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SECTION: FEATURE

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HEADLINE: Jane and Jill and Anita Hill;
At The New Yorker, they don't know jack.

BYLINE: David Brock;
David Brock is an investigative writer for The American Spectator and author of
The Real Anita Hill: The Untold Story (Free Press).

BODY:

The New Yorker has published a review of my book The Real Anita Hill by Jane Mayer and Jill Abramson, reporters for the Wall Street Journal. The reporters are themselves writing a book on the same subject, to be published later this year, entitled Strange Justice: The Selling of Clarence Thomas. Their review impugns my professional reputation and integrity, and purports to disprove or contradict many of the factual assertions in my book.

Mayer and Abramson's misuse of the facts is a technique instantly recognizable to anyone who has read the chapters of my book dealing with the "borking" strategies employed against those deemed to be politically incorrect. As the reviewers themselves note, "all nonfiction books contain errors," and I acknowledge that my book will be found to contain some minor ones. But Mayer and Abramson go much further, alleging -- but never demonstrating -- a pattern of deliberate distortion on my part. This allows them to avoid any discussion of the massive evidence I cite for questioning Hill's credibility.

The Hoerchner Testimony

Mayer and Abramson assert that I do not explore the possibility that Susan Hoerchner -- who told Senate investigators and the FBI that the now-famous call from Hill complaining of sexual harassment came in the spring of 1981, six months before Hill went to work for Thomas -- simply "got the date of the conversation wrong by a few months." This objection -- that I have taken an insignificant lapse of memory and inflated it into a massive credibility problem -- has been raised by a number of reviewers. However, I spent virtually an entire chapter carefully considering whether or not this was simply a slip by Hoerchner.

In the end, I argue against the possibility that Hoerchner simply got the date wrong, on these grounds: By Hoerchner's own account, given in an interview with the Senate Judiciary Committee before she testified publicly, she moved from Washington to California in September 1981, the same month that Anita Hill went to work for Thomas. Hoerchner further described the call as having come in the context of weekly local calls while both she and Hill were working in Washington. She said that in subsequent calls she raised the subject of harassment, but that Hill declined to discuss it. And she said she lost touch with Hill after moving to California.

Therefore, by Hoerchner's own account -- a transcript of which Mayer and Abramson appear to have been unable to obtain -- Hill's complaint of "harassment" to Hoerchner could not have been made during the time Hill worked for Thomas. Furthermore, when this discrepancy was pointed out to Hoerchner in the course of the interview, Anita Hill's attorney asked that the interview with Hoerchner go off the record so that she could confer with the witness. When Hoerchner returned, she could suddenly recall nothing about the circumstances of the call. But she was now adamant that Hill had named her "boss Clarence" as the harasser during the call, a point on which she had previously been unsure.

Mayer and Abramson try to create the impression that I am unaware or have willfully failed to report that Hoerchner characterized her recollection about the date as a "guess," and contend that I would have found this out had I simply interviewed Hoerchner or her attorney, Ronald Allen. I attempted on several occasions, once by certified letter, to obtain an interview with Hoerchner, and had several conversations with Allen. Hoerchner declined to be interviewed, but she did set forth her version of events in a letter to me, which I duly cite in the book. More importantly, I quote Hoerchner (at page 212) as saying in her committee interview, "... I have only been able to guess at the time -- prior to September 1981 ..."

Mayer and Abramson assert that in her FBI interview, Hoerchner characterized the date of her phone call with Hill as a "wild guess." Apparently, Mayer and Abramson have ascertained this "fact" from Hoerchner's latest attempt -- in the wake of the publication of my book -- to explain the discrepancy, in a letter to Newsweek of May 10, 1993: "My estimate was made Sept. 23, 1991 -- about ten years after the fact -- during my FBI interview, at the agent's insistence, and only after I had repeatedly told him that any such estimate could only be a wild guess," Hoerchner wrote. But as Hoerchner and Mayer and Abramson mistakenly imply, the phrase "wild guess" does not appear anywhere in the FBI interview of Hoerchner, a copy of which Mayer and Abramson do not appear to have seen, nor does it appear anywhere in the record. My contention is that Hoerchner's "realization" of the discrepancy came in her Judiciary Committee staff interview, not in her sworn testimony, as Mayer and Abramson claim I said.

Mayer and Abramson falsely charge that I have omitted from the book the following Hoerchner testimony: "(Hill) had gone to work for Clarence Thomas in the Department of Education before she mentioned any problems with harassment." Yet I reported (at page 215) the following Hoerchner testimony: "I should say, before telling you about this conversation, that I cannot pin down its date with certainty. I am sure that it was after she started working with Clarence Thomas because in that conversation she referred to him as her boss, Clarence."

Obviously, Judge Hoerchner testified publicly that Hill complained of harassment by Thomas; the question is whether her testimony was true -- and there is a good deal of evidence indicating that it was not. Mayer and Abramson make no attempt to deal with any of that evidence.

The Shiles Affidavit

Mayer and Abramson claim that my use of an affidavit charging that Hill put pubic hair in her students' papers is "the most egregious . . . of the book's distortions." Jeff Londoff, named in the affidavit of Lawrence Shiles as one of the students who received the hairs in his term paper, is quoted by Mayer and Abramson as characterizing the original pubic hair story as a "joke," and says, "No one would know if the hairs were pubic or not."

Though Mayer and Abramson try to show that Londoff has either changed his story or been misquoted by me, I reported the exact same thing (at page 356) they are now reporting: that Londoff "could not be sure" whether or not the hairs were pubic. Further, contrary to the charge that I "distorted a puerile student joke into a corroborated instance of seriously strange behavior," in Note 30 of Chapter Nine, I myself dismissed the import of the entire Shiles affidavit: "The fact that the students joked that the hairs were pubic at the time was confirmed by other students in the class. But this may have simply been a sexist and even racist joke made about the sole black female professor in the school." I also quoted one Justice Department official (at page 355) as saying that the story was regarded as "akin to an Elvis sighting" by department lawyers.

Mayer and Abramson further purport to reveal that the Shiles story was discovered by GOP Senate staff and imply that I covered up this fact. Yet in introducing the pubic hair story, I wrote (at page 355):

Republican Senate staffers were busy canvassing students and former students of Hill's looking for dirt on the professor, about whom almost nothing was known. The staffers did not have to look very far before they came upon the story of a former ORU student of Hill's who claimed that she had put pubic hair in one of his law school exams.

My statement that Shiles was "under no pressure from the divided Thomas camp" to swear the affidavit, viewed in its context, clearly refers to the split between Senator Danforth, Thomas's Senate sponsor, and the Justice Department on the issue. This "divided Thomas camp" ultimately decided to do nothing with respect to Shiles, as I reported. As I clearly stated at more than one point in the book, my references to "the Thomas camp" were not meant to include free-lancing Republican Senate staffers, nor even Republican Senators other than Danforth.

Wald, Harkrader

Mayer and Abramson assert that I did not present the reader with information contradicting John Burke's account that he had told Anita Hill, in a conversation in the spring of 1981, that it would be in her best professional interests to leave the Wald, Harkrader law firm, where she worked before she joined Clarence Thomas at the Department of Education. Yet (at page 224) I reported Donald Green's sworn statement that "Certainly, the Associate Development Committee, which I chaired, did not ask or press her to leave." I also reported Green's statement that "Hill's performance was not held to be unsatisfactory by the Wald firm."

But this does not contradict Burke, because it does not address whether Burke or anyone but the Associate Development Committee as a body suggested to Hill that she leave the firm. As I argued in the book, the point is not whether Green (or anyone else at the firm) did not know of the Burke conversation or that the firm's records allegedly do not show that Hill worked with Burke; the only relevant point is whether or not Burke had a conversation with Hill in which he told her she should leave the firm. If he did, Hill was lying when she said that "no one asked me to leave the firm in any way."

Robert Wald and Green -- both of whom played indirect roles in helping to prepare Hill for her Senate testimony against Thomas -- appear to have refused to give even friendly reporters Mayer and Abramson the actual records of the firm. What is in the records? Would they necessarily document every instance in which every Wald lawyer worked with another? What is meant by the phrase "not . . . unsatisfactory?" How do the records characterize Hill's performance? Could it be the case that while Hill's performance was "not . . . unsatisfactory" her prospects were "limited," as Burke claims he told her?

Mayer and Abramson ignore my corroboration for Burke's affidavit, including the statements of Judith Hope and David Berz. Then, having previously dismissed my Hoerchner theory as an "extraordinary case of mistaken identity," they try to discredit Burke by suggesting that he confused Hill with another black woman in the firm who Mayer and Abramson allege was having performance problems at the same time!

I am thoroughly familiar with this suggestion, since it was first made by

information, and so cannot be made public," according to the New Yorker.

I reported that Judiciary Committee Republicans attempted to secure a subpoena for the Hill employment records after the Burke affidavit was sworn, but the Democrats quashed the request on a party-line vote. In this connection, I also wrote that Circuit Judge Patricia Wald, wife of Robert Wald, "was close to" Senators Kennedy and Simon. The link was raised to suggest that Patricia Wald was a possible conduit of information regarding Hill's work history at Wald, Harkrader from Hill's legal team to Hill's partisans on the committee.

Mayer and Abramson say that Wald and Simon "agree" that they have never met. I did not mean to suggest that Wald and Simon have a personal relationship, only that they are political allies. Whatever the case with Simon, Wald does not seem to contest the relationship with Kennedy, so the general point stands.

Hill's Other Witnesses

I have no access to interviews Mayer and Abramson say they have conducted with Hill's three other witnesses. They are incorrect in claiming I have not interviewed any of the three. All three received certified letters requesting an interview. John Carr and Joel Paul declined. But the phrase "in an interview" appears at page 252 before a reference to Ellen Wells. I can only stipulate to what the witnesses said under oath, and in the extensive interviews done by the Senate Judiciary Committee before they testified. At that time, neither Carr nor Paul could name Thomas as the perpetrator of the harassment; and Wells could not provide one detail of the alleged behavior by Thomas, nor could she in my interview. If they later left Mayer and Abramson "(with) no doubt that Hill confided both the nature and the source of her harassment problem," one has to wonder why they didn't provide this information to the committee under oath at the time. (Wells told the New Yorker that "she may have spoken briefly with someone who may have been Brock, but that she never gave him anything that she considers an interview . . .")

Mayer and Abramson hint that there are other -- unnamed -- corroborators for Hill's charge who never came forward at the time of the hearings and have not been interviewed by me. If this is so, where were they two years ago, when Anita Hill was adamant in telling the FBI that Hoerchner was the only witness for her charge and then later changed her story and testified that she had told only three additional people? Could it be that memories are being enhanced even now, as Anita Hill's credibility is being undermined in a best-selling book?

This raises the more general problem of being reviewed by journalists who are writing their own competing book on the subject. More than once, Mayer and Abramson try to raise doubts about my reporting by implying that they know more than I do, yet they do not say what. The reader is thus unable to fairly evaluate their contention, because Mayer and Abramson have yet to show their

hand. I had thought it was a convention of book reviewing to avoid such blatant conflicts of interest.

Angela Wright

In an attempt to re-establish the credibility of Angela Wright, the so-called "other woman" with a harassment charge against Thomas, Mayer and Abramson fail to address any of the substantive issues raised in the book: Wright's own statement that she was not going to charge Thomas with harassment; Wright's general credibility problems and particular threats to retaliate against Thomas for firing her; and Wright's decision not to testify.

Instead, they focus on the minor matters of whether or not Wright had been interviewed by the FBI and whether or not her statement to the committee was "sworn." While I correctly reported that Wright had "refused to be interviewed by the FBI," she eventually yielded and was interviewed by the bureau on Saturday, October 12, 1991, as Mayer and Abramson assert, and as I have been able to verify independently. Yet I have obtained the section of the FBI report dealing with Angela Wright's charges and there is no interview of Wright in it; Mayer and Abramson seem unable to produce a record of the interview, much less report what it says. Thus the mere fact that Wright was interviewed by the FBI does nothing to enhance our knowledge of the substance of her statement against Thomas, nor does it establish the credibility of that statement.

When Wright issued her statement to the Senate Judiciary Committee on October 11, 1991, the statement was in fact unsworn, as I reported. Having reviewed the record once again, I cannot locate any "legal affidavit under oath" made by Wright subsequent to her unsworn statement to the committee. In the transcript of the hearing, Biden, quoting from a letter he had written to Wright, referred to "the transcribed interview of you." He then quoted this statement from Wright: "I agree (to) the admission of the transcript of my interview . . . in the record." Nowhere is there a reference to any alleged affidavit made by Wright retroactively conferring sworn status on her statement, nor is the statement anywhere referred to as "sworn." In the Federal News Service transcript of the hearings, the full text of the unsworn Wright statement appears in the record, but the affidavit that Mayer and Abramson refer to does not.

According to Senate staff, after the hearings had concluded, the committee realized that under Senate rules Wright's unsworn statement could not be entered into the record. Wright was then sent a form in which she swore to the truth of the prior statement.

These two technical points could have been cleared up easily had Wright granted me an interview. There is no way one could determine from the record that Wright had been interviewed by the FBI or that she had signed this

affidavit subsequent to her committee interview. If Wright told Mayer and Abramson that I made no attempt to contact her on these or any other matters, this is a lie. Wright was called at the Charlotte Observer in North Carolina in late 1992 and asked for an interview. She declined, as Mayer and Abramson should have been aware from page 416 of the book.

Hill and James Brudney

In disputing my claim that Hill and Jim Brudney -- the former aide to Senator Metzenbaum whom I accuse of leaking Hill's confidential committee statement to the press -- were friends during the time that Hill worked for Thomas at the EEOC, Mayer and Abramson endeavor to attack the credibility of my two sources. They are both named in the book, but Mayer and Abramson leave them unnamed in their review, creating the misleading impression that the sourcing was anonymous. They say that one source (Armstrong Williams) mistakenly "told Senate investigators that Brudney was working for the Senate at the time." I do not know which "investigators" Mayer and Abramson are referring to, nor am I aware of any such alleged statement by Williams. Can Mayer and Abramson produce a record of it, or at least name the "investigators"?

The New Yorker's fact-checkers write: "According to a knowledgeable source, the statement appears in the transcript of the interview of Williams by Senate Judiciary Committee members Biden and Thurmond. Williams claimed that Brudney was "one of the few people that Ms. Hill ever talked about at the agency with (him)," and that she "let (Williams) know that (Brudney) was on the staff of a Senator."

I do not have this transcript -- nor, apparently, do Mayer and Abramson. To my knowledge, the committee members did not conduct any interviews of potential witnesses, so I would question how "knowledgeable" this source is.

In any event, even if Williams did misremember where Brudney was employed at the time, this has no bearing on his clear testimony that Hill mentioned Brudney by name and received numerous telephone calls from him during the time Williams and Hill worked together at the EEOC.

Williams's statement is independently corroborated by another named source, Diane Holt, who recalls Hill speaking of dates with Brudney and of having spent weekends at his apartment. Holt's recollection that the apartment was "in Foggy Bottom, I think" is seized upon by Mayer and Abramson to discredit her entire statement. Brudney, they write, "has never lived in Foggy Bottom."

"During the years that Anita Hill lived in Washington," the New Yorker's fact-checkers reveal, "James Brudney lived at two addresses: 20th Street and Calvert Street, and 18th Street and Summit Place. Both are in Adams Morgan,

which is 'near' Foggy Bottom only in the sense that the Upper East Side is 'near' Harlem. The Dupont Circle and Kalorama Road neighborhoods separate Foggy Bottom from Adams Morgan. Culturally, they are loosely comparable to the East Village (Adams Morgan) and Park Avenue in the upper fifties (Foggy Bottom)."

Finally, Mayer and Abramson produce an unnamed "spokesman for Brudney" to deny that he was in touch with Hill during her EEOC years; why won't Brudney himself go on the record and deny my account? Obviously, neither Williams nor Holt needed to have personal knowledge of Brudney's employment or his domicile to say that Brudney was friendly with Hill during the period. I cannot believe that Williams and Holt conspired to lie to me about this or have the same mistaken recollection.

According to the New Yorker, Mayer and Abramson continue to believe that Williams and Holt are mistaken about any Hill-Brudney connection. The Brudney spokesman is now identified by the New Yorker as one Joel Johnson, chief of staff to Senator Metzenbaum. He says, "Hill and Brudney were never anything but friends of friends . . ." As to the silence of Brudney, "Brudney has consistently refused to be interviewed on the subject of the Clarence Thomas/Anita Hill affair."

The main argument made in my book still stands: Brudney used his prior acquaintance with Hill -- whatever the extent of the acquaintance -- as leverage to pull Hill forward and charge Thomas. Why would she accept thirteen calls in as many days from a stranger and surrender to him a secret copy of her confidential allegations against Thomas? By their own account, Mayer and Abramson show that the two had to have known each other. Brudney, they wrote, "saw and spoke to Hill once when they were both in Washington, when he bumped into her on the street." Surely you must know someone in order to be able to "bump into" them. And why the phrase "saw and spoke"? This would not rule out friendly telephone calls, would it?

The Polygraph

Mayer and Abramson purport to disclose that Paul Minor, the man who conducted Hill's polygraph test and comes under criticism in my book, "was a full-time polygraph examiner for the federal government from 1972 until 1987, when he retired as chief of the FBI's polygraph division." Yet (at page 283) I identified Minor as "a former chief polygrapher for the FBI." The more serious problems -- including the circumstances under which the exam was given, the refusal to release control questions and the actual polygraph chart, and Minor's prior false results and his attempts to hide these in the press conference when the results were announced -- are not broached at all by Mayer and Abramson.²

Simon, Metzenbaum, and the Fleming Report

I drew the conclusion that Simon and Metzenbaum had not been interviewed by leak investigator Peter Fleming from the footnotes in the Fleming report. Where a witness had been interviewed, Fleming's practice was to refer, to take one example, to "interview of Senator Leahy." Only in the cases of Senators Simon and Metzenbaum do the notations read, for example, "statement of Senator Simon, Para. No. 5." Fleming is a careful lawyer, and thus there must be some reason for the different notation in the Simon and Metzenbaum cases. Neither Simon nor Metzenbaum (both recipients of certified letters requesting interviews), nor their staffs, nor Fleming, would speak to me. Since Mayer and Abramson do not provide the basis for their assertion that both senators were in fact interviewed by Fleming, and the supporting documentation of the Fleming report (texts of interviews, depositions, and written statements) has been sealed by the Senate for fifty years, I cannot independently verify this claim. The New Yorker attributes the information to the senators' "public information representatives."

If in fact the two senators were interviewed, this was nothing more than an innocent error on my part. To the extent that a dispute exists about the matter, however, the proper thing for the Senate to do is to release the Fleming records to the public.

Correction

I have asked the Free Press to make one factual correction in my 438-page book. I reported that law professor Catharine MacKinnon had advised Anita Hill's attorneys by telephone prior to Hill's appearance before the Senate Judiciary Committee. I based my statements to this effect on a confidential source and a published report (in the New Republic by Newsweek reporter Bob Cohn, who covered the Thomas-Hill hearings). It has recently been brought to my attention that the published report was later corrected, and I now believe that my source was simply mistaken. Accordingly, I have asked the publisher to take immediate steps to correct this error in the next printing of the book.

The Foundations

I have no comment on Mayer and Abramson's attack on my motives, except to correct their insinuation that my author's note constituted something less than "full disclosure." The reviewers make much of the fact that William Simon, the chairman of the board of the Olin Foundation, which gave me a \$5,000 grant for my book, was also the finance chairman of the Citizens Committee to Confirm Clarence Thomas. I had no knowledge of Simon's connection to the Citizens Committee, and would have told them so had they asked. When the two inquired about the amount of the grant, they were told by Olin, yet they preferred to use the word "bankrolled" to describe the contribution, leaving the amount unreported.

Secondly, Mayer and Abramson's assertion that "the well-funded conservative coalition" supporting the Thomas nomination "was backed in part by the same foundations that have supported this book" is misleading. Despite Simon's involvement with the Committee (consisting of the use of his name for fundraising and a small personal donation), to my knowledge no Olin Foundation or Bradley Foundation money was specifically used in any pro-Thomas lobbying effort.

What Remains Unchallenged

In conclusion, I think it is worth noting briefly what Mayer and Abramson do not contest. This includes the full sequence of events, with Senate staff and interest groups pressuring Hill in the days leading up to her televised testimony; my argument that the committee acted properly in this case (contrary to the many unfounded assertions in Abramson's own reporting for the Journal at the time, which comes under heavy criticism in my book -- another interest which Abramson does not disclose in the review); my naming of Simon and Brudney as the leakers of Hill's allegations to the press; the entire list of false, incorrect, and misleading statements in Hill's sworn testimony; the case that Hill's charge was not "typical" of sexual harassment charges; the fact that Thomas exhibited no pattern of harassment; my exhaustive account of the relationship between Thomas and Hill when they worked together; my conclusion that Hill was falsely presented as a Bork-supporting Reagan conservative when in fact she is a feminist and liberal activist, giving her an ideological motive to stop the Thomas confirmation; the revelation that Hill had a supervisor other than Thomas at the EEOC who was a known sexual harasser . . . and so on.

In early May, Jill Abramson told Armstrong Williams that while she found my book "too speculative" in parts, overall she found the book "very factual" and consistent with her own reporting on this matter. Her book would "end up corroborating" much of what I reported, she told Williams. Either Abramson was misleading Williams, or something happened in the intervening period -- perhaps the favorable reviews and strong sales of *The Real Anita Hill*?

According to the New Yorker's fact-checkers, "Abramson denies ever having said anything of the sort to Williams, and says she has told him so, in a conversation in which Williams told her that Brock had mischaracterized the purported conversation between Williams and herself. Mayer, who heard the conversation on a speakerphone, confirms this."

In a June 15 letter to me, Williams denied telling Abramson that I had mischaracterized the conversation. He told her only that he had regretted that I made the contents of these conversations public. Furthermore, as I understand it, Abramson was in California when she called Williams, and Mayer was not. Thus the "speakerphone" scenario does not ring true.

Mayer and Abramson charge that I have an "agenda" and they have the facts; I invite readers to examine my book, their article, and decide for themselves.

1. More recently, Hoerchner has come up with yet another variation on her original story. She told Time (June 28, 1993) that she did not lose touch with Hill "until much, much later, after she left the EEOC (in July 1983)." This is a distinct change from her prior statement that her contacts with Hill were "less than sporadic" after she moved to California in September 1981, consisting of a chance meeting at a professional conference in 1984.

2. In a June 9 letter to the Washington Times, Paul Minor disputed my account that he had two results that later were shown to be false. The first result, Minor says, was contradicted by other examiners but not proven wrong. Minor concedes that the second result -- in which he found a witness to be lying -- was later contravened when the story was corroborated in part, but Minor considers the truth of the matter still "unresolved."

EDITOR-NOTE:

In response to a review of my book *The Real Anita Hill* in the May 24 issue of the New Yorker, I wrote the following eight-page single-spaced reply. The review had appeared on Monday, May 17. On May 20, my editor at the Free Press, Adam Bellow, sent a letter to New Yorker editor Tina Brown requesting that the magazine print the reply. Noting that the New Yorker does not traditionally publish letters to the editor, Bellow wrote that considering the "innovative and adventurous spirit you (Brown) have brought to the magazine . . . we hope you will agree that it is only fair to allow our author the right of response to his critics."

Having received no timely response from the New Yorker, on May 26 I wrote to the authors of the review, Jane Mayer and Jill Abramson, asking them to meet me in debate on the facts of the Hill-Thomas case in any forum of their choosing. Earlier in the week, the two had declined invitations to appear opposite me on both "Larry King Live" and the "Charlie Rose Show" to discuss my book and their review. I have yet to receive any response. (Their refusal to appear resulted in the cancellation of those bookings -- apparently I may not appear on television unless accompanied by someone who will brand my book a lie at the very moment it is being presented to the public.)

On June 14, the New Yorker finally reached a judgment. Not surprisingly, after a month-long investigation, the magazine's fact-checking department had determined that all of Mayer and Abramson's facts were right and all of mine were wrong. "After reviewing both the (Brock) letter and the (fact-checkers') memorandum, I remain confident that our review is factually sound, and I see nothing in the letter that would merit its publication in our pages," Brown wrote.

Newspapers and magazines, of course, regularly publish letters that the editors of those publications may find unpersuasive. The question was not whether the New Yorker found my reply to be correct, but rather whether a free exchange on the issues raised in the book and the review would be permitted in the magazine's pages.

That issue now settled, my publishers and I have decided to print the reply in a magazine that has offered to do so in full. In the weeks that have passed since I first wrote it, I have edited the reply somewhat to reflect new information that has come to my attention. To further clarify certain issues in dispute I have also amended the reply to include, where appropriate in my judgment, any relevant information disclosed in the 30-page, 48-point memorandum from the New Yorker in reply to my reply.

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Introducing Angela Wright, the pugilistic bureaucrat whose flaky stories became the Thomas haters' last hope.

BYLINE: David Brock;

David Brock, investigative writer for The American Spectator, is author of the new book *The Real Anita Hill: The Untold Story* (The Free Press), from which this article is excerpted with permission.

BODY:

Anita Hill's inability to show a pattern of harassing behavior by Clarence Thomas was one of the many atypical aspects of her case. If Hill was telling the truth, Thomas had chosen to sexually harass her -- and only her -- among the dozens of women who had worked for him over the years. As columnist Stephen Chapman wrote in the *Chicago Tribune* at the time of the hearings: ". . . to believe Hill, we have to believe that someone who had been the soul of probity suddenly, on her arrival, became a sexual thug -- and then, the moment she left, wholly reverted to his saintly self, never to transgress again."

The heightened awareness of sexual harassment, a valued legacy of the Thomas-Hill scandal, set the stage for harassment accusations lodged against three U.S. senators -- Democrats Brock Adams and Daniel Inouye and Republican Bob Packwood -- in 1992. Ironically enough, each of those cases was far stronger -- and more typical -- than Hill's, principally because in each instance more than a half-dozen women came forward, some under a veil of anonymity, and made allegations that, if true, constituted an undeniable pattern of abusive behavior by the senators. Eight women made allegations against Adams, nine against Inouye, and more than a dozen against Packwood. Anita Hill, however, remains Thomas's lone accuser.

That was a significant factor in the Senate's decision to confirm Thomas. As Democratic Senator Sam Nunn of Georgia put it in a speech on the Senate floor, "A responsible, credible citizen presents information about a nominee on a matter of personal behavior, on which there are no direct witnesses and little direct corroborating evidence. . . . In such a case, I look closely at the

individual's background and the FBI files to determine whether there are patterns or habits of behavior that would make it more or less likely that the individual behaved in the offending manner." In Thomas's case, the evidence showed no such pattern.

Hill herself, who has taught in the area of civil rights law, stated at a press conference after her charges were leaked to the media, "One of the things that I will say about sexual harassment generally, and I suspect that it's true in this case too, in fact I've heard rumors to that effect, but I cannot substantiate any of those. I will say, however, that harassment usually isn't an individual issue. It's not an issue with one person. It is behavior that people engage in. So I don't think that this was something that was directed at me personally." When asked about the absence of a pattern by NBC's Tom Brokaw, feminist theoretician and Hill adviser Catharine MacKinnon also seemed to acknowledge that sexual harassers tend to be repeat offenders. "Well, I hate to put it this way, but he's not dead yet," MacKinnon replied.

More than anything else, then, "another woman" with a credible charge would have so enhanced the plausibility of Hill's case that the Thomas nomination would likely have been defeated. Shortly after Hill's allegations made the papers, major headlines appeared that another woman might come forward with sexual harassment allegations against Clarence Thomas. On the morning Hill was to testify, a lead story in the New York Times reported: "Conflict Emerges Over A 2nd Witness: Thomas Panel To Hear Woman -- White House Protests." The reports of a second witness sent a shudder through the pro-Thomas camp, which feared that now that Hill's charge was in the public domain, it would be open season on Thomas for anyone with a motive to seek revenge against him. Like any chief executive of a large organization, Thomas had taken a series of adverse personnel actions over the years.

Amazingly, only one such person -- Angela Wright -- surfaced before the committee. Wright never testified, but in a late-night deal struck with the phantom witness, her interview with Senate Judiciary Committee lawyers was entered into the official record (unlike the other staff interviews), and made publicly available. At the time, however, even scandal-hungry reporters wouldn't touch Wright's statement. Her credibility within a few days after her name first surfaced in the press collapsed in both Democratic and Republican circles, for reasons that will soon become evident.

At the time of the hearings, therefore, little was known publicly about the Wright story after the initial flurry of headlines. In a demonstration of how the history of the Thomas-Hill hearings was rewritten after Thomas was confirmed, the Wright statement began to take on a second life when it was discovered belatedly by the satirical magazine *Spy*, in the spring of 1992. *Spy* reprinted sections of Wright's committee statement in an effort to show that the

testimony of this "other woman" had been suppressed by the Judiciary Committee. Soon thereafter, the cartoonist Garry Trudeau picked up portions of the transcript, too. Doonesbury's fictional Rep. Lacey Davenport "readmitted the testimony" of Wright: "Ms. Wright, whose experience with Thomas was remarkably similar to Ms. Hill's, was blocked from publicly testifying. Instead, her statement was quietly slipped into the record. Few people have seen it . . . until now, dear hearts."

Other Anitaphiles began invoking Wright's name throughout the spring and summer of 1992. In a March speech at Stanford University, NPR's Nina Totenberg said:

Now there are some things that happened during those hearings that nobody knows about, and maybe in the next few months or years we will find out about the deals and counter-deals that were made behind the scenes as those hearings ground on for twelve, fourteen, sixteen, twenty hours sometimes at a clip, but we do know a few things. And one of the things that we do know is, I think, somewhat indicative. And that is the story of Angela Wright. Angela Wright was the so-called "other woman" who made allegations of sexual harassment against Clarence Thomas. . . . Angela Wright, in a sworn deposition, said that Clarence Thomas had sexually harassed her . . .

Totenberg was wrong on both counts: the Wright statement was not sworn, and -- one good reason why it warranted little attention during the hearings -- it did not charge Thomas with sexual harassment.

The campaign to rehabilitate and publicize the unsubstantiated comments of a woman who never came forward, and never charged Thomas with sexual harassment, continued in Timothy M. Phelps and Helen Winternitz's book, *Capitol Games: Clarence Thomas, Anita Hill, and the Story of a Supreme Court Nomination*. "The decision about Wright's testifying was probably the most important of the whole hearings," the authors asserted:

The question of whether more than one alleged victim of Thomas' sexual harassment existed was absolutely critical in many senators' minds. . . . The result would be that Wright was no longer a factor in the outcome of the hearings. Written testimony was far less dramatic, or convincing, than live testimony. The Democrats had allowed themselves to be intimidated (by the Thomas camp), sidelined at a crucial point in the game.

