

Prosecutors Seek to Show Coverup Plot

Iran-Contra Story Line Said to Shield Reagan

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Special prosecutors plan to use the forthcoming Iran-contra trial of Caspar W. Weinberger to prove there was a conspiracy to cover up then-President Ronald Reagan's involvement in potentially illegal activities, according to sources familiar with both sides of the case.

Using former defense secretary Weinberger's notes and other evidence, the prosecutors hope to show that top administration officials at three crucial White House meetings in November 1986, including the president himself, agreed on a story line that hid Reagan's role in 1985 arms-for-hostages shipments to Iran that some feared were unlawful.

In unsuccessful negotiations preceding the indictment, independent counsel Lawrence E. Walsh tried to persuade Weinberger, a participant in all three meetings, to testify for the prosecution at a wide-ranging conspiracy trial, the sources said.

When Weinberger refused to go along with the prosecution view that the meetings were designed to develop a cover story, the prosecutors obtained a five-count indictment against Weinberger alone. But they included in it many allegations tailored for a conspiracy case.

Weinberger has been charged with obstruction, perjury and making false statements, almost entirely on the basis of personal notes that he took at crucial points in the Iran-contra scandal but failed to turn over to congressional investigators

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or special prosecutors at the height of their inquiries.

Weinberger "gave them a hammer to hit him in the head with," said a source sympathetic to Weinberger's position.

No conspiracy charge was lodged because, as one source put it, "without a witness, you can't charge a conspiracy." But the events outlined in the indictment, based primarily on the Weinberger papers, could allow prosecutors to present their coverup theory in court with much more force than any written, final report on their investigation would have.

Previous Iran-contra investigations have shown that Reagan acquiesced in 1985 shipments by Israel of U.S.-made TOW antitank missiles and Hawk antiaircraft mis-

siles to Iran as part of a plan to gain the release of American hostages then being held in Lebanon. In his own statements on the subject, Reagan variously has said he approved shipments by Israel, that he did not, and finally that he could not remember.

These secret shipments were not only contrary to Reagan's public policy of refusing to deal with Iran as a terrorist nation, but also were considered potentially unlawful by CIA, Justice Department, and Pentagon lawyers in light of U.S. arms export control laws and laws governing covert CIA operations.

In 1986, administration officials decided to ship additional, U.S. arms to Iran directly on the strength of a formal presidential authorization that Reagan signed in January. When these shipments became public in November 1986, some officials

were worried that the U.S. role in the 1985 Israeli shipments may have been illegal and exposed the president to severe political attack and even possible impeachment.

White House meetings on Nov. 10, Nov. 12 and Nov. 24, 1986, according to sources familiar with the Walsh investigation, were designed to contain the damage. At the first two meetings, the indictment points out, officials were briefed by then national security adviser John M. Poindexter on the overall arms-for-hostages deals, but there was no mention of any of the 1985 shipments even though several of the participants, including Reagan, Weinberger, Secretary of State George P. Shultz and White House Chief of Staff Donald T. Regan, had direct knowledge of them.

"This was a clever way of saying,

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Iran Prosecutors Eye Weinberger's Notes

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'This is our position,' one source said. "The guys in the room know of the 1985 shipments, but they don't say anything."

The same approach, the indictment suggests, was adopted at the third meeting although the briefer this time was then-Attorney General Edwin Meese III, who had been assigned to conduct a quick, fact-finding inquiry on Reagan's behalf. One of the chief topics in the fact-finding interviews he conducted was the extent of knowledge of U.S. government officials about the most controversial 1985 shipment, a Nov. 24 delivery of 18 Hawk missiles to Iran that was carried out with the help of the CIA.

At the Nov. 24, 1986, meeting, the indictment says, "Mr. Meese told the group that the November 1985 Israeli HAWK missile shipment may have been illegal, but

that the president did not know about the shipment at the time.

"At the end of the meeting, Mr. Meese asked whether anyone knew of anything else that had not been revealed. No one contradicted Mr. Meese's incorrect statement concerning President Reagan's lack of knowledge, although several of those present, including the defendant, CASPAR W. WEINBERGER, had contrary information."

When Meese publicly disclosed the Iran-contra affair two days later at a White House news conference, he directed public attention away from the arms-for-hostage dealings with Iran and focused instead on his discovery of the diversion of profits from the arms sales to the contra rebels in Nicaragua. He put primary responsibility for this activity on then-White House aide Oliver L. North.

The Weinberger indictment points out that in that same news conference, Meese said "the pres-

ident had not been informed about the November 1985 Hawk missile shipment until February 1986."

"When they found out about the diversion, they had their substitute story," said Thomas Blanton, executive director of the nonprofit National Security Archive, a storehouse of Iran-contra records. "The diversion was a diversion."

No date for the trial has been set, but it may be on a fast track. Other Iran-contra cases involved time-consuming disputes over congressional grants of immunity and highly classified documents, but these obstacles do not appear applicable to Weinberger's situation. He had no immunity when he gave his allegedly false congressional testimony and his notes pertain to high-level meetings rather than sensitive intelligence operations.

The initial reaction of Weinberger's defense team, sources said, is to press for a quick trial, perhaps this year.