long that it defies summarization. But we do have stories to remember him by. He was a fine raconteur, and his two books – *Crazy Rhythm: From Brooklyn and Jazz to Nixon's White House, Watergate, and Beyond* (1997) and *In Search of Deep Throat* (2002) – are shot through with entertaining parables from the life of Len. And so we salute him here with one of our favorites, circa 1981-84, as told by the man himself in *Crazy Rhythm*. Enjoy. Len plainly did.

– *The Editors*

I STARTED DOING WELL at “political litigation” not just because I knew people in office but because they were more vulnerable than ever. I had helped create the market for my own speciality: Watergate was the proximate cause of developments like the Ethics in Government Act, with its cat's cradle of conflict and disclosure rules. Watergate bred the hair-trigger independent counsel system for investigating government officials. The modern age of

Leonard Garment practiced law from 1949 to 2013 in New York City and Washington, DC. This story is copyright © 1997 by Leonard Garment. The illustrations (courtesy of the Ronald Reagan Library) and footnotes are our additions.

scandal was upon us, and I was to be one of its principal professional beneficiaries.¹

I was introduced to this phenomenon by e. robert (“bob”) wallach – this was the way he insisted on spelling it. One day in 1981 he did not so much walk into my office as materialize there. He was deeply tanned and thin to the point of disappearance, sporting a set of dark eyebrows that seemed to weigh more than the rest of him. His voice was a deep, hoarse, warm whisper, his words as orderly as a formal text.

Wallach described himself as a West Coast plaintiffs’ personal injury lawyer. He had founded an advocacy program at Hastings Law School and been president of the San Francisco Bar Association. He was a liberal Democrat, he explained, interested in Jewish affairs and Israel and in human rights. Yet Wallach’s closest friend since law school days was President Reagan’s White House counselor Edwin C. Meese. Wallach thought that Meese’s single-view staff was giving him inadequate advice, thus making him seem like the political equivalent of Attila the Hun. Wallach’s aim in Washington, he said, was to introduce Meese to more diverse and balanced political views.

So what did he want from me? Just some advice about the Washington culture, the names of people to talk to, opportunities for public service. He had free access to Meese, but wanted to know the best Washington base from which to offer his views.

I suggested possibilities. Wallach liked the idea of being appointed to the advisory board of the United States Information Agency – which happened to be one of the most fought-over patronage prizes in Washington, since it consisted of influential Washingtonians and its agenda involved much international travel and regular access to foreign leaders. A part-time assignment, it placed no restrictions on private law practice. I thought to myself, if Wallach can carry off this appointment, he will decisively confirm his allegedly close relationship with Meese. He did.

¹ Garment was a central figure in the Watergate scandal of the early 1970s, not because he was involved in any of the crimes or non-criminal shenanigans perpetrated by members of President Richard Nixon’s administration and re-election campaign, but because he was Nixon’s White House Counsel in 1973-74.

The Wick Tapes



From left to right: William Wilson (presidential representative and later first U.S. Ambassador to the Holy See), President Ronald Reagan, Attorney General William French Smith, publisher and philanthropist Walter Annenberg, and Director of the USIA Charles Wick share a laugh during a private dinner in the Yellow Oval Room at the White House in September 1982.

Wallach called me from California on New Year's Day, 1983, and introduced me to my first political scandal case: "Can you have breakfast tomorrow morning with Charlie Wick at his home?" I had first met Charlie and Mary Jane Wick in 1981 at a welcoming dinner given for them by Bill and Helene Safire² just after Charlie was named head of the United States Information Agency. He was not exactly your typical political appointee. He had worked hard for the Reagan-Bush ticket, but more important was the long, affectionate relationship between the Wick and Reagan families, begun when Mary Jane Wick and Nancy Reagan carpooled their kiddies. The two families always spent Christmas together; on top of the Wick piano was a photograph of grown-up Charlie sitting on Santa Reagan's lap.

² William Safire was a speechwriter for Nixon from 1968 until 1973. He wrote for the *New York Times* from 1973 until his death in 2009.



President Ronald Reagan dressing up as Santa Claus at a 1983 Christmas eve party at the Wick residence in Washington, DC.