The revisionist tilt in favor of Hill and against Thomas was completed on the first anniversary of the hearings, when Angela Wright's story was transformed from a subject of deep skepticism even among Democrats on the committee, to a subject for political satire, and then one of suppressed evidence that would have reversed the outcome of the Thomas confirmation vote. An October 1992 cover

story in U.S. News & World Report quoted Illinois Senator Paul Simon as saying that if senators had known more about Wright and an alleged corroborating witness for her, it "could have toppled Thomas."¹

Ordinarily, one would not credit such baseless, unsworn statements as Wright's by publicizing them further. But because they have been continually cited by defenders of Hill like Simon, who quoted extensively (and credulously) from the Wright statement in his book *Advice and Consent*, her story has taken on a new prominence, and therefore must be seriously examined. Wright's story is also interesting for its several parallels with Hill's -- casting further light on the operations of anti-Thomas Senate staffers.

The parallels begin with the way each prospective witness first came to the attention of the Senate Judiciary Committee. In both cases, Senate staffers sought out the alleged victims as part of anti-Thomas dirt-digging expeditions, and solicited the stories. Neither Hill nor Wright had contacted the committee of her own volition, and neither evinced any enthusiasm for talking when first approached. But the staffers would not take no for an answer.

Now an assistant metropolitan editor at the *Charlotte Observer* in North Carolina, Wright wrote a draft column about Hill's allegations -- not her own experiences -- after they became public. Someone at the newspaper apparently tipped off Senator Joseph Biden's Judiciary Committee staff to the unpublished column as soon as it became a subject of discussion within the paper. Wright had hopes of becoming a columnist for the paper, and had been casting around for something compelling to write a sample column about. Since she had worked for Thomas at the Equal Employment Opportunity Commission, Hill's charges seemed a tailor-made topic. What Wright wrote in the unpublished column is not known, and she refused to release it to the Judiciary Committee. Presumably, she took the position that Hill's charges were credible based on her own impressions of Thomas.

Wright was asked about the circumstances of her "coming forward" in an interview with Senate lawyers. Her hostile responses and pointed refusal to make any charge against Thomas underscored the fact that Wright was an unwilling participant in the proceedings:

Q. . . . Can you tell us why you chose to wait until now to come forward?

A. Well, I think a more appropriate explanation of what is going on here is I'm answering questions that are just now being asked. But I must say that I was perfectly willing to keep my opinions to myself, except, of course, when asked about the Clarence Thomas nomination. I did not feel that it was a good thing, until I saw Anita Hill on television Monday night and my conscience started bothering me because I knew I felt from my experience with Clarence Thomas that

Despite suggestions to the contrary in virtually every account of the Thomas hearings, Wright did not charge Thomas with sexual harassment. "You know, Clarence Thomas I think felt very comfortable around me, and I want you to understand that I am not sitting here saying to you that I was sexually harassed by Clarence Thomas," Wright told the interviewers:

Q. Did you take them (Thomas's alleged comments) as a joke or did you take them as something that maybe, you know, you had been harassed? You said you had not been harassed. I mean did you take them as a --

A. Not sexual harassment, no.

Though she did not charge harassment, Wright did say in the interview with Senate lawyers that Thomas had asked her for dates and made comments about parts of her anatomy:

Q. Were there comments that he made to you that maybe you considered inappropriate?

A. Yes . . . There were several comments he made. Clarence Thomas did consistently pressure me to date him. At one point, Clarence Thomas made comments about my anatomy. Clarence Thomas made comments about women's anatomy quite often. At one point, Clarence Thomas came by my apartment at night, unannounced and uninvited, and talked about the prospect of my dating him.

Wright also claimed that, at an EEOC banquet, Thomas said to her, "You look good, and you are going to be dating me, too." But like Hill's initial recollection of her experience with Thomas to the Judiciary Committee and the FBI, Wright could give few specifics of what Thomas allegedly had said to her, and generally refrained from quoting Thomas verbatim. What, for example, had Thomas said about women's anatomy?

Q. Do you remember specifically -- now I understand that you told us that there was this general environment of this, but do you remember any specific comments that Clarence Thomas made to you along these lines prior to this banquet?

A. Prior to this banquet?

Q. Correct.

A. No, I cannot give specific comments.

Q. And what about after this banquet, you remember any specific comments where he talked to you about dating him?

A. No, I can only remember them in general.

Q. Okay. Why don't you tell us what you remember, in general.

A. In general, given the opportunity, Clarence Thomas is the type of person -- well, let me back up a minute. In general, given the opportunity, Clarence Thomas would say to me, you know, "You need to be dating me, I think I'm going to date you, you're one of the finest women I have on my staff," you know, "we're going to be going out eventually."

Even if she did not charge harassment, however, if Thomas did in fact say these things, Hill's portrait of Thomas as someone who preyed on subordinates for dates and spoke in a lewd fashion would be more plausible. Thus the question turns to Wright's credibility as a witness.

An attractive woman with long, braided hair, Wright arrived in Washington in the late 1970s from her native North Carolina, and took a job as an aide to Democratic Rep. Charles Rose of North Carolina. Wright was soon fired from her job on Capitol Hill due to intemperate and erratic behavior in the office, and she went to work for the Republican National Committee. She had drifted to the Republican side of the aisle not out of an intense ideological commitment but rather as the result of personal connections made at the association for black Republican congressional staffers, where she was first introduced to Clarence Thomas.

At the RNC, Wright's reputation did not improve. Former office mates remembered having to restrain Wright from pouring boiling water from a coffee-maker out a window, onto a crowd of pro-choice demonstrators outside the committee's offices. (It's not clear what her beef with them was.) Wright frequently made suggestive comments like "I'm freezing my tits off," and told male co-workers that she liked to walk around her house in the nude.

Wright next took a job in the Reagan administration as a political appointee at the Agency for International Development, where she worked from the spring of 1983 to January 1984. She repeatedly clashed with Kate Semerad, AID's assistant administrator for external affairs, who had hired Wright to coordinate the agency's media relations. The clashes would end in a vindictive maneuver by Wright to stop Semerad's Senate confirmation with unfounded eleventh-hour allegations.

According to Semerad, Wright's staff "complained that she did not give clear direction and was sometimes verbally abusive. Her immediate supervisor told me that on several occasions she reversed his specific direction for action and that she was often argumentative, uncooperative and unresponsive." Semerad held regular counseling sessions with Wright, trying to work out the problem to no avail. Wright's behavior became "more and more belligerent," Semerad said in a letter to the Senate Judiciary Committee, until an order was signed for Wright's

dismissal.

On her way out the door, Wright suddenly charged Semerad with racism, an incendiary tactic designed to satisfy Wright's vengeful impulse. By all accounts, the racism charge was baseless. The FBI file on the Thomas nomination recounted the following from an interview with Kate Semerad:

Semerad advised that she received reports from coworkers that Wright was delinquent in the performance of her job. She related that Wright was having problems with adequately performing her job responsibilities. She related she confronted Wright concerning major problem areas that needed to be improved: a) Wright's confrontational attitude b) Wright's showing up to work on time.

Semerad advised that Wright's immediate supervisor at AID was Thomas Blank, deputy assistant of external affairs. She related that Blank was head of the news department and Wright reported directly through him. Semerad stated she received information from Blank stating that Wright's management and writing skills were not satisfactory. Semerad stated she received additional complaints from Blank and from around the AID office that Wright was not putting in a full day's work. She stated that Wright would leave work early and take long lunch hours. She advised that this was creating a morale problem in the office.

Semerad advised she attempted to counsel Wright about her behavior in an attempt to correct the problem. Semerad stated that Wright advised her she felt she was being unfairly treated. Wright informed Semerad she would not be Semerad's lackey and would no longer be treated as a subservient subordinate.

Semerad advised Wright that she would have to fire her if her job performance did not improve. She advised before she could fire Wright she received a letter of resignation from Wright claiming race discrimination on the part of Semerad. Semerad also stated she denied any type of bias or prejudice concerning Wright. She stated she treated Wright fairly and waited until she had no choice but to confront Wright concerning her unsatisfactory job performance. Semerad advised that if Wright had not resigned she would have been left no choice but to fire her.

. . . (Semerad) did characterize Wright as being overly sensitive about being a young, attractive black woman. She stated that Wright felt she was not being treated fairly and people were judging her on her appearance instead of her accomplishments . . .

Semerad stated she was aware of the applicant having difficulties on past employments she had held. She stated that Wright worked for (Rep.) Charles Rose of North Carolina before she worked for AID. She stated she did not know of Wright's dates of employment or title, but did state Wright was fired from her

position.

Semerad characterized Wright's personality as being vengeful, angry, and immature. She advised that after Wright resigned from AID she took a letter of resignation claiming unfounded racial discrimination claims to Capitol Hill seeking revenge on Semerad.

Wright was not content to file the charge with the appropriate party upon leaving the agency. When Semerad was later nominated for a higher agency post that required Senate confirmation, Wright followed her with the racism allegation, taking it to Senate staffers working for GOP Senator Jesse Helms of North Carolina, who were looking for damaging material on the nominee. Ultimately, the Senate found the charge to have no merit, though the story does suggest Wright's modus operandi. According to a public statement issued by Jay Morris, the former deputy administrator of AID:

. . . Mrs. Semerad came to me and said Ms. Wright's performance was abysmal. She often failed to come to work or came in late. She was difficult to work with in the opinion of her peers and supervisors. Moreover, her work was unprofessional -- that is, late, incomplete, and ungrammatical. . . . Based on (Semerad's) advice and my own observations I agreed that she should be dismissed and issued the appropriate order.

Subsequent to Ms. Wright's dismissal, Mrs. Semerad was nominated by President Reagan to the post of Assistant Administrator for External Affairs. Upon her departure, Ms. Wright had written a letter to AID accusing Mrs. Semerad of racism and incompetence and threatening retaliation. The accusations were ridiculous on their face. Mrs. Semerad is one of the most fair-minded people I know. She is also one of the most competent public affairs specialists I have ever met.

Morris submitted the statement to the Judiciary Committee because he believed that Wright might do to Thomas what she had done to Semerad:

The reason I am offering this statement is that I am struck by the startling parallels between what Ms. Wright did then and what she is doing now. She vowed vengeance on a former supervisor for dismissal on the basis of competence. She seemed incapable of accepting responsibility for her own shortcomings and blamed the episode on external factors. She delayed in making her charges until after the confirmation hearings were concluded. When she made her charges she did so at the 11th hour to a staff member who would be sympathetic because he was "looking for dirt." The entire process suggested a last ditch attempt to stop the advancement of someone she resented. I see the same pattern of behavior today in the case of Judge Thomas.

Wright went from AID to a political appointment at the EEOC under Thomas, arranged by Phyllis Berry-Myers, a friend from Republican political circles. Her performance there, in a similar position to the one she held at AID, was also problematic, to put it mildly. "Angela had a foul mouth. She would curse the press out on the phone," recalled Diane Holt, Thomas's secretary.

In his testimony, Clarence Thomas was asked about the circumstances of Wright's quick departure from the agency:

SEN. SIMPSON: . . . Angela Wright will soon be with us, we think, but now we are told that Angela Wright has what we used to call in the legal trade, cold feet. Now if Angela Wright doesn't show up to tell her tale of your horrors, what are we to determine about Angela Wright? Did you fire her, and if so what for?

THOMAS: As I indicated, Senator, I summarily dismissed her, and this is my recollection. She was hired to reinvigorate the public affairs operation at EEOC. I felt her performance was ineffective, and the office was ineffective. And the straw that broke the camel's back was a report to me from one of the members of my staff that she referred to another male member of my staff as a faggot.

Simpson: As a faggot?

THOMAS: And that is inappropriate conduct, and that is a slur, and I was not going to have it.

SIMPSON: And so you just summarily discharged her?

THOMAS: That is right.

SIMPSON: That was enough for you?

THOMAS: That was more than enough for me. That was my recollection.

SIMPSON: That is kind of the way you are, isn't it?

THOMAS: That is the way I am with conduct like that, whether it is sex harassment or slurs or anything else. I don't play games.

SIMPSON: And so that was the end of Ms. Wright, who is now going to come and tell us perhaps about more parts of the anatomy. I am sure of that. And a totally discredited and, we had just as well get to the nub of things here, a totally discredited witness who does have cold feet . . .

According to several EEOC staffers, Thomas was already thoroughly dissatisfied with Wright's general performance at the time she made this

comment. "The faggot remark was just the precipitating event," said Pamela Talkin, Thomas's former chief-of-staff.

Years later, Wright would be offered the chance to settle this score when contacted by the Judiciary Committee staff about the column she had written on Thomas. She gave a statement to Senate staffers. Once she did -- and once it was evident that Wright had not charged Thomas with sexual harassment -- the testimony that had whetted the appetites of Thomas's opponents and unnerved the Thomas camp was judged to be fairly tepid after all. Wright had nonetheless recounted conversations with Thomas that lent an air of authenticity to Hill's account.

Wright refused to be interviewed by the FBI. The FBI, however, was dispatched to the field to interview friends and former employers of Wright's to assess her credibility. The result only added to the sense among supporters of both Thomas and Hill that Wright's testimony would not damage Thomas -- and might even damage Hill by association. Thelma Duggin, a mutual friend of Wright's and Thomas's, told the FBI that she doubted the veracity of Wright's story:

Duggin stated that she has known Wright since about 1978 or 1979 adding that they met as co-workers at the Republican National Committee. . . . She described Wright as a friend who is high strung to a certain extent. She said Wright would react without thinking. In her opinion, Wright is "a little shaky on the integrity side. . . ."

Duggin stated that Wright is not one who would be intimidated by the sexual advances of a man. She said Wright is very attractive and if one tried to "hit on her and make a pass" she would "cuss like a sailor" and probably hit them. She said Wright isn't the type who would make a sexual harassment charge, she would "deck a person." Duggin advised that Wright could be described as a "seductive-type person." She has known Wright to enjoy a few beers and then dance on the table at the clubs. Duggin said Wright is a person who likes to party. Duggin said that to some extent, Wright would invite the sexual advances of a man and then brag about having guys hit on her. Duggin said Wright enjoyed the attention of men . . .

Duggin wasn't kidding about Wright's proclivity to "deck" people. One legendary story from Wright's days at the EEOC concerned an altercation with one of her male staff members at an EEOC conference. Wright and the man exchanged cross words about the conference arrangements he had made, which Wright found inadequate. Wright socked him in the jaw. He landed flat on his back, and slid under a table in front of a room full of stunned EEOC staffers.

Duggin went on to describe the history of Wright's relations with Thomas, and

how she had threatened to get even with Thomas as recently as two months before she made her statement. Duggin also revealed that Wright lied to her about the circumstances of her dismissal from the agency:

Duggin stated that Wright was always very critical of her supervisors. She said Wright always complained about her supervisors and had a problem working within a structure and keeping a job. . . .

Duggin related that she does not know if Wright ever filed any complaints claiming sexual harassment. She said she can recall Wright speaking about racist employers and the possibility of filing a complaint but she does not know whether or not she actually made a complaint.

Duggin said Wright called her about one to two weeks after Thomas fired her. Duggin stated that Wright was very upset. Duggin said that to the best of her recollection, Wright told her she was fired because Wright had not made the proper preparations for a meeting that was to be attended by various commissioners. Wright said that Thomas was making a bigger deal out of the situation than was necessary.

Duggin advised she last spoke to and saw Wright in August 1991 in Charlotte, North Carolina, when Duggin was in town. She said that at this time Clarence Thomas had already been nominated and since both of them knew him they had some conversation about Thomas. In particular, Duggin recalled Wright stating "I want to get him back." She said Wright also said that she "was pissed that he had fired her." Duggin advised that she was surprised to see that Wright wanted revenge on Thomas so many years later. Duggin went on to say that Wright told her the Charlotte Observer was pressuring her to do something about Thomas. She said Wright stated that "she didn't know if she was going to write anything about Thomas but she was looking for a way to get him back."

Former EEOC aide Armstrong Williams had a similar experience with Wright when he visited her in North Carolina in 1989. According to Williams, Wright told him over dinner, "If it's the last thing I do, I'll get him (Thomas)." When Williams spoke with Wright in the summer of 1991, after Thomas was nominated to the court, Wright told him, "You know I'm still pissed at him for firing me, but I'm not going to do anything."

As we have seen, Wright had filed a complaint in the past, against Kate Semerad. If she was willing to do so then, with or without good grounds for it, why wouldn't she be willing to do so against Clarence Thomas? Very likely no such thought occurred to her until Hill's story broke in the press, because no grounds existed for a sexual harassment charge. Wright had also learned from her experience with Semerad that such tactics do not work, and knew she stood to be exposed as a seeker of revenge if she came forward.

After the interview with Senate staffers, Wright flew to Washington in anticipation of testifying before the Judiciary Committee on Sunday, October 13. Why she never appeared has been the subject of speculation and widely diverging accounts. In Capitol Games, Phelps and Winternitz report that, in addition to Republican efforts to keep Wright from testifying, Anita Hill's camp had effectively blocked Wright's appearance, fearing that Wright would undermine Hill's credibility. However, in an interview, Charles Ogletree of Harvard University, one of Hill's attorneys during the hearings, said that this was false. He said that Hill's advisers strongly favored calling Wright to testify, and charged instead that the Republicans and some unnamed Democrats had colluded to keep Wright off the stand to protect Thomas.

Why any of the Democrats would have wanted to protect Thomas is not readily apparent. They may simply have wanted to protect themselves from public embarrassment if Wright testified. As the FBI report indicated, they certainly had cause for concern. As for Ogletree's suggestion that the Republicans conspired to keep Wright from appearing, the Republicans insisted they were all for hearing Wright's testimony -- probably for the same reason the Democrats wanted it hushed up. "I was laying in the weeds waiting for Angela Wright to testify, just laying there," recalled Alan Simpson. "I said, 'Oh, Joe, this is the woman who was fired for calling someone a faggot. Oh, Joe, bring her out. I'd like to examine her.'"

Late Sunday night, Biden's staff reached an agreement with Wright. She would not testify, but her statement would be placed in the record with no opportunity for the pro-Thomas side to rebut it. Biden interrupted the hearing to announce that Wright had decided not to testify. He read from a letter he had written Wright, "It is my preference that you testify. If you want to testify at the hearing in person, I will honor that request." In a subsequent interview with U.S. News, Wright claimed that Biden's staff "is lying," and that they had kept her from testifying.³

After the loud media criticism of the way the committee had mishandled Anita Hill's allegation -- and the charges of a cover-up by women's groups -- Biden could not have afforded to keep Wright off the stand, even if he had wanted to. Only Wright herself could have done that. Perhaps fearing that her testimony would be easily impeached, in the end Wright herself decided not to appear.

1. The witness to whom Simon referred was Rose Jourdain, a former Thomas speechwriter at the EEOC, who gave an unsworn statement to the Senate Judiciary Committee after Wright was asked if Jourdain could corroborate any part of her statement. Jourdain, whom Wright later referred to as a "mother figure," did not, however, corroborate any of Wright's specific charges. The details in Jourdain's statement -- she remembered, for example, Wright telling her that Thomas had said, "You have hair on your legs and it turns me on" -- were not contained in Wright's own statement. Furthermore, like Wright, Jourdain was a

disgruntled former employee of Thomas's who had been fired at the same time as Wright for failing to complete her work assignments. "Rose was writing a book, and she worked on her book all day. She never did any work," Thomas's secretary Diane Holt recalled. Jourdain blamed the firing on political differences with Thomas, according to Phelps and Winternitz in Capitol Games.

2. It is not clear whether the column was intended for publication. Wright contradicted herself on this point.

3. In addition to resurrecting and mischaracterizing Wright's charge against Thomas, the magazine also claimed that a third sexual harassment charge had been lodged against Thomas by Sukari Hardnett. This was also false. Hardnett, a former legal assistant to Chairman Thomas, submitted an affidavit to the Judiciary Committee on October 14, the day before the Senate vote on the nomination. "Women know when there are sexual dimensions to the attention they are receiving. And there was never any doubt about that dimension in Clarence Thomas's office," Hardnett wrote. She provided no specifics describing this "dimension," however. She also stated plainly: "I am not claiming that I was the victim of sexual harassment." Hardnett said she eventually resigned from the EEOC because she found working on Thomas's staff "unpleasant." EEOC officials, however, said that Hardnett was fired from the staff after failing on more than one occasion to pass the bar exam. Co-workers of Hardnett's during the period said she had never complained to anyone about the working environment in the agency. Barbara Lawrence, who shared an office with Hardnett at the time, said, "Thomas was like our mentor. He was very nice to all of us and spent a lot of time with us. I know he spent a lot of time trying to help her. But I know there was nothing more to it than that. I saw them every day." According to David Savage in *Turning Right: The Making of the Rehnquist Supreme Court*, Hardnett had met with Nan Aron of the Alliance for Justice earlier in the summer to discuss her concerns about Thomas. This was apparently an unsuccessful effort by Aron to obtain corroboration for Hill's nascent charge.

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HEADLINE: Some questions for Janet Napolitano

BYLINE: David Brock

BODY:

In researching the Clarence Thomas-Anita Hill sexual harassment controversy, I came upon a copy of a confidential interview conducted by the Senate Judiciary Committee of Susan Hoerchner, Miss Hill's star corroborating witness, two days before Miss Hoerchner testified publicly. Subsequently, I was the first to report that during a crucial moment in that interview, as a committee lawyer pressed Miss Hoerchner about her recollection of the date of a call she had received from Miss Hill in which a sexual harassment complaint was voiced, the interview went off the record for an undetermined period of time.

When the interview went back on the record, Miss Hoerchner, who had previously placed the call as coming in the spring of 1981, a time when Miss Hill was not yet working for Judge Thomas, suddenly had no memory whatsoever of when the call took place. Nor could she recall where she was living when she spoke with Miss Hill, though prior to the interruption she had said she was living in Washington. Since Miss Hoerchner moved to California at the same time that Miss Hill joined Judge Thomas's staff (in September 1981) and thereafter lost touch with her friend, Miss Hoerchner's recollection suggested that Miss Hill's sexual harassment complaint had predated her employment by Mr. Thomas.

Hence, perhaps, the shift in Miss Hoerchner's story, a shift all the more significant for the fact that of the four corroborating witnesses produced by Miss Hill's team, only one, Miss Hoerchner, testified to both the identity of the harasser and to the details of the harassment. If Miss Hoerchner's account was shaken, the case against Mr. Thomas might have collapsed.

Janet Napolitano, the private lawyer who jumped in at the moment Miss Hoerchner was contradicting Miss Hill and asked for an off-the-record

consultation with Miss Hoerchner, has recently been nominated by President Clinton to be the U.S. Attorney for the Arizona district. Her nomination awaits Senate confirmation. Now that her patron, Arizona Democrat Dennis DeConcini, has decided not to seek re-election, the committee may find it easier to ask tough questions. Having been so far unable to determine what happened in that unusual off-the-record conversation (neither Miss Hoerchner nor Miss Napolitano will speak to me about it), here is what I would want to know of Miss Napolitano if I were asking the questions:

* Can you tell us when you were retained as counsel for either Anita Hill or Susan Hoerchner and who suggested that you be involved in this case? Were you paid for your services?

* At the beginning of the Hoerchner interview transcript, you stated that you were representing Anita Hill in the interview. Is it therefore correct that your conversation with Miss Hoerchner would not be privileged information? Who enabled you to monitor this interview on behalf of Miss Hill?

* What prompted you to object during the interview with Senate staff lawyers when Miss Hoerchner was being questioned about where she was living when she had the telephone conversation with Miss Hill about the harassment? Did you realize that if, as Miss Hoerchner seemed sure, she was living in Washington when she spoke to Miss Hill, Miss Hill could not have been complaining about Judge Thomas?

* Again, in the transcript, Miss Hoerchner at first stated that the call came "prior to September 1981." After the off-the-record session, she could no longer say when the call occurred. Did you suggest to Miss Hoerchner that she change her answer? Did you tell her that her recollection of the timing of the call was inconsistent with Miss Hill's claim that Judge Thomas harassed her?

* Before the interruption, Miss Hoerchner stated definitively that Miss Hill had recently told her that she was the only witness for the harassment charge. Afterwards, Miss Hoerchner corrected her previous statement and maintained that the FBI agents, not Miss Hill, had told her this. Did you discuss this statement with Miss Hoerchner off the record? Did you coach her to change her answer?

* If not, what exactly was discussed in this conversation?

* You are aware, are you not, Miss Napolitano, that as a lawyer you can be held liable for allowing a witness to perjure herself? Were you aware that Miss Hoerchner may have been perjuring herself when she suddenly claimed to have no knowledge about the timing of the call from Miss Hill?

* Are you aware that the Clinton White House delayed your nomination due to concerns about your role during the Hoerchner interview? How were those concerns allayed?

* During the morning testimony of Professor Hill, she denied under oath that she had been told by Senate staff that Judge Thomas would withdraw his nomination if she came forward with her allegations. Then, in the afternoon, in an exchange that, as you know, greatly concerned Sen. Arlen Specter, Miss Hill changed her statement and said she was in fact told that Judge Thomas might withdraw if she came forward. What can you tell us about that switch? Was Miss Hill instructed to change her answer to avoid a perjury charge?

* Who helped prepare Miss Hill's testimony? What suggestions were made about the contents of her statement? Was Miss Hill prompted to relate the pornographic references?

* Why did Miss Hill take a lie detector test? Why was it administered in secret? How many times did she take it before passing? Why did it take four hours to announce the result?

* As you know, Miss Hill's testimony that she was never asked in any way to leave the law firm of Wald, Harkrader & Ross was directly contradicted by an affidavit from a former partner in that firm. Did you participate in discussions about Miss Hill's employment at Wald? Did you see any records relating to this? Did you speak to anyone who was aware of the content of such records? Who had custodianship of these records?

* I'm sure you recall that Miss Hill did not come back to rebut Judge Thomas's testimony, a decision many lawyers have found curious. Did you, as one of Miss Hill's lawyers, advise her not to come back because you did not want her to perjure herself if she was asked about her Wald record, or other matters where it appeared that her testimony was contradicted by third parties?

* Miss Napolitano, have you read this book, "The Real Anita Hill"? I understand that when asked by an Arizona columnist about the so-called Napolitano gap and Miss Hoerchner's amnesia, you have called this the "far-right theory of Anita Hill." Is that correct? Are you aware that commenting on your off-the-record conversation in this way could vitiate any attorney-client privilege you may assert? Do you think that such a comment speaks well of your temperament to hold a top prosecutor's post?

David Brock is a writer at the American Spectator and the author of "The Real Anita Hill" (Free Press).

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SECTION: FEATURE

LENGTH: 20494 words

HEADLINE: The Travelgate Cover-Up;

Hillary Clinton, Vincent Foster, David Watkins, William Kennedy, Harry Thomason, Patsy Thomasson, Betta Carney, Catherine Cornelius, Clarissa Cerda, Darnell Martens, Penny Sample, Larry Herman, George Stephanopoulos, Bernard Nussbaum, Mack McLarty, Jeff Eller, Joseph Gangloff, David Margolis, John Podesta, Philip Heymann, the IRS, the GAO, and FBI agent Tom Carl.

BYLINE: David Brock;

David Brock is the author of *The Real Anita Hill* (Free Press), now in paperback, and an investigative writer for TAS. Matt Labash helped in the research for this article.

BODY:

I.

By now, the plot lines are familiar: abuse of government power to benefit campaign contributors; violations of conflict-of-interest laws; a review conducted to deflect, not resolve, legitimate questions; improper contacts with independent law-enforcement agencies; efforts to deceive the press; a compromised Justice Department; and, at the center of the muck, with her "strong moral compass," Hillary Rodham Clinton.

No, this isn't a story about influence-peddling and sleazy deal-making fifteen years ago in Arkansas. It's a story about influence-peddling and sleazy deal-making one year ago in the Clinton White House.

Specifically, it is the full story of Travelgate. The plan to replace the White House travel office with a hand-picked travel agency, World Wide Travel of Little Rock, was hatched shortly after the 1992 election. But it was rooted in long-standing political and business relationships in Arkansas. The full extent of these connections has never been explored, despite an internal White House Review in July 1993 and last month's whitewash of the affair by Congress's General Accounting Office. A second look at the scandal reveals an array of hidden agendas and payback schemes implicating the president and--especially--the first lady more directly in Travelgate than has been

previously established. It gives the lie to Bill Clinton's post-Whitewater defense that he has never been accused of abusing the office of the presidency. And it places in sharp relief the possible reasons behind deputy White House counsel Vincent Foster's suicide last July.

On May 19, 1993, David Watkins, assistant to the president for management and administration, met with the seven staffers of the White House office that arranges air travel for staff and charters planes for the White House press corps. Watkins--the key player in Travelgate, and, strangely, the only one to have been spared press scrutiny--told the startled group, many of whom had served for twenty years, that they were summarily fired. No mention was made of allegations of criminality or of an FBI investigation. Watkins made them surrender their White House passes and ordered them off the premises within an hour. As security stood by, the humiliated seven cleared out their belongings and were escorted from the building like accused criminals. It wasn't until they read the papers over the next few mornings that they realized they were accused criminals.

Though often identified as "career" employees, the Travelgate Seven, like most White House staff, served at the pleasure of the president. Such employees are permanent staff only by tradition, not by right, and the Clintons apparently think nothing of indulging their whims by replacing White House ushers, telephone operators, correspondence clerks, and chefs. Such low-level house-cleaning is unprecedented: the well-mannered Bushes, for instance, dutifully ate food they didn't like for two years before the Reagans' cook quit voluntarily.

But screwing over the "little people" is the Clintons' prerogative. One might even say pastime, for a curious aspect of the affair is why the White House didn't simply obtain the staffers' resignations without going to the trouble of smearing them as crooks. According to associates of the seven, if they had been allowed to quit with dignity--which would have meant little more than two weeks' notice and a perfunctory going-away party in the Indian Treaty Room--they would have left without a fuss.

But that was not to be. Instead, they would be ruined, Arkansas-style.

II.

World Wide Travel was originally owned by the Worthen Bank, which is in turn controlled by the all-powerful Stephens family. In 1979, Stephens Inc. was forced to sell the agency when the Federal Reserve Board ruled that banks had to divest themselves of their travel services, but Stephens arranged for it to be bought by its manager, Betta Carney. By 1993, World Wide was the twenty-fourth largest U.S. travel agency, with annual business of \$158 million.

