

# Specter's persistence riles foes — and friends

By Peter Nicholas

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WASHINGTON — To the growing unease of some colleagues from both parties, Sen. Arlen Specter is doggedly pursuing a many-tendriled investigation into the Clinton administration that seems destined to creep into the presidential campaign as it enters its most competitive phase.

The Pennsylvania Republican heads a Senate task force created in September that is probing a thicket of Chinese espionage cases, the campaign finance scandals stemming from the 1996 election, and the government's role in the fatal standoff near Waco, Texas, in 1993.

Specter sees a pattern of obstruction, delay and ineptitude on the part of President Clinton's Justice Department.

At a hearing April 5, Specter said that "it may well be that the so-called Department of Justice is guilty of obstruction of justice. And we intend to get to the bottom of that."

In recent weeks, he has hauled rank-and-file Justice Department lawyers before his subcommittee to explain a plea bargain granted in 1998 to Peter Lee, an American scientist who admitted passing nuclear secrets to the Chinese but was not sentenced to jail.

Specter won approval last week to subpoena confidential memoranda from FBI Director Louis Freeh and from Charles LaBella, the former head of the Justice Department's

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**Sen. Arlen Specter** is focusing on the Justice Department.

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campaign finance task force. The documents question Attorney General Janet Reno's refusal to appoint an independent counsel to investigate allegations of fund-raising abuses.

In February, he flew to California to take statements from witnesses in the Peter Lee inquiry. Earlier this month, he met with LaBella and Leon Panetta, the former White House chief of staff, to discuss the campaign finance questions. He has held four hearings on the Peter Lee case, and has issued a 65-page report in a separate case involving Wen Ho Lee, a former Los Alamos scientist accused of mishandling classified data.

If anything, Specter is poised to intensify his investigation. He mentioned Vice President Gore's solicitation of campaign contributions from the White House as one area of focus.

"Like the Marines, I've got a few good men," he said in an interview.

"And I'm one of them."

The former Philadelphia district attorney, though, is absorbing a fusillade of complaints from Senate colleagues and Justice Department officials who contend that his methods are overly zealous. For Specter, the danger is that his inquiry will be portrayed as a Republican exercise with no bipartisan support.

Sen. Patrick J. Leahy (D., Vt.), the ranking Democrat on the Senate Judiciary Committee, suggested at a hearing last week that the probe may have a partisan motive tied to the presidential race.

"I suspect this investigation will see all kinds of information coming out election-time," Leahy said. "You can carry out a Republican investigation if you want, and you have done that."

Sen. Orrin G. Hatch (R., Utah), chairman of the committee, defended Specter. "It's not partisan," Hatch said in an interview. "It's getting to the bottom of what really is happening down there at the White House and the Justice Department."

Frustrations are starting to build. Democrats on the committee have fought Specter's subpoenas but have been overruled by the Republican majority in straight party-line votes. At the April 5 hearing, Leahy interrupted at one point, and Specter snapped: "Excuse me, Senator Leahy. You're not recognized, and I am speaking."

In a mocking tone, Leahy said: "I'm awfully sorry. I'm terribly sorry."

Said Specter: "When you say you're awfully sorry, I might have to agree with that."

Perhaps Specter's most divisive

move, though, has been to compel rank-and-file prosecutors to explain themselves publicly in the Peter Lee case.

The Justice Department warns that the move will chill debate within U.S. Attorney offices around the country. Prosecutors should not have to worry about being second-guessed by political panels, the department says. Reno herself took time out from the Elian Gonzalez case on April 4 to meet with Specter to try to talk him out of the subpoenas. The senator refused.

Even Sen. Joseph R. Biden Jr. (D., Del.), one of Specter's closest friends

in the chamber, has objected to Specter's insistence that comparatively low-level government lawyers defend the plea bargain.

"I think that's a fairly dangerous precedent," Biden said at a hearing last month.

An association of former U.S. Attorneys wrote to the Justice Department warning that such a practice would sap morale and prove "devastating to the prosecutorial process."

Specter counters that there is ample precedent for his action, dating back to the Teapot Dome scandal of the 1920s. In any case, he said the department has left him no choice by stonewalling his attempts to find out why Peter Lee did not receive a stronger sentence.

Beyond that issue is the time that Specter is devoting to a case that might have frustrated even the ablest prosecutor.

Lee confessed to passing secrets to the Chinese about simulated nuclear explosions in 1985. He also admitted making false statements about a trip to China in 1997 when he spoke about ways to detect submarines.

A federal judge in Los Angeles sentenced Lee to a year in a halfway house and probation as well as 3,000 hours of community service and fined him \$20,000.

Specter contends that prosecutors could have sought the death penalty. He also questions why they made the plea bargain without first assessing the damage caused by Lee's disclosures.

"We've got the Department of Justice nailed to rights," he said in an interview.

But if his hearings have shown anything, it is that the Lee case is complicated. Specter has heard testimony that there was an abundance of mitigat-

ing evidence. Justice officials said the secrets Lee passed in 1985 were later declassified by the government. Some of the material has since been posted on the Internet. At a trial, Lee could even have argued that he told the Chinese about the test simulations to discourage them from testing nuclear weapons in the field.

The hearings have caused strains within his own party. Specter received a letter last month from Sen. Charles E. Grassley (R., Iowa), a Justice Committee colleague, objecting to Specter's report on Wen Ho Lee.

That report faulted the FBI, the Justice Department and the Department of Energy for conducting a lax investigation of Wen Ho Lee.

Grassley wrote that Specter's report did not take into account all the evidence and did not reflect a consensus of senators on the task force. He noted that no other senator had signed the report.

Specter, 70, is not likely to let up.

"He has a righteous streak that has not abated entirely with age," said Arthur Makadon, a Philadelphia lawyer who was Specter's chief assistant in the District Attorney's Office from 1970 to 1973. "He still sees that there are good people and bad people. Most of us at some age begin to see some as a combination of both."