Charlie had been a dance-band pianist and an arranger with Tommy Dorsey's orchestra. He still had his near-perfect pitch and a way with the piano. He delighted Reagan with his inexhaustible stock of old and new jokes and his ability to invent high-quality puns with lightning speed. But Charlie's idiosyncratic style boded trouble. At the Safires' dinner party, after Bill's graceful and witty toast, Charlie responded – with a long, substantive, deadly serious, and nearly incomprehensible speech. I thought, my God, this guy is disaster-bound.

At U.S.I.A., Charlie further marked himself for grief. One day, for instance, the leader of a small African state, with entourage, came to visit Wick. Charlie called for coffee. A long line of U.S.I.A. staffers soon appeared, each bearing part of the necessary supplies –

The Wick Tapes

coffee, tea, cream, cups, cookies. As the parade snaked through the room, Wick, neurons humming, leaped to his feet and burst into song: “Oh, when the saints go marching in. . . .” The visitors were mystified, the U.S.I.A. bureaucrats mortified. Before the day was over, Wick had told the story to five hundred friends.

Charlie had a penchant for putting everything on tape. I learned about this habit early. Just before the inauguration, which Charlie co-chaired, Suzi interviewed Wick for a *Wall Street Journal* column.³ He asked if he could record his answers. “It’s not that I don’t trust you,” he said. “It’s just that if I don’t get these things down immediately, they’re gone forever.” So I wasn’t surprised to learn what kind of trouble Charlie had finally gotten himself into. Somebody at U.S.I.A. who did not like Wick had leaked to Bill Safire the news that Wick had been taping telephone calls without the knowledge and consent of the other parties to the conversation. Safire and Jane Perlez, a *New York Times* reporter, called on Wick at his home, deposited their own tape recorder on the coffee table, and proceeded to grill the startled Wick on his taping practices.

Wick admitted the tapings, explaining them as benign aids to a frenetically busy, memory-deficient mind. But it turned out that Wick’s habit violated a Federal Communications Commission regulation, albeit one with no real penal consequences (I think they can take away your telephone). In some states where Wick had originated phone calls, the practice constituted the crime of eavesdropping, though such statutes were rarely enforced. The interview with Charlie resulted in a twofer: a news story by Jane Perlez and a column by Safire that ran on the same day, full of sulfurous outrage about Wick’s villainous invasion of others’ privacy.⁴ A big Washington commotion had been started. Charlie was worried; he knew it could threaten his job and reputation.

³ Suzanne Garment, a columnist for the *Wall Street Journal* from 1980 to 1986 (and now general counsel of The Tikvah Fund), married Leonard Garment in 1980.

⁴ See Jane Perlez, *White House Inquiring Into Taped Telephone Calls*, N.Y. TIMES, Dec. 29, 1983, at A20; William Safire, *The Wick Tapes (I)*, N.Y. TIMES, Dec. 29, 1983, at A19; see also U.S.I.A. Director Acknowledges Taping Telephone Calls in Secret, N.Y. TIMES, Dec. 28, 1983, at A1.

Leonard Garment

At our first breakfast, I told Wick that he should personally apologize to everyone he had taped without notice, return the original tapes, and issue a public apology for the invasion of privacy. I would draft the statement. Wick fiercely resisted the public mortification (almost everyone does), but with the aid of Mary Jane Wick and Bob Wallach, I finally got Charlie to acquiesce.

The multiple apologies took a while and covered a lot of terrain. For instance, in a private club in New York, I asked Charlie to go to a telephone booth, phone former president Jimmy Carter, and apologize for taping a phone call Charlie had made to congratulate Carter on an anti-nuclear-proliferation speech. After about ten minutes, Charlie still hadn't returned. I went to the phone booth to see what was happening and found Charlie on his knees in the booth: Carter wanted the two of them to pray together telephonically, and Charlie was obliging him.

But such apologies were not the end of the story, which went on for about a year and a half. Bill Safire was not buying contrition or prayer; he wanted Wick's head. Bulldog Safire communicated directly with district attorneys in jurisdictions like Florida and California that had eavesdropping laws; he pressed them to investigate Wick's alleged violations. So Charlie and I hit the road to make peace with one state law enforcement official after another. Meanwhile, we responded to Safire's hectoring columns with invective of our own in letters to *The New York Times*. (Bill and I had agreed to "suspend" our friendship until the struggle was finished.)

