

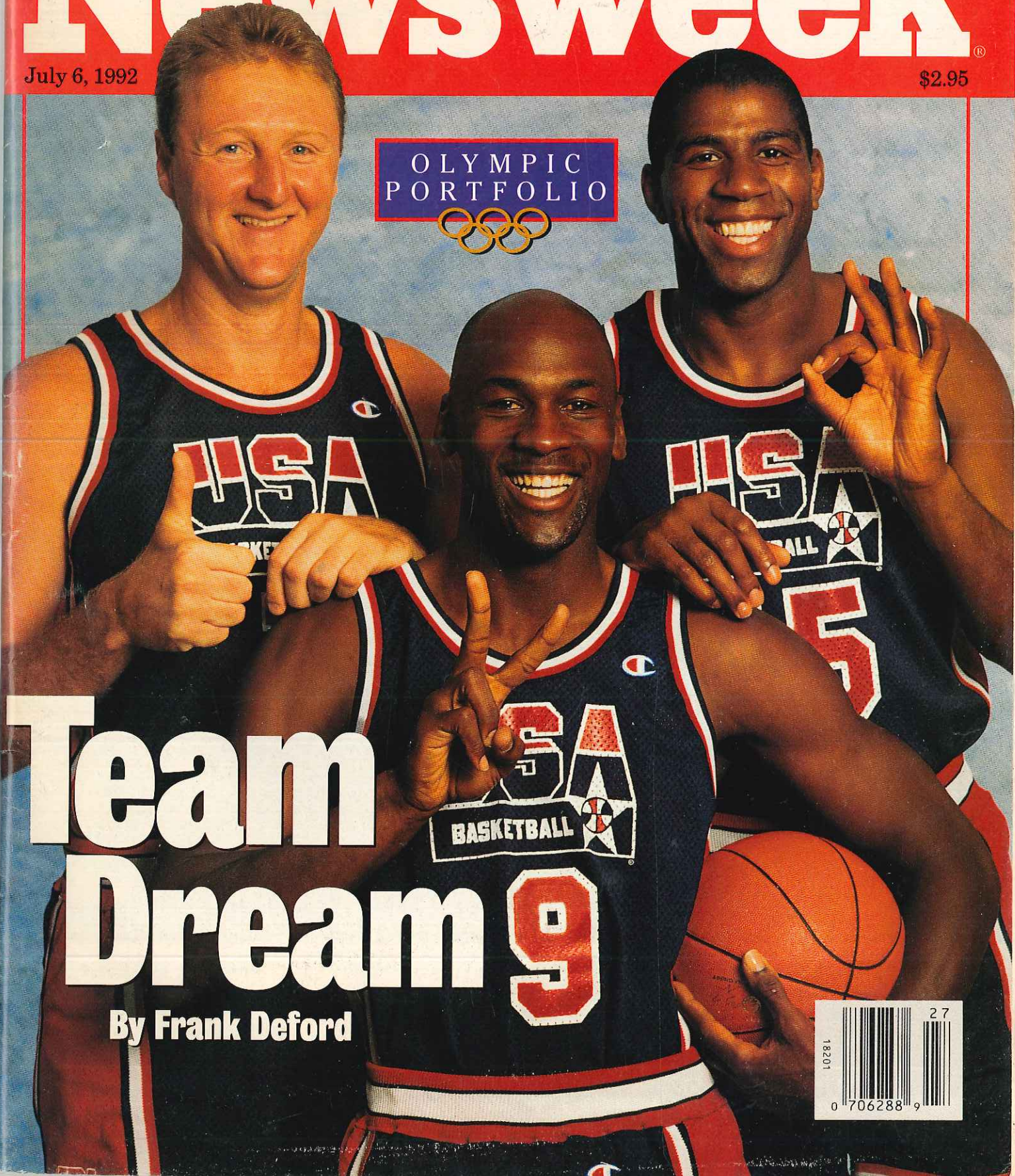
**BUSH VS. PEROT**  
Digging for Dirt

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# Team Dream 9

By Frank Deford





a dissent that called the decision a "monstrous" violation of international principles, the majority was willing to defer to the judgment of the Drug Enforcement Administration. Similarly, the court upheld the Bush administration's decision to return boatloads of Haitian refugees. The executive branch can fairly regard the court, particularly Justice Antonin Scalia, as a close ally by now. Last term, in the so-called gag-rule case, the court upheld Reagan-administration regulations barring all discussion of abortion in family-planning clinics receiving federal money.