In the mid-1970s, Watkins, who ran the Worthen-owned Advertising Associates, Inc., became a major client of Carney's, and vice-versa. Meanwhile, both Watkins and Carney forged relationships with Mack McLarty, now White House chief of staff, who became chief executive officer of the Stephens-owned Arkla Gas Company in the early 1980s. McLarty was a World Wide client, as is Stephens Inc., and Wal-Mart, on whose board of directors Hillary Rodham Clinton sat. World Wide still banks with Worthen and until 1990 had its corporate offices in the Worthen Bank Building; and Hillary's Rose law firm has represented Worthen for years.

Watkins's ad agency produced many of the advertising spots for Clinton's gubernatorial campaigns. Watkins, his wife and family members, and the Watkins Company, a closely held consulting firm he owns, and Carney and her family and her travel agency, all have been financial supporters of Clinton's candidacies over the years, typically "bundling" their contributions to end-run campaign finance laws.

Carney made well over \$1 million as the Clinton presidential campaign's travel agent, in a contract arranged on a non-competitive basis by Watkins, who by then was the deputy manager and chief financial officer of the campaign. Though the arrangement was not disclosed in either the White House Review or the GAO audit, according to a 1992 report in Travel Weekly, World Wide did the Clinton campaign a big favor: it agreed to bill the campaign based on the amount of money it was taking in, rather than on the money it was spending. A portion of the campaign's travel debts was thereby deferred until federal matching funds started pouring in.

The agency also adopted an unusual billing policy for journalists. When members of the press fly on a candidate's chartered aircraft, the campaign bills them a pro-rated fare plus 10 percent. World Wide required journalists to charge their tickets in advance, and made sure that those funds were wired back into the campaign's coffers within a few days. The campaign, which spent an estimated \$100,000 a week chartering planes, also tried to force the Secret Service to pay immediately; the government, of course, never pays on time, and this was an early source of friction between the Secret Service and the Clinton people.

The arrangement enabled the campaign to instantly pump cash into advertising in crucial races in Michigan and Illinois; the money would otherwise have been only a ledger entry in accounts receivable for weeks. Travel Weekly quoted Watkins as saying that "were it not for World Wide Travel here, the Arkansas governor may never have been in contention for the highest office in the land."

Clearly, someone owed World Wide. According to the Washington Times, by the time Clinton locked up the nomination, Carney was already secretly analyzing the

White House travel office operation. Two weeks after the election, Steve Davison, director of customer service for World Wide, was quoted in a little-noticed Arkansas Business article as saying that "World Wide is studying the possibilities of opening an office in Washington, D.C. to handle travel plans for Clinton's staff when he becomes president," arrangements that had historically been handled by the White House travel office. Shortly after the campaign, Carney's agency was rewarded with the Democratic National Committee's travel business.

Contrary to the later White House spin that problems in the travel office cropped up in a routine audit in late spring 1993, the takeover of the travel office had been decided on the previous summer; the only question was how to effect it.

III.

Betta Carney and David Watkins enlisted 25-year-old Catherine Cornelius, a fellow Arkansan who served as the liaison between the Clinton campaign and World Wide and whose great-grandmother was a sister of Clinton's great-grandfather. Cousin Catherine was told to come up with a rationale for gutting the current travel office and assuming the same role in the White House that she had played in the campaign. Interestingly, Clinton aide Jeff Eller, who had a "close personal relationship" with Cornelius, according to the White House Review, was already telling reporters in December 1992 that there were unspecified "problems" in the travel office and that he would not be surprised if some people got fired.

That month, Cornelius and representatives from World Wide met in Little Rock with Watkins (now a transition official) to discuss strategy for World Wide's takeover of the travel operation. Cornelius sent Watkins a detailed memo dated December 31, 1992, arguing that "privatizing" the White House travel office would let Clinton fulfill his campaign promise to reduce White House personnel and make it easier to get discounted airfares. Additional revenue would be generated through a rebate scheme in which 3.5 percent of the agency's 10-percent commission on tickets (which the airlines had kept under the old system) would be rebated to the White House Travel Account. Cornelius estimated that on a travel budget of nearly \$6 million a year, this would yield a \$210,000 rebate. Cornelius failed to point out that the remaining 6.5 percent (or \$390,000 a year) would go right into World Wide's coffers. Cornelius proposed that the White House short-circuit regular procedures and select the private contractor itself.

In a January 26, 1993 memo to Watkins (now a top assistant to the president), Cornelius explicitly proposed that she and Clarissa Cerda, who had supervised the campaign's early-billing operation, could perform the functions of the White

House travel office working with World Wide. Watkins quickly named both Cornelius and Cerda to his White House staff as assistants, with the apparent intention of moving them to the travel office at a propitious moment.¹ While the authorship of the memo creates the appearance that Cornelius was initiating the plan, Cornelius told GAO auditors that Watkins requested this memo and a subsequent one. Watkins denied this to the GAO.

On February 15, Cornelius and Cerda presented Watkins with a document called "The White House Travel Office: Briefing Book and Proposal." The document envisioned giving Clinton loyalists control of all White House travel functions, including keeping the manifest of Air Force One--Watkins at the helm, with the two "co-directors of travel," Cornelius and Cerda, working under him. One has to wonder if the Clintons' oft-stated concern for "privacy" was not a factor in placing trusted aides in jobs where only they would know who slipped on and off Air Force One.

Despite press accounts focusing on the conniving Cornelius, Watkins orchestrated events. Though he would later tell White House investigators that he never intended "to review or modify the current White House travel operation in the near term," all the documentation belies his denials. If he never intended to review the operation, why did Cornelius's January 26 memo contain explicit descriptions of her discussions with him on the matter? If he never intended to modify the operation, why was he meeting with World Wide in the first place? If, as he later maintained, he put the Cornelius-Cerda briefing book "in a file and I never read it," why did he begin implementing its plans shortly after he received it?

iv.

Meanwhile, apparently tipped off by Carney and Cornelius, another group of close associates began maneuvering for a piece of the White House business.

Penny Sample, whose Air Advantage company had brokered charter planes to the campaign for World Wide, was eager to perform the same service for the White House press corps. Sample's boyfriend, Darnell Martens, was president of a small Cincinnati-based aviation consulting firm that had done billing and consulting for Air Advantage. Martens had chartered "Air Elvis," the airplane that transported Clinton and his aides during the presidential race.

Martens's firm, Thomason, Richland & Martens (TRM), was co-owned by Martens; Hollywood producer Harry Thomason, a longtime Arkansas friend of the Clintons; and Dan Richland, the agent of Thomason's wife Linda Bloodworth-Thomason. (TRM now does business under the name Harry Thomason & Associates.)

The Clintons were even more beholden to the Thomasons than to Betta Carney. The garish couple hosted many Hollywood fundraisers for Clinton, and their production company donated \$60,000 to the Democratic National Committee. In 1992, the Thomasons went to extraordinary lengths to make film editors, cameramen, make-up artists, and wardrobe people, as well as studio facilities and equipment from their TV shows, available for Clinton campaign videos, according to a recent report in the Los Angeles Times. Individuals like the Thomasons are free to volunteer their services to campaigns on a virtually unrestricted basis. But the Times suggested that the Thomasons' television shows may have picked up the tab for some of these services, a possible violation of federal election laws limiting corporate contributions. (In response to written questions from The American Spectator, Thomason's Washington super-lawyer, Robert Bennett, said: "There have been no violations of campaign laws.")

After the election, Thomason helped choreograph the Clinton inaugural and consulted on staging presidential events. Though he received no formal appointment, he may have been a "special government employee," and thus subject to conflict-of-interest laws. He was given a White House pass and an East Wing office, and received telephone calls and messages and faxes at the White House, according to White House sources. In early February, he began to make discreet inquiries about the travel office. He asked Dee Dee Myers if the White House charter business was open for competitive bidding, and Myers said she thought it was. During a phone conversation with Darnell Martens, Thomason suggested that Martens call Myers to follow up. Myers, perhaps naively, referred Martens to Billy Dale, the long-time travel office director who would soon become one of the Travelgate Seven.

The Review described Martens as merely being "interested in helping Air Advantage," and he and Thomason have maintained that they were not seeking business for themselves. The GAO, however, found that Thomason "made inquiries about obtaining Travel Office business on behalf of Mr. Martens, his business partner." The charter account is worth about \$40,000 a day, and a commission would go to the brokers off the top. TRM and Air Advantage had a contractual relationship during the 1992 campaign.

Martens wrote a memorandum for his files about the Dale telephone call that indicates he was in fact seeking White House business for TRM.² Martens referred to an interest in "earning" White House business for TRM and conveyed his frustration that Dale "refuses to discuss business opportunities with legitimate charter operators." But Martens's company was a charter broker, not a charter operator, and the White House already had a charter broker--the travel office itself. It was clearly the brokerage Dale was referring to when, according to the memo, he was adamant that there was "no chance" the White House would change its current operations. (Later, as the White House flailed about trying to control the spin, Dee Dee Myers would say that TRM was not even in the business of brokering.)

Martens made a case for replacing the current charter airline, UltraAir--formerly Airline of the Americas (AOA), which had been founded by ex-Pan Am executives using Pan Am's old planes after Pan Am's bankruptcy in 1991. (This portion of the memo, titled "Research Information," hardly seems intended only for Martens's files. For one, it refers to Martens in the third person. For another, Harry Thomason later had it faxed to Watkins as factual evidence against Dale's operation.) Martens charged that UltraAir flew the press corps on "a virtually exclusive basis." (The actual figure was 66 percent of the White House charter business, and several charter operators told me the White House business was competitively bid.) But Martens's major indictment was political, playing to a now well-established anti-Republican paranoia in the Oval Office:

Airline of the Americas is a Republican-operated charter airline. The company ran into controversy during the presidential campaign when it provided press transportation without chargebacks to the press in order to insure good press coverage of Bush campaign appearances. AOA wanted the flights to be considered a contribution but this was denied by the FEC/DOT subsequent to a complaint initiated by David Buxbaum of the Clinton/Gore '92 Committee. The uncompensated flights were discontinued to the satisfaction of the concerned government agencies. This activity by AOA does, however, indicate a decidedly anti-Clinton philosophy which seems, on the surface, to be inconsistent with the current administration. Further, this activity had to have been operated with the full knowledge and cooperation of the White House Travel Service Department since all flights dealt with following President Bush.

These charges, too, appear unfounded. In a sworn affidavit filed in connection with a libel suit against Harry Thomason, Charles Caudle, one of AOA's founding shareholders, maintained that it never flew any White House charter flights for less than normal quoted charter rates, nor did the airline ever provide free transportation for members of the press. There is no record of any complaint being filed against AOA with the FEC or the Department of Transportation regarding allegations of free trips for the press. During White House briefings on Travelgate, reporters appeared positively baffled by the charge that they were given free trips. 3

Martens went back to Thomason and held at least two conversations--one on the telephone, and one in person in Los Angeles--complaining of Dale's reaction. In these conversations, Martens passed on "rumors" of corruption in the travel office. Shortly thereafter, Thomason brought the matter up with Clinton himself, telling the president in late March that he thought there was "trouble" in the White House travel office.

Within a few days of the Thomason-Clinton conversation, Thomason called Watkins and told him of the corruption rumors he'd heard. Watkins next dispatched

Cornelius to work in the travel office for several weeks and report back to him by May 15 on her observations. That is, Cornelius was planted in the office to substantiate rumors that she not only had an interest in fanning but had helped originate in the first place. Once on the scene, she began eavesdropping on conversations. She put out the word that some travel office workers were living above their means, implying that funds were being embezzled or kicked back from the charter companies. According to sources familiar with the situation, her concerns focused on one employee who owned a cabin on some \$10-an-acre property near Virginia's Lake Anna and a \$6,000 pontoon boat--hardly high living. Cornelius also secretly photocopied travel office documents and squirreled them away until she got caught by colleagues one day when a check accidentally jammed the copier. The travel office people then locked up the files on her, making it impossible for Cornelius to return the papers.

On May 12, Watkins and Cornelius met with Thomason and Darnell Martens in the White House to discuss the situation. The Martens memo was faxed from his Cincinnati office. With no hard evidence of any wrongdoing by the current employees, Cornelius called Betta Carney and told her to prepare to send staffers to Washington to take over the travel operation, because the staff was about to be fired. One World Wide official flew in the next day. Cornelius disclosed to the GAO that Watkins ordered her to make the call. Though the White House Review did not disclose this, perhaps because it would contradict the line that TRM was not seeking White House business, on May 12 Martens applied for a White House pass, according to the GAO.

But Watkins, Cornelius, and Thomason did not have the ability to execute the purge and cover it up. A scandal involving a rather petty scheme to reward a network of cronies with a federal contract would now become a scandal about the use of the police powers of the government for political purposes.

V.

Hillary Clinton had seen to it that such a frightening abuse was possible by constructing an iron triangle at the outset of the administration: the White House; the counsel's office (headed by her mentor from the Watergate period, Bernard Nussbaum and staffed by former Rose associates Vince Foster and William Kennedy); and the Justice Department (run, de facto, by her former law partner Webb Hubbell).

Later on May 12, Watkins, Cornelius, and Harry Thomason met again, this time with deputy counsel Foster. Watkins and Cornelius passed on their allegations about the travel office, though they likely held back the fact that both Cornelius and Thomason had direct interests in disseminating the allegations. (In a subsequent conversation, according to the Review, then-White House

Communications Director George Stephanopoulos asked Thomason whether he had any financial interest in any company bidding on White House work, and Thomason denied it. But the very asking of the question seems incriminating: Why would Stephanopoulos suspect that, of all the thousands of travel companies in the country, it was Thomason's that stood to profit?)

Associate counsel William Kennedy joined Foster in a second meeting with the trio. What came next was a reprise of Rose Law Firm days, where Foster had been the brains and Kennedy had gained a reputation as the firm's bully, its bad cop. Foster asked Kennedy to contact the FBI about initiating an investigation of the office. With this, Foster drew the FBI and the Justice Department into the plan to get rid of the travel office workers by ginning up a criminal probe. Late that day, Kennedy contacted FBI agent Jim Bourke for the first time. The next morning, May 13, Bourke called Kennedy, who demanded to know--"within 15 minutes"--what the FBI was going to do. Otherwise, Kennedy warned, he would call in the IRS.

That threat seemed to move things along. Two very senior agents in the criminal division, Howard Apple and Pat Foran, went to the White House to meet with Kennedy following what Apple described to the GAO as a "nebulous and cryptic" telephone call from Kennedy. Apple said he told Kennedy that if normal procedure were followed, the matter would be referred to the FBI's Washington Metropolitan Field Office or even the local police rather than involve FBI unit chiefs. But Kennedy was adamant. The atmosphere at the White House was tense. "Apple also recalls Kennedy indicating that the matter was being directed or followed at the highest levels of the White House," the Review said. "Kennedy does not recall making this statement, but does recall indicating that his superiors--Foster and Watkins--were looking over his shoulder." (Interestingly, the GAO quotes Apple as saying he was told by Kennedy "that the matter was 'directed at the highest levels' of the White House." [Emphasis added.]

Kennedy told the agents of "rumors" about lavish lifestyles among travel office personnel. Apple was clearly unimpressed, telling Kennedy he needed more information before deciding whether to investigate, according to the GAO. Apple and Foran then consulted with their boss, Daniel Coulson, a deputy assistant director of the FBI.

Coulson sent a second team of senior agents, Richard Wade, the chief of the governmental fraud unit, and Tom Carl, a supervisor in that unit, to meet with Kennedy. "According to Wade and Carl, Kennedy indicated that the Travel Office was a matter of some urgency and that it was being followed at high or the highest levels at the White House," according to the Review.

The key meetings came next, when Wade, Carl, and Kennedy met first with Foster. The FBI agents told the White House lawyers that insufficient grounds

existed for an investigation. Cornelius, who had returned to her home to retrieve the travel office documents, was then summoned, and she told the FBI of a small amount of checks made out to cash that were not accounted for and unsubstantiated stories about kickbacks. Pressure from the White House and Cornelius's junior-league sleuthing led to a decision to open a criminal investigation. The White House Review portrayed the decision to investigate as an independent judgment reached by the FBI: "Following this conversation [with Cornelius]," the Review reported, "[Wade and Carl] determined there were grounds for further investigation." On May 14, the day after this determination, Carl briefed three Justice Department lawyers: Joe Gangloff; Jerry McDowell; and Jack Keeny, a deputy assistant attorney general. "None raised an objection," the Review reported.

But four days before the Review was released, William Sessions, then the embattled director of the FBI, painted a different picture in a letter dated June 28, 1993, sent in response to inquiries from Senate Minority Leader Bob Dole. Dole placed the text of the letter in the Congressional Record on July 14, 1993. But by then, media interest in the story had waned, and its contents have never been written about.

To rebut the charge that the FBI had been manipulated for political ends, Sessions maintained that the Justice Department had made the final call:

The final determination that there was sufficient predication to initiate a criminal investigation was made by Mr. Gangloff [then the acting chief of the department's public integrity section] after being briefed by SSA Carl. . . . Authorization [for subsequent White House-FBI contacts] was based on previously detailed discussion within the FBI and the decision by DOJ that sufficient predication existed to initiate a criminal investigation. [Emphasis added.]

Regardless of who actually made the decision, the FBI and the Justice Department don't usually act so quickly in determining that a criminal investigation should be initiated--in this case, either on the very day of, or one day after, the first face-to-face meeting with White House officials. It hardly seems possible that none of the lawyers involved realized that White House encouragement of a criminal investigation would set off alarm bells if it were ever disclosed.

The Clinton administration's own review, in fact, contains a long footnote regarding post-Watergate policy concerning White House contacts with the Department of Justice or the FBI on pending investigations. The general principle set forth by the Carter administration and reaffirmed by each subsequent administration is that White House contacts with law enforcement agencies on civil or criminal investigations should go through the counsel's office and the contact should be made only at the highest levels of the Justice

Department (through either the attorney general or the deputy attorney general).

In reviewing the Kennedy call to the FBI, the White House Review noted that while contacts on pending criminal cases are barred, Kennedy was reporting a potentially criminal matter. There was no clear prohibition on discussing this subject matter, and so it was not technically "improper."

Yet this was a hair-splitting distinction, as even the White House seemed to recognize. On February 22, Bernard Nussbaum had issued a memo reiterating the Bush administration's guidelines that inquiries on pending criminal or civil investigations must go through the attorney general or the deputy. On May 25, however, in the midst of the Travelgate firestorm, Nussbaum amended the policy in a new memo, this time requiring that all future calls to the FBI or Justice from the White House regarding even potential criminal matters be routed only through top DOJ officials.

That appeared to be a tightening of the restrictions. But Nussbaum also made a sly change: Previously, only the top two officials could be contacted; now, the third-ranking official, Associate Attorney General Webster Hubbell, was included as well. In other words, the next time the White House wanted to exert influence on a potential or pending case, it wouldn't get into the fix it found itself in with Travelgate. Next time, Kennedy could just call Hubbell.

VI.

Apparently already realizing the terrible impropriety of having asked Kennedy to call on the FBI on May 12, the next day Vince Foster, consulting with Watkins and Patsy Thomasson (who works under Watkins as an assistant to the president and is no relation to Harry Thomason), came up with a strategy to conceal the activities of White House staff vis- -vis the FBI, while at the same time hiding the involvement of Clinton friends in the travel office firings: a two-pronged cover-up.

A quick financial audit of the travel office would be undertaken as the ostensible basis for the decision by the FBI and the Justice Department to open an investigation--which would serve as the ostensible basis for installing Clinton cronies in the travel office. The press would be told that an audit had suddenly turned up credible allegations of wrongdoing; a criminal probe had then been ordered; and the decision had been made to fire the travel office employees. This exactly reversed the sequence of what had actually happened.

Unless the audit was intended only to conceal that the White House was the source demanding a criminal investigation, there was no legitimate need for an audit, since the matter had already been raised to the level of potential criminality. Sessions seemed to reveal as much in his letter to Dole, who had

asked what the FBI agents recommended to Kennedy as a course of action on May 13: "No course of action was recommended to Mr. Kennedy. He was advised that the FBI was only authorized to conduct criminal investigations." From this reply it can be inferred that Kennedy and Foster had asked the FBI to do an audit, and that the FBI refused.

Normally, if credible allegations had been raised and a decision made to investigate, the FBI would have moved in and sealed the office. But in this case, there were no credible allegations--the investigation was being done because the White House demanded it. Thus the investigation would have to be delayed until a middle step could be invented.

As luck had it, an auditor with political ties to the administration, Larry Herman of the accounting firm KPMG Peat Marwick, was already in residence in Vice President Gore's office, doing early work on the examination of government management that would come to be known as the National Performance Review.

Mack McLarty signed off on the Foster-Watkins-Thomasson cover-up plan late Thursday, May 13. At that point, the Review reported, "Foster asked the FBI to wait for the results of the Peat Marwick financial review before proceeding with its investigation." The FBI was uncomfortable with this procedure, but acquiesced. "After initially expressing a preference for agents to accompany the Peat Marwick team, FBI agent Wade agreed with Foster and Kennedy to wait for the completion of Peat Marwick's review," the Review said.

There were several additional contacts between Kennedy and the FBI once the decision to audit was made. Throughout the day on May 14 and during the weekend, Kennedy urgently attempted to feed any preliminary findings he could get his hands on to the FBI in a vain effort to cover his tracks. These contacts were divulged in the Sessions letter; the White House Review and the GAO audit omitted them entirely. Sessions revealed to Dole that twice on May 14 Kennedy called Wade, "provid[ing] additional information [on the] audit being conducted at the Travel Office and discrepancies being found by the auditors." On May 15, according to Sessions, FBI agents Tom Carl and David Bowie, of the bureau's Washington Metropolitan Field Office, went to the White House "at the behest of Mr. Kennedy . . . to receive a further update about the preliminary findings of the 'performance review.'" Sessions further revealed that the two agents met not only with Kennedy, but also with Patsy Thomasson and Larry Herman of Peat Marwick.⁴

Given Herman's ties to the administration, of course, the audit can hardly be called truly independent; indeed, two aides from Watkins's office--deputy Brian Foucart and Jennifer O'Connor, a staff assistant--worked with Herman, checking back with Thomasson on their progress throughout the weekend. Thomasson then called Watkins; Watkins called Foster; and Foster told Watkins to call Hillary.

Why Hillary? It turns out that the sense of urgency in the White House on May 13--the day Kennedy gave the FBI fifteen minutes to jump--was at least partly due to Hillary's clicking her heels. Though the GAO ignores these conversations, she had asked both Vince Foster and Mack McLarty in separate meetings that day what was being done about the "problems" in the travel office.

How Hillary first became aware of the "problems" has been one of the enduring mysteries of Travelgate, a question glossed over entirely in the White House Review. Recall that on May 12, Thomason and Martens had met with Watkins--and then Watkins told Cornelius to call World Wide with news of imminent firings. Though none of the press accounts picked up on it, the missing piece of the puzzle was disclosed by the GAO. Following the meeting with Watkins, Thomason "repeated his concerns" to Hillary, and then reported back to Watkins on the conversation. (Through his lawyer, Thomason said he could not recall any conversation with Hillary.)

Thomason's interests dovetailed nicely with what White House sources describe as Hillary's obsession with clearing out "Republican holdovers" from the White House staff. Indeed, the GAO reported that on May 14, in a call to update Hillary on the audit, Watkins told the GAO that Hillary "urged that action be taken to get 'our people' into the Travel Office . . ." Though Hillary declined to be interviewed by the GAO, in written responses she maintained that she "does not recall this conversation with the same level of detail as Mr. Watkins."

Foster told Hillary late Thursday that the audit would start the next morning. But even that was not soon enough for Harry Thomason, Cornelius, and Jeff Eller, who met with Mack McLarty on Friday morning to urge him to fire the travel office employees by 5 p.m. that day. McLarty probably didn't know that Cornelius had already told World Wide to come to Washington.

Foster objected to the immediate firings, because the audit had to happen first, and McLarty backed him up. "McLarty decided that no action would be taken until the completion of the Peat Marwick review," according to the Review. The "action," of course, was pre-determined by Hillary on May 12 after she spoke with Thomason.⁵

On Monday, May 17, Watkins sent a memo to McLarty reporting the results of a draft of the Peat Marwick review and informing him of the pending firings, though one had nothing substantively to do with the other. (As will be discussed later, the audit turned up no evidence of kickbacks.) If the review really mattered at all, why not wait for the final report, which was due that Wednesday, rather than act on a draft?

In the opening paragraph of the memo, Watkins linked the audit to Gore's National Performance Review ("We placed the Travel Office at the front end of

the review"). Perhaps this was written with the expectation that the memo would be made public, because McLarty surely knew that the only connection between the audit and the NPR was Larry Herman. Watkins was also contradicted on this point by Gore's office, which told the GAO that the audit was not conducted under the auspices of the NPR.

A second falsehood is that the FBI "suggested they believed there was sufficient cause for them to conduct a criminal investigation but they asked us to have Peat Marwick complete with audit before the FBI would begin further work." Even the White House Review had to come clean on this score, noting that Foster had persuaded FBI agent Wade to delay investigating until the audit could be churned out.

In a third false statement, Watkins conveyed the impression that the new system for the travel office had been devised during the weekend of the audit, rather than months before at his instruction. "Late Saturday, we briefed the FBI on these findings and began planning a new system to replace the old one," he wrote. (Watkins confirmed Sessions's statement that the FBI had White House contact that day.)

Watkins carbon-copied only Hillary on this memo, placing the "cc" designation prominently across the top of the first page, yet another sign that Hillary was privy to the firings before they occurred, as well as to the plan to appoint Cornelius to head the re-organized office working hand in glove with World Wide Travel. Watkins needed Hillary's imprimatur to implement the plan. Carboning the first lady in this bold way suggests the two had a quite close relationship, and Watkins was willing to call in some chips for Carney.

Watkins was born in Hope, the same town as Bill Clinton and Mack McLarty, and like McLarty is said to be a boyhood friend of the president's. (Harry Thomason is from Hampton, about 60 miles from Hope.) A millionaire, Watkins has owned an advertising agency, a music company, a cellular telephone company and two telecommunications businesses. Some of his money was made in a 1983 bid he put together to compete for a cellular phone franchise in Little Rock. Watkins invited Hillary to join a group of prominent Arkansans to apply for a license through the Federal Communications Commission. In an interview in July 1992 with the Washington Post, Watkins said of the group, "We were picking friends." In a recent interview with Business Week (which briefly mentioned the deal but did not make the Watkins-Travelgate connection), Larry Wallace, another investor in the Watkins group who owns the NBC affiliate in Little Rock, said Hillary's connection to the governor was thought to be a way of attracting the FCC. Hillary put up \$2,014 for a 2.5 percent interest in the group.

The FCC, however, decided to award the franchise by lottery and the Watkins group lost out. Watkins then took out a loan to buy out the winner, with Hillary personally guaranteeing \$60,000. In the end, the Watkins group bought the

license and turned around and sold the franchise in 1988 to the telecommunications giant McCaw Cellular Communications Inc. The group made more than \$2 million on the sale; Hillary got a check for \$45,998 on her \$2,014 investment. That debt seems to have been partially repaid in 1991, when then-Gov. Clinton appointed Watkins's father Henry Grady Watkins III to the Arkansas Pollution Control and Ecology Commission, a local version of the EPA with broad powers touching on virtually every aspect of the state's economy, from land use to air and water quality.

In 1992, the Clintons became indebted once again to David Watkins, who helped arrange the campaign's \$3.5 million bridge loan from his former employer, Worthen National Bank. The loan, based on funds the campaign was expected to bring in, was critical to Clinton's candidacy.

Watkins was involved in a second partnership with Hillary, one that has raised conflict-of-interest questions for the first lady. Though there is no conflict issue for Watkins, the partnership is yet another sign of his ties. He is a partner with Hillary in Value Partners, an investment group that "sold short" on several health care stocks after the Clintons took office and Hillary began making policy pronouncements in the area of health care that may have driven down the value of the stocks she held. A potential conflict arose because the Clintons had not put their holdings into a blind trust until six months after taking office. According to his financial disclosure report, Watkins had assets in Value Partners valued between \$100,000 and \$250,000 in 1992.

Against this backdrop, Watkins's role in Travelgate is easier to understand.

vii.

On Wednesday morning, May 19, Watkins gave Dee Dee Myers written talking points on the travel office firings, which were to occur within the hour. "Those talking points described the dismissal as the result of a routine review conducted as part of the Vice President's National Performance Review," the White House Review said. This was a lie, part of the official line being fed to the press.

The talking points also disclosed the White House contacts with the FBI, just the thing the audit was designed to hide. (Watkins had apparently included it to justify the firings.) When Foster and Kennedy saw the talking points, they panicked and told Watkins to remove any mention of the FBI. But in a comedy of errors, neither Watkins nor Jeff Eller could find Myers in time: "When Watkins

returned to her office before her press briefing, he learned that Myers, shortly after noon, had taken a press call and disclosed the FBI inquiry in response to a reporter's question." The specter of White House pressure for a criminal probe had thus been raised by the White House itself.

The audit cover-story now became all-important. Over the next two days, the FBI wrote four different press guidance statements that changed subtly to foster the misleading impression of a relationship between the audit and the investigation. On the afternoon of May 19, in response to many media inquiries, the FBI issued a one sentence statement:

We understand that the results of the audit of the White House Travel Office will be referred to the FBI for our review.

The key change in a second statement issued by the FBI on May 20 was the presentation of the audit process--rather than the Cornelius allegations--as the predicate for the investigation:

At the request of the White House, the FBI has had preliminary contact with the White House and the auditors brought in to audit the White House Travel Office. We anticipate receiving the final report of the auditors soon and will analyze their findings and conduct appropriate investigation. Beyond that, we are not in a position to comment.

In a third statement issued later that day, the FBI was dragged in a bit further. By now, it was apparently already "investigating":

At the request of the White House, the FBI has had preliminary contact with the White House and the auditors brought in to audit the White House Travel Office. We anticipate receiving the final report of the auditors soon and will analyze their findings to determine the next steps in the investigation. Beyond that, we are not in a position to comment.

But this was still not enough to allay press suspicion that there was no basis for FBI involvement other than strong-arming by the White House. The White House needed not a simple statement of fact from the bureau but a substantive comment about the information coming to the FBI.

On Friday afternoon, John Collingwood, the chief spokesman for the FBI, was summoned to a White House meeting being convened by George Stephanopoulos with the administration's top guns: Nussbaum, Stephanopoulos, Foster, and Kennedy. The gang of four apparently pushed Collingwood to say that the FBI had determined grounds for a criminal investigation. "After Collingwood returned to the FBI, he updated his written press response to reflect his earlier oral press responses and the conversation in Stephanopoulos's office," according to

the Review. He faxed the new press response to the White House, on the understanding it wouldn't be released. But that was not the end of White House shaping of the statement, the GAO revealed. "Ms. Myers said that after the FBI sent a press statement to the White House on May 21 'for guidance,' she asked Mr. Collingwood to make it clearer and 'consistent with the facts.'" The White House Review never acknowledged this final step, which resulted in this statement:

At the request of the White House, the FBI has had preliminary contact with the White House and the auditors brought in to audit the White House Travel Office. That contact produced sufficient information for the FBI to determine that additional criminal investigation is warranted. We anticipate receiving the final report of the auditors soon and will analyze their findings to determine the next steps in the investigation. Beyond that, we are not in a position to comment.

