

10/17/92

Mr. Stephen Rosenfeld, editorial
The Washington Post
1150 15 St., NW
Washington, DC 20071

Dear Mr. Rosenfeld,

There is a step further today's excellent editorial, "The Passport Story" could have taken but because after many years it depends on my recollection, I suggest checking it if it is of interest.

It is my recollection that what State did violated basic and controlling decisions in FOIA litigation, particularly one of about 1976, the "Open America" case.

That was the name of a Nader group. It asked for expedited handling of its case and the courts ruled against it, stating the reasons. Ordinarily, as I recall, no favorites in processing FOIA requests.

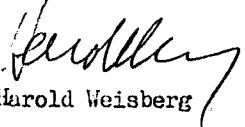
The Nader people can confirm or dispute my recollection.

So, I believe can Jim Lesar, who was then handling my FOIA cases. I may be wrong but I believe that decision made a bit of a problem for us because my requests were long ignored and should have had precedence on that basis.

Lesar's number is 393-1921.

Thanks for this and other good editorials recently.

Sincerely,


Harold Weisberg

The Washington Post

AN INDEPENDENT NEWSPAPER

The Passport Story

THE ADMINISTRATION shouldn't be surprised that the public hasn't quickly accepted the official account of a State Department political appointee's role in the search through Bill Clinton's citizenship and passport records. Their claim that the probe was triggered by Freedom of Information Act requests from several news organizations and not by anything they did is hardly exculpatory by itself. Neither is the State Department's explanation blaming low-level bureaucrats for procedural violations in the handling of Mr. Clinton's records.

After all, the media were lured to the records in the first place by Republican hints suggesting Mr. Clinton had considered applying for citizenship in another country during his years as a student in England—an unsupported charge that Mr. Clinton vigorously denies. Suspicion only deepens with news that the department's investigation was spearheaded by the unusual intervention of a senior State official who hardly could be classified as politically neutral.

Assistant Secretary Elizabeth M. Tamposi, who heads the office in charge of passport and consular matters, joined the Bush administration in 1989 following her defeat in the 1988 New Hampshire Republican congressional primary and her earlier service as state GOP finance chairman and a four-term state legislator. Her personal involvement in the retrieval of Mr. Clinton's records—both within the department and with overseas posts—took place in tandem with well-orchestrated attempts by Bush campaign officials and right-wing Republicans to smear Mr. Clinton as unpatriotic for his draft history, foreign travels and his role in the antiwar movement. All this is yet another reason to treat the department's account with reserve.

Wariness is all the more understandable since the

department's adamant claim on Wednesday—that all actions were within the scope of law and acceptable official conduct—was promptly contradicted the next day with the acknowledgment that State improperly handled the FOIA requests on Mr. Clinton. We need to know more. The department asserts that Mr. Clinton's case was expedited because FOIA officials improperly viewed the matter as "time sensitive due to the upcoming presidential election." But only five months earlier, the department had opposed accelerated handling of a similar FOIA request on the grounds that election-year timing was no justification for deviating from policy. The legal precedent? A 1988 CIA refusal to accelerate an FOIA search for documents on then-presidential candidate and former agency director George Bush.

We also need to know whether it was something more than fear of possible file tampering and a desire to protect the integrity of the search that led to Mrs. Tamposi's unusual intervention. Given the rash of other Republican-inspired attempts to damage Mr. Clinton, there are good reasons for determining whether or not any Bush appointees at State were also embarked on an off-base effort to obtain and politically misuse privileged information about him.

Mrs. Tamposi is in the best position to convince the public that all she did was right and proper—that she was not breaking the rules meant to keep government officials from making unauthorized use of passport, tax and other such records in violation of individual privacy. Thus far, however, she has declined to give her own account. The administration can and should help out here. All the White House has to do, as George Bush is wont to say, is tell Mrs. Tamposi and her State colleagues to "level with the American people."