

Supreme Court Declines to Consider Reinstating Poindexter Conviction

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The Supreme Court yesterday refused to review the appellate court decision reversing the Iran-contra conviction of former national security adviser John M. Poindexter.

The action wipes out the only criminal conviction secured to date by independent counsel Lawrence E. Walsh against a government official that resulted in a prison sentence. Found guilty in April 1990 on five felony charges, Poindexter challenged the verdicts on the grounds that the testimony against him had been tainted and that one of the laws he allegedly violated had been misapplied.

"We're very pleased. It sounds like that's the end of it," Keith A. Jones, Poindexter's lawyer, told the Associated Press.

One of the first casualties of the Iran-contra affair, Poindexter, a highly regarded vice admiral, resigned his post as President Ronald Reagan's national security adviser in November 1986 and has been the subject of investigation and criminal proceedings ever since.

Walsh said in a statement that he would move promptly to dismiss the case. He said he still regarded the issues he raised on appeal "extremely important ones for the administration of criminal justice" and hopes that eventually the Supreme Court will address them.

With yesterday's decision in the Poindexter case and the dismissal a year ago of the conviction of former White House aide Oliver L. North, the only major prosecution left out

of Walsh's six-year investigation of the Reagan administration's worst scandal is that of former defense secretary Caspar W. Weinberger.

At a hearing in federal district court here yesterday, Weinberger's lawyers said they want access to the sworn testimony given Iran-contra prosecutors by President Bush and former president Ronald Reagan over past years to see if it would be helpful in the upcoming trial of the onetime Cabinet member.

Defense lawyers are attempting to determine whether or not they should try to call Bush or Reagan as defense witnesses in the trial that is set to begin on Jan. 5.

During a court argument yesterday on a motion by defense lawyers to obtain the interviews conducted by Walsh and his associates, special prosecutor George Harris said that "none" of Bush's statements made in January 1988 would "truly" tend to exonerate Weinberger.

Reagan was questioned by Walsh's prosecutors last August but sources said he could not remember issues involved in the Weinberger case.

Weinberger is charged with five counts of false statements and perjury in connection with investigations by congressional committees and the independent counsel.

Defense lawyers pressed yesterday for dismissal of the lead count, which accuses Weinberger of lying in June 1987 to a congressional committee investigating the Iran-contra

scandal by concealing that he had taken notes as the affair unfolded.

Weinberger's attorneys moved to dismiss this count—returned Oct. 30, four days before the presidential election—on grounds it was politically motivated and illegal because it replaced an obstruction-of-Congress charge that had been dismissed by the court with a new charge of making false statements under another section of the law.

District Court Judge Thomas F. Hogan yesterday delayed ruling on both motions.

But he rejected a third defense motion, Weinberger's request for a non-jury trial, noting that North and Poindexter were both tried here, at more volatile points in the Iran-contra scandal, without any difficulties in selecting a fair-minded jury.

Defense lawyer Robert Bennett had contended that it would be impossible to get an impartial jury trial for his client in Washington, where prosecutors can count on getting "an all-Democratic jury."

"The present president is named five or six times in the indictment," Bennett said of Bush. "These are highly politically charged charges." He also had maintained that a trial before Hogan alone would make it much easier to resolve disputes over classified documents, since the court will know what the censored passages were, and would prove much quicker and less expensive, both for the taxpayers and for Weinberger.