

Trial Papers Detail Lies on Iran Affair,

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Independent counsel Lawrence E. Walsh yesterday laid out "new and disturbing facts" that he said showed top government officials lied about then-President Ronald Reagan's knowledge of a possibly illegal arms-for-hostages shipment to Iran in November 1985.

In a report to Congress, Walsh made public much of the documentary evidence that he said he would have used at the trial of former defense secretary Caspar W. Wein-

berger, whom then-President George Bush pardoned Dec. 24.

Citing notes written by Weinberger and a top aide to then-Secretary of State George P. Shultz, Walsh said Weinberger "opposed disclosing the arms sales to the public and acquiesced as other administration officials provided information to members of Congress and to the public that Weinberger knew to be false."

The independent counsel described a series of White House meetings in November 1986, when the secret deals with Iran were becoming public, at which Reagan's

aides were trying to cover up the president's approval of the November 1985 shipment of Hawk missiles to Iran. This was a particular concern because the shipment had been carried out with the aid of the CIA without formal presidential authorization and in apparent violation of the Arms Export Control Act.

Making the situation more difficult, Reagan had by then twice publicly stated that no laws had been broken in the course of the arms deals.

Walsh said that at the first White House briefing for congressional leaders on the arms deals, then-na-

Walsh Says

tional security adviser John M. Poindexter falsely stated that there had been no transfer of arms to Tehran before January 1986, attempting to hide the 1985 Hawk shipment. Walsh said Reagan and others present at the Nov. 12 meeting, including Weinberger and then-Vice President Bush, knew Poindexter's statements were false but "permitted them to stand."

At a subsequent National Security Council meeting on Nov. 24, then-Attorney General Edwin Meese III said the November 1985 shipment was "not legal because no

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[presidential] finding" had been signed, but Weinberger's notes have Meese adding "President not informed." Walsh said Weinberger and others at the session, including Shultz, knew this was false.

A day later, at a news conference, Meese repeated the claim that the president had not known of the 1985 shipment when it occurred and did not learn about it until months later.

Weinberger's lawyer, Robert S.

Bennett, issued a blistering statement yesterday accusing Walsh of releasing "a work of fiction . . . that is all old stuff which is not supported by the evidence." Bennett attacked Walsh as "a bitter man trying to rehabilitate a damaged reputation."

The independent counsel made his presentation in a voluminous "Fourth Interim Report to Congress," including 49 pages of Weinberger's long-secret notes about the Iran-contra affair and a two-inch stack of exhibits that Walsh said he would have used at trial. The independent counsel promised that more details will be provided in his final report.

Walsh charged that in pardoning Weinberger, Bush "thwarted the public airing" of the new evidence and prevented the trial of a former colleague "whose prosecution arose out of events in which the president himself participated."

If the Weinberger case had come to trial, Walsh said, former White House chief of staff Donald T. Regan would have testified that "he was



PHOTO © BY ROGER SAMUEL

Caspar Weinberger preparing to leave office in November 1987, packs his diary notes while being photographed for a magazine article. Walsh's report says the notes were four feet away in a desk drawer when the defense secretary testified under oath that June that he had no records "regarding Iran-contra."

concerned about the possibility of impeachment" because Reagan's advisers were making excuses for him that were not true. Walsh also said Shultz would have testified that the White House was attempting to "rearrange the record" about Reagan's knowledge of the November 1985 shipment.

Walsh disclosed that last Dec. 18, six days before the pardon, a close friend of Bush, Henry Catto, told the president in a memo, "erroneously," that he and Reagan could expect to be called to testify as prosecution witnesses. In disclosing the memo, Walsh appeared to be imply-

ing that Bush's apprehension over being called as a witness may have been a factor in his decision to grant a pardon.

In yesterday's report, Walsh expanded on the sharp criticism he initially directed at Bush when the pardon was announced and pointed out there is no precedent over the past 30 years for a president's pardoning someone who has been indicted but has not yet come to trial. Walsh said he was submitting the report to correct the "misconceptions" that Bush used as justifications for the Weinberger pardon. The independent counsel said

Bush was wrong in asserting that his action would not "prevent full disclosure of some new key fact to the American people" and wrong in saying that Walsh had "criminalized policy disagreements between the Executive Branch and Congress."

Walsh pointed out that Weinberger, in an August 1987 note, had opposed a Reagan pardon of earlier Iran-contra defendants as "a terrible idea [that would] would confirm suspicions President [knew] about their activities, etc."

The report also noted that Bush, as vice president, opposed pretrial pardons for them because "a pardon imputes guilt. . . . The American system, after all, is innocent until proven guilty."

If Weinberger had stood trial and the defense had called former administration officials as witnesses, Walsh said he would have subjected them—particularly Meese and "perhaps" Bush—to "searching" public cross-examination "about the administration's conduct and their own in November 1986."

A Walsh spokesman said prosecutors had "absolutely no intention" of calling Bush or Reagan to the stand.

Weinberger was charged with four counts of lying to Congress and prosecutors about the existence of notes he had taken while in office and his activities and knowledge of the Iran-contra affair. In making his case yesterday, Walsh used Weinberger's notes to show for the first time the former defense secretary's involvement in the arms deals as far back as the summer of 1985.

Weinberger, the report said, regularly took detailed notes of his daily activities, but after the scandal unfolded, refused to admit to congress-

sional investigators that he had any such records.

At one congressional deposition taken in his office in June 1987, the report said, "Weinberger was sitting only four feet from the desk drawer that contained his diary notes" while he testified under oath that he "had no records that could supplement his memory regarding Iran-contra events." A few months later, as he was preparing to leave office in November 1987, the report continued, Weinberger personally packed his diary notes and was photographed for a magazine article as he was doing so.

According to the report, Weinberger not only kept his notes in systematic fashion, often labeling and dating them after the fact, but also saved jottings passed to him by others during high-level meetings.

At the Nov. 12 meeting with congressional leaders, for instance, Meese "apparently slipped the following handwritten note" to the defense secretary, Walsh reported: "Conclusions reached as a result of today's meeting: IT'S GOING TO BE A LONG TWO YEARS."