**Son of Sam:** Only in First Amendment cases this term did the justices seem to assert judicial authority in the Jacksonian tradition. Five times, the court invalidated state laws as violations of expression and religion guarantees. Last fall it declared unconstitutional New York's Son of Sam law, which forced criminals to forfeit any money received for writing about their exploits. Last week, in two remarkable opinions, the conservative court struck down hate-speech codes and prayers at public-school graduations. Why are the justices still vigilant about the First Amendment? "It's one of those areas that everyone accepts as a cherished value," says Carter Phillips, a former Burger clerk who now practices before the court. Maybe so, but the division in both cases last week was 5 to 4.

More ominous to those who yearn for the good old days of Earl Warren is a suspicion that this court's brand of deference is selective. While the court this term was eager to leave matters of capital punishment and desegregation to the states to resolve, it was all too happy to take on property rights—the darling of the hard-core Right. The justices choose their cases à la carte—there is no mandatory appellate docket—and they took five involving the rights of property holders, more than any term in memory. While the rulings have been mixed—one key case remains—the sheer total suggests an ideological agenda that belies any notion of neutrality. Cynics say the Rehnquist Court will eventually do for property rights what the Warren Court did for civil rights. "Deference is a selective vice," says Prof. Laurence Tribe of Harvard Law School.

Deference, too, presents a paradox for those who would remake constitutional law in their image. In the Letitia Baldridge Guide for Good Judging, the hands-off Supreme Court justice treats all venerable institutions with deference. That includes the White House, the Congress, the states—golly, even the Supreme Court itself. Trouble is, the justices of this court have often paid little heed to the brethren and decisions that have come before them. What kind of conservatism is that?

DAVID A. KAPLAN and BOB COHN



ALLAN TANNENBAUM—SYGMA

**The Republican dirty tricks committee has been carefully putting this together . . . [It] is a carefully orchestrated plan to try to damage me. —ROSS PEROT**

## A Ground War Begins

In the first open skirmish of the 'Oppo War,' Perot and Bush trade charges of dirty tricks

**D**ishing dirt on the enemy is a game as old as politics, a practice so familiar it has its own buzzwords: "opposition research," or Oppo for short. In case you haven't noticed, the "Oppo War" is on. Last week Ross Perot and George Bush engaged in an Oppo skirmish so nasty they finally declared a truce. With Perot bloodied and the Bush campaign on the defensive, the on-the-record, overt lines of Oppo attack ceased. But the covert hostilities—the private nudges to the press, the hunt for documents—continue.

Oppo War 1992 exploded into the open with a series of news stories that portrayed Perot as a billionaire busybody, eager to ferret out damaging information about business competitors, employees and political foes. The incendiary charge was leveled by The Washington Post. It reported that Perot, in 1986, had "launched" investigations against the then Vice President Bush. The motive: Bush was not a partner in Perot's own crusade to find American MIAs in Asia. According to the Post, Perot had even passed to the then veep rumors that two Bush sons may have



been engaged in "improper activities"—a nice gesture with an ominous overtone.

Not since "Dallas" have two rich Texans engaged in such cut-throat sanctimony. Bush claimed to be shocked at the stories—though he is a former CIA director and the beneficiary of a state-of-the-art, Oppo-driven campaign in 1988. Perot's reported actions, he declared, were not "particularly American"—though he had penned Perot a warm note in 1986 thanking him for passing on the rumors about his sons. Perot in turn claimed to be just as shocked by the focus on his own investigative zeal—though he traffics in intelligence data and hired a master of Oppo, Republican Ed Rollins, as his campaign co-manager.

Perot insists that he doesn't have an "investigative personality." But he exhibits a determined interest (chart) in information about those who threaten his goals or his family, and his denials beg numerous questions. He says he merely "passed on" rumors about Bush's sons, but doesn't say how he heard them. He says he merely forwarded to the FBI information about a



**If he was having my children investigated, that is beyond the pale . . . I think the American people will reject that kind of tactic.** —GEORGE BUSH



LARRY DOWNING—NEWSWEEK

Defense Department official, but doesn't explain how he came to know and deal with the informant. He says he launched an inquiry into a land deal's tax treatment—a deal he apparently thought may have involved Bush—but doesn't explain why he gave information he developed to the Post instead of to the IRS.

Perot tries to wave away such questions with blame-shifting conspiracy theories. Forced to call his first press conference, he declared himself the target of a "90-day effort to redefine my personality by a group called 'opposition research' in the Republican Party. They're generally known as the dirty-tricks crowd." It was a classic attempt to demonize his foe—and a piece of on-the-record Oppo in and of itself.