A possible factor in this part of the scandal was FBI Director Sessions's struggle to keep his job. Collingwood had been especially close to Sessions, and it is plausible that in late May he was pliant in the face of White House demands on Travelgate to bolster Sessions's position. On May 13, when Kennedy and Foster were meeting with top FBI agents, newspapers reported that Attorney General Janet Reno had tentatively concluded that allegations of Sessions's misusing government employees for personal purposes were not serious enough to warrant dismissal. Was this a message to Sessions that he could hang on if he played ball on the travel office? On the very day that Collingwood was summoned to the White House, Sessions was in a face-to-face meeting with Reno at the Justice Department discussing his future. Reno said she would continue to review the accusations and had reached no decision.

By the last week of June, however, the White House had begun to examine a list of candidates to replace Sessions, and the director had been forced into discussions with the Justice Department on the timing of his resignation. Sessions wrote the letter to Dole June 28, flatly exposing the White House cover-up. Compare his statement with the FBI's White House-massaged May 21 statement above: "The FBI did not use the report of the auditors to make a determination that sufficient predication existed to conduct a criminal use the report of the auditors to make a determination that sufficient predication existed to conduct a criminal investigation. That determination was made on May 14 [by DOJ], one week before the FBI received a copy of the auditor's report."

The upshot was that after misusing the FBI once, the White House misused it again to deflect attention from the fact that Foster and Kennedy had politicized the criminal justice process. This became necessary when long-standing FBI policy against confirming or denying the existence of an investigation was violated by Myers, on Watkins's instructions. Once the words "criminal investigation" were extracted from the bureau, the White House released copies

of the press guidance to reporters as an official press release from the FBI, again contravening FBI policy, which says a guidance is to be used only for oral briefings. The travel office workers were now publicly smeared as the targets of a criminal investigation.

viii.

A second question of undue influence involves the possible abuse of the investigatory authority of the IRS. On May 21, the same day the White House released the FBI statement referring to a "criminal investigation," three IRS agents arrived unannounced at the offices of UltraAir in Smyrna, Tennessee. The agents had been dispatched from the Nashville IRS District Office to investigate allegations of bribery and kickbacks in connection with the White House charters and they produced an administrative summons for all of the company's financial records. Yet the IRS does not usually investigate such crimes unless there are tax implications, and in the case of UltraAir there was no tax return to trigger an audit.

An extensive examination of the issue by the authoritative publication Tax Notes concluded:

Several former IRS executives called the visit highly unusual. In a normal audit, the IRS calls first, makes an appointment for an agent to visit, and requests documents that it needs to examine. Tactics such as unannounced visits and administrative summonses are usually reserved for cases when the taxpayer resists polite requests to provide information. . . .

According to its president, Richard Millinor, UltraAir had no corporate existence before June 1992. . . . Ultra Air [had] yet to file an income tax return for calendar year 1992 [it had been granted an extension]. . . . The usual starting point for an IRS examination is a return; without a return, there is nothing for agents to talk about. . . . The IRS is not authorized to go on fishing expeditions for wrongdoing by government contractors. . . . Aggressive nonfiler procedures [used against UltraAir], in the sense of physically going after the nonfiler, are usually only invoked in criminal cases. Unannounced visits, euphemistically called "canvassing the district," and other coercive measures are standard operating procedure in organized crime and drug dealing cases, when ill-gotten income has not been reported and the earner is likely to flee. Nonfiler procedures cannot be invoked before a return is due, including extensions, unless the situation meets the requirements for a jeopardy assessment. . . . In UltraAir's case, the IRS did not go so far as to make a jeopardy assessment.

The publication noted that the travel office's use of large amounts of cash to pay bills, if received and unreported by UltraAir as required by law, may have

raised eyebrows at the IRS. But it still would not have justified a "Kafkaesque" raid, Tax Notes concluded.

The question, then, is how the IRS was put onto UltraAir in the first place, and why they went after the company so fiercely.

In a letter dated July 14, 1993, GOP Rep. Frank Wolf posed several questions to the Office of the Inspector General of the Treasury Department, which oversees the IRS. This followed the release last June of a heavily redacted investigative report that the sinister agency produced itself--a useless two-inch stack of mostly blank paper with a single black line running diagonally across each page.

The Treasury IG released answers to Wolf's questions in April of this year. The IRS refused to release information on the questions of how the audit was initiated and whether it deviated from standard practice. As for undue influence on the IRS, Treasury concluded there was "no evidence that any IRS employee involved in this matter was influenced by anyone outside the IRS or within the Service."

There may well have been no direct influence, but that would not absolve the administration entirely. According to UltraAir officials, the IRS agents said the visit was prompted by newspaper articles that had raised allegations against the company. This may or may not be the full story of how the IRS got involved (IRS agents don't typically unilaterally decide to investigate based on newspaper accounts). But even if it is, troubling questions about administration involvement remain.

On Thursday, May 20, newspapers were filled with stories raising questions about UltraAir's practices; that day's Wall Street Journal carried especially detailed but unsubstantiated allegations about the company's practices and its relationship with the travel office, attributed to White House officials. By disclosing the FBI investigation on May 19, and leaking other details to the press, the White House at least indirectly--and improperly--put all of the law enforcement agencies of the U.S. government, including the IRS, on notice that there was a "problem" in the travel office and that the White House had a keen interest in the case.

In attempting to lay to rest Wolf's questions, moreover, the Treasury report actually raised another one: whether the investigation may have been improperly influenced by the White House after it was begun. The report contained this intriguing passage:

In an interview conducted with GAO evaluators [GAO shared material with the IG], a National Office FBI official stated that after reading newspaper articles relevant to this matter regarding the IRS and a taxpayer, the FBI official

contacted an IRS National Office Criminal Investigator to obtain some investigative information, if applicable. The IRS Criminal Investigator did not provide the FBI official with any material information. . . . The National FBI Official then contacted a Nashville, Tennessee FBI agent and asked him to make an investigative inquiry with local IRS officials. The Nashville FBI agent spoke with four IRS Nashville employees: two Criminal Investigators, the Public Affairs Officer, and the District Disclosure Officer. Based on GAO's interviews with the FBI agents, and our interviews with the IRS employees, the Nashville FBI agent was not provided any material information concerning the taxpayer.

The implication is that the unnamed FBI official acted independently after learning of the IRS investigation in the newspapers. That may be so. What Treasury didn't disclose is that the agent also acted after numerous contacts with the White House and senior DOJ officials.

Congressional sources who were briefed by Treasury on the report say that the FBI agent referred to is supervisory agent Tom Carl--the agent who had been told by Kennedy of high-level White House interest in the matter; who met with Kennedy, Foster, Watkins, and Cornelius at the White House; who then brought Cornelius's accusations to the Justice Department on May 14; and who met with Kennedy, Patsy Thomasson, and Larry Herman at the White House once more on May 15.

Note that Treasury says only that the IRS passed no "material" information on to the agent "regarding the taxpayer"; it says nothing about what the agent may have passed on to the IRS, nor does it rule out other information being passed on to the FBI. (A close examination of the redacted interviews released by the IRS last year shows that some of the IRS personnel said there was "no contact" by anyone outside the IRS regarding the UltraAir audit--but others used the term "no influence," indicating, perhaps, that there was contact.)

ix.

By this time, naturally, the White House intervention had aroused so much suspicion in the press that the original goal of firing the travel office employees to make room for Cornelius & Co. had to quickly be abandoned. Cornelius had never really taken control of the office before the plan blew up in her face. At Watkins's instruction, World Wide moved into the White House on May 19, the day of the firings, but the agency's representatives were tossed out two days later. An interim contract to handle the White House business was awarded to American Express.

Also on the day of the firings, Darnell Martens, who now had White House access, called Penny Sample and told her she could begin arranging charters for upcoming presidential trips on a volunteer basis. On whose authority Martens

made this rather spectacular offer of a White House job to his girlfriend is not known. Sample arrived for work at the White House on May 20, and arranged one charter before she was told on June 1 to leave. In the few days she was on the job, Sample managed to get in hot water. Though supposedly a volunteer, she diverted a \$1,400 commission to her charter firm on the first flight she arranged. The White House later said this was a "mistake," and the money was repaid.

The White House also had to backtrack on the seven firings. Director Billy Dale, who had a sterling reputation with the press corps in his thirty-one years in the travel office, and the assistant director, Gary Wright, filed for retirement. The more serious charges of kickbacks and embezzlement were not backed up in the Review, which found only some poor record keeping and clerical errors. For example, there was no record in the office's petty cash ledger for \$18,000 worth of checks written to cash over a 17-month period. The press corps was often billed for trips by estimate, with no later reconciliation, though media organizations were not known to complain about the arrangement. "What you had was sloppy accounting," said one person familiar with the operations of the office. "They had to do things like take a plane load of White House correspondents through ten countries in ten days. They laid out lots of cash to get reporters where they needed to go, including tipping for them. There was some poor record keeping, but I'd be very surprised if there was anything else."

As for the other five workers, the White House Review concluded that the charges against them were baseless; thus, not only were their rights trampled as accusations against them were publicized with no opportunity to respond, but the charges turned out to be false. The five were quickly re-hired by other government agencies and informed that they were not targets of any criminal investigation, and McLarty apologized for "insensitive" treatment.

Though hailed in the press as remarkably self-critical, the White House Review, headed by McLarty and OMB Director Leon Panetta, also found no wrongdoing by the White House or Thomason or Martens, only "mistakes," "inappropriate" actions, and unfortunate "appearances." Actions of senior White House staff were described as "mistakes in judgment, mistakes of inexperience."

When discussing the statements made by Kennedy to the FBI, the report said "such comments should not have been made. Comments like these risk creating the perception that the FBI is being improperly pressured." Kennedy's reference to the IRS "could have been interpreted as an ultimatum, even if that was not intended." Myers was "unwise" to trust Watkins's talking points. And "it was a mistake for the White House to publicly discuss FBI involvement." Summoning Collingwood to the White House to meet with Nussbaum, Stephanopoulos, Foster, and Kennedy was a "mistake" also. No one in the White House was fired or even seriously disciplined--though the tacky Thomasons seem to have been banished.

But what else could really be expected from a review honchoed by McLarty, who was reviewing his own conduct? He had personally authorized the firings and the attempted cover-up. Congressional sources say the Review was actually conducted for the most part by John Podesta, an assistant to the president, who is now, quite appropriately, chairing the daily Whitewater damage-control sessions in the White House.

x.

To minimize the impact of the disclosures, the report was released late in the afternoon of Friday, July 2. Advance copies of the report were not available. The White House permitted live television coverage only of the opening statements of McLarty, Panetta, and other officials; the rather hostile question-and-answer session that followed was yanked off the air.

One of the more glaring deficiencies in the report was that none of the seven travel office employees was interviewed. The stated reason for this omission was that the FBI and the Justice Department were conducting an investigation of the travel office and the White House interviews might interfere. Then-deputy attorney general Philip Heymann wrote a letter to Podesta advising him not to interview the seven, but the letter seemed to be an after-the-fact measure to blunt criticism of a decision already made in the White House not to permit the fired employees to rebut the Peat Marwick audit. The Heymann letter was dated July 1, the day before the Review was released.

The woefully inadequate White House Review did not escape the notice of Republican members of Congress, particularly Senators Dole and Bond. The headlines of mid-July were filled with GOP demands for congressional hearings and the appointment of a special counsel, the certain outcome had a Republican administration been caught in similar circumstances.

One cannot say with certainty where such inquiries would have led, but it is safe to say that Hillary Clinton, George Stephanopoulos, Bernard Nussbaum, Vince Foster, William Kennedy, David Watkins, Patsy Thomasson, Harry Thomason, and Darnell Martens, and senior officials in the FBI and the Justice Department, all would have been implicated. (Hillary, unlike the president, could be compelled to testify before Congress.)⁶

Indeed, it was during this period in July that Vince Foster went shopping for a Washington lawyer to represent him in what he believed would be inevitable congressional inquiries into the matter. GOP demands were taken quite seriously by the White House. In an attempt to head off hearings and a special counsel, Clinton had written on June 13 to Chairman Jack Brooks of the House Judiciary Committee, pledging a full and independent investigation of Travelgate by the Justice Department. Reno wrote to Brooks the next day pledging the same. Also

on June 14, Dole called for a special counsel to investigate "this sorry episode of mistakes, misstatements and downright wrongdoing."

On July 20, scrutiny of the scandal began to intensify. Democrats on the House Judiciary Committee turned back a Republican attempt to force the president to furnish a raft of documents concerning potential misuse of the FBI in the travel office investigation. The House Republican Policy Committee adopted a statement calling for a special counsel on Travelgate:

Who authorized or directed a Presidential counsel to summon FBI agents to the White House to seek an investigation of the travel office? Who authorized him to threaten the FBI with transferring the investigation to the IRS unless the agents took prompt action? In other words, how high up did this shocking politicization of law enforcement reach? Why was Hillary Clinton, and not the president, briefed on decisions involving the travel office?

And late that afternoon, the deputy White House counsel who was at the center of the Travelgate scandal, Vincent Foster, was found dead in Fort Marcy Park.

Foster's suicide choked off the congressional inquiry and completely quelled GOP demands for a special counsel. In effect, Foster's death saved the administration from further scrutiny. "The Hatch Act was on the floor and we were going to launch a broadside about the politicization of the FBI and abuse of power," said one GOP Senate aide. "But it would have revolved around Foster, and no one wanted to pee on his grave."

At the time of Foster's death, the media assumed that such a "minor" issue could not have possibly been a factor in the suicide. But the foregoing reconstruction should show that, in addition to other problems and worries that may have been weighing on his mind, Travelgate wasn't a minor issue for Foster after all: Foster had instructed Kennedy to call the FBI. Foster had personally met with FBI agents in the White House to spur an investigation. Foster had devised the plan to cover up this initial contact with a phony audit, and the plan failed. Foster had kept Hillary in the loop by instructing Watkins to keep her briefed. Foster had told Watkins to doctor the White House media talking points, only to have Dee Dee Myers spill the beans accidentally. And drawing in his boss Bernard Nussbaum, Foster had summoned the FBI to the White House to shape the bureau's press guidance on the investigation.

The torn-up note the White House alleges it discovered in Foster's briefcase several days after the initial search of his office--a photocopy of which was publicly released only after a 48-hour delay--mentions Travelgate specifically in five of eleven lines. (It does not mention Whitewater at all.) "No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group," Foster wrote.

"The FBI lied in their report to the AG," the note continued, an apparent reference to Sessions's version of events. The note also said "the press is covering up the illegal benefits they received from the travel staff," and "the GOP has lied and misrepresented its knowledge and role and covered up a prior investigation."⁷ A sixth line, "the public will never believe the innocence of the Clintons and their loyal staff," could very well have been another reference to Travelgate.

With Foster's death, Hillary's iron triangle began to crumble. Eventually, Nussbaum and Hubbell would be bounced out of the administration, and Kennedy would be hobbled. But Travelgate remained covered up. The GOP settled for a GAO report, which was released in early May to a universal yawn in the media.

Though it added a few essential facts to the mix, the GAO's conclusions did not track with even its own factual findings. In accepting McLarty's transparently false statement that "on the basis of KPMG's findings, he had approved the removal of the employees," the GAO falsified the history of the affair to comport with the White House cover story. The manipulations of Thomason, Martens, and Cornelius were described in squishy language: they had "potential" personal and business interests and their actions "appeared to anticipate the removal of the employees." As for the travel office, the GAO found the same evidence of poor management as had KPMG--lack of documentation for the bidding process, ledger entries rather than vouchers for checks written to cash, and the like. The GAO found no evidence of criminal wrongdoing in the office. Despite the self-serving nature of the Cornelius allegations, the GAO concluded that the FBI had acted in accord with the attorney general's guidelines on criminal investigations, which require a "reasonable" indication of a federal crime before an investigation can be opened. The GAO also found the FBI's actions "consistent with normal procedures"--a laughable conclusion, considering the White House's highly unusual efforts to shape FBI press guidance. (As for the current travel operation, the GAO found that promised accounting and management procedures were not in place ten months after the firings.)

There is ample reason to question the objectivity of the GAO's findings. The chief auditor, Nancy Kingsbury, may have knuckled under last year to White House pressure to soften an investigation of David Watkins and Patsy Thomasson for issuing retroactive pay increases and permitting double-dipping salary payments for White House staff. A draft report had concluded that the two officials did not have the authority to authorize the irregular payments, but the final report concluded the White House had not exceeded its authority.

According to Republican staffers in the House, Kingsbury betrayed a bias in briefings on the progress of the GAO travel audit this spring. In one meeting,

Kingsbury huffed that the fired travel office employees "are better off" because five of them were given other jobs and the other two "enjoy full federal retirement and all of its benefits." Kingsbury said this was "a rather substantial mischaracterization of my remarks," but went on to essentially confirm the characterization. The staffers say that sections of the GAO report were circulating in draft before key White House officials were even interviewed. And the GAO did not appear anxious to interview the Travelgate Seven, none of whom were spoken to. According to a lawyer for one of the five exonerated employees, a GAO auditor called requesting an interview, and he was told to submit written questions. The GAO sent a list of questions but never followed up for the answers. Thomason and Martens refused to be interviewed.

Meanwhile, a criminal investigation of the travel office by the Justice Department's Public Integrity Section continues. According to sources familiar with it, the concentration appears to be on Billy Dale and Gary Wright. The far more disturbing aspects of the incident involving members of the Clinton administration and its political supporters may not be getting similar scrutiny, despite Clinton's and Reno's assurances to Congress.

Take, for example, the case of Harry Thomason. The principal federal conflict-of-interest law provides that "no office or employee" of the government may participate "personally and substantially" in a "particular matter" in which, to the individual's knowledge, he has a "financial interest." This bar extends to "special government employees" as well, defined by the statute as:

an officer or employee of the executive or the legislative branch of the United States Government, or an independent agency . . . who is retained, designated, appointed, or employed to perform with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full time or intermittent basis.

The White House Review concluded that Thomason's involvement was "in no way motivated by a desire to enrich himself." But motivation is irrelevant. If Thomason's company, TRM, was seeking White House business, as the GAO concluded; if his activity involved a "particular matter" (such as advice on new charter arrangements); if he participated "personally and substantially" in events leading up to the firing of the travel office workers; and if he was in fact a special government employee, as his office, telephone service, and duties at the White House indicate, all the elements of the criminal statute would have been met.⁸

The conduct of Hillary Clinton also deserves serious review. Did she question the propriety of Thomason's actions? Did she take actions on Thomason's behalf?

What was her knowledge of White House staff contact with the FBI? Did she participate in the guidance on White House-Justice Department contacts that was revised to include Hubbell?

The Justice investigation has been open for an extraordinarily long time. By comparison, allegations raised about Commerce Secretary Ron Brown, involving a tangled web of international financial transactions, were dismissed in a few months. The Justice Department may have become a bottomless hole into which such politically sensitive matters as Travelgate are thrown, so that the administration can hide behind perennially "ongoing investigations." Some insiders speculate that the investigation has been kept open so that subjects like Dale, Wright, and Thomason would conveniently be unavailable for the GAO.

At the Criminal Division's Public Integrity Section, where the investigation is being conducted, Joseph Gangloff is now the permanent deputy chief. According to the Sessions letter, Gangloff made the initial determination to open a criminal investigation based solely on Cornelius's representations, as relayed by the FBI's Tom Carl. The review said Gangloff "raised no objection" to the decision. Either way, how Gangloff can be involved in the investigation when serious questions linger about his own conduct is unfathomable. For instance, when Gangloff made the decision, did he know of the personal benefit to Cornelius and Harry Thomason? Did he know of interest "at the highest levels of the White House"? In short, does Gangloff have an interest in how his division's investigation comes out?

Justice is also stalling on an extensive FOIA request on Travelgate filed by the Landmark Legal Foundation. Though Landmark was informed several months ago that a one-foot stack of documents responsive to the request has been identified, it won't be released before "consultations" with Reno. But Reno's interests may conflict with full disclosure, since the conduct of her subordinates and perhaps herself is in question.

There has also been at least one leak regarding the travel investigation from a senior level in Justice, which raises questions about whether the investigation has been compromised. In a February 24 letter to Reno, Republican Reps. William Clinger, Henry Hyde, and Dick Armey wrote: "It is particularly disturbing to know that one DOJ employee has told congressional staff that criminal charges would probably be filed against one or more of the former Travel Office employees. We have to wonder about the appropriateness and timing of that remark and hope that it is not consistent with Department policy."

I'm told the offending official was Associate Deputy Attorney General David Margolis, who spoke about the case with Donald Goldberg, deputy counsel to Chairman John Conyers of the House Government Operations Committee. A career prosecutor, Margolis is a top aide in the office of the deputy attorney general,

who oversees the criminal division. He was brought in by Philip Heymann, but had the political connections to be kept on by Jamie Gorelick, Heymann's successor. Under the federal rules of criminal procedure, it's a crime for a lawyer to divulge information disclosed in grand jury proceedings, which Margolis may have done. Since he is a career prosecutor, this would have been a knowing violation of the law. Moreover, attorneys for Dale and Wright may now challenge any indictment on grounds that their clients were victims of a vindictive prosecution. Both Margolis and the Conyers staff could be said to have an interest in seeing indictments handed down, a development that would be seen as vindicating the administration. (While not confirming or denying the conversation between Margolis and Goldberg, Justice Department spokesman Carl Stern said: "It is not uncommon for DOJ investigators and congressional committees with oversight to consult and coordinate during a criminal investigation." If Justice is "coordinating" criminal investigations with the Hill, there may be a much broader scandal brewing.)

Margolis--who was criticized in 1986 for not seeking an indictment against Teamsters president Jackie Presser, a Reagan supporter--had his fingers in both Travelgate and the botched Foster suicide investigation. In a July 2, 1993 letter from Janet Reno to Mack McLarty, Reno revealed that Margolis was the senior DOJ official who ensured "that the [White House Review] is in substance consistent with the FBI's report concerning its dealings with the White House on this matter." The Review, however, did not mention certain FBI-White House contacts divulged by the Sessions letter, which Sessions said was reviewed by Justice. Therefore Margolis was in a position to know that the White House Review had omitted important information. (In all likelihood, Margolis also drafted the Heymann letter to Podesta that was used by the White House as political cover.)

Margolis is also one of two Justice Department lawyers who were present during the July 22 search of Foster's office. Though Heymann had been designated by Reno to oversee the investigation of the suicide, Margolis raised no objection as Nussbaum conducted the search and possibly obstructed the investigation. Margolis and his DOJ colleague Roger Adams, two FBI agents, and some Park Police looked on as Nussbaum withheld several Whitewater documents from investigators--and who knows what else?--on grounds of "executive privilege" that are disingenuously bogus. (Personal papers of the president can't be withheld on grounds of executive privilege.)

All of this bespeaks the need for a special counsel on Travelgate. Justice can't investigate independently. Fortunately, there's a special counsel already in business, Robert Fiske, and he is investigating the Foster death as part of his mandate. It will not be enough for Fiske to conclude that Foster committed suicide. He will need to explore fully the potential reasons for it. In addition to Whitewater, Fiske might take a look at Travelgate. Foster's death, then, will not have aided the cover-up after all.

1. Both Clarissa Cerda and her brother Jose Cerda work in the White House. After the travel office fiasco, she was reassigned to the White House counsel's office where she is an assistant counsel to the president. In the spring of 1993, she was also one of those White House employees implicated in a double-dipping arrangement, whereby she was paid for a time by both the White House and the Clinton transition.

2. The Martens memo was eventually released to the press by the White House after it was leaked by one of the travel office veterans, apparently by Dale, who had somehow got hold of both the Cornelius-Cerda memo and the Martens memo, after it was faxed to Watkins at the White House. All the memos referred to in this article were released as exhibits to the White House Review.

3. Caudle resigned as AOA's chief executive officer before the travel office controversy. He is suing Thomason for \$80 million for libel for disseminating false rumors of kickbacks about UltraAir that he alleges caused an FBI probe, and causing the publication of false and damaging material from the Martens memo, which surfaced in the press as Caudle was negotiating a deal to start another airline. Thomason has countered that Caudle has misrepresented his role in Travelgate. He said the memo in question was written by Martens, never mentioned Caudle, and was published months after Caudle had left AOA. The case will be heard in U.S. District Court in Washington.

4. Thomasson has learned how to respond to questions with answers that are technically correct but misleading nonetheless. In a Senate subcommittee hearing March 25 of this year, GOP Sen. Christopher Bond of Missouri had this exchange with Thomasson. Bond: "Did you participate with the Peat Marwick auditors in the review of the Travel Office affair?" Thomasson: "The process of reviewing the White House Travel Office was done by a group of staff from the White House as well as assisted by Peat Marwick for the financial side and for doing numbers. I was briefed by Peat Marwick during the process, sir." Bond: "You didn't participate in the process?" Thomasson: "No, sir." How is it that a meeting on Saturday at the White House with Kennedy, Larry Herman, and two FBI agents doesn't count as "participating in the process"?

5. What Peat Marwick issued, in fact, was not an audit at all; it was drafted as a letter to Bill Kennedy. The cover memo on the draft clearly noted: "[O]ur procedures do not constitute an audit, examination, or review in accordance with standards established by the American Institute of Certified Public Accountants." Apparently the records were too disorganized to do a formal audit; Peat Marwick did not consider whether this was in part the consequence of Cornelius's rifling through documents and removing some of them.

6. None of the implicated players consented to be interviewed for this article, despite repeated oral and written requests. Before answering or even seeing any written questions, Thomason's lawyer Bennett responded with a hand-delivered

letter containing a preemptive libel threat.

7. This seems to be a reference to a review of the travel office conducted in the early months of the Reagan administration by the man who then held Watkins's position. That review found sloppy bookkeeping as well, but no wrongdoing. The then-director retired and Billy Dale was promoted. No other employees were adversely affected.

8. The GAO concluded that Thomason was not a special government employee under the conflict-of-interest laws. The terms "officer" and "employee" are not defined in those laws. The agency reached its conclusion by contending that Thomason did not meet the three criteria required if an individual is to have the legal status of a federal officer or employee under the definition of those terms in title 5 of the civil service laws. But the Justice Department and the Office of Government Ethics have acknowledged that those criteria are merely a guide; they are not definitive. Both Justice and OGE have applied a functional test in determining special government employee status in the past, and the descriptions of Thomason's activities at the White House--attending meetings, reviewing employees' performance--appear to meet that test.

LANGUAGE: ENGLISH

LOAD-DATE: May 25, 1994

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Divider Title: _____ **G**

Copyright 1994 The American Spectator
The American Spectator

October, 1994

SECTION: FEATURE/SIDEBAR

LENGTH: 1454 words

HEADLINE: White House Plumber

BYLINE: David Brock;

David Brock is the author of *The Real Anita Hill* (Free Press), recently issued in paperback, and an investigative writer for *The American Spectator*.

BODY:

"This is not Watergate."

--Harold Ickes, Associated Press, March 11, 1994 (referring to the Whitewater scandal)

In making analogies to Watergate, White House deputy chief of staff Harold Ickes--whose broad portfolio includes not only Whitewater damage control but also 1994 campaign strategy and health care reform--appears to know what's he talking about.

Episodes in Ickes's pre-White House legal career have generated headlines and ethics questions in New York for years: his representation of union boss Anthony Amodeo, who allegedly had ties to organized crime; his dual role as David Dinkins's mayoral campaign lawyer and lawyer-lobbyist for companies seeking city contracts from the Dinkins administration; and his work for the city's Off-Track Betting Corp., plagued by allegations of political patronage; among other matters. (A White House appointment for Ickes was delayed a year while his ties to Amodeo's union were investigated. Ickes joined the staff in January.)

According to federal financial disclosure forms filed by Ickes in April, his colorful client list at the Long Island firm of Meyer, Suozzi, English & Klein included former New York Times executive editor Max Frankel, Commerce Secretary Ron Brown, Penthouse, the Children's Defense Fund, feminist author Letty Pogrebin, and Kgosie Matthews (the boyfriend of Senator Carol Moseley-Braun, who was accused of sexual harassment by Braun campaign workers). Ickes even represented POM Inc., the Arkansas parking-meter manufacturer owned by former associate attorney general Webster Hubbell's father-in-law Seth Ward. It was Hubbell's representation of POM on favorable terms that led the Rose Law Firm to investigate its former partner's billing practices. Hubbell resigned in the

hubbub.

A lawyer, of course, can't be held responsible for his clients' crimes, let alone their ethics, associations, or personal peccadilloes. But Ickes, who has been very active politically over the years in New York, can be judged by his own personal conduct, quite apart from his legal advocacy. It is in this respect that a heretofore unknown incident from Ickes's past may be an illustration of how he came to be a leading member of the Whitewater White House 10, not to mention giving his new boss Leon Panetta ample reason to watch his back.

The year was 1970, and Harold Ickes, then 31, was the campaign manager for the Democratic ticket of Arthur Goldberg for governor and Basil Patterson for lieutenant governor. (Patterson and Ickes would later become partners at Meyer, Suozzi.) One early Saturday morning on September 18, a New York City policeman was patrolling his beat in a radio car when he spotted a man he remembers as unkempt and shabbily dressed, emerging from the Goldberg-Patterson campaign headquarters at 667 Fifth Avenue at 53rd Street in Manhattan.

The man was Harold Ickes, according to the officer, John Mackie. Now retired from the police department and living in Florida, Mackie has come forward with this vignette after all these years because, he notes, it relates to a man "whose motives have been questioned by the Justice Department in the Whitewater investigation."

As Mackie tells it, that evening in New York twenty-four years ago, Ickes was alone and the streets were empty at about 1:45 a.m. The description of events is contained in pages from Mackie's police department memorandum book entry summarizing the events, which he supplied.

Spotting the approaching patrol car, Ickes, who was carrying a large brown paper bag tucked under his arm, hurriedly crossed Fifth Avenue and scampered down West 53rd Street. Officer Mackie called for Ickes to stop, but the plea was ignored by Ickes, who only picked up his pace. The officer gave chase and eventually caught up to him. "When I caught up to subject, he refused to identify himself, was very evasive to questioning, and failed to give a reasonable account of his conduct," the memo book entry said.