Safire was able to keep up his attacks only because he had cooperation from high inside the White House staff, where someone was leaking word that Wick was in deep trouble. I was puzzled: Why would any of them want to help Safire push Charlie out the window? His power was confined to a minor area of foreign policy; he was a personally generous man, and great fun. I finally concluded that the main target was not Charlie but Mary Jane Wick. She was the one with unrestricted access to President Reagan through her best friend, Nancy Reagan, and others could get derivative access through Mary Jane. Someone in the White House, probably one of Jim Baker's staff leakers, did not like seeing Baker's control subject

The Wick Tapes



Reagan and Wick in the Oval Office in July 1987.

to this random disruption.⁵

I told Mary Jane to make one of her Jockey Club lunch dates with Mrs. Reagan, tell her what was happening to Charlie, and ask that the prime White House suspect or suspects be told to knock it off. My suspicions must have been sound: After the lunch, the anti-Wick leaks ended with the suddenness of a guillotine drop. Charlie stayed. More than that, he gradually gained strength and support and was eventually lauded by previous U.S.I.A. directors, Democrats and Republicans, as one of the most creative, hands-on best in the agency's history.

Did this mean that the Wicks lived happily, politically speaking, ever after? Of course not; this was Washington, where the trauma of scandal breeds near-psychotic anxieties. After the public brouhaha subsided, Wick still had a continuing paranoid nightmare. He had been taping phone conversations for years. In storage, at U.S.I.A. and at home in Los Angeles, were hundreds, maybe thousands, of conversations — with persons living and dead, nonentities and celeb-

⁵ James A. Baker III was Reagan's Chief of Staff from 1981 to 1985.

rities like Frank Sinatra, song-pluggers, actors, agents, producers, tailors, Roto-Rooter salesmen, and supplicants of every description. Charlie had it indelibly in his mind that some investigating committee might want to trace the origins of his government taping, or that some private litigation might stir the matter up. He gathered the tapes together, and soon they were piled high in shopping bags in the Wick study.

I never met a man more inventive in imagining catastrophes, but Charlie did have a point: A subpoena of pre-government tapes could be used to embarrass him. So we took the next step: Was it legal to destroy the tapes?

Nixon redux. We met for a couple of evenings to discuss the issue, calmed by drafts of chilled vodka. Three of the four Wick daughters – lively, independent young women – joined in the family tape festival. I finally persuaded Charlie and Mary Jane that they had an absolute legal right to destroy the tapes: There was no proceeding pending, nobody had subpoenaed them or had reason to, and they were Charlie's personal property. I wrote a case-law-laden opinion letter to the Wicks, detailing the authoritative basis for their right to destroy the materials and categorically recommending that they do so.

Now the next question: how to destroy them. More conferences. We discussed a backyard bonfire, flying them out to sea by chartered plane and dumping them, depositing them in Capitol Hill trash baskets, electronic measures – but somehow, in these scenarios, some of the tapes always wound up back in the Wick living room. In the middle of one of these séances, Charlie and I were startled by the sound of Mary Jane screaming angrily in the nearby study. We ran in and saw her snatching a smoldering tape out of the fireplace. The Wick daughters, weary of the endless discussions, had taken the initiative and begun burning the stuff. Smoke filled the room. The stench was awful. Worse, the tapes were only slightly singed.

I ordered Charlie to take the damned things to U.S.I.A. in the morning and have one of the junior technicians electronically erase them. Done. But the technician, instead of throwing out the now-blank tapes, conscientiously delivered them back to Charlie. We

The Wick Tapes

still had them, along with Charlie's anxieties: Now he was concerned that there might be surviving snatches of talk on the tapes. I finally took the bagged blanks home and put them in the garbage.

So Wick came perilously close to the lifelong stain of expulsion from government for no good reason. Yet he was able to cling to the cliff's edge by his nails only because he and his wife had a special relationship with the Reagans. Anyone else would have been long gone. There have been not a few cases of this type since Watergate, and the ending has rarely been so benign as Charlie's was.

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