

# Probes, Politics Combine to Strain

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Relations between the FBI and the White House have never been easy. Since it was created nearly 90 years ago the nation's premier law enforcement agency has regularly been called upon to examine evidence of wrongdoing in the executive branch.

## NEWS ANALYSIS

But the relationship between the FBI and the Clinton administration has been especially strained. It reached perhaps its most tense point earlier this year when President Clinton and FBI Director Louis J. Freeh publicly contradicted each other over whether agents properly informed White House aides about the status of an investigation into influence-peddling by the Chinese government.

The China probe is only one of many points at which FBI investigations come into potential conflict with the White House. FBI agents already are working with four independent counsels, including White-water prosecutor Kenneth W. Starr, to investigate allegations of criminal activity by Clinton administration officials.

The Washington Post reported last week that Freeh has told his boss, Attorney General Janet Reno, that she should recommend appointment of a fifth independent counsel, this one to investigate Democratic campaign-finance abuses. Freeh reportedly believes the Department of Justice has an inescapable conflict of

interest in directing an investigation involving so many senior officials in the Clinton White House and on the Democratic National Committee. Reno so far has said the Justice Department has no conflict in investigating the campaign-finance charges. But Freeh vetoed a White House request for an overview of the campaign-finance probe.

The FBI, meanwhile, has also been accused by congressional critics of being too cozy in the past with the Clinton White House on issues such as the firing of travel-office aides and turning over summaries of sensitive personnel files. Some administration sources say they believe that criticism has made Freeh harder to deal with.

Moreover, Freeh, who must answer to a Republican-controlled Congress, has been grappling with his own problems—including budget overruns, foul-ups in the FBI crime laboratory and procedural miscues in the Olympic bombing investigation.

Officials say the White House-FBI relationship has been most complicated by the introduction into the campaign-finance investigation of allegations that the Chinese government attempted to influence last year's presidential election by diverting illegal campaign contributions to the Democratic Party. The China portion of the inquiry has national security implications, about which the White House is generally kept closely informed. But there are also criminal and political elements of the inquiry the FBI cannot discuss with the White House.

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## White House-FBI Relations

"There is a level of schizophrenia here," said a top Justice Department official. "We don't brief anyone about the substance of criminal investigations, but we do brief on matters of national security. The China probe is both, which makes this so difficult. There are complexities that go way beyond what's reported."

"Tense" is how Sen. Orrin G. Hatch, (R-Utah), the chairman of the Senate Judiciary Committee, describes the relationship between the FBI and the Clinton White House. Freeh "has a difficult problem in dealing with this White House."

Former White House chief of staff Leon E. Panetta acknowledged the tension but said it was not unique to the Clinton administration. "They [the FBI] don't want to be viewed as responding to political pressure. And the White House doesn't want to be viewed as affecting investigations," Panetta said.

Last week, FBI and administration officials sought to play down their differences, and national security adviser Samuel R. "Sandy" Berger, who likes and works well with Freeh, has tried to improve relations. Still, several Justice Department officials say that, given the political furor over whether to seek an independent counsel in the campaign-finance inquiry, a sudden embrace between the two sides is unlikely.

Hatch and other administration critics say the troubles between the FBI and the Clinton White House began four years ago when legal advisers to the president inappropriately pressured officials in the Hoover Building to investigate the White House travel office. FBI executives were livid: The Clinton aides made it appear as if FBI agents were political cronies at the beck and call of the White House.

When Freeh took office soon after the travel office episode, in September 1993, relations between the FBI and the Clinton White House were still rocky, but Freeh wasted little time in making it clear that he would not be shy about disagreeing with or criticizing the administration. In a 1994 report, Freeh called the travel office affair an "unfortunate incident and example of matters that we will avoid at all costs."

In the same report, Freeh told agents he had broken ranks with the administration over its proposed FBI budget. Clinton had left the FBI without enough money to buy the ammunition for target practice, Freeh wrote, a scenario he called "lunacy." Freeh also called "intolera-

ble" an earlier Clinton administration plan to cut 540 agents.

Freeh soon found himself taking heat for other problems—and he lashed out at the Clinton White House again. Before Freeh became director, security aides in the White House had requested hundreds of summaries of FBI background checks, including some of prominent Republicans and FBI officials turned over the documents over without question.

When that became public, Freeh issued a blistering statement about the "egregious violations of privacy" committed by White House officials and questioning the motives and integrity of some presidential aides. "The prior system of providing files to the White House relied on good faith and honor," Freeh was quoted as saying. "Unfortunately, the FBI and I were victimized."

Freeh asked Howard Shapiro, the FBI's general counsel, to look into the issue of the background files. Shapiro later provided White House officials with information about his investigation, which led to a Justice Department review and a sharp rebuke for having engaged in inappropriate contacts with the White House. A number of FBI sources said Shapiro had bucked the FBI culture and attempted to open better lines of communication with the White House. But the attempt backfired and made the bureau more sensitive about its dealings with presidential aides.

Some bureau critics and insiders attribute the stridently independent tone of Freeh's FBI to his chief of staff, Robert Bucknam. A former prosecutor who worked in the Justice Department under Presidents Ronald Reagan and George Bush, Bucknam also worked with Rudolph W. Giuliani when he was running as a Republican for mayor of New York. Bucknam's supporters say he is simply doing what any loyal staff member should do, protecting the FBI's interests and watching Freeh's back.

Some Clinton administration officials say they believe Freeh, Bucknam and other FBI executives have Republican leanings. Allies of Freeh and Bucknam say they are apolitical, career law enforcement officials who focus solely on the law.

Still, Freeh's often blunt remarks have stunned some White House officials. "Freeh clearly wasn't a team player," said one former White House official, who asked not to be identified. "You don't criticize the

president like that publicly, unless you are trying to start a war."

Even Freeh's supporters in the Justice Department are divided over his hard line toward the White House. "One line of thinking is that Louie feels that he has been unfairly labeled as being in the White House back pocket," a senior Justice official said. "Some think he has overreacted in an attempt to appease Republicans."

Others say Freeh's periodic assertions of independence serve an important function, forcing the White House and the FBI to communicate through the National Security Council staff on national security issues and through the Justice Department in the rare instances when the White House is briefed on a criminal investigation.

"The health of the democracy is dependent on the FBI director understanding that he is to work with considerable independence," said Philip Heymann, former deputy attorney general for the Clinton administration. "The FBI can be used as sword [to attack the president's enemies.] Or it can be used as a shield to protect the president against investigation. In general, the FBI ought to be leery of dealing with the White House. I want the FBI to have a reputation of working for judges and attorneys general, not for presidents or committee chairman."

Lloyd N. Cutler, the former White House counsel, agreed. "There is inherent tension with the White House,

no matter who the FBI director is," he said. "The attorney general and the FBI director are part of the executive branch, but when there is an investigation of people close to the president, the bureau and [the Department of Justice] have to be perceived as independent."

To ensure independence, the FBI director serves a 10-year term. And unlike Cabinet officials, the director does not serve at the pleasure of the president; to fire the FBI director, the president must show cause.

Like other managers in the executive branch, the FBI director must please many masters on Capitol Hill, and Freeh has not been entirely successful. Several key Republicans who have great influence over the FBI's budget have been critical of Freeh's stewardship. The director and his top managers have worked hard recently to improve relations with Congress, but some critics detect an ulterior motive in those efforts, too.

"Louie has probably concluded that his and the bureau's viability is more dependent on Congress," a Justice Department official said, "than the White House."