At this point, Mackie took possession of the paper bag and emptied its contents: thirty-four different keys, numerous checkbooks and registers, a number of telephone and address books--all written in a different hand, as Mackie recalls it--plus a large, three-cell flashlight of the type that Mackie says is commonly used in the commission of burglaries.

When Mackie informed Ickes that he would have to be taken into the 17th

Precinct station house for further investigation, Ickes "began to harass me by calling me a lousy f---ing cop." Mackie then forced Ickes into the back seat of his car and delivered him to the precinct detective squad.

During forty-five minutes of questioning to which Mackie was not privy, Ickes eventually identified himself as the campaign manager for Goldberg-Patterson and supplied the police with the name of another campaign official who could vouch for him. According to Mackie's memo book, she was Sarah Kovner at TR-7-3915. (Kovner still has the same telephone number; she did not return a call seeking comment, nor did Ickes.)

Apparently, Ickes had undertaken a surveillance operation against his own campaign. "Though my superiors probably had no recourse at the time but to release the man," Mackie says now, "I was convinced then and remain convinced today that Harold Ickes was engaged in some clandestine action that he would not want known, perhaps not even by Arthur Goldberg or Basil Patterson." He adds: "This incident occurred pre-Watergate, but had it occurred afterwards, there's no doubt that my superiors would have looked more closely at the matter, probably by conducting a follow-up investigation."

LANGUAGE: ENGLISH

LOAD-DATE: October 6, 1994

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Divider Title: _____ **H**

Copyright 1990 News World Communications, Inc.

The Washington Times

October 29, 1990, Monday, Final Edition

SECTION: Part F; BOOK LIFE; Pg. F1

LENGTH: 1215 words

HEADLINE: CIA ;
BILL CASEY, THE MAN WHO KNEW TOO MUCH

BYLINE: David Brock

BODY:

The most surprising aspect of Joseph Persico's biography of former CIA Director William J. Casey is that such a resolutely fair treatment of the man could be penned by a writer and brought out by a publishing house

firmly on the left side of the political spectrum.

In the demonology of the left, there is probably no more maligned a figure from the Reagan era, with the possible exception of the former president himself. That Mr. Casey died from a brain tumor at the climax of the Iran-Contra inquisition only propelled his critics to greater heights of retrospective condemnation, not to say mendacity. Thus, Mr. Persico's principal aim is to set straight the Casey legacy, and he succeeds about as well as anyone is likely to.

But that is getting ahead of a story that opens in an archetypical Irish-Catholic household in Queens, N.Y., where we are introduced to an intellectually curious and socially awkward young man, who is drawn to the rational arguments of his Jesuit instructors and troubled by a thick, and later infamous, palate when engaging in high-school debate.

On graduating from Fordham University, Mr. Casey began his first tour in Washington - as a social worker. But a powerful practical strain soon mixed with this idealism to lead Mr. Casey to law school, a promising business career and then back to the Washington Office of Strategic Services (OSS), the World War II forerunner to the CIA.

There, Mr. Casey's already well-developed contempt for bureaucracy and form was enhanced by his mentor, OSS Director William J. "Wild Bill" Donovan, whose epigram "the perfect is the enemy of the good" is a guidepost for understanding all of Mr. Casey's later endeavors. Mr. Casey masterminded the penetration of Hitler's Third Reich by more than 100 agents, which required skirting the niceties of a Geneva Convention ban on the recruitment of POWs as spies.

After the war, Mr. Casey returned to New York to make his mark as a crafty tax lawyer - he invented the tax shelter - and a venture capitalist. His business doings had about them a fast and loose air; he even backed a man who sold oil paintings that were virtually indistinguishable from famous originals.

But the moneymaking game was only a means to another end. Mr. Casey envied the ease with which silver-spooned Rockefeller types moved from the private sector to top government posts and back. If he was to return someday to serve his country in an equally lofty capacity, he calculated he would need independent wealth. Of course, Mr. Casey would have to earn his, a task that he took on with characteristic drive and self-discipline, eventually making millions.

On the way, he began to dabble in conservative politics in New York, saving National Review from bankruptcy and running against a conservative Republican incumbent for a Long Island congressional seat. To get around campaign rules, he channeled personal funds to family and friends to finance the race.

More disturbing, however, is how Mr. Casey's pragmatism shaded into cynicism, as he stepped back from his conservative connections and ideas - even going soft on Vietnam - to position himself as a moderate. He lost the gambit, but judging from his next two decades in and out of public life, he learned a lesson.

As President Richard Nixon's Securities and Exchange Commission chairman, Mr. Casey confounded his detractors by tackling the job with the utmost integrity and conviction, a champion of the little guy who policed Wall Street vigilantly and led the charge against scam artist Robert Vesco.

Still, Mr. Casey's style, or lack thereof, kept him from the power and recognition that he had thought intellect and wealth alone would bring. The main problem was WASP snobbery: Mr. Casey's entrepreneurship imparted the image of a "finagler, a business buccaneer."

Then there were his less-than-refined personal habits: His shirttail showed, he chewed with his mouth open, his diction was terribly garbled.

Even after rescuing the 1980 Reagan campaign from internal crisis and helping to steer it to victory, Mr. Casey was reduced to writing Mr. Reagan a letter laying out his accomplishments and talents and asking not to be left out of the new cabinet.

When the phone finally rang, he was offered the CIA, though his sights long had been set on a policy-making post such as State. But this did not stop the irrepressible spy master from emerging as one of two or three most crucial figures in the Soviet Union's Cold War defeat.

Mr. Persico seems to regard as a fundamental mistake the wearing of two hats, intelligence chief and policy adviser. But for a man with Mr. Casey's abilities, and given the policy leadership vacuum in which he was forced to operate, this admittedly untraditional model wasn't the crux of the problem that was to develop later in his CIA tenure.

On arriving at Langley, Mr. Casey found the agency in a moribund state, hamstrung by a micromanaging Congress, then virtually gutted by a skittish Carter administration. The analytical side hadn't produced a competent report on the Soviet Union in five years, and flesh-and-blood agents were in short supply, replaced by fancy spy satellites. As it happened, Mr. Casey had a bipartisan consensus in Congress for his successful efforts to reverse all of this.

Though the conventional wisdom (unchallenged by Mr. Persico) would put it oppositely, Mr. Casey's troubles emanated from his putting belief above pragmatism. In the most sensitive sphere of his domain, covert support for pro-U.S. elements abroad, there was no such consensus on the Hill, to put it mildly.

Mr. Casey's conviction that the Soviet empire could be rolled back with a U.S. push in Nicaragua led him, in frustration, to dismiss and circumvent congressional opposition, rather than to try to win the policy battle fair and square. Mr. Casey thus enabled his political opponents to hide behind a mask of solemn constitutionalism and gain the upper hand in the battle for public opinion.

This dynamic man's denouement, of course, came in the Iran-Contra affair. Here, Mr. Persico does challenge the conventional wisdom.

He makes a persuasive case that Mr. Casey did not dream up the opening to Iran through arms sales, but supplied important backing for it within the administration and later misled Congress about it; that Mr. Casey did not know of the diversion of funds from these sales to the Contras; and that Mr. Casey's

"off-the-shelf" intelligence capability, of which Oliver North spoke, existed only in the ex-Marine's considerable imagination.

Mr. Persico comes up short, however, in failing to transcend the role of compiler of small facts. From a political biographer, one expects grander truths than the above. Mr. Persico leads us to a conclusion he isn't quite up to making - namely, that Bill Casey's first principles helped expand significantly the Free World.

David Brock is the John M. Olin fellow in congressional studies at the Heritage Foundation.

THE LIVES AND SECRETS OF WILLIAM J. CASEY: FROM THE OSS TO THE CIA

By Joseph E. Persico

Viking, \$24.95, 601 pages, illus.

REVIEWED BY DAVID BROCK

GRAPHIC: Graphic (color), NO CAPTION

LANGUAGE: ENGLISH

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Divider Title: _____ I

Copyright 1994 The American Spectator
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December, 1994

SECTION: FEATURE

LENGTH: 18254 words

HEADLINE: Jimmy Carter's Return;
How a disgraced ex-president's crusade for vindication led to the hijacking of Clinton foreign policy.

BYLINE: David Brock is an investigative writer for The American Spectator and the author of The Real Anita Hill [Free Press].

BODY:

The consensus view: he has been a superb ex-president.

--Time, October 3, 1994

From virtually the moment he left office in defeat and disgrace, Jimmy Carter refused to retire with the quiet dignity that long has been the custom for ex-presidents. As early as the spring of 1981, he fell into a fit of pique over not having received briefings on national security similar to those his own administration had given Richard Nixon and Gerald Ford. [Reagan aides had planned to brief all three living ex-presidents, but the crush of business had not yet permitted them to do so.] Carter put out word that he would embarrass Reagan by complaining to the press, and his threat paid off. Within weeks, Reagan NSC director Richard Allen and an aide were off to Plains. Nixon and Ford were also briefed, but only the Plains visit was unpleasant; Rosalynn Carter served the group dreadfully overripe peaches without plates or napkins.

More unpleasant still was a letter Carter wrote a few weeks later to members of his former cabinet and senior staff, which he made public. Carter accused Reagan of a "one-sided attitude of belligerence toward the Soviet Union" that would "severely damage our own reputation as a peaceloving people." The leaked letter was vintage Carter: blunt, self-righteous, determined, and treacherous. He would soon follow with more of the same. In 1983, he labeled a U.S. arms reduction proposal "propaganda" and took the Soviet line that defenses against ballistic missiles were an "insuperable obstacle" to arms control.

But Carter did more than snipe at Reagan from his outpost in Plains, unusual enough for an ex-president. He undertook quasi-diplomatic missions without the consent of the U.S. government, indeed often in derogation of the sitting president. Whether or not one agrees with the policies of a particular

president, this is reprehensible behavior. The 1798 Logan Act, in fact, expressly proscribes private citizens from negotiating with foreign nations. Carter added insult to injury, the record shows, by deceitfully manipulating both sides in such negotiations, including his own government, and lying to the press.

Many observers have commended Carter's role in heading off Clinton's planned invasion of Haiti. But whether or not Carter played a helpful role in this case, the dangers posed to American interests by an ex-president's ad hoc diplomacy--even if sanctioned by the U.S. government--are not mitigated. The dangers are considerable, since through his own lack of interest and vacillation President Clinton appears to have allowed his foreign policy to be hijacked not only by Carter's people and Carter's style, but also now by Carter himself. Many of the foreign policy demarches claimed as triumphs by Clinton and touted as such in the press are Carter's, not Clinton's. And on close examination they are thin gruel indeed.

Back in 1981, some foreign leaders saw that they could turn Carter's travels to their advantage. The Chinese were especially canny. That year, the New China Agency published an exclusive interview with Carter in which he seemed to lavish praise upon China's treatment of Tibet and the Tibetan people. It turned out that Carter had let himself speak with Tibetans through a Chinese government interpreter, who tailored the remarks. A flustered Carter told reporters that he wasn't an expert on Tibet.

In an effort to remind the world of the Camp David Accords, Carter has been active in the Middle East. In 1983, he met with leaders of the Palestine Liberation Organization, though U.S. policy had forbade official contacts on the grounds that the PLO's charter refuses to recognize Israel's right to exist. Refusing to acknowledge the symbolism of the meeting, Carter said he was acting in his capacity as a professor at Emory University--a position he assumed soon after leaving office--and was not "representing my country in any way."

As he was about to leave for Africa in 1986, Carter was advised by the Reagan administration to turn back because the bombing of Libya was about to commence. It is one of the few times that anyone on Carter's staff can remember his deferring to anyone, let alone the American government. "Carter takes no instructions, and that includes from presidents," as one former Carter Center aide put it. Carter subsequently denounced the bombing as a "serious mistake" and, in a flash of the old moral equivalence for which he was once condemned, stated that if his daughter Amy had been killed under circumstances similar to Moammar Qaddafi's, he would devote his life to retribution and expected Qaddafi to do the same.

The Reagan administration also opposed a Carter visit in 1987 to Syria, since all high-level meetings had been banned after Syria's involvement in a plot to

blow up an Israeli airliner taking off from London. Carter went anyway, and described Syrian President Hafez al-Assad as an "intelligent" man, "totally dedicated to independence from domination by any country." He also used the occasion to lash out at Reagan for "always" preferring military to negotiated solutions. Reagan, he said, was "more inclined to form a contra army to overthrow the Sandinistas, or inject the marines into Lebanon, or use American battleships to shell villages around Beirut." The comment was so intemperate it drew criticism in the liberal U.S. press while Carter was still abroad.

In 1986, with the president and Congress supporting the contra movement to democratize Nicaragua, Carter held twelve hours of private talks with Sandinista leader Daniel Ortega. When Ortega visited the U.S. the next year, Carter invited him to visit a tenement renovation project on Manhattan's Lower East Side, run by the nonprofit organization Habitat for Humanity, with which Carter has close ties. Habitat later built houses in Sandinista Nicaragua. "We've got a lot of friends in Nicaragua. We want folks down there to know that some American Christians love them and that we don't all hate them," Carter said. Such activities out of office [not to mention his record of appeasement, accommodation, and acquiescence within] have led some to mischaracterize Carter as a leftist, a dictator-lover, or a dolt. Actually, the driving force behind Carter's approach--his one constant in facing any foreign-policy problem--is fear of American military intervention. It is a strikingly non-ideological and non-strategic position, always placing him on the side of American enemies and assorted global terrorists and thugs, because they are ipso facto the object of any exercise of American power.

"He tries to appeal to the deeper, inner self, even in a bad character," said one former assistant who admires the approach. "He believes that even a dictator will have a weak point, which in a dictator is the good [side]. He looks for the good in any human being." The problem with this philosophy is that it fails to recognize that some systems and some leaders have more good in them than others, and some have no good in them at all.

Carter's mode of operation is more that of a therapist than a statesman, often lending his diplomatic rhetoric a surreal quality. He once said of Mikhail Gorbachev and himself, "Two farmers can't be antagonistic toward one another." In the same vein, he said that Sandinista Nicaragua had "as much free enterprise, private ownership, as exists in Great Britain." These statements will strike most observers as laughable, though Carter can't be so easily dismissed. He is no lightweight. Acting within his own belief system, however naive or cowardly it may be, he is both tough and shrewd. "If you watch the way he constantly slaps the cuffs on his own government," says one foreign-policy expert who has traveled with Carter, "you can see that this is one hard-nosed SOB." The former Carter aide added, "Carter never does anything without a purpose."

What, then, is the purpose of Carter's long-standing desire to be a player again on the world stage, now apparently facilitated by Clinton? The most credible explanation is hinted at by an official who traveled with Carter to observe the Panamanian elections in 1989 and accompanied the ex-president to his post-election briefing of President Bush in the White House. "It was the first time he'd been back to the White House since Sadat's funeral in 1981," the official recalls. "It was the end of a long and trying trip, every pore was oozing Panama. He went in and briefed the president and half the cabinet. When we came out and got in the car, he didn't even mention Panama. Out came this intense anguish over the [Iranian] hostages and the helicopter crash." Those close to Carter believe that he is still embittered by what he sees as a misperception of failure in his handling of Iran and the hostage situation. Carter is angry that he lost the 1980 election and believes that he did the right thing in resisting the use of force to end the crisis. Ergo, his entire subsequent career has been spent seeking to redeem his presidency in the eyes of history by re-making contemporary American foreign policy along pacifist lines.

Carter's obsessive effort to redeem his reputation by projecting his own failures in Iran onto Reagan prompted his call in 1991 for a congressional investigation into the "October Surprise" allegations leveled by former Carter NSC staffer Gary Sick. Sick alleged that Reagan aides stole the 1980 election by negotiating with the Iranians to delay the release of the hostages.

The ensuing investigation found no evidence of this. On the contrary, a case can be made that it was Carter, not Reagan, who played politics with Iran, when he did too little, too late in ordering the abortive Desert One rescue effort. In late 1979 the military had told a paralyzed Carter that a rescue effort had a much better chance of succeeding the sooner it was ordered. By March 1980, Carter, stuck with his commitment not to campaign while the hostages were in captivity, was about to take a beating from Senator Edward Kennedy in the New York primary. Although by then the chances of success weren't good, Carter ordered the rescue mission anyway. At a White House meeting immediately following the debacle, according to someone who attended it, Charles Manatt, then the chairman of the Democratic National Committee, asked Carter a question that appeared to be prearranged: "Would you now be willing to campaign in New York?" Carter's answer was "Yes." This suggests that the rescue attempt was initiated to liberate Carter from his pledge not to campaign by changing the circumstances.

II.

Both Carter and his wife Rosalynn traveled a long road back from the depths of depression to which they had sunk after losing the 1980 election. In their 1987 book, *Everything to Gain: Making the Most of the Rest of Your Life*, the Carters recounted their return to a "potentially empty life" in Plains. The family peanut farm was bankrupt and creditors were anxious. Agri-giant Archer-Daniels-Midland saved the day when it went into the peanut business and

bought several Georgia warehouses, including the Carters'. Still, they suffered periodic bouts of self-pity, disillusionment, and anxiety. Jimmy spent hours beating objects with a hammer in his woodworking shop.

The Carters eventually saw light at the end of this dark tunnel. Carter took a teaching post at Emory University in Atlanta in 1982 and announced plans to build an elaborate public-policy center on the campus. The Carter Center was dedicated in 1986. The complex includes the Jimmy Carter library, a presidential museum [complete with an Oval Office replica], the Global 2000 project [a health program focused on Africa], the Carter-Menil Human Rights Foundation, and the center itself. The operation runs on a budget of more than \$20 million a year, most of it from private foundations, and employs some 200 people. Carter has managed to grab several hundred thousand dollars in public funds for his vote-monitoring projects, and the Carter Center has received Agency for International Development grants to the tune of several million dollars. [AID's administrator under Clinton, Brian Atwood, served in the Carter administration.]

Among the guests at the dedication of the center was Agha Hasan Abedi, the founder and president of the Bank of Commerce and Credit International. BCCI promoted itself as a Third World Bank committed to Third World development. As Carter would later tell Senate investigators, "His relationship with us was one of 'I want to do something practical to help people who are suffering and we will help you.'" Abedi contributed more than \$500,000 to the center, and as co-chairman of Carter's Global 2000 project, he forked over another \$8 million. Abedi, the head of what would later be revealed to be a global criminal syndicate, sought to avail himself of Carter's reputation. And Carter--either too naive to see the situation clearly or too morally cocksure to care--obliged.

According to a December 1992 report by the Senate Foreign Relations Committee, "The BCCI Affair":
Less than one month after the Carter Center opened, the former President traveled with Abedi to Pakistan and to Bangladesh to sign agreements with government officials starting Global 2000 health care programs in those countries. . . . Without President Carter's knowledge, BCCI either had, or was to develop corrupt relationships with several of the countries visited by Carter and Abedi, including Bangladesh.

With the exception of Carter's local paper, the Atlanta Journal and Constitution, media coverage of the report all but ignored the Carter connection. The New York Times, for example, didn't even mention it in a long piece that focused on the far more tenuous ties between the bank and Republican Senator Orrin Hatch of Utah. This may have been because the report faulted the CIA for failing to inform Carter that he had exposed himself "to the designs of a criminal institution for almost a decade." Interestingly, the aide to Democratic Senator John Kerry of Massachusetts who was largely responsible for

the report and the attending media spin, Jonathan Winer, has been rewarded by NSC adviser Anthony Lake, a Carter era veteran, with the post of deputy assistant secretary of state for international narcotics matters. Winer, however, is still functioning as a political operative. His fingerprints were on a Washington Post story run just before the election that sought to implicate GOP Senate candidate Oliver North in contra drug-running charges from the mid-1980s, which Winer had fruitlessly pursued for Kerry. [Winer didn't return a call seeking comment.]

Over the years, the countries to which Carter and Abedi traveled together on Abedi's plane--including Pakistan, Kenya, Zimbabwe, and China--became major banking centers for and investors in BCCI. According to the Senate report, China allowed BCCI to be the second foreign bank to operate in the country. China lost \$500 million when BCCI collapsed in 1991. BCCI stole \$171 million from Bangladesh alone, including disaster relief aid from foreign countries, the Senate report said. How many AIDS-ridden, starving African children have Carter to thank for their plight is difficult to estimate.

Carter told the committee that it was not until Panamanian General Manuel Noriega was indicted in 1988 that he became aware of BCCI's involvement in illicit activities [the indictment charged that Noriega used the bank to launder money]. Yet according to the report, even after the Federal Reserve Board issued a cease-and-desist order concerning BCCI's ownership of First American Bank in 1991, Carter continued to "solicit and receive significant contributions from Sheikh Zayed, who together with his government had formally purchased the controlling interest in BCCI." Sources at the Carter Center say the free travel relieved the biggest budgetary pressures Carter faced.

III.

Abedi wasn't Carter's only strange bedfellow. Though it went entirely unnoticed, Carter began to develop real influence for the first time as an ex-president by forging links with, of all things, a Republican administration that was known for its cool and competent conduct of foreign affairs. "Everything changed when Bush came in," said a Carter Center source. "All of a sudden, our calls were getting returned." The first contact came when Brent Scowcroft, Bush's NSC adviser, made a quiet trip to Plains soon after the Bush inaugural.

Carter's big break came when Secretary of State James Baker decided to distance the new administration from Reagan's Central America policy by essentially turning it over to the Democrats. He appointed moderate Democrat Bernard Aronson, who had helped forge bipartisan coalitions for contra aid in the mid-1980s, as the assistant secretary for Latin America. And Baker chose the Carter Center as the site of his first major statement on Central America policy in March 1989.

The Carter Center is organized like a mini-National Security Council, with

experts in Latin America, the Middle East, Africa, arms control, and conflict resolution. The Latin expert, Robert Pastor, the only Carter Center scholar who served in his administration, is first among equals. The son-in-law of Robert McNamara, he has ties to left-wing lobbies like the Committee on Latin America and the Institute for Policy Studies. As the Carter NSC's Latin American expert, Pastor "was a loose cannon on deck," recalled one former Pentagon official. "He was orchestrating the Panama Canal Treaties with a real bum and a crook [Gen. Omar Torrijos]. Next they were going to give away Guantanamo." Alarmed at Pastor's free-lancing, the then-chairman of the Joint Chiefs of Staff George Brown passed on a note to Carter NSC adviser Zbigniew Brzezinski, who was nominally Pastor's boss. Brzezinski wrote back saying that he couldn't rein in Pastor, since the masterful in-fighter was "hiding behind the skirts of Rosalynn."

Pastor's vast contacts and Carter's name recognition made the duo players in the region even a decade later; as it happened, Pastor also knew Aronson quite well. Central America policy soon became known as "the Bob and Bernie show." The first act was in Panama in 1989, when Carter at his own initiative announced plans to head a delegation to observe elections between General Manuel Noriega's puppet presidential candidate, Carlos Duque, and opposition candidate Guillermo Endara. Rosalynn, who is deeply involved in Carter's undertakings, was against the idea, fearing that the association with Noriega might taint her easily snookered husband. "She felt Noriega was a jerk and a sleazeball. She screamed at him about it one day in front of us," said one source who witnessed the outburst. "We were really embarrassed. Carter left the room and came back a couple of minutes later and said 'Rosie will be going with us to Panama.'"

Bending the usual procedures for international observers that guarantee impartiality and objectivity, Carter and Pastor negotiated the size and composition of the group with Noriega, who was not even recognized by the United States. Members of the congressionally funded National Democratic Institute and International Republican Institute were part of the delegation. "There was a lot of concern among both Democrats and Republicans about Carter negotiating our way in. We felt any deal he struck could compromise us," said one member.

When Bush's hand-picked observer group was denied visas, Baker gave his imprimatur to Carter, much to Noriega's delight. To assuage Republican concerns, Baker called former President Gerald Ford and asked him to serve as co-chairman. When a writer for Newsweek implied in his coverage that the initiative had been Bush's rather than Carter's, Pastor instructed staffers at the Carter Center to cut that reporter off forever.

Ford stayed in Panama for only a day, flying out two days before the Sunday balloting, thus leaving the delegation in Carter's hands. On election day, people with government and military credentials were voting more than once. Opposition people were stricken from the vote rolls. On Sunday afternoon, Endara

and vice-presidential candidate Ricardo Arias Calderon read a list of irregularities, including the shooting of a foreign priest observing the balloting. Carter's only comment on the voting was, "It looks okay."

By Monday afternoon, Carter faced an open mutiny in the delegation. "Reporters started asking us 'Why does everyone but Carter see this?'" said one Carter critic. "The answer is he went to Panama to negotiate, not to observe the election. He knew of the vote rigging. We could see from our quick-count that the opposition had won. But he wouldn't say so because he thinks there's no circumstance he can't fix. He still thought he could get through to Noriega." According to a source close to the ex-president, Carter had four separate channels into Noriega in an effort to short-circuit an official stamp on the results and lure the general into mediation. Typically, he acted on his own, keeping his fellow observers in the dark.

Carter went out on a limb for Noriega, adamantly refusing to condemn the election as invalid in the face of mounting evidence so as not to compromise his "credibility" with the regime. That is until, by happenstance, Carter wandered from his hotel across the street to the electoral counting center at about 5:45 p.m. "He could see for himself that the tally sheets marked in pencil didn't match the results that were being read out by the board," said one member of the delegation. "He went up to one of the officials and said very loudly in Spanish, 'Are you an honest man or a thief?' Then he sent word to Noriega that it was all over if he didn't hear by 6 o'clock. He never heard back."

Though Carter soon denounced the election as "totally fraudulent," the Carter critic in the delegation said, "There is no certainty he would have condemned it if he got into talks with Noriega. The decision to involve Carter put U.S. policy one step away from a calamity."

And not for the last time, either. When Daniel Ortega agreed to stand for election in 1990, he followed Noriega's lead and invited Carter in on his own terms. Visas to the official Bush group were denied. So Carter's delegation, with Baker's okay, became the proxy Bush group. Before departing, Carter managed to press Baker into saying that the U.S. would honor the results of a fair election, in spite of the Sandinistas' refusal to release earmarked funds to the opposition campaign. Sanctioning a victory by the government appeared to be Carter's aim again. Republicans in Congress, however, were on to the ex-president. In an extraordinarily tense meeting in the Capitol, Carter made a personal pitch for support from Republican senators in a meeting attended by sixty-seven members. Instead, he got a severe tongue-lashing from GOP Senator John McCain of Arizona, who at one point shouted at him, "How naive can you be?"

In the apparent belief that the Sandinistas would win the vote, Carter told

an election-eve press conference that he had "strongly recommended" to the Bush administration that it should "move immediately toward reconciliation" with the Sandinistas after the balloting. But despite the irregularities, the opposition victory margin was too big to be denied. At 4 a.m., Carter woke up Baker, who was traveling in New York. "It was the most incredible thing," said one person who was in the room with Carter during the call. "He told Baker, 'Get a piece of paper and write this down. Here is what you're going to say to the press tomorrow. There will be no Ortega-bashing. And the first thing is the contras must disband.' Carter was like a schoolteacher instructing a child. And we all laughed when Baker said just what he was told to say the next day."

These two episodes notwithstanding, the Bush administration generally kept Carter at arm's length, and rejected several pleas by the former president to be given an official mediation role. "He would call fairly often and he would write," recalls one former top-level Bush official. "He wanted to play a role in Ethiopia [where the U.S. mediated the first formal peace talks between Ethiopia and Eritrean separatist guerrillas], and he wanted to go to North Korea. We always turned him down."

Why? "Because I know him too well. I have no doubt his motives are pure. The problem is that he is not an impartial mediator. He knows what deal he wants going in. When he negotiates, he is not negotiating for you, he's negotiating for Jimmy Carter. Once you let him in, it is very difficult to control an ex-president. I've seen him operate on committees and such. He knows how he wants the final report to come out and he doesn't care what anybody else says on the way there."

That Carter would pursue his own agenda independent of official American policy was made startlingly clear when Bush officials discovered that he had written letters to members of the U.N. Security Council, including the Soviet Union, urging them to vote against the U.S. position on the Persian Gulf war. This came after Carter's public suggestion that a "respected mediator" be named to help settle the crisis fell on deaf ears.

Carter took matters into his hands in what has to be the most striking effort ever by any ex-official of the U.S. government, let alone an ex-president, to undermine American policy by direct communication with foreign governments on the eve of war. His intervention was not widely known within the highest levels of the administration or at the Carter Center. Former CIA director Robert Gates, for instance, is said to have learned of it in the recent New York Times interview in which Carter himself revealed his role. The former Carter Center aide told me, after a pained silence, "He has a right to communicate, but it was a mistake to admit it." [Carter himself recently said it "was perhaps not appropriate."]

Carter has often defended his free-lance diplomacy by claiming that he writes

reports on all of his activities and submits them to the government; on the Gulf matter he told the Times that he had sent a copy of the letter to Bush so that he "wouldn't be going behind his back." According to a Carter Center spokesperson, on November 11, 1990, Carter sent a hand-delivered letter to Bush that was similar in content to the Security Council letters. But contrary to Carter's implication in the Times, the letter did not inform Bush that he had sent letters to Security Council members. "We knew about it, but not from him," said a top official in the Bush White House. "One of the heads of state who received a letter told us about it. We never heard a word about it from the others." [After publicly attacking the policy as troops were going into battle as "a massive, self-destructive, almost suicidal war," Carter had the audacity to complain, "I have not received one word of briefing from the White House or the State Department since the Iraqi invasion took place, which I think is not a proper way to treat a former president."]

An official who attended the high-level war-planning meetings at the State Department put it this way: "Carter was a glimmer on the radar screen. We were vaguely aware of what he was doing. It is the difference between a competent foreign policy team and an inept one. To us, Carter was just a nuisance."

To the Clinton crowd, Carter has been something else entirely.
IV.

Indeed, there is little doubt that Carter's recent emergence says as much about Clinton's weakness as a leader and the internal dynamics of his foreign-policy team as it does about Carter.

The Carter takeover began when Clinton turned to many Carter veterans to staff his administration. But he turned only to a certain type of Carter person; the more assertive, strategic-minded Carter NSC adviser Zbigniew Brzezinski and those closely associated with him were largely overlooked in favor of skittish, paper-pushing acolytes of former Secretary of State Cyrus Vance, many of whom had their formative experience as political appointees or foreign service officers, when they turned against the Vietnam war. [Chief among them are State Department officials Warren Christopher, Peter Tarnoff, and Richard Holbrooke; NSC adviser Lake and his aide Morton Halperin; and Walter Slocombe, the undersecretary of defense, who is said to have actually cried when Carter withdrew the SALT II Treaty.] One senior foreign policy aide has mused that Brzezinski's memoir *Power and Principle* served as a guide on whom not to pick to serve Clinton.

