

# Senate Panel May Review Weinberger

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A Senate subcommittee may examine the Iran-contra case against Caspar W. Weinberger and President Bush's Christmas Eve pardon of the former defense secretary, the subcommittee chairman said yesterday.

Sen. Carl Levin (D-Mich.), who heads the Governmental Affairs subcommittee on oversight of government management, said in a telephone interview yesterday that

previously planned oversight hearings next year on the workings of the independent counsel law and its reauthorization will provide an "appropriate and likely" forum for taking testimony from independent counsel Lawrence E. Walsh, Weinberger and perhaps Bush.

"We would obviously offer President Bush an opportunity to be heard," Levin said during an appearance earlier on CBS's "Face the Nation." "But the key here is Weinberger," he added.

Weinberger, Levin said, "was

able to avoid testifying in court because the president pulled the rug out from under the prosecutor with these pardons."

"Charges made against Walsh, that he's not run a fair prosecution," would be examined, Levin said, and Sen. Robert J. Dole (R-Kan.), who has been a persistent critic of Walsh's six-year, \$31 million investigation and who on Saturday called for Walsh's resignation, would be given an opportunity to present his case against Walsh.

Levin, however, called com-

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plaints against Walsh "a diversion from the heart of this matter, which is whether or not Caspar Weinberger, in the case of his indictment, withheld notes from the Congress and from the independent counsel."

Levin said that "the right place to present this material is in court. That's where it should have been presented—not in the media, not in a congressional hearing, ideally, but in court. It's second-best to do it in a congressional hearing, but we'll call, if necessary, whatever wit-

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nesses will shed light upon these events, because these events were critical in the '80s."

Bush's pardon of Weinberger "undermined our system of justice, which requires that we have an independent person, not under the control of the president, to look at people close to the president—his allies, his friends, his cronies," Levin said.

But the question of what had motivated the president to pardon

Weinberger and five others indicted in the Iran-contra scandal continued to be a focus of attention yesterday.

Bush, vacationing in Texas, declined yesterday to answer reporters' questions about the pardons or the scandal, which involved the sale of arms to Iran in exchange for the release of Americans held hostage in Lebanon by pro-Iranian terrorists and the diversion of profits from those arms sales to resupply the Nicaraguan contra rebels at a time when such aid was prohibited by Congress.

Levin said that he believed Bush had two motives for granting the pardons. "It was a gift to Weinberger, and others, some of whom have been convicted of crimes and misdemeanors, some of whom have pleaded guilty, as a matter of fact," he said.

Bush also "in effect protected himself," Levin said, because critical Weinberger notes of meetings attended by Bush, who then was vice president, "will now not be presented in court, and that protects [Bush] from a court presentation, examination and cross-examination, under oath."

In addition to Weinberger, Bush pardoned former CIA spy chief Clair E. George, former national security adviser Robert C. McFarlane, former assistant secretary of state Elliott Abrams, former CIA official Alan D. Fiers and former CIA official Duane R. "Dewey" Claridge. Weinberger's trial had been scheduled to begin Jan. 5; Clar-

idge's was set for March 10. Both had pleaded not guilty. Abrams, Fiers and McFarlane had pleaded guilty to misdemeanor charges of withholding information, and

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George was convicted earlier this month of two counts of lying to Congress.

Weinberger, questioned on ABC's "This Week With David Brinkley," defended his own actions and Bush's decision to pardon him. The former defense secretary said it was "totally wrong" to say he was pardoned to protect Bush. "He didn't save himself from being called [to testify or be questioned by Walsh] by pardoning me," Weinberger said. "He can be called any time anybody wants."

Bush's national security adviser, Brent Scowcroft, yesterday called the presidential pardons "a noble and purely compassionate course of action." On NBC's "Meet the Press," Scowcroft said Bush "had nothing to gain, and a lot to lose—that is, because [the president could be] accused of coverup and so on and so forth."

Rep. Lee H. Hamilton (D-Ind.), vice chairman of the House Iran-contra investigating committee, said on the Brinkley show that he disagreed with Bush's decision to pardon Weinberger because the charges were serious and "the place you determine whether they are right or wrong is not on a television show, but rather a court of law. . . . That's no longer possible now."

Hamilton said what disturbed him most about the pardons was that in granting them, Bush showed an

"unwillingness to acknowledge that crimes were committed, that misdeeds and misconduct took place, that Congress was lied to, that Congress was misled."

Sen. Warren B. Rudman (R-N.H.), who was vice chairman of the Senate Iran-contra investigating panel and wrote a letter to Walsh as part of an attempt to head off the indictment of Weinberger, said yesterday the pardon "was the right thing to do."

He called "appalling" the disclosure by Walsh after the pardons that Walsh already was investigating why Bush had not earlier turned over his own newly discovered notes dating back to November 1986.

Rudman did agree with Hamilton, however, that Bush was wrong not to acknowledge that Iran-contra was more than just the criminalization of policy differences between the Congress and the Reagan White House.

CIA Director Robert M. Gates, whose agency was caught up in Iran-contra, yesterday called the affair "a tragedy" because it "not only broke the trust between the executive and the Congress, but between agencies in the executive and even within our own agency."

Against the background of three former CIA operatives being among those pardoned by Bush, Gates said on CBS yesterday that he and his

predecessor, William H. Webster, "had spent now some five years trying to restore that trust with the Congress, and even within the executive branch, and to an extent within our own agency."

Among the sharpest critics of the Walsh operation yesterday was Scowcroft, who was one of three members of a White House panel appointed by then-President Ronald Reagan in late 1986 to investigate the Iran-contra affair. In its February 1987 report, the president's special review board, chaired by the late senator John G. Tower (R-Tex.), concluded that there had been a breakdown of control over Reagan's National Security Council staff and that Weinberger and then-Secretary of State George P. Shultz had "simply distanced themselves from the program . . . and protected the record as to their own positions on this issue."

Yesterday, Scowcroft dismissed Walsh's prosecutions based on allegations of perjury and deceiving Congress. Scowcroft said the substantive issues in the scandal involved finding out whether the White House violated a congressional ban on shipments of arms to the contras or broke the law by trading arms for hostages.

Levin said yesterday that his subcommittee would explore what he believed was the heart of the Walsh indictment, "whether or not Caspar Weinberger, in the case of his indictment, withheld notes from the Congress and from the independent counsel as alleged in the indictment, and whether or not he lied about having notes which were relevant to the critical point, which is was there an arms-for-hostage deal."

In his television appearance yesterday, Weinberger defended himself against that charge, saying he misunderstood what prosecutors were asking him in October 1990 when they inquired about whether he kept notes.

"I had a different understanding of what they meant by notes," the 75-year-old Weinberger said. He said he believed "they were talking about notes or minutes that you keep at a meeting, and I kept a few of those and had given them all" to the Defense Department, which had turned them over to investigators.