

October 26, 1996, Saturday, Final Edition

SECTION: Part A; NATION; Pg. A4

LENGTH: 813 words

HEADLINE: Probe of Secret Service men who testified on Hill questioned

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BODY:

Two Republican senators are demanding that the Treasury Department explain why it is investigating two Secret Service agents who testified before Congress about the White House's improper acquisition of FBI background files on top officials in the Reagan and Bush administrations.

Agents John Libonati and Jeffrey Undercoffer, testifying July 17 about the Secret Service's role in a probe of the matter, contradicted earlier White House explanations that a Secret Service misstep led to 900 FBI files ending up in the White House.

Sens. Richard C. Shelby of Alabama and Christopher S. Bond of Missouri have demanded that Treasury Secretary Robert E. Rubin explain his inspector general's (IG) probe of the agents.

The White House has denied any role in the investigation, but congressional sources said the Clinton administration "sanitized" its involvement by working through Rep. Cardiss Collins of Illinois, the ranking Democrat on the House Government Reform and Oversight Committee.

Jonathan R. Yarowsky, a lawyer in the White House counsel's office, collaborated with Donald Goldberg, the staff counsel of Mrs. Collins on a Sept. 25 letter in which she asked Mr. Rubin to initiate the probe, the congressional sources said.

Mr. Yarowsky, chief counsel for the House Judiciary Committee when Democrats controlled Congress, is part of a 13-member White House damage-control team on the 1993 travel-office and FBI-files scandals, according to White House documents and House testimony. The team operates in the White House counsel's office.

Mr. Yarowsky, Mr. Goldberg and Mrs. Collins could not be reached for comment yesterday.

In her letter seeking the probe of the agents, Mrs. Collins said the White House on Sept. 24 turned over a Secret Service list compiled in June 1993 that included "many names of individuals no longer employed by the administration" - including top-level aides to former Presidents Reagan and Bush.

House and Senate Republicans have said the list apparently was a "customized" catalogue of current and former White House passholders intentionally obtained from the Secret Service database by someone on President Clinton's staff.

Mrs. Collins asked Mr. Rubin to "provide an explanation on how the list was prepared, why the committee was not informed of the existence of such a list, and the shortcomings of such a list."

The investigation came to light when Sen. Charles E. Grassley, Iowa Republican, asked to meet with the agents on an Aug. 1, 1993, Secret Service list, a document that appears to support GOP assertions that White House aides knowingly retrieved the FBI files.

Soon afterward, the Secret Service was notified that the two were being investigated, Mr. Grassley said.

The Treasury inspector general acknowledges that a "preliminary" inquiry is under way, but denied a report that it might be criminal in nature. A Secret Service statement yesterday said the agents "have done nothing wrong, and have done their best to provide straightforward and accurate information in response to congressional inquiries."

Mr. Grassley accused the Treasury of "either backpedaling or playing with words," and noted that the IG's general counsel had told the Secret Service that the probe was "potentially criminal" in nature.

The IG's office had initially indicated that the agents were under investigation at the request of Sen. Ted Stevens, Alaska Republican, and Mrs. Collins.

Mr. Stevens responded, "I had nothing to do with this request." He said that in a June 18 letter he sought only a probe of a series of issues surrounding the FBI-files scandal, but made no mention of specific Secret Service agents.

Jerome M. Zeifman, chief counsel to the House Judiciary Committee in 1973 when Democrats launched their impeachment inquiry against President Nixon, said yesterday he was "dismayed" by collaboration between the White House counsel's office and congressional Democrats.

"It is all part of the cancer on the presidency," said Mr. Zeifman, whose impeachment staff included Bernard W. Nussbaum, Mr. Clinton's White House counsel when the FBI files were improperly acquired, and Hillary Rodham Clinton.

"It is not the role of the White House counsel's office to be playing around with witnesses and obstructing congressional investigations and matters that should be investigated by the Justice Department," said Mr. Zeifman, who announced in a Wall Street Journal column yesterday that he will vote for GOP presidential candidate Bob Dole instead of Mr. Clinton Nov. 5.

"There is a new level of corruption in the Clinton administration, and that is that to lie and cheat and obstruct congressional investigations is permissible if it is in the political interests of Bill Clinton and the Democratic Party," Mr. Zeifman said in an interview yesterday.

LANGUAGE: ENGLISH

LOAD-DATE: October 26, 1996