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Getting Around to Weinberger

The indictment of Caspar Weinberger has shocked the Washington Establishment and divided the city.

The spectacle of two elderly Republicans with long records of spotless service locked in combat has occasioned much consternation and quarreling. How, say some, could Lawrence Walsh, 80, bring charges of perjury and obstruction against such a distinguished public servant as Weinberger, who will be 75 in August. How, ask others, could he not?

Time after time, the former secretary of defense told the House Iran-contra panel and the Office of the Independent Counsel that he had made no notes of official meetings. The independent counsel, guided by a memorandum from an informer, supposedly in the Pentagon, found 1,700 pages of notes in the Library of Congress. That Weinberger told Walsh where to find the papers—even while denying the existence of the notes—and granted him access is thought to be a mitigating circumstance. But when you think of it, once the existence of the notes was confirmed, old-hand Weinberger had no choice but to open them up.

Why did he keep the notes? He says he did not use them in the composition of his memoirs. They are, according to Walsh's lawyers, replete with damaging information. If it seems irrational, you have only to remember that Richard Nixon, who was Weinberger's boss in California, kept tapes that later provided enough rope for him to hang himself.

Apologists for Weinberger point out what a nice man he is. His manner is quizzical and benign. He looks like the lawyer you hope will be on hand to read the will to a fractious family. He is a charming dinner partner. He draws cartoons—his sketches of forlorn GIs were said to move Ronald Reagan to allocate a few billion more to the Pentagon. Some people find it almost impossible to believe that Weinberger could commit a crime.

And besides, wasn't Weinberger the good guy in Iran-contra? Wasn't he the one who warned Reagan that the arms sales to the ayatollah were illegal, forbidden under the Foreign Assistance Act and also by an embargo against Iran, which Reagan had declared a "terrorist state." His wisdom and foresight are rewarded by the disgrace of criminal charges? Walsh is said to have agonized over the decision to bring him in.

When he was indicted, Weinberger gave a little glimpse of the knife he has always carried with him during his long career—and not just to cut welfare budgets. He has always been an alley fighter, and he showed it again with his savage strike at Walsh on the courthouse steps. He accused his venerable nemesis of trying to force him to lie and to turn in Reagan. It was breathtaking and poisonous, but not totally out of character. Weinberger's way with those who oppose him is viperish. Congressmen who objected to the trillion-dollar defense buildup were dismissed as deficient in concern for the national security. His mantra was "the Russians are coming."

The gentlemanly Walsh is an unlikely villain but an easy target for the outraged. He has, they never tire of pointing out, spent \$30 million to bag a few mice. The lions have gone free. His two biggest catches, Oliver North and John Poindexter, had their convictions reversed.

At his arraignment last week, Weinberger was waxen, pale and stooped. He has an ace defending him: Robert Bennett, who ran the Senate's probe of the Keating Five. Bennett would obviously like to get rid of deputy prosecutor Craig Gillen, erstwhile assistant U.S. attorney in Atlanta. Gillen looks rather harmless and neutral—sandy hair, medium height, gray suit—but has the reputation of a tiger. He won the conviction of former House member Patrick Swindall (R-Ga.) for perjury in a noted 1989 case.

Bennett told the judge that Gillen should be disqualified because he could be called as a witness in the case. By calling for an early trial, Bennett hoped to ice Gillen, who is due to try former CIA official Clair George in July.

Weinberger could call a slew of top-level character witnesses like Reagan and George Shultz. But Gillen will want to question them about uncongenial subjects like a coverup. The independent counsel's contention is that Weinberger served Reagan too well: First he tried to protect him by warning him of the illegality of the arms sales; when the cat was out of the bag, he tried to protect him from impeachment by insisting that Reagan did not know what was going on.

If Walsh had had Weinberger's notes, the inquiry would not have taken five years. We might even have had the truth by now.