The Jimmy Carter depicted by Brzezinski could be persuaded. [Carter became more of a knee-jerk anti-interventionist with age.] Vance, often outflanked by Brzezinski and Defense Secretary Harold Brown, could prevail with Carter only when the Soviets were being good. Clinton is like Carter was, in that he is not reliably squishy. And he is like Reagan in that he has little interest in

day-to-day management of foreign policy, which gives the subcabinet more latitude, breeding intrigue and nasty turf-fights. "May the best back-stabber win," says one insider.

Thus, from the outset of the Clinton administration, the name of the game for the old Vance cabal has been to control the inputs to Clinton and eliminate independent power centers. This way, Clinton would get warmed-over Carterism at its worst: the CIA is bad; never use force [updated for the nineties to include politically correct interventions in Bosnia, Somalia, and Haiti]; arms sales are dangerous; nuclear weapons are bad no matter who has them; the U.N. is good; China is bad; Russia is good; Syria is the key to the Middle East; and so forth.

One track has been to place like-minded people throughout the bureaucracy. Favored training grounds include places like the ACLU's Center for National Security, headed for years by Halperin, whose Defense Department nomination was defeated by Republicans in the Senate last year, but who has now emerged in an even more powerful position as an aide to Lake, who is the predominant figure in the foreign policy sphere. [Warren Christopher's attention to image over substance has made him little more than a figurehead, though his subcabinet has influence.]

Lake and Halperin resigned from government service in the Nixon administration to protest the Cambodia bombing. As director of policy planning at the Vance State Department, Lake was at the center of every policy debacle during the Carter presidency. In 1981, he moved to a farm in Massachusetts, where he remained until tapped by Clinton. Halperin's DOD nomination was opposed by some Republicans who charged that he had supported renegade CIA agent Philip Agee, who disclosed the name of a CIA station chief who was later assassinated. But the most telling thing about Halperin is that he is the author of a classic study of bureaucratic maneuvering in foreign policy.

The Arms Control Association, where as a staffer George Stephanopoulos developed his views, has also given the administration Gloria Duffy, who toiled at the association writing anti-nuclear tracts for more than a decade before finding herself in charge of nuclear security at the Pentagon. Pro-Arab ex-Ted Kennedy aide Nancy Soderberg runs Middle East policy at the NSC. State's intelligence bureau is run by Tobi Gati, a lackluster academic whose last job was heading the U.N. Association, and Jennifer Symms, a former aide to Senator John Danforth and the wife [and former student] of Robert Gallucci, assistant secretary of state for political affairs. In an example of how the administration's few moderates have been outplayed, Gallucci was appointed a special envoy to take North Korea policy away from its rightful place in the bureaucracy under the tougher-minded assistant secretary of state for east Asia, Winston Lord.

The second track has been to force moderates out of power when they've acquired it. Lake's goal has been to make sure no Brzezinskis or Browns emerge. Former Secretary of Defense Les Aspin, who strongly supported the Persian Gulf War, was his first victim. Having spent twenty-five years preparing to be defense secretary, Aspin was a threat because he was a close adviser of Clinton during the campaign [Clinton ran on Aspin's defense budget]. As a former chairman of the House Armed Services Committee, he had wide experience and his own network of contacts. Lake and Halperin, who was then at the Pentagon awaiting Senate confirmation, were able to make Aspin take the fall for the decision not to send armor to Somalia, where eighteen U.S. soldiers subsequently died in battle. In fact, Lake never took the decision to the president, and Halperin was writing Somalia policy memos to Aspin even though he was unconfirmed at the time.

Another opportunity for Lake to monopolize the field came when Colin Powell retired as chairman of the Joint Chiefs. As the military saw it, front-runners for the post included Air Force General Lee Butler, a defense intellectual; Admiral Paul Miller, the innovative Atlantic Fleet commander; and the strong-willed Marine General John P. Hoar, commander of the rapid-deployment forces. Also high on the list were Admiral Charles Larson, the Pacific Fleet commander who is both a naval aviator and a submariner, and Air Force Chief of Staff General Merrill McPeak. Under the normal rotation, McPeak would have gotten the nod.

Clinton's actual pick, announced after an unusual White House dinner for all sixteen of the candidates attended by Hillary Rodham Clinton, was Army General John Shalikashvili, the NATO commander. Shalikashvili was thought to be a long-shot candidate because of his heavy Polish accent, his father's pro-German past, his wooden manner, his unpopularity in the army, his relatively hawkish position on Bosnia, and his lack of ideas on how to reform the military in the post-Cold War era. "Not very West Point," as one Pentagon aide put it.

When the choice of Shalikashvili was announced, word among Pentagon brass was "Hillary picked the runt." Their theory was that Shalikashvili's eccentricities--including his Bosnia position--were seen as strengths by Hillary and Stephanopoulos. "Given the military's lack of confidence in Clinton, they didn't want a Colin Powell type who could go on 'Face the Nation' and say he didn't agree with the administration," the Pentagon aide said. McPeak, for instance, had slit his own throat when he criticized the Clinton defense budget in testimony to Congress.

As if the appointment itself were not enough, Lake then moved to take control of Shalikashvili's brain. The chiefs have a think-tank with wide access to raw intelligence at the National Defense University, the Institute for National Strategic Studies, which provides foreign policy advice. Lake arranged for a close associate, Hans Binnendijk, to take control of the institute and, with it,

Shalikashvili's speeches and talking points for interviews. In the 1970s Binnendijk had been a staffer to Senator Charles Percy of Illinois, the Republican water-carrier for Carter's plan to pull U.S. troops out of Korea. The institute will soon complete a "Strategic Assessment" that suggests, according to those who have seen a draft of the study, that the U.S. could meet its security obligations around the world and still cut its forces in half. To say the least, the military isn't happy.

CIA director James Woolsey's access to Clinton has been blocked by Lake. He has cleverly used a Democratic hawk, retiring Senator Dennis DeConcini of Arizona, to force Woolsey out. Ed Levine, a Senate intelligence committee staffer and former Howard Metzenbaum aide, has convinced intelligence panel chairman DeConcini that Woolsey has misled him on various matters. Levine has close ties to Halperin; in the 1980s, he worked closely with Halperin to pass several bills hamstringing the CIA that Halperin was pushing from his perch at the ACLU. Metzenbaum was Halperin's strongest supporter in the confirmation battle. Lake also put out word that Woolsey had not served the president well in preparing him for the trip to Syria. The problem, it seems, was that Woolsey gave Clinton the unvarnished view that Syria is a terrorist state that can't be trusted to live up to its promises.

Former Rep. Stephen Solarz saw Lake kill his nomination to be ambassador to India [he'd already been passed over for a higher-level spot]. One mark against Solarz was his history of support for aid to the Cambodian and Afghan resistance forces. When North Korea's Kim Il-Sung told Solarz "We have no nuclear weapons," the congressman responded, "That's a lie!" No Carterite, he.

Solarz's nomination was imperiled when a story surfaced about his business association with a Hong Kong entrepreneur who had a criminal record. When Solarz had originally asked the U.S. consul about the man, he hadn't been told of the man's mafia ties. Solarz was informed only several months later, when he inquired about helping the man obtain a U.S. visa. A foreign service officer in the consul's office saw to it that Tony Lake was tipped off. Lake then spun the story against Solarz, when in fact Solarz should have been fully briefed by the consul in the first place. A Justice Department inquiry into whether Solarz had done anything illegal ended without charges, but Lake told Solarz he could never be confirmed--a dubious judgment--and his nomination therefore was being withdrawn. Lake then told reporters that Solarz had withdrawn his own name, which is how the story played.

With Solarz out of the picture, Lake, with the support of Deputy Secretary of State Strobe Talbott [who had supported the coup against Aspin as well], moved to take out yet another moderate by nominating Frank Wisner, the undersecretary of defense for policy, for the New Delhi post. Wisner's mother is Georgetown socialite Polly Fritchey, who had backed Aspin years ago when he was a kid running for Congress from Wisconsin. But Aspin couldn't protect him when Wisner double-crossed Halperin and Lake during the former's confirmation battle: he

sent the Senate Armed Services Committee documents showing that Halperin had improperly participated in inter-agency meetings and taken part in personnel matters while awaiting confirmation. The removal of Wisner helped Talbott win an internal struggle over U.S. policy in Russia, with Wisner favoring more pressure for reform and more support for the independent states. Talbott's other rival on Russia policy, DOD official Graham Allison, was also pushed out and has returned to Harvard University.

V.

This is the context in which Carter's emergence in the Clinton administration must be viewed; his own willfulness was not enough to make it happen. When splits have developed in the foreign-policy team, Carter has been brought in by alumni of his own administration to win these power struggles and box Clinton into climbing down from confrontation. At the same time, Carter has exploited the divisions to advance his campaign to rehabilitate the discredited policies of his presidency.

This is probably news to Clinton, since the source of Carter's influence comes through his former associates, not Clinton himself. Though he endorsed no candidate in the '92 Georgia primary, Carter was notably cool to Clinton. He criticized Clinton's middle-class tax cut plan and went out of his way to compliment Paul Tsongas. "It was a distinct lack of enthusiasm," said one Carter associate. "If he was going to choose someone, it would not have been Clinton."

Why not? "Carter had the utmost respect for Bush. But not for Clinton. I think it's the moral questions. Carter has a very close personal friendship and a very, very rich relationship with his wife. If they are on a six-seater plane and she's sitting behind him, he'll reach back and they'll hold hands for half the trip."

After the election, Carter was reportedly miffed that the Clinton people were giving him the cold shoulder. The New York Times reported in January 1993 that "the former president couldn't repress a small grin when recalling Mr. Clinton's 'ignominious defeat' in 1980 after one term as governor, when voters in Arkansas 'brought him down a notch.'"

Carter's first foray during the Clinton presidency--public and private criticisms of U.S. policy in Somalia's civil war--appear to have led to a shift away from a military solution. As U.N. troops attempted to capture and arrest Gen. Mohammed Farah Aidid, Carter gave an interview to a Paris-based African magazine, calling the effort "regrettable." Aidid saw an opening and called on Carter to mediate the crisis.

With approval from both the U.S. and the U.N., Carter soon received a delegation representing Aidid at the Carter Center. A proposal emerged that

would have created an independent U.N. commission to evaluate criminal charges against the general for the ambush against Pakistani peacekeepers. The sole purpose of this commission, evidently, was to clear Aidid of responsibility, since a U.N. investigation had already found him culpable.

Through Lake, Carter successfully lobbied for a political rather than a military solution. But Les Aspin blocked Carter's campaign to be appointed the U.S. negotiator. Former U.S. envoy to Somalia Robert Oakley was sent instead. According to a report in USA Today, shortly thereafter, at the Israeli-PLO ceremony at the White House in September, Carter took Clinton aside and complained. "This lack of cooperation was completely and thoroughly discussed and resolved," Carter told the newspaper. Within a few months, with both Aspin and Powell gone, Carter got his way on North Korea.

U.S. policy had been clear: North Korea must not be allowed to obtain any nuclear weapons. If the North Koreans unloaded plutonium-bearing fuel rods from its nuclear reactor in Yongbyon and destroyed evidence of its past bomb-building, the U.S. would withdraw from talks and seek sanctions. North Korea's current nuclear program produces weapons-grade plutonium as a byproduct in the fuel rods, which can be reprocessed to produce enough plutonium for five or six nuclear bombs. The collision course was set when North Korea removed the spent fuel rods and refused international inspections of its nuclear facilities.

At the United Nations, U.N. Ambassador Madeleine Albright, who has frequently advocated the use of force, albeit under U.N. auspices, proposed tough economic sanctions that would have, for example, cut off the more than \$600 million a year sent home by North Koreans working in Japan. The director of operations for the Joint Chiefs of Staff, Marine Lt. Gen. Jack Sheehan, meanwhile, drafted several options to beef up U.S. military assets in the area, including dispatching squadrons of fighters and bombers--raising the prospect that the U.S. might bomb the North's fuel reprocessing facility. Also, to protect South Korea, six Patriot anti-missile batteries were scheduled for delivery.

Adamantly opposed to the confrontational U.S. stance, which he feared might lead to war, Carter decided to take Kim Il-Sung up on an invitation to visit. Carter made it clear he was going with or without the administration's okay. He received private encouragement from U.S. Ambassador to South Korea James Laney, a former president of Emory University and an ex-missionary who claims to be fluent in Korean but isn't. Laney opposed the Patriot delivery. He is also no less naive than Carter: When briefed by the outgoing U.S. Ambassador Donald Gregg, Laney had inquired of him, "How did you control the military and the CIA?"

The White House [i.e., Tony Lake] approved the visit for the same reason Kim had invited Carter: as a way of blocking U.N. and Pentagon muscle-flexing. Gallucci was dispatched to Atlanta to brief Carter. And the Patriots, which

should have been delivered by air for maximum deterrent effect, were instead sent by sea.

Carter spoke with Clinton before his departure. The understanding was that Carter would present the U.S. position, not negotiate: No face-to-face negotiations until North Korea agreed to halt all nuclear activities--surrender the fuel rods, and allow inspectors to check whether enough plutonium had been diverted in 1989 to make nuclear weapons, which the CIA suspects is the case. But Carter did not hesitate to pursue his own solution once in Pyongyang. With Rosalynn acting as note-taker, Kim and Carter struck a deal: Kim agreed that North Korea would temporarily freeze its nuclear program if it discerned there were "good faith efforts" to settle the dispute. Yet the freeze meant nothing, since the fuel rods were too radioactive to handle for months anyway. Nor was it verifiable. And the question of whether the country already had Bomb-building capabilities--or even the Bomb itself--was not addressed.

Carter announced the deal on CNN--which had already been let into the country by Kim for the occasion--before vetting it with the administration, which had not agreed to resume talks, contrary to Carter's assurance to Kim. The State Department was incredulous; when Kim died less than a month later, the joke was that he died laughing after negotiating with Carter. Even Lake and Gallucci, advocates of at least wrist-slapping U.N. sanctions, were dismayed; they were beginning to see that even a carefully planned hijacking can run off the tracks. When Lake tried to amend the deal, "the wording was contrary to what I had worked out, so he corrected that," Carter later said.

Clinton was stuck either with embracing Carter's announcement or repudiating Carter and thus his own judgment in sending him. "We want to know what they mean and if it represents a change in position," Clinton said warily. Then, CNN reported that Carter had been overheard telling Kim Il-Sung that he had consulted with the White House and the U.S. had "stopped the sanctions activity in the U.N." as a result of the deal. Carter was hoping to bluff Clinton into a concession, but on this point Clinton held his ground. "All I know is, what I said is the policy of the United States," a frustrated Clinton said. Yet even after Clinton's statement, Carter continued to slam U.S. policy in interviews from Seoul. "The declaration of sanctions by the U.N. would be regarded as an insult by them, branding it as an outlaw country. . . . It would constitute a personal insult to their so-called Great Leader," Carter said.

The deal announced by the two sides in October followed the Carter blueprint in that it did not take Korea off the nuclear road. North Korea's past activities have been forgotten or forgiven, and the inspections are so limited they will do little to prevent future bomb-building. More than \$4 billion will be pumped into the repressive North Korean regime by the West. Trade restrictions will be lifted and bilateral diplomatic relations, long sought by

the North, will be established.

Clearly, the policy had been set by Carter. The sanctions effort had been thwarted. Clinton--with Lake, Vice President Gore, and Stephanopoulos weighing in--accepted the phony freeze as the only pre-condition to direct dialogue with the Koreans. When Carter returned to the U.S., Clinton stiffed him; it was Lake who received him in the White House.

VI.

Oddly enough, the invasion of Haiti began as a project of the American left--the "Aristide exception" to the long proscription on using force. The ideological rationale for the invasion was first laid out by Morton Halperin in an article in the spring 1993 issue of Foreign Policy magazine entitled "Guaranteeing Democracy." Though no specific mention of Haiti was made, Halperin wrote, "When a people attempts to hold free elections and establish a constitutional democracy, the United States and the international community should not only assist but should 'guarantee' the result . . . using force if necessary." Under the Halperin theory, the U.S. would explicitly surrender the right to intervene unilaterally; thus, neither the invasions of Grenada nor Panama would have been permitted without the consent of the U.N. or the Organization of American States [both organizations approved the Clinton Haiti intervention]. Meanwhile, Randall Robinson of TransAfrica lobbied his friend Tony Lake to get Clinton to take a more confrontational stance, including the imposition of tough sanctions.

By mid-September, with the administration heading toward military invasion, Carter received a letter from General Raoul Cedras's foreign minister suggesting he mediate the crisis. While press accounts have credited the idea to Joseph Blatchford, a Washington lawyer-lobbyist with many Latin clients who in a September 13 Los Angeles Times op-ed suggested a role for Carter, Cedras himself had floated the idea in a little-noticed interview with CNN on August 6. Cedras had met Carter in 1990 when he was in Haiti to observe the elections; true to form, Carter predicted the result of that election wrongly, telling Aristide to prepare to accept defeat. Aristide ended up winning 67 percent of the vote, but Carter's predisposition impressed Cedras.

Cedras telephoned him in Atlanta a few days before the expected invasion. Carter then contacted Colin Powell and Democratic Senator Sam Nunn of Georgia, and asked if they would join him on a last-ditch Haiti mission. By this point, if Clinton rejected Carter's overture, Carter could go public with the plan and embarrass the president, who had committed himself to exhausting every diplomatic effort before invading.

Lake and Halperin, meanwhile, were beginning to go south on their own policy once they got a glimpse of what an invasion would actually entail. Marine General Sheehan told Clinton and Lake that he wanted to take no chances with the lives of American men. Unlike in Iraq, CNN was already in Haiti. And Clinton

wouldn't want Americans in body bags six weeks before the election. So the invasion plan developed by Sheehan began with a surgical option in the Bay of Pigs; U.S. forces would pre-emptively kill any Haitian conceivably resisting an American landing. If successful, it would have meant between five and 100 American lives lost, but perhaps upwards of 10,000 Haitian casualties.

Powell was shaken by a private briefing from Sheehan. The two were old friends; Powell had been former secretary of defense Caspar Weinberger's military assistant at the time that Sheehan was deputy defense secretary William Taft's top aide. An emotional Powell, a Caribbean-American, would later describe the plan to Cedras at a key moment in the negotiations. When a friend spoke with Powell after the invasion had been called off, and said, "You saved American lives," Powell responded, "And Haitian lives."

Support in Congress was also collapsing. Former Nunn aide Robert Bell, an NSC staffer, had promised Lake that he could deliver Nunn's endorsement of the policy, but Nunn came out against it in a speech on the Senate floor.

Carter called Clinton on Wednesday night, shortly after speaking with Cedras. Lake sold Clinton on bringing in Carter to take the U.S. off the track of intervention, just as he had in Korea. In Lake's view, the Sheehan plan, which Clinton had signed off on, had to be stopped. And if Carter failed, at least the powerful Nunn would be neutralized.

After his Thursday night speech to the nation, Clinton called Carter and okayed the trip. Also in the room voicing approval were Vice President Gore and Stephanopoulos, the very same pair who had endorsed the purported Carter breakthrough in Korea. State was by then out of the loop; Christopher watched the Clinton speech from his Georgetown home, and Strobe Talbott is said to have learned about the Carter mission on CNN. Ironically, Christopher, not Lake, had been closer to Carter during their years in exile, frequently visiting the Carter Center. But the two had become estranged since Christopher became secretary of state and was loath to give over his portfolio to his former boss. Lake, content to operate behind the scenes, was not threatened by Carter's public profile. Indeed, he and Halperin realized the bureaucratic benefit of having a stalking horse. Lake's close connection is to Pastor, who is thanked as a teacher in the foreword to *Somoza Falling*, Lake's book on the failure of the Carter Nicaragua policy.

As in Korea, Carter's impetus was his opposition to U.S. policy, not a desire to represent the administration. The Carter delegation, Pastor in tow, arrived in Port-au-Prince on Saturday. That night, Carter sketched out a draft agreement on his personal computer. Though White House aide Larry Rossin was accompanying the delegation, Carter presented it to Cedras without White House approval. The draft didn't have a deadline for Cedras stepping down, it lifted the trade embargo, and it made no mention of Aristide's return. When Carter finally permitted Rossin to fax it to the White House 12 hours later, Clinton didn't

like it. Talbott began drafting another document, but Carter told him it was too late.

By then, troops were on their way. Clinton later said that his decision to dispatch troops caused Cedras to agree to step down. But Carter, in an interview with CNN early Monday morning before he briefed the president, said that the sending of troops almost undid the deal. Carter had been met at Andrews Air Force Base early Monday morning and taken to the White House to spend the night. He later joked that he was taken to the White House so he wouldn't go on CNN. Carter rose at dawn and called CNN President Tom Johnson to arrange a live interview from Washington. In a scene reminiscent of Al Haig's "I am in control here" speech, Carter announced, "The problem last night and in a number of places around the world causes it to be necessary for the Carter Center to act."

The Clinton and Carter statements can't both be true. Assuming that Carter had a bleary-eyed moment of candor [he later changed his story to bring it into line with Clinton's], his comment suggests that he may have sandbagged Clinton by waiting to present him with an unsatisfactory deal at the last possible moment so that Clinton's only choices would be to accept the deal as written or risk the wrath of Carter and be seen as choosing war. Clinton took the deal.

Neither Carter nor Clinton was entirely happy in the end, a sign that the relationship will remain tricky in the months to come. Though one job applicant at the Carter Center in 1988 was told that the center expected seven more years of Carter's active life, he shows no signs of slowing down or ending his efforts toward redeeming his presidency by promoting accommodation at any price. On his return from Haiti, Carter made it clear that he had been "ashamed" of Bill Clinton's aggressive stance--he told one interviewer that he had told Cedras this as well, but later denied saying it to the Haitian leader--and for good measure he tweaked Clinton by revealing that he had been holding secret talks with Fidel Castro since July.

Though evidently too weak to control his own foreign policy, Clinton is quite capable of exacting modest, and less public, revenge. When Bob Pastor's nomination to be ambassador to Panama came before the Senate Foreign Relations Committee after the Haiti mission, Senator Jesse Helms, still steamed about Pastor's role in the Panama Canal Treaties and in conspiring to mislead Congress about the role of the Sandinistas in exporting terrorism, led Republican opposition to it. Republicans were also concerned about Pastor's role as Carter's aide-de-camp in Haiti while awaiting Senate confirmation. When the Washington Post's Al Kamen wrote up the controversy, Pastor, in his inimitable style, called and accused him of being "a shill for Jesse Helms."

Carter pulled out all the stops. He got Sam Nunn to call Helms and ask him to relent. Pastor went to see GOP Senator Alan Simpson of Wyoming and persuaded

him to appeal to Helms. Colin Powell, at Carter's request, called Minority Leader Bob Dole and asked him to intervene. And Carter personally called Helms, opening the conversation with this ice-breaker: "You thought I was bad, how do you like Clinton?"

The Pastor nomination died in October, never coming to the floor for a vote. The White House, I'm told, didn't lift a finger to help.

LANGUAGE: ENGLISH

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BYLINE: David Brock;

David Brock is the author of *The Real Anita Hill* (Free Press), recently issued in paperback, and an investigative writer for *The American Spectator*.

BODY:

The most telling revelations in Bob Woodward's *The Agenda: Inside the Clinton White House* produced no headlines, because they are not the kind that readers have come to expect from the reporter of Watergate fame. The only scandal here is that members of the president's inner circle were willing to confide in Woodward their inner-most fears and frustrations and disappointments regarding Clinton's personal failings so early in his presidency. (At least the Reagan folk had the sense to publish their kiss-and-tell memoirs when any damage could be confined to the historical record.)

This book, make no mistake about it, does a good deal of damage in the here and now. The portrait of Clinton that emerges is of an undisciplined, indecisive, emotionally fragile man-child who shouldn't be trusted with the keys to the family car on a Saturday night, let alone the nuclear codes. He is indefatigable, yet in the service of no fixed views or beliefs. His sole preoccupation appears to be how to "crawl through to re-election," as Clinton himself is said to have aptly phrased it. The "news" here is that despite an innate intelligence, an undeniable charm, and an incomparable energy level, Clinton is ill-equipped to be president.

In keeping with his signature style, Woodward never uses such blunt language and generally shies away from judgments of any sort. For my taste, he takes this neutrality principle too far in this book, to the point that the narrative limps forward not on an argument, an idea, or even a clever structure but on an endless (and often redundant) catalogue of meetings and memos. The reader is obliged to intuit too much, and may end up, as I did, wishing the author had sweated a bit more over the project. *Veil*, by contrast, a study of the

intelligence community during the Reagan years, struck a better balance between reporting and explaining, and the prose had some bite.

But everyone has his role to play, and whatever the book's analytical and literary shortcomings, Woodward has once again done yeoman work in securing the kind of access to the highest levels in government that no other reporter can match. Of course, no other reporter could get away with offering the blanket protections that are apparently necessary to gain this sort of access. There is no way to judge whether quoted dialogue--not to mention attributed thoughts and feelings--has come from a first-hand source or is merely hearsay. Nor do we know exactly which material in the book has been corroborated by more than one source, a journalistic rule of thumb. Woodward is playing on a field all by himself.

It is also clear that Woodward does his homework, takes great care to get the story right, and has rarely been successfully challenged on factual grounds. As in his previous work, what really matters is the indisputable fact that his unconventional techniques continue to pay off for the reader. Indeed, one can almost hear Clinton whining that no other sitting president has had to contend with Bob Woodward as a fly on the wall for his first 500 days.

Ostensibly, Woodward tells the story of a war for the Clinton economic program between two factions: the bloodless deficit-cutters culled from Wall Street and Congress (Lloyd Bentsen, Robert Rubin, Leon Panetta, Alice Rivlin, and Fed Chairman Alan Greenspan) who wish to pursue an "inside" strategy, not unlike that of the Bush administration, keyed to the financial markets and the congressional leadership; and the fiery, populist-leaning political advisers (James Carville, Paul Begala, Stan Greenberg, and Mandy Grunwald) who favor big-spending programs, heavy taxes on "the rich," and direct appeals to the electorate. Hillary Clinton, George Stephanopoulos, Al Gore, and David Gergen appear as more or less honest brokers, with the former two tilting more toward the politicians and the latter two toward the insiders.

What happened to the tax-cutting, welfare-reforming "New Democrat" of the '92 campaign is anybody's guess, though there are hints in Stephanopoulos's confession that Clinton's promises "didn't add up" and Rivlin's declaration that the campaign "fundamentally misrepresented" the problems posed by the deficit.

As Woodward tells it, Clinton, suffering from "near terminal ambivalence" over the substance of his program, gets rolled by the intimidating Washington graybeards, Bentsen and Greenspan, who believe that deficit reduction and higher taxes will spur economic recovery by reassuring the bond market. Whether or not this is smart politics or economics Woodward doesn't say (Clinton himself, however, calls his plan a "turkey" at one point); the author appears blithely unaware that long-interest rates are back to where they were at the beginning of

the administration, that the tax hike will bring in less than the anticipated revenue, and that future deficit projections remain high due to uncontrolled domestic spending.

In any event, precisely how the two groups fought out their differences, cursed each other, and finally came together to pass the "recovery" plan last summer, is, for my money, far less illuminating than the fact that all of the players seem to agree in their rather grim assessment of Clinton. And so, as did Veil and The Commanders, Woodward's book on the Persian Gulf war councils of the Bush administration, *The Agenda* was conceived as a book about process but shades into a character study along the way. It turns out that it's not the economy, stupid, after all.

The real conflict is not among the advisers, but within Clinton, who is shown to be so racked with self-doubt and in the grip of "psychological anguish" as to be virtually paralyzed when it's time to lead. This does not inspire confidence or respect (or, on the evidence of this book, loyalty). Vice President Gore, Woodward reports, "saw that Clinton was too shaky and tentative in his public, let alone his private, pronouncements. . . . When Clinton asked Gore one day 'What can I do?' Gore's exasperation boiled over and the vice president said, 'You can get with the goddamn program!'" Clinton responded weakly, "Okay." When Clinton was unable to decide whether to abandon his proposal for a BTU energy tax, Bentsen unilaterally announced on a Sunday talk show that it was being dropped. "He hadn't felt a need to consult with anyone, even the president, so he had gone ahead on his own," Woodward writes. Clinton followed Lord Bentsen.

The person who most often rushes to fill the void, however, is Hillary. "Without Hillary Clinton, he would be the most popular law professor at Arkansas Law School," Paul Begala is quoted as saying. Though she originally sought appointment as the domestic policy adviser, she has come to function in the less formal but powerful role of de facto chief of staff, according to Woodward. (Mack McLarty is depicted here as a cipher.) Though she is tougher and more decisive than her husband, her effectiveness seems undercut by a juvenile sense of self-righteousness and an us-against-them mentality that warps her judgment. She speaks often of the need to have "villains and heroes" in explaining their policies and at one point tells the staff, "I believe in evil and I think there are evil people in the world." Hillary doesn't quite say who these evil people are, but one can infer that she means those who don't agree with her.

Hillary shares with Bill an ability to lawyer the truth; so long as they are wearing the white hats, normal ethics don't apply. In lobbying Rep. Martin Lancaster, a North Carolina Democrat, for his vote on the economic plan, Hillary promised that her health care plan wouldn't single out tobacco for more taxes. When it did (the only other tax was on big businesses that didn't join the proposed pools of insurance buyers), Lancaster called Hillary to charge

double-cross. According to Woodward, "The conversation was on the phone, and Lancaster wondered whether she made her assertion with a straight face. Hillary had not been specific [in her promise], and she believed that people often heard what they wanted to hear."

This is not to imply that Clinton himself is impassive; on the contrary, he blows his top almost daily, in venting sessions nicknamed "the wave" that alarmed some of the grown men around him. He also gets teary-eyed at odd moments, such as when asking Rep. Marjorie Margolies-Mezvinsky for her crucial vote for the tax bill. And Clinton apparently takes others on the emotional roller-coaster with him. Mandy Grunwald goes into "a tailspin of depression" when Clinton backs out of a fight, and even the unflappable David Gergen is quoted as saying "I'm so depressed I can barely speak" after one inconclusive meeting with both Clintons. (Indeed, perhaps Clinton should have spent more time with Woodward, who seems to have functioned for his sources not as a reporter but as a therapist.) Though Woodward looks long and hard, ultimately he doesn't find much character to study, only a jumble of unpredictable feelings and impulses. In one emblematic scene, James Carville takes a piece of paper, draws a square, and taps it with his pen. "Where is the hallowed ground? Where does [Clinton] stand? What does he stand for?" According to George Stephanopoulos, "with any single audience or person, Clinton was generally consistent and had mastered his rap. But he could articulate a totally different, even contradictory rap to the next audience with genuine sincerity." The damning quotes keep piling up: A memo from pollster Stan Greenberg begins, "One of the central problems we face is the perception that there's no coherence or principle or purpose to the president's actions."

