

President fights for the right to secrecy

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by Jules Witcover

WASHINGTON -- The fight between the Bush administration and Congress over executive privilege and presidential secrecy, most prominently seen in the congressional demand for more information on White House contacts with Enron officials, is also underway on another front.

The White House is making strong efforts to block a bipartisan House bill that would repeal President Bush's executive order in November imposing serious restrictions on the release of presidential papers and records.

The bill, backed strongly by the academic community, would nullify the Bush order that expands presidential executive privilege and extends it to incumbent and former vice presidents and even, after the death of a sitting president, to designated surviving relatives and others.

At the request of the White House, a panel of the House Government Reform Committee has three times postponed action on the bill, which would be a conspicuous slap at the president. Its chief sponsor is a Republican, Rep. Steve Horn of California, and it is also backed by the full committee's Republican chairman, Rep. Dan Burton of Indiana, the nemesis of former President Bill Clinton in the Whitewater and other investigations during his presidency.

The White House is so concerned that in recent days it successfully pressured one of the Republican heroes of campaign finance reform, Rep. Christopher Shays of Connecticut, to withdraw his co-sponsorship of the legislation that would repeal the more restrictive Bush executive order.

Mr. Shays' action took the chief sponsors of the bill by surprise because he is regarded as among the more independent Republicans in the House.

He showed no reluctance to buck the president as co-sponsor of the House version of the finance reform legislation barring "soft money" contributions to national parties, first opposed and then reluctantly signed by Mr. Bush.

With Mr. Shays taking his name off the bill, another Republican on the full committee, Rep. Connie Morella of Maryland, signed on.

Repeal of the Bush order would roll back the release of presidential papers to more open guidelines last set by an executive order of President Ronald Reagan on Jan. 16, 1989, just before he left office.

The original Presidential Records Act was passed in 1978 in the aftermath of the controversy over the papers and Oval Office tape recordings of former President Richard Nixon in the Watergate scandal.

It provided custody of such materials by the National Archives and access to most of them under the Freedom of Information Act five years after a president leaves office.

Certain "deliberative documents," however, would be kept closed to the public for 12 years.

Mr. Reagan's order spelled out how incumbent and former presidents could invoke further executive privilege regarding such internal documents, subject to agreement of the archivist and attorney general.

The Bush order as of now removes that condition and enables the vice president to invoke it, an extension vigorously opposed by those who say only a president with executive powers qualifies for the privilege.

Presidential scholars testifying before the subcommittee argued against the Bush order on grounds it would impede important historical research. But Rep. Jan Schakowsky of Illinois, ranking Democrat on the subcommittee, has flatly impugned the president's political motives.

"What is he trying to hide?" she asked at one point.

"Is there something in his father's papers about the Iran-contra scandal that would embarrass the family?"

The White House effort to block the congressional repeal of the Bush executive order comes at a time of increasing claims of national security connected with the war on terrorism as grounds to withhold information. But it smacks more of the White House penchant for using executive privilege as a catch-all to justify administration secrecy.

Jules Witcover's column from The Sun's Washington bureau appears Mondays, Wednesdays and Fridays.