But what's the truth? Much modern Oppo, sadly, is accepted practice. The GOP's "opposition research department" is a prosaic enough affair: a collection of self-described nerds who comb public records and clips—something Perot himself has hired people to do over the years. There's also no doubt that the Bush team has a plan to openly paint Perot as another Hoover—as in J. Edgar. Bush's "surrogates," following faxed "talking points," branded Perot a would-be gumshoe in chief. Vice President Dan Quayle called him a "temperamental tycoon who has contempt for the Constitution of the United States." Drug czar Bob Martinez called him a "secretive computer salesman with a penchant for skulduggery." And so on.

But there's a more controversial covert game as well: feeding or goading the media

with leads, rumors and the fear that they're about to be scooped by the competition. Also, an administration has unique Oppo resources: the government itself. There's at least some evidence to support the Perotians' charge that they're facing an underground Oppo campaign. After Perot criticized Bush's policies during the prelude to the gulf war, Perot said in a recent interview with NEWSWEEK, the IRS ordered an agent to take up residence at Perot's business office. The IRS quickly withdrew the agent when Perot complained to the IRS commissioner. His aides note that the Resolution Trust Corporation recently asked its Texas offices to turn over any information they had about Perot's business dealings in the state. And some recent stories, the aides contend, could only have hit print so rapidly and simultaneously with administration assistance. They point to reports developed from obscure Nixon White House files in the National Archives and from a Customs dispatch that needed decoding to be linked to Perot.

**Friendly letter:** Bush learned last week that he is facing an Oppo artist as adept as he. At Perot's press conference, aides placed a copy of Bush's handwritten thank-you note on every reporter's chair. Resorting to his favorite forum, "Larry King Live," Perot pulled from his pocket a copy of another friendly Bush thank-you letter, this one for Perot's willingness to help rebuild Panama City after the invasion that captured Manuel Noriega. When Republican National Committee Chairman Rich Bond, fuming with anger, called

the CNN program to demand specifics about the GOP "dirty tricks," Perot's response was a dodge and a threat of a new round in the Oppo war: he would answer, he said, "on my terms when I think it best serves my purposes."

The only outright beneficiary of last week's Oppo skirmish was Bill Clinton, who unveiled a revamped economic plan and studied his short-list of vice presidential picks while his two opponents slugged it out. But, shellshocked by the Perot battle, the GOP plans to retarget its Oppo machine on the Democrat: this week Quayle will travel to Little Rock, Ark., to attack Clinton as a tax-and-spend liberal. Clinton's own Oppo staffers have temporarily quit in a power struggle. Judging from the results of the battle last week, he may be better off if they never come back.

HOWARD FINEMAN with  
GINNY CARROLL in Dallas and  
CLARA BINGHAM in Washington

## The Case of 'Inspector' Perot

### Sweet Deal for Bush Friend?

■ **The Case:** Pennzoil, headed by a friend of George Bush, in 1986 received a \$48 million tax credit for donating one fifth of a large piece of land to the government. Perot says the entire parcel was worth less than the tax credit.

■ **Accusation:** Perot had the case investigated, then alerted reporters to embarrass Bush.

■ **What Perot Says:** Worried taxpayers had been defrauded; reporters came to him.

### Business Backlash?

■ **The Case:** Onetime Perot legal adviser Richard Salwen filed a \$250,000 lawsuit claiming Perot reneged on a business arrangement.

■ **Accusation:** That Perot tried to intimidate Salwen and, through an associate, spread rumors Salwen had extramarital affairs.

■ **What Perot Says:** Perot's spokesman says Perot never used personal information to intimidate Salwen.

### Vietnam Memorial Tantrum?

■ **The Case:** Perot gave \$200,000 for Vietnam Veterans Memorial, but didn't like the design.

■ **Accusation:** That he hired lawyers (notably, Roy Cohn) to dig up dirt on officials handling the memorial in order to discredit it.

■ **What Perot Says:** Claims no underhanded motives: he had concerns about the fund's business actions, and acted on behalf of the many vets who did not like the memorial.

### Armitage Vendetta?

■ **The Case:** Perot believed Reagan Defense Department—Asst. Sec. Richard Armitage in particular—wasn't doing enough to find MIAs.

■ **Accusation:** Tried to discredit Armitage by suggesting friendship with Vietnamese-American woman ethically compromised him.

■ **What Perot Says:** Received unsolicited file and photos of Armitage and simply passed them along to FBI. Admits keeping copies.