In an astonishing scene seven months into the administration, Woodward reports that Clinton actually asks his advisers "where [are] the American people in terms of basic values?" and how "might he reach into that system of beliefs?" One can't imagine any recent president so rudderless. Woodward quotes Sen. Bob Kerrey, who is floated here as a potential primary opponent in '96, as saying that Clinton's "problem is not just economic but moral. . . . I mean, what's this presidency about?"

At the end of the book, Woodward delivers one of the few conclusions that he permits himself, suggesting that Clinton's eerie lack of commitment to anything other than his political career has made it "almost impossible to craft such a message," and that Clinton seems unable to "find the high ground or establish his moral authority."

This may be so because Clinton simply may not have a firm sense of right and wrong--a moral compass, if you will. One quote has stayed with me more than any other: Speaking in the wake of the Gennifer Flowers allegations, George Stephanopoulos says, "A normal person would have dropped out of the race."

Exactly.

One gets the impression that this portrait of Clinton has not come easily or comfortably to Woodward, who writes with the utmost delicacy, even skittishness, about these personal shortcomings. Like his sources (he seems to have spent no time with the Republican opposition) the author voted for Clinton and had high hopes for this presidency, he said in a recent interview with PBS's Charlie Rose. Yet after eighteen months of research on his first book about a Democratic president (he chose to write about the Supreme Court during the Carter years), Woodward seems as disturbed and disillusioned and depressed as apparently everyone else around the president.

Pushed to the wall by Rose on why he would be reluctant to vote for Clinton again, Woodward cited "the promises not yet realized; there are lots of questions about whether he can manage the presidency; there are questions that are not dealt with in this book." Indeed, though they are admittedly beyond the purview of his inquiry, Woodward concludes with a scene of Bill and Hillary ruminating about the raft of scandals from the Arkansas days that have come back to haunt them in recent months, stories that seem only to have confirmed what Woodward's reporting about their White House days reveals.

LANGUAGE: ENGLISH

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HEADLINE: THE BIG CHILL;
A Report Card on Campus Censorship

BYLINE: DAVID BROCK; DAVID BROCK is a senior history major at the University of California at Berkeley, and former university editor of the Daily Californian.

BODY:

Twenty years ago, 800 students staged a sit-in at the administration building of the University of California at Berkeley. They called themselves the "free speech movement," and they demanded the right to canvas for political causes on the campus's Sproul Plaza. Their protest ushered in nearly a decade of New Left demonstrations across America.

But the ideological heirs of the free speech movement soon trampled on the ideals they were supposed to cherish, and liberty of expression disappeared from many of the nation's campuses. Even today, despite a swing toward conservatism among young people, left-wing bullies at many colleges and universities are preventing dozens of speakers from expressing their views. What follow are but a few examples of recent censorship.

Ballooning Problem

In February 1983, U.S. Ambassador to the United Nations, Jeane J. Kirkpatrick, came to the Berkeley campus to deliver the Jefferson Lectures, an annual series of addresses by major scholars on historical aspects of American political values. As soon as Mrs. Kirkpatrick appeared on the podium, she became the target of loud heckling, jeering, and insults by campus rowdies, many of whom paraded around the auditorium dressed as skeletons. The demonstrators had planned in advance to interrupt Mrs. Kirkpatrick repeatedly, chanting "40,000 dead" each time she mentioned El Salvador, "apartheid" when she said South Africa. They passed out balloons to some in the audience, who squeezed the air out of them each time Mrs. Kirkpatrick opened her mouth. Though the protest was well advertised throughout the campus, there was little security in the auditorium. In fact, the crowd got so unruly that the moderator, Law School Dean Jesse Choper, plunged into the audience shouting, "You children

should be ashamed of yourselves." Unable to make herself heard, Mr. Kirkpatrick left the stage, returned to finish, then cancelled a speech scheduled for the next day after the Berkeley administration warned her that the next time might be worse.

The Berkeley incident was only the first of several trying experiences for Mrs. Kirkpatrick in the spring of 1983. In March, she was greeted with Nazi banners and heckled throughout her speech at the University of Minnesota. In May, she was to deliver the commencement address and receive an honorary degree at Smith College, but a protest movement began among some students and a sizeable number of faculty. Smith President Jill Conway informed Mrs.

Kirkpatrick that she could not guarantee order at the ceremony, so Mrs. Kirkpatrick cancelled.

During the same period, meetings and petitions deterred Mrs. Kirkpatrick from appearing and accepting a degree that had been awarded her by the trustees of Barnard College. Barnard President Ellen Futter was clearly alarmed: "Colleges and universities, as the very keepers of freedom of speech and expression must err, if at all, on the side of their protection. If we must choose, then, our doors should be too widely open, not too tightly shut."

Red Stains

The American Association of University Professors was greatly disturbed by the Kirkpatrick incidents, and said in a May 1983 report, "As members of the academic community, we have the additional obligation to maintain academic freedom on our campuses, no less so when attempts to suppress this freedom come from members of our own ranks." This past fall, Harvard President Derek C. Bok said, "Free speech is so important to the mission of a university that it should take precedence over all other considerations, such as whether a speech is racist, sexist, or otherwise offensive."

Mr. Bok was commenting on two recent incidents at the Harvard Law School, particularly the brouhaha surrounding a speech by Secretary of Defense Caspar Weinberger in November 1983. Students hurled insults at Mr. Weinberger, unfurled a banner calling him a "war criminal," displayed red-stained sheets bearing the names of Central American countries, and hung an American flag upside down in the auditorium. Mr. Weinberger was repeatedly prevented from speaking, and when the forum moderator tried to restore order, some students shouted, "How can we respect a mass murderer?"

Free speech was suppressed once again at Harvard in April 1984, when the moderator of a panel sponsored by the Black Law Students Association, Mohammed I. Kenyatta, refused to allow members of the Jewish Law Students Association to question a representative of the Palestine Liberation Organization.

Current and former government officials seem to have the toughest time getting a fair hearing on the nation's campuses. In May 1984, left-wing demonstrators at the University of Colorado flung containers of blood at former Secretary of State Alexander Haig. Henry Kissinger cancelled his keynote address to the 50th anniversary commemoration at Tufts' Fletcher School of Diplomacy in April 1984, because of a threat of disruption by campus protesters. Mr. Kissinger, who had faced a "People's Tribunal" when he attempted to speak at the University of Minnesota the previous month, said that leaflets distributed by Tufts protest organizers "contained a level of abuse compatible only with the desire to produce confrontation rather than serious dialogue." After Mr. Kissinger's cancellation, one student told the Tufts campus newspaper that it was "a major victory for those who support a foreign policy based on negotiations, peace, and justice."

This past October, President Reagan encountered the worst heckling of his presidency as he tried to speak to students at the University of Portland through constant jeering. The demonstrators, who shouted "We don't want your war in Central America," prevented much of the audience from hearing the President's address.

Similarly, Walter Mondale was taunted and shouted down at the University of Southern California. The two vice-presidential nominees were also hounded by hecklers last fall -- Geraldine Ferraro at the University of Texas and George Bush at the University of Vermont. Phyllis Schlafly, the president and founder of Eagle Forum, was jeered at an appearance at the University of Iowa in March 1983. The late Representative Larry McDonald of Georgia was thwarted from making a presentation at American University in November 1982 by radical hecklers, many of whom were members of the campus Marxist organization, Latin American-North American Solidarity. "It's always good to be back at American University," Mr. McDonald shouted over cries of "racist, racist" from the left-wing taunters. "You have seen a very vivid demonstration of what will happen to your civil liberties if this segment of the population takes power," he told the audience.

Eldridge Cleaver, the former Black Panther who now extols the virtues of democracy and capitalism and is a sharp critic of the Soviet Union, was prevented from giving a speech at Berkeley by demonstrators in May 1982. In March 1983, he was also repeatedly disrupted during a speech at the University of Minnesota. And Duane T. Gish, a proponent of creationism, was shouted down by students and faculty members at an April 1982 appearance at Berkeley. Some professors, incensed by Mr. Gish's critique of evolution, stormed onto the stage carrying skulls and shouting, "This is your ancestor." "The spirited opposition by scientists and students in the audience often drowned out the speaker's words," the Daily Californian reported. Said Mr. Gish: "No one had a desire to

learn anything."

Expulsion of Eden

Dozens of lesser known speakers are victims of left-wing censors every month at major American universities. The current targets of the radical left are those who support the more assertive U.S. role in Central America advocated by the Reagan Administration.

In April 1984, two students, Nicaraguan exile Alvaro Montalvan and Costa Rican Alvaro Baldizon, were vociferously badgered and disrupted at the University of Massachusetts as they tried to speak about violations of human rights in Central America. Problems started early when the Student Government Association, prompted by a socialist student group, unsuccessfully attempted to prevent the Central American students' appearance by double-booking the room reserved for them. When the students did appear, they were repeatedly disrupted by a group of 60 demonstrators who staged a mock guerrilla war with plastic guns. The protesters, some with fake blood on their faces, held "CIA out of Nicaragua" and "FSLN" signs and shouted boos and leftist slogans. As the protesters grew increasingly contentious, the speakers left the auditorium and cancelled an appearance the next day at Amherst College, nervous about more threats of disruption.

At the State University of New York at Albany, the two Central Americans say they were spotted outside the entrance to the auditorium where they were to speak, and chased off the campus by a small group of students who shouted "There is the CIA agent -- let's hang him," and "We have guns, do you?" Mr. Montalvan encountered little better from left-wing extremists here than he had in Nicaragua, where his house was burned down for expressing views contrary to the Sandinista government's. He was extremely "shaken up" by the incident, according to an internal report on "ousting incidents" by the National Center

on Public Policy Research, which sponsored the tour. Amy Moritz, the executive director of the Center, noted that on the Albany campus, about 300 people waited in the auditorium to hear the presentation. At the University of Massachusetts, some members of the audience had a heated exchange with the protesters. Said Louis Leopold, quoted in the Massachusetts Daily Collegian: "I came to hear the other side. Your idea of free speech is sick." Frequently large crowds show up to hear speakers, but they are denied the opportunity by small bands of militants.

In November 1983, Eden Pastora, the Sandinista revolutionary hero who is now the leader of the contras, tried to give a speech at Columbia University. He was "systematically disrupted with whistles and shouts. He had to scream to be heard," said Sam Schub of Young Social Democrats, which sponsored the talk.

Arnesto Rivas, the Salvadoran Ambassador to the United States, was hooted off the stage as he attempted to speak at American University in favor of U.S. aid to El Salvador. The Catholic University newspaper, the Eagle, reported: "Students barraged the stage with outbursts of screaming and political slogans. The panel turned into a marathon exchange of vulgar insults."

Last October, on the first anniversary of the U.S. intervention in Grenada, several students who had been rescued were harassed and disrupted during campus appearances. For example, Ruth Brandau was heckled at Ithaca College as she appeared on stage with H. Sam McNeil, a New York state assemblyman. "They were wearing peculiar uniforms and carrying spears," recalls Mr. McNeil. "It didn't get too bad because we had security -- strong authority -- to keep it under control. But it was disturbing."

At Georgetown University in March 1984, a forum featuring Roberto D'Aubuisson, a right-wing Salvadoran politician, was cancelled when the Georgetown administration made a last-minute demand of the Young Americans for Freedom, the forum sponsor: pay \$500 for additional security because of threats from the Georgetown Progressive Students Association, or cancel the forum. The forum was cancelled. (Members of conservative groups report that university administrators are generally quite uncooperative in providing security for conservative speakers.) When Mr. D'Aubuisson did appear in December at Georgetown, the audience "could hardly hear him," said Steve Baldwin, of Students for a Better America. "To get in, you had to cross a gauntlet of leftists who spit at you and called you a fascist." Inside the auditorium, protesters shouted and threw themselves in front of television cameras to prevent reporting of the event.

CampusSpeak

Mr. Baldwin's group used to monitor these disruptions, but now, he says, "these incidents are so common we don't even raise an eyebrow."

In addition to the Central America protests, the past few months have also seen a resurgence of small but determined anti-military and CIA demonstrations on many of the nation's campuses, incidents that hark back to the days of the 1960s and early 1970s when military speakers were routinely chased off campuses. Now, as then, the protesters are rarely silenced or punished.

In December 1984, Brown University students repeatedly interrupted a program presented by two CIA representatives. A few minutes into the presentation, a student blew a whistle and half of those in the room stood up and declared a symbolic "citizens' arrest." The recruiters fled the room as a student read a list of "charges" against the CIA. The administration threatened the students with suspension, but put them on "disciplinary probation," essentially a slap on

the wrist. Similar protests prevented lectures or recruitment sessions by military or CIA representatives at Tufts University, the University of Massachusetts, and the University of Michigan, among others.

Some faculty members and boards of trustees have been critical of university administrations for failing to crack down on the student protesters who threaten or actually disrupt speakers. At Berkeley, the faculty Senate and the Board of Regents passed resolutions deploring the conduct of the students in the Kirkpatrick incident and some regents questioned the ability of the chancellor, Ira Michael Heyman, to ensure that free speech prevails on the campus.

"It is important," says John H. Bunzel, a member of the U.S. Commission on Civil Rights, "not only that free speech be guaranteed, but also that it is made clear that those who hijack the campuses -- hold them ransom for some particular cause -- will be punished."

Most of the time, however, they are not. "Administrators have consistently refused to discipline the student left," said Mike Boos, the program director of the Young America's Foundation, which sponsors conservative speakers on campuses. "Their right to protest is often held above the right of the audience to hear." Indeed, the free speech issue is often perverted by the left, which maintains that taunters are expressing their free speech rights, though it means denying the rights of the speaker and the audience.

Freedom Held Hostage

College administrations point out that it is difficult to identify a few hecklers in a large audience, and that many of the hecklers are not students. According to Mr. Baldwin, "Some of the protesters don't look young enough to be students. They're community activist hippie-types." Mr. Schub said the protesters are members of "main-line campus liberal groups" or members of the Committee in Solidarity with the People of El Salvador (CISPES), a national left-wing group that organizes demonstrations against Administration policy in Central America.

According to Mr. Bunzel, university administrations must bear the ultimate responsibility for guaranteeing the right to free speech, but the faculty must also "generate the spirit of academic freedom by extending the right of free speech, which they insist upon for themselves, to others who have a legitimate right to speak on the campus."

Some contend that the left-wing sympathies of university faculties preclude the necessary support for unfettered speech. Philosopher Sidney Hook, who has written widely on academic freedom issues, says, "There is evidence that on some campuses members of the faculty who agree with the positions of the student disrupters give them moral support and encouragement by becoming the chief

agitators for amnesty from administrative discipline." Mr. Hook also criticizes more conservative faculty members for "not showing the public zeal to counteract the actions of the militant faculty."

The result, suggests Mr. Hook, is that "a host of speakers think twice about accepting invitations to speak . . . and every successful disruption increases the likelihood of self-censorship on the part of the faculty -- not inviting those who may be regarded as objectionable to the fascist left." At Berkeley, for example, in the two years since the Kirkpatrick incident, no conservative speaker has attempted to appear. English professor Peter Dale Scott bemoans the "chilling effect" the incident has had on the campus.

According to some faculty members, campuses are held hostage today by the concessions university administrators made to left-wing students in the 1960s and early 1970s. Such figures as McGeorge Bundy, George C. Wallace, William Rogers, Arthur Jensen, and William Rusher were repeatedly disrupted and harassed at some of the nation's most prominent universities, including Harvard, Yale, Princeton, Dartmouth, Stanford, and most major public institutions.

The failure of university officials to discipline students and to defend forthrightly academic freedom gave the left an implicit veto over campus events. The phenomenon was not as obvious during the post-Vietnam years, a relatively apolitical time, but arose again with the election of President Reagan in 1980.

"Without any doubt," says Berkeley political science professor Paul Seabury, "the threat to free speech on college campuses started with the free speech movement, as George Orwell would have noted." The free speech movement and other student protest movements were "the beginning of the imposition of the current invasion of free speech. Student radicals took it upon themselves to decide who would be heard on campuses."

There is no liberty of expression today on Sproul Plaza, the site of the free speech movement agitation 20 years ago. In January 1985, a group of 50 left-wing protesters encircled an ROTC recruitment table on Sproul, chanting slogans such as "Recruiters lie, Marines die." According to Guillermo Bermudez, a member of the Spartacus Youth League, the group intended to "drive the Marines off campus." After about 30 minutes of loud jeering and harassment, the two recruiters folded up their tables and quietly surrendered.

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February 7, 1994
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LENGTH: 628 words

HEADLINE: Sexual exceptionalism; Editorial

BYLINE: O'Sullivan, John

BODY:

In this issue, we publish an exchange between Richard Neuhaus and Bruce Bawer on conservatives and homosexuality. There are, of course, several possible conservative attitudes on this subject. But most conservatives will favor tolerance toward individual homosexuals combined with a general social preference for heterosexuality (particularly in matters affecting children), whether rooted in religious belief or in social tradition.

Mr. Bawer dislikes this accommodation because it does not grant the moral approval he seeks. Until recently, he has enjoyed the full support of America's dominant liberal culture in this. But the twists and turns of sexual politics continue to baffle. Just when it seemed that any lack of enthusiasm for homosexuality was a disease called "homophobia," along comes Frank Rich of the New York Times to invent a new category--the politically

incorrect homosexual. And what makes his invention especially radical is that the politically incorrect homosexual's incorrectness stems in part from his homosexuality.

Mr. Rich, the Times theater critic until his rebirth as an op-ed columnist, makes an unlikely skinhead. But some things are more important than combatting homophobia: in Mr. Rich's case, protecting feminist icons such as Hillary Clinton and Anita Hill from the iconoclasm of David Brock in *The American Spectator*.

Mr. Rich does not directly state that David Brock feels a revulsion toward women because he is gay. But his insinuations come very close to that. For instance, "The slightest sighting of female sexuality whips him into a frenzy of misogynist zeal."

It is when Mr. Rich deals with Mr. Brock's view of men, however, that he really smacks his lips. Mr. Brock apparently called President Clinton "a bizarre guy," when, says Mr. Rich, the charges of womanizing would make the President seem "all too pathetically ordinary." He goes on: "Mr. Brock's idea of a non-bizarre man is one of the troopers, Larry Patterson, whom he idolizes as a macho image of abstinence." I have no idea what a macho image of abstinence would look like, but it certainly sounds impressive. So what did Mr. Brock write? Larry Patterson is "tall and trim, with the upright demeanor and closely cropped hair of a military officer." Wow. I apologize to any of our gay readers who have been inconveniently disturbed in a public place. Mr. Rich may disbelieve the hearsay evidence on which the Brock article sometimes relies; he may very reasonably find the whole topic distasteful; but he is not entitled on those grounds to distort Mr. Brock's essay in order to accuse Mr. Brock of distortion, still less distortion rooted in his sexuality.

Indeed, Mr. Rich's criticism reminds me of a reply by Ferenc Molnar to critics of his collected plays: "Apparently Hungarians who can write outnumber those who can read."

Mr. Brock has never discussed his private life in his writings. As a result of the Times column, however, he was asked about his sexuality, and replied that he was indeed gay. Having written about other people's private lives, Mr. Brock is perhaps ill-placed to complain about this intrusion. Still, it is a matter of record that he was "outed" by the New York Times.

This landmark in liberal journalism establishes three new rules. 1) Rampant heterosexuality is usually a bad thing--except when it might damage liberals, when it becomes "ordinary." 2) Homosexuality is usually a good thing--except when it might damage a conservative, when it becomes "misogynist zeal." 3) "Macho abstinence" is good under rule one, and bad under rule two, except when the exceptions apply.

Meanwhile, the episode has given us a new collective noun for

columnists on the New York Times--an embarrassment of Riches.

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Brock's Strange Journalism

BYLINE: by FRANK RICH

BODY:

Tabloid journalism is something you think you know when you see it, whether at the supermarket checkout or on the cash-for-trash television news magazines. But it can also be committed in footnoted articles in seemingly sober journals -- and can soil the national discourse about subjects far loftier than O. J.

The current master of this insidious trade is David Brock of the right-wing monthly The American Spectator. He has struck again, with a vengeance that might give "Hard Copy" pause.

Mr. Brock, you may recall, is the writer who exactly a year ago gave us a lengthy and salacious treatise on "Troopergate" in which, history now shows, he farcically bungled the only part of the story (Paula Jones) that proved to have any shelf life. His biggest hit before that was Anita Hill, whom he vilified as "a bit nutty and a bit slutty" in a piece subsequently expanded into the book "The Real Anita Hill." Now that two reputable non-tabloid journalists from The Wall Street Journal, Jane Mayer and Jill Abramson, have written a book, "Strange Justice," whose detailed reporting essentially corroborates Ms. Hill's testimony, Mr. Brock is out to smear them.

He does so in a very long "review" in the January 1995 American Spectator that purports to prove that "Strange Justice" is "one of the most outrageous journalistic hoaxes in recent memory." According to John Sterling, editor in chief of Houghton Mifflin, the book's publisher, there has not been a single complaint of misquotation in the eight weeks since its publication.

Unable to find mistakes larger than a few mangled job titles, Mr. Brock spins the illusion of substantive error by deliberately falsifying the contents of "Strange Justice" -- even to the extreme of attacking its authors for failing to interview sources they not only interviewed but quote by name. His motivation is not to tell an accurate story -- the usual goal of journalists -- but the reverse. To him, suppressing facts, rather than revealing them, represents the last hope for reviving the reputation of Clarence Thomas.

This time Mr. Brock's partisan desperation has led him to a tactic that is beyond the pale of even tabloid journalism and that would make any citizen think twice before talking freely again to any journalist: He tried to bully a source in "Strange Justice," a onetime Hill and Thomas associate named Kaye Savage, to



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The New York Times, December 29, 1994

get her to sign a statement denying her own contribution to the book.

Jamin Raskin, a law professor and associate dean at American University in Washington, received a call seeking advice from Ms. Savage after her encounter with Mr. Brock a few weeks ago. "She was distraught and said Brock was threatening to reveal damaging information about her from a divorce situation unless she agreed to retract everything she had said to the authors of 'Strange Justice,' " he said in an interview. "I told her this is a clear violation of journalistic ethics and might be blackmail and she shouldn't give in to it. She was beside herself because she had told the truth."

Ms. Mayer and Ms. Abramson say Ms. Savage called them to describe her encounter with Mr. Brock in similar terms. Reached by phone in Washington, Ms. Savage confirmed the story but would not comment further. Mr. Brock did not return voice-mail messages left at The American Spectator.

As it happens, the "Strange Justice" review is not the only piece by Mr. Brock currently under fire. Douglas Brinkley, a historian and Jimmy Carter biographer who is Director of the Eisenhower Center at the University of New Orleans, says that an American Spectator article this month by Mr. Brock trashing Mr. Carter, Rosalynn Carter and James Baker is "just riddled with errors" and "filled with nasty innuendo and purposely false and misleading statements." Mr. Brinkley challenged Mr. Brock's facts and anonymous sources in a confrontation on C-Span last week and, in a conversation this week, listed nearly 30 errors in a 10-page piece, including a reference to a note allegedly written by Zbigniew Brzezinski that, Mr. Brinkley said, "doesn't exist."

Accused during his C-Span appearance of practicing "modern McCarthyism," Mr. Brock snapped, "It's not modern McCarthyism -- it's modern journalism." Actually -- and chillingly -- it's both, but whatever name it goes by, it increasingly threatens the reporter's traditional calling of objectively seeking and writing the truth.

LANGUAGE: ENGLISH

LOAD-DATE: December 29, 1994



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LEVEL 1 - 3 OF 4 STORIES

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January 6, 1994, Thursday, Late Edition - Final

SECTION: Section A; Page 21; Column 1; Editorial Desk

LENGTH: 720 words

HEADLINE: Journal;
David Brock's Women

BYLINE: By FRANK RICH

BODY:

To his fans, David Brock, the writer who ruined the Clintons' Christmas, is a hard-hitting investigative reporter. To everyone else, he is a smear artist with a right-wing agenda. But a reading of Mr. Brock's oeuvre in the conservative journal *The American Spectator* suggests that his motives are at least as twisted as his facts. It's women, not liberals, who really get him going. The slightest sighting of female sexuality whips him into a frenzy of misogynist zeal.

All women are the same to Mr. Brock: terrifying, gutter-tongued sexual omnivores. Such caricatures are a staple of his latest expose and its predecessors, including the article that spawned his book "The Real Anita Hill."

Hillary Clinton, even more than her husband, is the real obsession in the writer's notorious 11,000-word treatise on Fornigate (as the alleged scandalous doings in Little Rock are now concisely labeled on the Don Imus radio show). With dour hyperventilation, Mr. Brock charges Mrs. Clinton with such non-crimes as using "language that makes the Watergate tapes sound like a Sunday school lesson" and referring to state troopers' guns as "phallic symbols." The prim Mr. Brock also alleges that the ubiquitous Little Rock Peeping Toms overheard Mrs. Clinton expressing aloud a desire to have more frequent sex with her husband. How shocking!

In a similar vein, Mr. Brock wrote that the real Anita Hill was "a bit nutty and a bit slutty." He described her as having an "obsessive, even perverse, desire for male attention." (Perverse?) He quoted an unnamed source on Ms. Hill's "flirtatiousness" and "provocative manner of dress" -- "not sweet or sexy [but] sort of angry, almost a weapon."

When Mr. Brock went after Angela Wright, another potential witness against Clarence Thomas, he tracked down one source who accused her of having "a foul mouth" and another who said she "told male co-workers she liked to walk around her house in the nude." What most of America regards as PG-13, Mr. Brock, a tender 30-ish, rates triple-X.

His rage at women, meanwhile, invariably colors his view of men who commit what he calls "hanky-panky" with them. On "Crossfire," a smirking Mr. Brock called Bill Clinton "a bizarre guy," not recognizing that the Fornigate charges, if true, would make the President seem all too pathetically ordinary, not



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The New York Times, January 6, 1994

bizarre. Mr. Brock's idea of a non-bizarre man is one of the troopers, Larry Patterson, whom he idolizes as a macho image of abstinence: "tall and trim, with the upright demeanor and closely cropped hair of a military officer."

Whom does this skewed perspective serve? Surely not either legitimate journalists or Mr. Clinton's adversaries. The out-of-control American Spectator piece had the effect of trivializing the professional efforts of The Los Angeles Times and CNN to investigate the troopers' graver allegations of jobs-for-silence. Mr. Brock also temporarily drowned out the more serious conflict-of-interest allegations against the Clintons in Whitewatergate, which went undetected in his article because they would require a meticulous reportorial effort (the pursuit of a money trail) beyond his abilities.

Mr. Brock's sins do not, of course, absolve Bill Clinton of all charges, any more than they convict him. Nor, as The American Spectator would be the first to point out, do Mr. Brock's transgressions absolve liberal journalists of their own. The New Year's specter of reporters sucking up to the President during an off-the-record Renaissance Weekend in Hilton Head, S.C., is embarrassing.

But Mr. Brock's misogyny injects a poison more lethal than political partisanship into the national discourse. Among his charges against Mrs. Clinton is this irrational passage: "She would phone the mansion from her law office and order troopers to fetch feminine napkins from her bedroom and deliver them to her at her firm."

Even if this story were true -- even if a high-powered lawyer would really send state troopers on an errand that a clerk could accomplish at the nearest drugstore -- who cares? To put a finer point on it, why does Mr. Brock care? Would he have told this story if Mrs. Clinton were fetching aspirin?

Of course not. His animus is so transparent that there will be no need for anyone to write a book in search of the real David Brock.

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LEVEL 1 - 4 OF 4 STORIES

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December 19, 1993, Sunday, Late Edition - Final

SECTION: Section 6; Page 26; Column 1; Magazine Desk

LENGTH: 1158 words

HEADLINE: PUBLIC STAGES;
Busy Signals

BYLINE: By FRANK RICH

BODY:

Thanks to the Smithsonian Institution, I have finally got a handle, so to speak, on my erotic obsession with the Princess phone.

It was my misfortune to be approaching puberty in 1959, just as the Princess came on the market, kittenishly begging that consumers consider it an extension to the still-dominant boxy black phone.

"It's little. . . . It's lovely. . . . It lights!" read the magazine ads, which pushed the Princess as a constant companion for teen-age girls in the privacy of their bedrooms. For a boy with rampaging hormones, the imagery also stuck. The Princess soon insinuated its way into every prurient fantasy that featured girls in their (training) Maidenform bras, girls in their fluffy little nightgowns, girls bouncing about unself-consciously on their beds, coiled telephone cord wrapped around an exposed thigh like a garter belt. The Princess was as much a part of the era's erotic iconography as Ann-Margret speaking breathlessly into one in "Bye, Bye Birdie."

Which was exactly its designers' point. As Ellen Lupton, a museum curator, puts it from the historical vantage point of 1993: "Petite, horizontal and cast in decorator colors, the Princess phone suggests a reclining nude." Lupton is the imaginative feminist intellect behind "Mechanical Brides," an exhibit that is at the Smithsonian's museum of design, the Cooper-Hewitt, in New York City. A witty social critique whose title refers to Marshall McLuhan's "Mechanical Bride" of 1951, "Mechanical Brides" shows how American manufacturing giants and their Madison Avenue pitchmen marshaled all their cunning, especially during the post-World War II appliance boom, to define menial work as "women's work." The ads transformed phones, washing machines, typewriters, toasters, coffee percolators and irons into love objects. The teen-ager who uses the Princess phone today, the underlying logic went, will be the efficient (and subservient) housewife, secretary or switchboard operator of tomorrow, a domestic or industrial call girl.

Recollected in a few rooms at the Cooper-Hewitt, all this consumerist kitsch looks laughable now. In a 1956 ad, a woman expresses her devotion to housework by embracing a new silicone-coated ironing board that not only boasts a smiling cartoon face but is in the unabashed shape of a penis. The sexism in advertising that likens an RCA Victor portable television's "beautiful front" and back to a



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The New York Times, December 19, 1993

sexy woman (in 1966) or that shows a mom painting a red heart on her new electric dryer makes "My Little Margie" look like a feminist tract.

On the other hand, all those Princess phones in "Mechanical Brides" still do spark a Proustian libidinal flutter. If it's a crime to harbor nostalgia for the sexist sexual fantasies of one's youth, I'm guilty.

MAYBE NAOMI WOLF, THE 31-YEAR-OLD Author of "The Beauty Myth" and the just-published "Fire With Fire," would let me off the hook. "Fire With Fire," the feminist publishing event of the gift-giving season, may be the most man-friendly work of its kind yet published. It calls for women to "hate sexism without hating men." It argues that "a feminism worthy of its name will fit every woman, and every man who cares about women, comfortably."

