

Weinberger Indicted on 5 Counts

Ex-Defense Secretary Charged With Lying in Iran-Contra Affair

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Former defense secretary Caspar W. Weinberger was indicted yesterday on charges that he lied repeatedly about his knowledge of the Iran-contra affair and obstructed investigators by concealing extensive notes he had taken at crucial points in the scandal.

A federal grand jury returned five felony counts against Weinberger, making him the highest-ranking Reagan administration official to be indicted in the 5½-year investigation conducted by independent counsel Lawrence E. Walsh.

The indictment ends months of backstage negotiations between Weinberger's lawyers and Walsh's prosecutors who had been trying to get the former defense secretary to provide evidence that former president Ronald Reagan took part in the coverup of his administration's worst scandal.

In a bitter statement to reporters, Weinberger, 74, who was defense secretary

from 1981 to 1987, said, "I am deeply troubled and angry at this affair and unjust indictment. . . . I vigorously opposed the transfer and sale of arms to Iran and fought it at every turn inside the administration."

He went on to say he had refused to accept an offer from Iran-contra prosecutors to "plead to a misdemeanor of which I was not guilty. Nor was I willing to give them statements which were not true about myself or others. I would not give false testimony nor would I enter a false plea."

Walsh's top prosecutor, deputy independent counsel Craig Gillen, said at an earlier news conference that the indictment was not about what side Weinberger took in the administration on the 1985-86 shipments of arms to Iran in return for the release of American hostages held by pro-Iranian militants in Lebanon. Rather, he said, it dealt with Weinberger's alleged concealment of a huge amount of information, including more than 1,700 pages of personal diary notes, when investigators most needed them.

"This case is a graphic illustration of the

necessity for the length of our investigation," Gillen said. "This case has to do with a senior government official, the former secretary of defense, withholding relevant, important information."

Reagan, in a brief statement issued by his Los Angeles office, described Weinberger as "a man of the highest integrity" and expressed confidence that the former defense secretary would be "fully vindicated."

The Iran-contra scandal involved the Reagan administration's covert arms-for-hostages sales to Iran, its secret military supply line to the contra rebels in Nicaragua and its diversion of profits from the Iranian arms sales to the contra cause.

Yesterday's indictment represented a significant advance for Walsh's long-running probe, which has been dogged recently by adverse court rulings. While the independent counsel's investigation has led to nine guilty pleas by former Reagan administration officials and others, convictions against the two highest-profile defendants—former

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national security adviser John M. Poindexter and his aide, Oliver L. North—were overturned on appeal.

According to the indictment, Weinberger's notes, discovered in the Library of Congress by prosecutors last fall, depict Reagan as repeatedly being warned in December 1985 that an arms shipment to Iran he had approved the previous month was illegal. Reagan has always maintained in official testimony that he was not aware of the shipment until early the next year when Tehran returned the munitions as unacceptable.

The Weinberger papers, as described in the indictment, provide new details about high-level Iran-contra meetings that included not only Reagan, but also Secretary of State George P. Shultz and, sometimes, then-Vice President Bush.

The most important session, one Bush did not attend, appears to be a White House meeting on Dec. 7, 1985, at which all the arms shipments that year from Israel to Iran were discussed. The Israelis had shipped 508 U.S. TOW antitank missiles to Tehran, bringing about the release of one of the Americans held hostage, Rev. Benjamin Weir. A shipment of 18 Hawk anti-aircraft missiles had also been delivered on Nov. 24, 1985, part of a planned sale of 120 Hawks intended to bring about release of all remaining U.S. hostages.

The coverup that took place a year later was de-

signed in part to conceal these 1985 shipments because Reagan had not legally authorized them nor disclosed them to Congress.

The Weinberger notes show for the first time that these shipments were fully discussed in the presence of the president by Weinberger and Shultz and that Weinberger strenuously argued they were illegal.

Called to testify before Congress in a June 1987 deposition, Weinberger denied knowing about the November 1985 shipment. Asked by a House counsel if he had advance knowledge of the transfer, the then-defense secretary said, "No, I did not."

In fact, the indictment charged, Weinberger had been told by then-national security adviser Robert C. McFarlane on Nov. 10, 1985, of the planned Hawk shipment; had been asked by McFarlane on Nov. 19 about obtaining as many as 500 Hawks for transfer to Iran; had been told on Nov. 20 by McFarlane that Reagan had decided to sell the Hawks through Israel; and had been told by McFarlane on Nov. 20 that Israel would sell 120 Hawks to Iran and that all Americans held hostage in Lebanon would be released two days later.

Weinberger's papers, according to the indictment, contain other new insights. One Weinberger note indicates that First Lady Nancy Reagan became angry with Shultz as the scandal was beginning to unfold publicly in late 1986 and wanted him replaced because she thought he was "disloyal to the president."

This note describes a meeting Weinberger had with Saudi Arabia's ambassador to the United States, Prince Bandar bin Sultan, on Nov. 23, 1986. During the conversation, Bandar disclosed he had met recently with Nancy Reagan and said she agreed with Bandar that Weinberger should be Shultz's replacement.

Shultz had incurred White House ire because he had distanced himself publicly from the administration's arms-for-hostages policy and challenged Reagan's public statements that there had not been any arms-for-hostages shipments through any third country in 1985.

Each of the five counts against Weinberger carries a maximum penalty of five years in prison and a \$250,000 fine.

The first count accuses him of obstructing the congressional Iran-contra investigation in 1987 by unlawfully concealing the daily notes he jotted down at his Pentagon desk as well as hundreds of additional pages of notes he took at White House meetings.

Weinberger gave the Iran-contra committees only the notes for one White House meeting, which took place on Nov. 10, 1986. The grand jury said he falsely denied having other relevant notes.

The second count accuses Weinberger of lying in a June 1987 deposition about his knowledge of secret Saudi contributions of millions of dollars to the contras at a time when Congress had barred U.S. assistance to the rebels. The indictment said that Weinberger had been explicitly informed of the Saudi contributions on March 13, 1985, and that Weinberger, in turn, mentioned them to top CIA officials two days later.

The third and fourth counts accuse Weinberger of

perjury during testimony before the Iran-contra investigating committees on July 31, 1987—once about his knowledge of the November 1985 shipment and once about his knowledge of the need to resupply Israel with the TOW missiles delivered to Tehran in August and September 1985.

The fifth count alleges that Weinberger lied to Gillen and FBI agents during an Oct. 10, 1990, interview about the existence of his notes.

Gillen declined to tell reporters yesterday when he first located Weinberger's notes in the Library of Congress. Weinberger had placed them there after he resigned to facilitate the writing of his memoirs. Under an "agreement of deposit" with the library, he was to have control over access to the records.

In his statement yesterday, Weinberger said he "fully cooperated with every aspect of the investigations conducted by Congress and the Office of Independent Counsel." He also noted he gave Walsh access to his papers and "at no time did I ever knowingly misrepresent the facts or deceive Congress or anyone else."

The five-year statute of limitations for the perjury charges had been due to expire today. Weinberger's lawyer, Robert S. Bennett, according to sources, had spoken to Walsh on Sunday about extending it. Walsh, these sources said, seemed to agree and suggested Bennett provide a draft of such an agreement to Gillen Monday.

Bennett sent a draft to Gillen, but was not able to talk to him, these sources said. Instead, with Walsh in Oklahoma, Gillen brusquely informed Bennett yesterday morning that there would be no extension and that Walsh had approved going ahead with the indictment.