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## Tripp leak violated policy at Pentagon

By Bill Sammon  
THE WASHINGTON TIMES

**A**ssistant Defense Secretary Kenneth Bacon violated his department's own rules against releasing personnel information when he leaked Linda Tripp's security clearance form to a reporter, The Washington Times has learned.

Pentagon regulations call such a disclosure "a clearly unwarranted invasion of personal privacy" that also violates the Privacy Act. The regulations are implemented by offices under Mr. Bacon's direct control, in fact by the very people he enlisted to ferret out sensitive information from Mrs. Tripp's personnel file.

Numerous current and former high-ranking officials in the Pentagon's sprawling public affairs operation said Mr. Bacon's leak was an extraordinarily blatant breach of privacy regulations. Those regulations are routinely taught to all public affairs officers -- both military and civilian -- at a special school under Mr. Bacon's purview.

A senior official at the Defense Information School at Fort Meade, Md., said a leak such as the one Mr. Bacon has acknowledged orchestrating goes against everything students are taught in a mandatory course about protecting the privacy of Pentagon employees.

"Of course, in all cases, we tell people to consult a lawyer before advising any release of information --

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particularly on a pending case," said the official, who spoke on the condition of anonymity.

Release of Mrs. Tripp's record would violate federal privacy restrictions, but it has not been reported that such a disclosure also contradicts the Pentagon's internal guidelines.

Mr. Bacon has said he is sorry he did not consult with lawyers for the Pentagon or Mrs. Tripp -- a crucial witness in the sex-and-lies investigation of President Clinton and Monica Lewinsky -- before leaking the information to Jane

Mayer of the New Yorker magazine.

The reporter, who prefers to be identified as Mrs. Hamilton, her married name, called Mr. Bacon on March 12 to inform him that Mrs. Tripp had been detained by police as a teen-ager 29 years ago. She asked if Mrs. Tripp had denied ever being arrested when she filled out a Pentagon security clearance form in 1987.

Although Mr. Bacon said he immediately cited the Privacy Act to Mrs. Hamilton, he nonetheless relayed her query to David O. Cooke, the Pentagon's director of administration and management. He restated his privacy concerns to Mr. Cooke, whose knowledge of arcane Defense Department procedures and paperwork has earned him the unofficial title "mayor of the Pentagon."

Mr. Bacon then enlisted his principal deputy, Clifford H. Bernath, in the effort, repeating his privacy concerns while making clear that the query was a "priority," according to Mr. Bernath's notes. Mr. Cooke shepherded Mr. Bernath through various Pentagon agencies until Mrs. Tripp's security clearance form was located.

A request for arrest record information on any Pentagon employee sets off alarm bells among the officials who safeguard such data. But when the employee in question turned out to be Mrs. Tripp --whose cooperation with independent counsel Kenneth W. Starr is crucial to his investigation of the president -- the Pentagon's office on privacy and freedom of information went into a state of high alert.

Les Blake, chief of the office, demanded to know if Mr. Bernath "was requesting this information in an official capacity," according to a memo Mr. Blake wrote on March 13.

Mr. Bernath turned to Mr. Cooke for reassurance. Mr. Bernath later testified that Mr. Cooke said "it was all right for me to get the form," but "didn't comment on what I could do or not do with it."

According to Mr. Blake, Mr. Bernath then "assured me that this was an official request. I informed Mr. Bernath as such, pursuant to the Privacy Act, [I] will be making a full accounting of this disclosure."

Mr. Blake immediately notified other Pentagon officials that he had given Mr. Bernath the form. But by then Mr. Bernath had brought the form to his boss, Mr. Bacon, who read it and approved its release.

Mrs. Hamilton used the discrepancy to question Mrs. Tripp's credibility in a New Yorker article. However, the "arrest" was soon revealed to be little more than a teen-age prank gone awry. Attention soon shifted to the leak itself, and investigations were launched by the Pentagon inspector

general and Mr. Starr.

For now, Defense Secretary William S. Cohen has chosen to keep Mr. Bacon on the job.

Mr. Bernath was quickly transferred from his job as Mr. Bacon's principal deputy to director of the Armed Forces Information Service, which has direct control over the Fort Meade school that teaches privacy regulations to public affairs officers.

Those regulations are spelled out in a 107-page book, published by the Defense Department, that serves as the Pentagon's "bible" on privacy issues. The regulations are "mandatory" for all defense officials and "effective immediately," according to the book's foreword, written in 1983 by Mr. Cooke, then deputy assistant secretary of defense.

Last week, Mr. Cooke was summoned before a grand jury by Mr. Starr's office. Current and former defense officials say Mr. Cooke's implementation of Pentagon privacy rules will make it difficult for him to explain his role in the Tripp leak.

They also said Mr. Bernath has no business being in charge of the school that teaches privacy regulations.

While some officials expressed personal and professional respect for Mr. Bacon's performance as the Pentagon's chief spokesman, they could offer no excuse for his leak to Mrs. Hamilton, with whom he once worked at the Wall Street Journal.

They said the leak is doubly difficult to justify because Mr. Bacon hired Miss Lewinsky as his confidential assistant after her relationship with Mr. Clinton alarmed senior aides in the White House, where Miss Lewinsky had worked as an intern.

Critics say Mr. Bacon had already demonstrated his devotion to the White House by hiring the relatively inexperienced Miss Lewinsky to fill a position that had been occupied by a more mature, savvy Pentagon employee.

Miss Lewinsky's claims of an affair with the president were secretly tape-recorded by Mrs. Tripp, who turned the tapes over to Mr. Starr.

"Mr. Bacon knows the Privacy Act," said one senior defense official who has worked in Mr. Bacon's office. "But he also knows that he's a political appointee who is ultimately serving the White House. I mean, who's the No. 1 master -- the Privacy Act or the White House?"

Former Deputy White House Chief of Staff Harold Ickes denies he had role in the Linda Tripp leak.