Wolf is as funny about phallic imagery in contemporary advertisements that pander to women -- Virginia Slims' "entire series of women sprouting phallic objects," for instance -- as "Mechanical Brides" is about the vintage ads that once subjugated women. But if "Mechanical Brides" is a direct descendant of Betty Friedan's "Feminine Mystique" of 1963, "Fire With Fire" is feminism for the Clintonian age (and not just because it was written by a Rhodes scholar). Like the President, Wolf shrewdly tries to build a majority movement for change by hugging the middle. She feels the pain of Catherine MacKinnon and Andrea Dworkin, and of Camille Paglia and Katie Roiphe, too, even as she distances herself from them as effectively as Clinton kept Jesse Jackson at bay during the campaign.

About the only individual man who gets seriously bloodied in "Fire With Fire" is David Brock, whose screed "The Real Anita Hill" is re-examined, persuasively, as a closet study of its author's political castration fantasies. About the only time Wolf loses her head is when she pumps up the volume to make the unexceptional point that feminism does not preclude a voracious heterosexual appetite. "Male sexual intention is the sun in which I bloom," she writes. "The male body is ground and shelter to me, my lifelong destination." If a male reader of a susceptible age digests these words in tandem with the glamorous author's photograph on the dust jacket, he may find his Princess phone buttons being pushed. And hate himself in the morning.

I'D GIVE ANYTHING TO PHONE my mother to get her take on Lupton's and Wolf's ideas. My mother, a young housewife of the 50's, resented those appliances that imprisoned her at home and yet she was infatuated with men. She went through two husbands and countless Maytags.

On a rainy autumn afternoon, I visited a memorial exhibition in her honor, at a small gallery in Bethesda, Md. Late in life, her housekeeping duties at a minimum, my mother had taken up fabric art, a form of collage in which the images are rendered with found remnants of fabric, arranged in patterns suggesting both abstract and concrete images. The memorial exhibit contained her pieces, as well as those of friends in her circle.

A sewing circle? I guess some might demeaningly call it that. Fabric art is assembled from discarded cloth remnants that might have been retrieved from a household's laundry pile, from a husband's or son's old shirts; it is sewn together by a machine that is the very definition of "women's work." But wall hangings with titles like "The Handwriting on the Wall" and "The First Goddess" are not under a man's thumb. Another, titled "As He Was, As He Is," presents a



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The New York Times, December 19, 1993

most ambivalent image of a man in an easy chair, perhaps expecting to receive his slippers.

Was that my father? My stepfather? Me? Here was a dialogue my mother and I had never had, that had never been prompted by all the exhibits of old airplanes and First Ladies' costumes we had visited together at the Smithsonian in the 50's. Or by the first show we saw together in New York at that time, "Bells Are Ringing," a romantic account of the life of an answering-service operator.

I was never quite sure how my mother reconciled her feminism with her devotion to the conventional domesticity her generation of American women had been indoctrinated to pursue. Until I saw her exhibit. Stitched into her patchwork art along with the maternal warmth I took for granted was a private and more discomfiting passion. As I closed the door on the gallery and walked to my car through a yard of fallen leaves, I felt electrified by the power of a mechanical bride who had found her own way to fight fire with fire.

GRAPHIC: Drawing

LANGUAGE: ENGLISH

LOAD-DATE: December 19, 1993



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Divider Title: _____ **M**

Copyright 1995, The Commercial Appeal
The Commercial Appeal (Memphis)

February 4, 1995, Saturday, Final Edition

SECTION: VIEWPOINT, Pg. 11A

LENGTH: 354 words

HEADLINE: Reviewer's reply

BYLINE: DAVID BROCK
Arlington, Va.

BODY:

I write in response to Frank Rich's column (Jan. 1) on my review of Jane Mayer and Jill Abramson's book, *Strange Justice*, in the January issue of *The American Spectator*.

Overlooking Mr. Rich's various attempts to divert attention from the issue at hand - Anita Hill, Paula Jones and Jimmy Carter all make cameo appearances - Mr. Rich offers only one charge by way of surrebuttal to my 22,000-word refutation of the Mayer and Abramson book. Unable to refute the facts, Mr. Rich has resorted to charging that I ascertained the facts in an unethical fashion.

Specifically, he writes that I blackmailed one of Mayer and Jill Abramson's sources, Kaye Savage, into recanting a key allegation made in *Strange Justice* against Clarence Thomas - that in the summer of 1982, the walls of Mr. Thomas's bachelor apartment were "plastered" with Playboy pinups.

As I pointed out in my review, Miss Savage stated on ABC's *Turning Point* broadcast on Nov. 2 that she had seen only one such pinup, on the wall of Mr. Thomas's galley kitchen. This interview was aired three weeks before I spoke to Miss Savage for the first time; she later gave me a written statement confirming that the walls were not "plastered" with pinups. Thus, any notion of blackmail on my part to confirm what had already been said on national television is absurd.

Second, records of my conversations with Miss Savage clearly show that Miss Savage told me she was misquoted in *Strange Justice* well before I asked her about a child custody battle in her past (not, as Mr. Rich wrote, a "divorce situation"). Any good reporter would have asked Miss Savage the

same question, provided that he or she were interested in addressing her credibility as a source on this particular story, a process that appears foreign to Jane Mayer and Jill Abramson, let alone to Frank Rich.

I would have been happy to explain this to Mr. Rich, but I didn't receive his telephone messages until after his column appeared, as my office was closed for the Christmas holiday.

LOAD-DATE: February 5, 1995

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Divider Title: _____ N

Copyright 1993 The American Spectator
The American Spectator

October, 1993

SECTION: FEATURE

LENGTH: 8134 words

HEADLINE: Who Is Janet Napolitano?;
Not to mention Ricki Seidman, Wendy Sherman, and many other anti-Clarence Thomas alumni determined to work under Bill and Hillary. It won't come easy if Senate confirmation is required, as Napolitano is about to find out -- even with Senator DeConcini as her sponsor.

BYLINE: David Brock;
David Brock is an investigative writer for The American Spectator and the author of The Real Anita Hill (Free Press).

BODY:

Shortly before last November's elections, Senator David Boren of Oklahoma made discreet inquiries with his Democratic colleagues on the Senate Judiciary Committee on behalf of the stalled nomination of Frank Keating, the former assistant attorney general and counsel to HUD Secretary Jack Kemp whom President Bush had nominated to be a judge on the Court of Appeals for the 10th Circuit, a district that includes Boren's home state.

The Keating nomination had been left in a typical pre-election confirmation limbo, as the Democrats hoped to capture the presidency and put their own people in. Boren, however, was somewhat startled to learn who one of these people might be. When Boren asked about the hold-up, Senator Howard Metzenbaum of Ohio, the committee's canny liberal operative, told Boren, "That's Anita Hill's seat."

For several months, it was impossible to tell how seriously Metzenbaum's comment was to be taken. Then, in March and April, other discreet inquiries were made; the Clinton administration was seeking to gauge the reaction of Judiciary Committee senators to the prospective nomination of Professor Hill to fill the Tenth Circuit vacancy.

But once again the seriousness of Hill's boosters was in question. Clearly some in the new administration -- perhaps even Hillary Rodham Clinton, who had praised Hill lavishly in an appearance at the American Bar Association Convention the previous summer -- favored recognizing and rewarding the

otherwise unaccomplished Hill for her role in the Clarence Thomas Supreme Court confirmation hearings. What better way to avenge the Thomas victory?

But many on Capitol Hill believed that the inquiries had been made by adept administration strategists, aware of the disastrous political consequences of such a move, solely as a way of pre-empting this very pressure from the party's left-wing activists both inside and outside the government. They could then be told in no uncertain terms that a Hill nomination wouldn't fly. The trial balloon thus would be floated and shot down simultaneously.

In any event, the response was, at best, less than promising for Anita Hill. Democrat Boren, always an unpredictable swing vote on a close issue, told one of the committee's Republicans that the conservative politics in Oklahoma -- where the University of Oklahoma professor is about as popular as the BTU tax -- would compel him to vote against Hill, just as it had compelled him to vote for Clarence Thomas during the original confrontation. (Later, appraising Thomas's first year and a half on the court, the notoriously protean Boren threw a bone to Thomas's opponents by saying that he regretted the vote.)

The prospective nomination of Hill to a federal judgeship, or to any other post, for that matter, has subsequently gone nowhere -- though others with close connections to the hate campaigns waged against both Robert Bork and Justice Thomas have fared better. An early signal of the influence of these liberal legal activists came when Ricki Seidman, an aide to Senator Ted Kennedy, via People for the American Way, joined the Clinton campaign as manager of its "war room" in Little Rock.

Seidman had been People For's legal director during the Bork fight and was responsible for, among other slanders, an infamous advertisement on the judge's judicial record that his supporters found to contain ninety-nine misstatements of fact. She learned to manage "war rooms," then, in the Russell Senate Office Building, and later bragged to colleagues that she had single-handedly defeated Bork.

In the Thomas nomination, Seidman would stoop lower. She joined the Kennedy staff as a Labor Committee investigator shortly after Thomas was named and promptly began digging for dirt on the nominee. Tipped off by the Alliance for Justice that an Oklahoma woman might be willing to charge Thomas with sexual harassment, Seidman placed two crucial telephone calls to Hill in early September 1991, designed to pressure her into first acknowledging the harassment rumor and then speaking to the Judiciary Committee about it.

After the plan to scuttle the nomination behind the scenes failed, Seidman played a role in the leaking of Hill's confidential allegations to the media. A

close reading of the report of Senate special counsel Peter Fleming, who investigated the leak last year, suggests that Seidman helped broker the leak of Hill's committee statement by James Brudney, then a staffer to Metzenbaum, by playing intermediary with National Public Radio's Nina Totenberg. Questions remain about whether Seidman later lied to Fleming (and thereby violated the False Statements Act) in denying knowledge of, and complicity in, the leak.

After the presidential campaign, Seidman, considered part of Hillary's circle, won a position as deputy to then-communications director George Stephanopoulos in the White House. Since then, the skilled operative has risen fast. In the May re-shuffle that brought in David Gergen as counselor to the president, Seidman became an assistant to the president and counselor to chief of staff Mack McLarty.

Seidman is now seen wherever a political brushfire needs to be doused -- calling the shots in the budget reconciliation "war room," handling the details of the Clintons' blind trust after White House lawyer Vincent Foster's suicide, and, ironically, defending the administration's embattled nominees. "An eleventh-hour attempt to impeach a man of unimpeachable character" was how Seidman characterized concerns about assistant attorney general Webster Hubbell's membership in an all-white Little Rock country club. She ought to know: Seidman and People For had used this very issue to derail the nomination of Florida federal judge Kenneth Ryskamp during the Bush years.

But Seidman is likely to remain a staff-level operative, rather than get promoted into the policy-making ranks. Like Anita Hill herself, Seidman bears an ethical taint from the anti-Thomas campaign. Under oath for Senate confirmation and subject to an FBI background check, she would risk exposure of her nefarious plotting -- and possible criminality.

Other Anita Hill-ites have been similarly tucked away in and around the government. Georgetown University law professor Emma Jordan -- a professional acquaintance of Hill's who assembled her legal team during the hearings, and was co-sponsor (with Hill) of last October's Georgetown conference on "Race, Gender and Power in America" -- served as the Clinton transition adviser for the office of attorney general. Judith Lichtman of the Women's Legal Defense Fund, a friend and adviser of Hillary's, has yet to take a formal post. Lichtman lobbied a very reluctant Hill -- using Georgetown University sexual harassment expert Susan Deller Ross as an intermediary -- to put the harassment charge in writing. Melanne Verveer, another People for the American Way veteran, is in a top job on Hillary's staff; she worked very closely with Seidman on the Bork nomination, but unlike her compatriot, Verveer was not involved in soliciting or publicizing Hill's charges.

The nomination of Yale law professor Drew Days as solicitor general raised

the question of whether he could serve effectively as the government's chief litigator, having previously testified before the Senate that a judge he would be appearing before -- Thomas -- was unqualified for the job. But Days, who was easily confirmed, had opposed Thomas on political grounds (he didn't like Thomas's critique of affirmative action), and wisely stayed out of the Anita Hill mess. Likewise Walter Dellinger, the Duke University law professor who is now head of the Office of Legal Counsel at Justice. A sometime adviser to Judiciary Committee chairman Joseph Biden, Dellinger, who worked hand in glove with both Seidman and Verveer against Bork, told the Senate that his role in the Thomas fight had been limited to analyzing Thomas's views on natural law.

Appellate Judge Jon Newman of Connecticut, the first choice of the activist groups to fill the Byron White vacancy on the Supreme Court, however, did get caught in the cross-hairs. It is widely thought that Newman was struck from the short list of contenders early on because the sitting judge had improperly inserted himself into the Thomas confirmation struggle. Newman raised questions about whether he had violated judicial ethics when he penned an openly partisan op-ed piece in the New York Times on the day Hill and Thomas were to appear before the Judiciary Committee. Imploring President Bush to withdraw the Thomas nomination, Newman wrote:

The president said Judge Thomas was the person best qualified in the entire country. No one seriously thought this was true. He has a mediocre educational record followed by some years of useful government service and 17 months of judicial experience undistinguished by any notable opinions.

Stepping in it further, Newman essentially called Thomas a liar by stating, on the basis of no evidence, that something untoward had likely happened between Thomas and Hill. When Newman's name surfaced in the press as a leading contender to replace White, Republicans were quick to circulate his unfortunate op-ed. (Another almost-nominee was Charles F. C. Ruff, a former U.S. attorney in Washington who was asked by Hill's lawyers to find an examiner to conduct Hill's secret polygraph. Ruff was derailed when it was revealed he had not paid Social Security taxes for domestic help.)

Wendy Sherman, therefore, was the first Clinton nominee to pass through the Anita Hill gantlet. A former top aide to Senator Barbara Mikulski and former executive director of EMILY's List, Sherman was a member of Hill's public relations team, which convened along with her lawyers at a downtown Washington law firm on the day before Hill testified publicly. This spring, Sherman was named assistant secretary of state for legislative affairs. In introducing her former aide to the committee, Mikulski did not mention Sherman's role in the Thomas hearings, though she did note, "She's combat-ready."

Senator John Danforth of Missouri, still distraught over the savaging of

Thomas, submitted a detailed list of written questions to Sherman, relating to her role in helping prepare Hill's testimony. Sherman's answers were not terribly enlightening, because the lawyers and public relations people worked separately that weekend in October 1991, and she was not therefore at the center of the chicanery. Despite some tough questioning in the hearing from North Carolina Senator Jesse Helms as well, Sherman breezed through.

The testimony of the next nominee to run the gantlet, however, could prove more interesting, for one of Hill's lawyers, Janet Napolitano, was nominated by the president on July 2 to be the U.S. attorney -- the top federal prosecutor -- for the Arizona district. Napolitano orchestrated a highly controversial episode that bears on the truth of Hill's claims against Thomas and the veracity of Hill's star witness.

Who is Janet Napolitano? Before entering the Thomas-Hill fray, she was simply another well-connected feminist lawyer. A native of New Mexico, Napolitano, 35, attended the University of Santa Clara and the University of Virginia Law School. She then clerked for Judge Mary Schroeder of the 9th Circuit Court of Appeals, who is thought to have been considered for the recent high court vacancy. Before being named U.S. attorney, Napolitano had specialized in appellate and commercial litigation at the Phoenix law firm of Lewis & Roca.

Last March, Attorney General Janet Reno, in one of her first official acts, fired all ninety-three sitting U.S. attorneys; if political connections are paramount in such maneuvers, then Napolitano, who has no prosecutorial experience, fits an emerging pattern in this administration. Certainly Napolitano is as much a political activist as a lawyer. She has been a member of the Democratic National Committee and was the first woman to hold the number-two post in the Arizona Democratic Party. She has managed various state Senate races and worked on the Clinton campaign in Arizona.

Napolitano is also a full-fledged feminist. According to the Phoenix Gazette, she was the keynote speaker at a May 1991 pro-choice rally against the Supreme Court's decision barring the use of federal funds for abortion counseling. "This is a court that will violate its own procedures and precedents," Napolitano was quoted as saying. "It chose to interpret the regulations in the most anti-choice, anti-women, anti-poor-women way possible." This past April, Napolitano was the featured speaker at an American Association of University Women panel on -- what else? -- "Breaking the Glass Ceiling."

Napolitano's ideological and political godfather at Lewis & Roca is partner John Frank, the former Yale law professor who argued the landmark Miranda case before the Supreme Court in 1964. Like Ricki Seidman, Frank has Robert Bork's blood on his hands. He is credited with (or blamed for) leading the activist groups in generating media and grass-roots opposition in Arizona against Bork as though he were a political candidate. Caricaturing Bork as a "judicial

activist," Frank also personally and successfully lobbied his friend Senator Dennis DeConcini, the Judiciary Committee Democrat and former prosecutor who often votes with the Republicans, to come out against the nominee -- a turning point in the struggle.

Frank and Napolitano have served together as lawyers for the state Democratic Party. Frank is also the lawyer Napolitano has to thank (or curse) for bringing her to Washington and onto the Anita Hill legal team. The team was hastily assembled by Emma Jordan and University of Southern California law professor Judith Resnik following the reports of Hill's allegations on National Public Radio and in Newsday on October 5, 1991. It ended up including, most prominently, Charles Ogletree of Harvard University, Susan Deller Ross, Washington lawyer Warner Gardner, and Frank and Napolitano, who, according to an article in the American Lawyer, were assigned the handling of procedural matters with the Judiciary Committee.

One of these responsibilities, apparently, was to monitor the interviews of witnesses conducted by committee lawyers prior to their sworn testimony. Clarence Thomas had no such representation in these interviews. Why Hill's team was permitted to attend the interviews remains a mystery.

On the afternoon of Friday, October 11, the committee conducted an interview of Judge Susan Hoerchner, Hill's main witness. In attendance were four committee lawyers; Hoerchner and her husband, Fred Gray, a fellow worker's compensation judge in California; Ronald Allen, Hoerchner's New York lawyer; and Napolitano, representing Hill. That morning, Hill had testified that she had gone to work for Thomas in the fall of 1981 and that the harassment had commenced three months later, in December 1981 or January 1982. Hoerchner would testify on Sunday about one telephone call from Hill in which Hill allegedly complained of this harassment by Thomas.

During the course of the Friday interview, Hoerchner recalled several things about this one call: that it had occurred "sometime before September 1981"; that it was "at a time when we spoke fairly regularly by telephone;" and that "she told me she was undergoing sexual harassment at work by her boss." Questioned further as to how she placed the date, Hoerchner said she remembered the call as having taken place in Washington, and she had moved to California in September 1981. She also said she had "less than sporadic" contact with Hill thereafter. Indeed, her only recollection of a conversation with Hill after September 1981 was in December 1984, long after Hill herself had left Washington.

In other words, by the logic of Hoerchner's account, she and Hill had not spoken during the entire time that Hill had worked for Thomas, and thus any sexual harassment complaint by Hill could not have been directed at him. Indeed, in a prior telephone interview with Biden staffer Harriet Grant, Hoerchner,

without hesitation, had placed the time of the call as "the spring of 1981," six months before Hill went to work for Thomas. Hoerchner also indicated that she had been unsure that Thomas was the harasser Hill had complained about until Hill confirmed this to her in a conversation on the day Thomas was nominated to the high court.

By a certain point in Hoerchner's interview with Judiciary Committee staffers, the lawyers present, including Napolitano, seemed to notice that Hoerchner's story did not jibe with Hill's. This was the final round of questioning about the date of the call, where Hoerchner herself seemed to realize that, if her chronology was right, Hill had complained of harassment before she went to work for Thomas:

Q. And, in an attempt to try to pin down the date a little bit more specifically as to your first phone conversation about the sexual harassment issue in 1981, the year you mentioned, you said the first time you moved out of Washington was September of 1981, is that correct?

A. Right.

Q. Okay. Were you living in Washington at the time you two had this phone conversation?

A. Yes.

Q. When she told you?

A. Yes.

Q. So it was prior to September of 1981?

A. Oh, I see what you are saying.

Q. I am just trying for the benefit of everybody to get to the truth, to pin down the --

A. I think I was. Yes. I'm sorry. That isn't something I can --

Q. Okay.

A. I was living in Washington prior to that time. I'm not sure that was the time of the phone call, but I really think it was.

Q. Okay. You were or were not living in Washington when you think you had this -- do you think you were living in Washington or not?

A. I think I was.

Q. So that would make it prior to September of 1981.

A. Yes, if my memory is --

At that point, Napolitano interrupted. "Can I meet with the witness? Can we talk for just a minute?" The interview then went off the record. When the interview came back on the record, following the Napolitano gap, Hoerchner no longer recalled anything about the timing of the call or where she was living at the time -- a posture she continued to maintain when questioned under oath on Sunday and subsequently. Hoerchner's recollection that the call took place prior to September 1981, when both she and Hill were living in Washington and Hill was working for the Wald, Harkrader & Ross law firm, vanished:

Q. When you had the initial phone conversation with Anita Hill and she spoke for the first time about sexual harassment, do you recall where you were living -- what city?

A. I don't know for sure.

Q. That's all I have.

Hoerchner's amnesia about the call has overshadowed another clear shift in her account, again following the off-the-record consultation with Hill's lawyer. At first, Hoerchner stated that Hill had told her she was the only person Hill had ever told of the harassment:

Q. Did she ever relay to you that you were the only person who knew about these allegations or these problems she was having at work?

A. I think she told me that more recently.

(Later)

Q. I should have asked you this earlier, and I apologize. You said, going back to the you were the only person -- Anita Hill told you you were the only person who knew about the allegations of sexual harassment, and you said that she reiterated that recently to you. Was this in one of those phone conversations?

A. No. She never told me until recently.

Q. That you were the only person that knew.

A. Right.

Q. When did she tell you that?

A. It may have been around the time that she wanted to know if I would talk to the FBI.

Q. So we're talking the last couple of weeks of September?

A. Very recent, yes.

Yet immediately after the Napolitano gap, Hoerchner -- unprompted by any question -- flatly changed her story. While she had previously said that Hill had told her she was the only witness, Hoerchner now claimed it had been the FBI who told her. As he began the next round of questioning, Biden aide Mark Schwartz seemed to suggest that this "off-the-record" consultation was unusual:

Q. Let's just say we took a break. I don't know what it was that happened. But that is correct, it was a break.

A. Okay. I recently came to the conclusion that I was the only one that she had told at the time. And I believe that the basis for the conclusion was that I was told by the FBI agent who interviewed me that there were only three names on -- either in the affidavit or stemming from her FBI interview. I am not sure which, I think the affidavit and that my name was the only one she had listed as a corroborating witness.

Now the three names are, of course, herself, Thomas and myself. I don't know whether what he said to me was accurate or not.

This shift appears to have been made to cover up an embarrassing inconsistency in Hill's story. If Hill had told Hoerchner that she was the only witness, how could Hill have claimed -- as she had that morning in sworn testimony -- that she had told three others? But if the FBI had told Hoerchner, well, the FBI could have had incomplete information. In any case, it seems implausible that the FBI would divulge confidential information from Hill's FBI interview to a witness.

At another point, a Napolitano interruption derailed a critical line of questioning as to whether Hoerchner had dealings with Senate staffers prior to the time that Hill's charges were made public. This inquiry might have established how deeply Hoerchner was involved in pressuring Hill to come forward and promoting the charge on Capitol Hill:

Q. I mean prior to this time, have you talked to staff people other than Senator Biden's staff people?

A. Okay. I called -- let me --

Q. You want to go off the record? Sure?

(Off the record)

A. (Terry Wooten, aide to Senator Strom Thurmond): Let me just say this for the record. I am a little concerned when I ask you a question now -- you know, I don't mind people consulting their lawyer, but to go out and talk about it and come back, I am concerned about how that may affect the answer I am trying to get.

Wooten's palpable frustration goes to the heart of the matter: Did Napolitano instruct or advise Hoerchner to change her answers to the committee's questions? If so, as a lawyer Napolitano can be held responsible for the changed testimony. While Hoerchner was not under oath during the committee interview, she was under oath on Sunday, when she repeated the altered story, telling the committee that she could remember nothing about the timing or date of the phone call and that it was the FBI -- not Hill -- who told her she was the only witness. Napolitano may have coached Hoerchner on the changes Friday and allowed her to commit perjury on Sunday to protect Hill's case from unravelling.

If so, this would be a serious ethical violation by Napolitano, raising questions about her character and fitness to serve as a federal prosecutor. Napolitano's pending Senate confirmation for the four-year post of U.S. attorney is just the place to try to lay these concerns to rest, but this may mean essentially re-opening the Senate hearings, taking on the culture that has mythologized Anita Hill, and crossing a powerful senator who is Napolitano's unlikely sponsor.

In the aftermath of the hearings, Janet Napolitano's name was bandied about in the "Year of the Woman" as a challenger to Arizona's Republican Senator John McCain. "Ever heard of Janet Napolitano?" syndicated columnist Ellen Goodman opined after the hearings. "Meet the PCTC, a Post Clarence Thomas Candidate." Napolitano ultimately decided against making that race, though political observers speculated that she might challenge Senator Dennis DeConcini in the Democratic primary in 1994 on an "I believe Anita" platform.

DeConcini had broken ranks with committee Democrats and announced his support of Thomas before Hill's charges surfaced. He maintained that position unwaveringly throughout the second round of hearings. DeConcini, who was implicated in the Keating Five influence-peddling scandal, has more to worry about than his vote for Clarence Thomas.

But DeConcini apparently saw the chance to atone for his sins against the

feminists and, more importantly, eliminate a potential primary opponent. This was a man who, after all, had imported Barbara Mikulski to his state six months after the hearings to endorse his re-election. Mikulski was supposed to counter the efforts of a group called Democratic Women Against DeConcini, which had been formed after the Thomas-Hill hearings to identify a woman to challenge DeConcini in a primary.

The presidential polls hadn't been closed for long when DeConcini wrote to the president-elect recommending Napolitano as the candidate for U.S. attorney in Arizona. "It is my impression the Clinton administration is searching for individuals who are intelligent, hard-working, and dedicated to public service. Janet clearly fits within that category," he wrote.

He then called a press conference to announce his choice publicly. Senators always play an important role in advising the White House on such nominations, but even so, DeConcini seemed to be in quite a hurry. The public announcement, before Clinton had even nominated an attorney general, put the administration in an awkward position. If it chose not to nominate Napolitano, for whatever reason, it would be flouting the wishes of the senior senator from Arizona, whose support would be needed to pass the president's ambitious domestic program. In effect, DeConcini rolled Clinton on Napolitano long before he rolled him on the budget.

Even so, the White House was not immediately prepared to accede to DeConcini's wishes. In April, Justice named Daniel Knauss, the deputy U.S. attorney in Phoenix, to fill the post on an interim basis after Reno cleaned house. According to an April report in the Arizona Republic, a White House personnel official, Kevin O'Keefe, told staffers to DeConcini that Napolitano was not named as the interim attorney general because of concerns about her role on Hill's legal team.

For her part, Napolitano downplayed her connection to Hill, saying her role was "a four-day representation in a ten-year legal career." And DeConcini was not pleased. "What Senator DeConcini is upset about is this foolishness about delaying her nomination because she was Anita Hill's lawyer," DeConcini's spokesman Bob Maynes told the newspaper.

Foolishness? DeConcini and Janet Reno may think so, but Republicans should not pass up the only opportunity they are likely to get to find out what went on during the Napolitano gap, and whether Napolitano helped cover up the commission of a crime. This could be the investigation that the American public never got, when the Senate decided that special counsel Peter Fleming would only look into the leak of Hill's allegations to the press rather than the central matter of who committed perjury.

A long Washington Times editorial in May warned of potential rough sledding for a Napolitano nomination, but it was sent forward regardless on July 2. A Senate hearing for a U.S. attorney nominee would be somewhat unusual, but the Senate committee may hold one if it wishes. The Napolitano case provides a circumstance sufficiently extenuating to warrant a hearing, particularly since the potential subornation of perjury occurred during a Judiciary Committee proceeding. Short of a hearing, any senator may have his staff investigators ask Napolitano about her role. Since Napolitano was Hill's lawyer, not Hoerchner's, it is unclear whether she would be able to claim attorney-client privilege if questioned under oath about changes in Hoerchner's testimony.

When Senator Orrin Hatch, the committee's ranking Republican, was apprised of the July nomination, alarm bells went off. He is currently weighing the pros and cons of making an issue of Napolitano's role. Hatch is close to DeConcini, and the relationship has paid off for the Republicans over the years (unlike Hatch's friendship with Ted Kennedy). Hatch campaigned for DeConcini in 1988, outraging the GOP.

Moreover, his political advisers do not want Hatch -- who is also up for re-election next year -- to do anything to raise memories of The Exorcist and Long Dong Silver. Trolling for feminist votes in Utah, however, seems a waste of time. Why not score political points by defending his role in the hearings and investigating a key discrepancy thoroughly? Hatch might also allay the concerns of some in the GOP that the committee, under his leadership, has been too easy on Clinton nominees. (Hatch aides argue that they have chosen their targets carefully and point to Lani Guinier as Exhibit A.)

If Hatch demurs, Senator Arlen Specter of Pennsylvania, who won a close re-election race against feminist fundraiser and Hill supporter Lynn Yeakel, may be curious about the famous change in Hill's testimony, when she at first claimed that she had not been told by Senate staffers that Thomas might withdraw his nomination if she came forward, and then admitted that she had been told just that. Had she not corrected her testimony, Specter said, Hill might have faced a perjury charge. Specter is also the only senator who questioned Hoerchner publicly about the changes in her story.

Senator Hank Brown of Colorado, one of the committee's more earnest members, is said to be interested in questioning Napolitano further, and the two GOP newcomers to the committee, William Cohen of Maine and Larry Pressler of South Dakota, are also considered apt to voice concerns. They are less skittish about the "Anita Hill effect."

Cohen, in fact, recently referred to yet another unsettling change in Hoerchner's sworn testimony during Senate debate on the nomination of Roberta Achtenberg as an assistant secretary at HUD. Discussing a fishy aspect of

Achtenberg's confirmation testimony, Cohen referred to Hoerchner's testimony during the Thomas hearings, when she said she had not filed a sexual harassment complaint against a fellow workmen's compensation judge. Then, when Senator Alan Simpson produced a record of the charge, Hoerchner said, "I cannot say that I didn't."

Reading the entire Simpson-Hoerchner exchange into the record, Cohen said, "What struck me about the testimony was that it was not forthright; it was not candid. It was, in fact, I think, designed to, if not deceive, at least to confuse, to be less than candid."

The changes in testimony by Hoerchner appear to be far clearer cases of perjury than any "lying to Congress" charges ever pursued against the Republicans in the Reagan-Bush years. At the very least, an explanation from Janet Napolitano ought to be the price of confirmation.

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