

10/19/82

Weinberger Waives Right to Jury In Trial on Iran-Contra Charges

GAO Audit of Independent Counsel Walsh's Expenses Due Out Today

By Walter Pincus
Washington Post Staff Writer

Former defense secretary Caspar W. Weinberger has waived his right to a jury trial, leaving the Iran-contra charges against him to be decided by U.S. District Judge Thomas F. Hogan, according to court papers filed yesterday.

The move was made to avoid delays in picking a jury and generally speed up the trial, according to Weinberger's chief counsel, Robert S. Bennett.

"We want this trial to take place as quickly as possible," Bennett said.

Deputy independent counsel Craig A. Gillen, chief prosecutor in the case against the former Reagan administration Cabinet member, has the right to object and is expected to present his view this morning in Hogan's courtroom. Gillen may object because Hogan last month dismissed a key obstruction count against Weinberger and offered opinions on other defense pre-trial motions from the bench that

worked against the prosecutor's case.

In today's hearing, sources said, Gillen may indicate whether he will appeal Hogan's dropping of the obstruction of Congress count, which contained the key charge against Weinberger, that he allegedly concealed from Congress the existence of his personal notes relating to key events in the Iran-contra affair.

Hogan ruled that based on a recent appeals court decision in independent counsel Lawrence E. Walsh's Iran-contra case against former national security adviser John M. Poindexter, the charge against Weinberger was unconstitutional.

On Tuesday, Walsh asked the Supreme Court to review and overrule the Poindexter decision, arguing that the lower court decision was wrong. If Gillen appeals Hogan's ruling and the Supreme Court reviews the Poindexter decision, it could delay the Weinberger trial for more than a year awaiting the justices' decision.

In a related matter, the General

Accounting Office is expected to release today its audit of Walsh's office spending of \$32.5 million over nearly six years. Republican members of Congress, critical of Walsh's long-running investigation—and particularly his indictment last June of Weinberger—have made charges of excessive spending by the Iran-contra prosecutor.

A recent GOP congressional staff study of expenses by Walsh's office filed with the administrative office of the courts accused the Iran-contra prosecutor of receiving a favorable room rate from the Watergate Hotel, charging excessive food bills to the government and maintaining offices in an expensive downtown office building.

When the charges were first raised, Walsh's office noted that the Watergate room rate was formally approved by the administrative office; any daily food bills above the government allowed per diem were paid by Walsh personally; and the Iran-contra prosecution office space was chosen by the General Services Administration, not Walsh.