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Iran-Contra Foe's Notes Are Turned Against Him

Coverup Role by Weinberger Is Alleged

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Caspar W. Weinberger warned national security adviser Robert C. McFarlane in November 1985 that he believed the imminent, secret shipment by Israel of U.S.-made Hawk anti-aircraft missiles to Iran to gain release of American hostages was illegal and should not occur, according to Weinberger's handwritten notes.

"Thanks for the advice," McFarlane responded in a quote Weinberger recorded verbatim on Nov. 19, 1985 in his summary of that key telephone conversation. McFarlane supported the operation and later pleaded guilty to four misdemeanor charges—none related to the Hawk shipment—for withholding other Iran-contra information from Congress.

According to sources familiar with Weinberger's daily writing practice, the former defense secretary usually summarized conversations in his daily jottings. This time he put McFarlane's reply in quotes because he looked on it as a sarcastic reproach for his last-minute attempt to try to stop the shipment, one source said.

The McFarlane phone entry, which covers less than one page among the 1,700 pages of Weinberger's daily notes, illustrates the irony of the 74-year-old former Cabinet member's indictment last week.

The same collection of notes that record his wise but unaccepted advice in what became the Reagan administration's worst political scandal is the instrument that has led to him being highest-ranking Reagan official to be indicted because of the Iran-contra affair.

Weinberger faces charges of perjury, making false statements and obstruction of an investigation by Congress. The prime evidence in the indictment is the collection of notes that Weinberger regularly

after he was so vociferous in objecting to the shipment, Weinberger would forget such an event took place when questioned by congressional investigators and later Iran-contra prosecutors, sources said.

Senate Armed Services Committee Chairman Sam Nunn (D-Ga.) yesterday voiced mixed feelings over the former defense secretary's indictment. He called Weinberger "a dedicated public servant for a long time," during an appearance on NBC's "Meet the Press."

"I'm hopeful that the evidence will not indicate, when this matter goes to trial, that Cap Weinberger intentionally misled the committees or the Justice Department or the FBI," Nunn said.

But Nunn showed that as a member of the 1987 Iran-contra panel, he understood the implications to the congressional investigation if the prosecutors are able to make their case that Weinberger intentionally withheld his notes from Congress and lied during congressional questioning.

"Our committee, the Iran-contra committee, asked for that information . . . any information relating to those November meetings. We did not get that information."

jotted down each day on a pad on his Pentagon desk. The notes were not provided to congressional committees in 1987 at the time of their investigations.

The note collection was discovered late last fall by prosecutors among 377,000 documents Weinberger had placed in the Library of Congress in 1988. As late as Oct. 10, 1990, according to the indictment, Weinberger denied to prosecutors that he had such notes or even a habit of taking notes. He also said in that same interview that all of his relevant Iran-contra notes had been

turned over to investigators.

The prosecutors believe the former defense secretary intentionally withheld his notes as part of a broad conspiracy to cover up President Ronald Reagan's role in what may have been illegal 1985 arms shipments, according to sources. They plan to use the Weinberger trial to lay out their coverup theory.

Weinberger has denied the charges against him, and sources said he will assert he forgot that his daily jottings contained Iran-contra material that was relevant to investigations.

Weinberger may not be the only person to have withheld relevant materials, according to sources. Another new element expected to be disclosed at the trial, which is to start Nov. 2, is a complete set of State Department notes, including summaries of meetings attended by then-Secretary of State George P. Shultz and other department officials, according to sources.

The prosecutors only recently obtained all those notes, most of which were not made available to the 1987 congressional investigators despite requests for them. Shultz, sources said, took notes but then dictated from them to an aide who kept a permanent file while Shultz regularly destroyed his own handwritten original copies.

Weinberger's notes, according to sources who have reviewed them, strongly support Weinberger's contention that he was the most vehement and persistent voice within Reagan's top circle of advisers to oppose the ill-fated arms-for-hostages dealings and particularly the November 1985 Hawk shipment. The notes indicate he discussed that shipment and its illegality with his own top aides, including his military assistant, Gen. Colin L. Powell, now chairman of the Joint Chiefs of Staff.

Powell has reviewed some of Weinberger's diary notes at the request of the prosecutors and Weinberger's lawyer, Robert S. Bennett. In an affidavit last April that was supplied to Bennett, Powell said, "The notes I have seen show a person committed to trying to stop the administration from transferring arms to Iran but who was frustrated in his efforts."

Those same Weinberger notes would have been enormously damaging to the Reagan administration if they had been made available to the House-Senate Iran-contra investigating committees, which sought all relevant documents from Weinberger in 1987.

But the contents of the notes may make it more difficult for a jury to believe that little more than one year