

June 18, 1996, Tuesday, Final Edition

SECTION: Part A; COMMENTARY; OP-ED; Pg. A15

LENGTH: 1220 words

HEADLINE: Another White House cover-up

BYLINE: Michael Mitchell

BODY:

Despite the best efforts of the White House, Rep. Bill Clinger, chairman of the House Government Reform and Oversight Committee, is slowly prying the lid off one of the Clinton administration's dirtiest episodes to date.

Mr. Clinger has discovered that Mr. Clinton's White House staff has been sifting through the FBI personnel files of more than 300 Republican political appointees from the Bush and Reagan administrations. In addition, Mr. Clinton's political cronies have also taken the liberty of pulling the records of Billy Dale and at least one other person in the White House Travel Office months after they had been forced out of their jobs to make way for a Clinton relative. Mr. Clinger has promised full hearings this week to get to the bottom of what very well could be the biggest scandal to hit the presidency since Watergate.

President Clinton's assertion that it was a bureaucratic snafu begs credulity. The White House has offered up four different versions of the circumstances surrounding this apparent breach of the civil rights of hundreds of individuals. An FBI veteran who worked at the White House for five years stated that Mr. Clinton's explanation "is really too much for this FBI veteran to believe." FBI Director Louis J. Freeh accused the White House of "egregious violations of privacy." To those of us who were political appointees at the State Department during the Bush administration, the reason files were pulled out of storage and examined is clear: Mr. Clinton's White House is engaged in a plan to collect information on Republicans and its enemies that will be used to embarrass, humiliate and politically destroy them at a later date.

As it turns out, the practice run for what Mr. Clinger is uncovering took place at the State Department six months after Mr. Clinton took office. The White House political liaison officer at State, Joseph Tarver, requested that the personnel files of all Bush State Department political appointees be pulled out of storage and returned to Foggy Bottom. Mr. Tarver shared these files with Mark Schulhof, a top aide to Thomas Donilon. Mr. Donilon was assistant secretary of public affairs at the time and is now chief of staff to Secretary of State Warren Christopher. In short order, confidential information from the files of Elizabeth Tamposi and Jennifer Fitzgerald was passed out to the press and splashed across the pages of The Washington Post. In his Sept. 1, 1993, column "In the Loop," reporter Al Kamen detailed information from these records.

The Clintonites discovered that these personnel files contain the A to Z history of a person's life, including the extremely sensitive background investigation conducted by the FBI or State's own security unit. It is all there: Medical history, performance evaluations, financial reports - even the opinions of neighbors questioned by security personnel. In short, the Clinton State Department collected and used information protected by the Privacy Act to smear Republican appointees. Violating the Privacy Act, put in place to prevent this sort of nefarious activity, is a misdemeanor and carries a \$5,000 fine.

The investigation into this crime was carried out by State's then-Inspector General Sherman Funk. In a congressional briefing following his probe, Mr. Funk flatly stated that there were "clear violations of the Privacy Act provable beyond a reasonable doubt." Mr. Funk's investigators found that critical telephone logs they were seeking were destroyed by a White House attorney despite that official being warned that an inquiry was under way.

Mr. Funk also found others responsible for acts "of omission or commission" in this crime. Mr. Donilon has sworn that he never knew or saw any of the files and characterized Mr. Schulhof as a low-level gofer who never was supposed to have access to the press. Yet, records show that after learning of the files, Mr. Schulhof made at least 45 calls to The Washington Post before Mr. Kamen published his article. Mr. Schulhof even used Mr. Donilon's office and private line to dial Mr. Kamen up. Either Mr. Donilon has selective memory or is incapable of managing his staff. It is a long, almost impossible stretch to believe that over a two-month period, Mr. Schulhof never mentioned the files that were being rummaged through in Mr. Tarver's office. Moreover, it is doubtful that Mr. Schulhof made 45 phone calls just to talk about two files. Who knows what other information was passed? Who knows where copies of the files are now? The Democratic National Committee?

Mr. Funk forwarded his prosecutorial summary to the Justice Department. Incredibly, despite a mountain of evidence, Justice declined to prosecute anyone involved and has since refused to disclose why. In short, Janet Reno presided over the gutting of the Privacy Act and gave a green light to retrieving, reviewing, and releasing information in personnel files. Her message was that despite the evidence, and despite the fact that the inspector general had built a solid case, violating the Privacy Act is an OK sort of crime if you are the White House.

The pattern in this process is clear. When someone runs afoul of the White House gang, the first step is a walk through the records to see what information can be dredged up for whisper campaigns or Page One publication. If caught, the modus operandi is to attack critics, place blame on low-level bureaucrats, and apologize to make the issue go away. Mr. Panetta offered the following: "I think apologies are owed to those that are involved here."

Mr. Panetta, we do not want apologies, we want answers.

As it stands now, there are at least 450 people who are being held hostage by the unstated threat that sensitive and privileged information could be used against them at the whim of those sitting at 1600 Pennsylvania Ave. And this might only be the tip of the iceberg. What still needs to be determined is if personnel files were pulled at any other federal agencies or departments. In addition, a thorough investigation needs to be completed to determine what connections there might be between those connected with the present file search case and the individuals named in the State Department Privacy Act crime.

This is an issue that transcends political boundaries. The Privacy Act was put in place to protect individuals from the worst excesses of the state. Unless integrity is restored to the laws surrounding this kind of crime, there is nothing to restrain the raiding of records entrusted to a government that promises safe keeping.

By brushing aside Mr. Funk's report on the State Department file search case, Janet Reno destroyed any credibility she had in conducting an impartial investigation aimed at getting to the truth. It is now up to Mr. Clinger and the independent counsel to find out what happened, identify those responsible, and if necessary force accountability in a court of law. This is the only way to restore the integrity of the Privacy Act.

Michael Mitchell was a political appointee at the State Department during the Bush administration.

LANGUAGE: ENGLISH

LOAD-DATE: June 18, 1996