

Bush Hires Lawyer in Iran-Contra

Ex-Attorney General Bell to Press Walsh To Release Deposition

12/31/92

By Dan Morgan
Washington Post Staff Writer

President Bush, under fire from independent counsel Lawrence E. Walsh for withholding his notes on the Iran-contra affair from 1987 to 1992, has hired former attorney general Griffin B. Bell to represent him in the continuing investigation, the White House announced yesterday.

The White House said that the first job for Bell—who served as President Jimmy Carter's attorney general from 1977 to 1979—will be to seek "for public release" a copy of the president's five-hour sworn deposition given to Walsh's prosecutors on Jan. 11, 1988.

"I'm glad the president will have the advice of an able lawyer who understands both litigation and the rule of law," Walsh said in a statement yesterday.

White House spokesman Marlin Fitzwater said that hiring Bell became necessary Tuesday, when Walsh's office informed the White House that it would not provide Bush "with a copy of the deposition at this time."

The prosecutors are studying the deposition that Bush wants released and comparing it with notes Bush made on the Iran-contra affair. The White House has made available to Walsh some of this material, described as typewritten transcripts of end-of-the-day reflections, but gaps remain, sources said.

A White House official first disclosed the existence of the notes to Walsh on Dec. 11, years after the independent counsel requested White House materials on Iran-contra. Fitzwater said last weekend

See PARDONS, A22, Col. 1

Bush Hires Ex-Attorney

PARDONS, From A1

that the White House would make the notes public when Walsh allowed Bush to obtain and release the transcript.

Walsh said last week that the president was now "the subject of our investigation" because of what Walsh called "misconduct" in withholding the notes. Informed sources have said Walsh will seek to question the president after reviewing the notes.

Walsh's revelations that Bush was now a focus of his six-year-long investigation of the Iran-contra affair came immediately after the president's Christmas Eve pardons of former defense secretary Caspar W. Weinberger and five others charged in the case.

The pardons were bitterly denounced by Walsh as part of a continuing coverup of the affair.

On Dec. 14, the president asked the independent counsel to supply him with a copy of his 1988 deposition, according to yesterday's White House statement. This was the same day Walsh's emissaries first began obtaining the Bush transcripts, sources said.

"We're continuing to evaluate our ability to release this information, in light of grand jury secrecy rules," said Walsh spokeswoman Mary Belcher, explaining the decision taken Tuesday not to provide the transcript to Bush. She added that another reason the transcript is not being released is that "the investigation relating to the Bush notes is

General Bell to Represent

not yet at a point where we can act on his request."

The president's attempt to obtain the transcript of his deposition presents legal issues that remain to be sorted out, sources said.

Rules of federal criminal procedure generally preclude release of investigative material except in connection with a criminal trial. Grand jury testimony, for example, is usually kept secret. Walsh's office considers the 1988 deposition to be grand jury material, sources said.

"It's not unusual not to supply it at this point [in an investigation]," said James J. Brosnahan, the San Francisco lawyer who had been Walsh's prosecutor in the Weinberger case.

Yesterday Bush gave his most extensive comment on the pardons

since the controversy erupted. Asked if he had intended to give the appearance that government officials are above the law, he replied:

"No, it [the pardons] should not give any such appearance. Nobody is above the law, and I believe when people break the law that's a bad thing. I have read some stupid comment to the contrary. And of course I feel that way."

He added that the Constitution "is quite clear on the powers of the president and sometimes the president has to make a very difficult call, and that's what I've done . . . I pride myself on 25 years or more of public service, of serving honorably, decently and with my integrity intact. And certainly I wouldn't feel that way if I had a lack of respect for the law."

In addition to seeking release of

Him in Iran-Contra Probe

the transcript, Bell will "assume full responsibility for advising the president should the independent counsel fail to complete his investigation during the president's term in office," the White House said in announcing the president's retention of the Atlanta lawyer.

Bell, a lifelong Democrat, was a close friend and adviser to Carter when Carter tapped him to be his first attorney general. But in the recent election Bell supported Bush.

"Notwithstanding my longstanding party affiliation, I support George Bush for president based on his experience, leadership and integrity," Bell said in announcing his surprise decision last Oct. 30 in a signed article in the Atlanta Constitution.

Bell cited the "yearlong Demo-

cratic, media-fed bashing of Mr. Bush," and added that he believed that "the American people in their heart of hearts know that Mr. Bush is a man of tested character and integrity."

Bell was appointed by President John F. Kennedy to the U.S. Circuit Court of Appeals for the 5th Circuit, on which he served from 1961 to 1976. In 1989, he served as Vice Chairman of Bush's Commission on Federal Ethics Law Reform in 1989. He is a partner in the Atlanta law firm of King & Spalding.

Bell was said by his law office to be traveling and could not be reached for comment. A White House spokeswoman said she was uncertain whether the president had discussed details of the Iran-contra investigation with Bell.