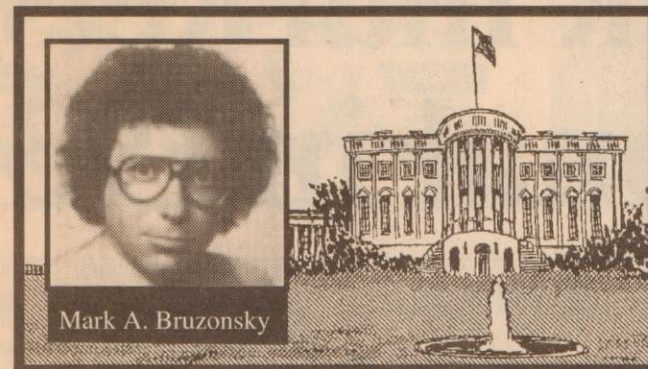


BUSH IN '93

WEINBERGER PARDON

From



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Washington

IN the end, the special prosecutor, the recent pardon, and all that may be coming next in this long drawn out affair are actually about something very crucial to the American political system — the balance of powers concept that is so basic to the American constitutional system of checks and balances.

Looked at from abroad it all might seem somewhat silly and pedantic. All this confused talk of withholding of notes and diaries, all this multi-year investigation involving many millions of dollars and so much speculative newsprint, all this hand-wringing about who said what to whom way back when many years ago.

But behind all the daily headlines and all the legalistic phrases are some very basic issues that are all subsumed under the phrases balance of power and political accountability.

Is Congress, as the branch of government closest to the people charged with making laws, also entitled to enforce those same laws if the executive branch of government either refuses to do so or purposefully flaunts them?

If so can Congress require testimony from government officials — except those directly working for the president on his White House staff which is a partially recognised exclusion — and insist that such testimony be both honest and truthful?

If so, when it seems false testimony may have been given by executive branch officials in regard to Congress-passed laws can Congress do anything serious about it?

If so, does doing something serious about it not only include investigation by a truly "independent prosecutor" — that's one not beholden to either Congress or the executive branch — but "enforcement". That is, if there is substantial reason to believe congressionally adopted laws have been broken; testimony to Congress doctored, fallacious, or incomplete; and/or actual coverups of crucial facts undertaken; is it then the prerogative of Congress to encourage criminal legal proceedings by the special prosecutor in lieu of the more traditionally recognised power of beginning impeachment proceedings?

The Iran-Contra affair — a scandal that permeates in one way or another all the Reagan and Bush years going back to the 1980 campaign — is one that now has come to caricature all of these basic questions.

It's one thing for their to be policy differences between Congress and the president. It's another thing, when laws are passed, for the president and his subordinates to either purposefully violate these laws or to act in ways designed to attempt to circumvent them while hiding from Congress

what they are doing.

The Watergate scandal back in the '70s went to other basic questions of the American system of governance.

In that case what was involved in the first instance was the in-power party using police-state tactics to spy on the other party in order to get reelected; and then desperately attempting to coverup what happened. And it was all catalysed by the act of a late-night guard simply discovering tape being used to keep a door lock open in the Watergate Building.

The issue really wasn't one of what to do about a break-in, or even what to do about a coverup. The basic issue then was what to do about a president who had descended to the tactics of the Mafia by using former CIA officials, millions of laundered dollars, and the authority of America's highest office to undermine the very nature of the electoral two-party system.

Back in 1991 we came close to facing another crisis involving the crucial issue of "separation" of powers in addition to "balance" of powers.

What would have happened in January 1991 if a few votes had changed in the Senate and the vote would have been against going to war against Iraq?

George Bush had already committed troops, was clearly preparing for war, and his own credibility was clearly on the line. Still, after initial hesitations, Congress insisted that the decision to go to war — especially under such long drawn-out circumstances — had to remain in congressional hands.

In the end, by a few votes, the president was "authorised" to proceed to war. But in all likelihood Bush was planning to do just that whether the Senate voted OK or not. It was a crisis averted; and indeed some of the votes needed were garnered precisely with the argument that such a crisis had to be prevented. Now, in the wake of

the recent president pardon of former defence secretary Caspar Weinberger, et al, the question arises for the special prosecutor whether to pursue the man at the top, whether to carry through with the logic of what he's been doing for many years now and charge that it was the president himself who fostered the ongoing coverup of the Iran-Contra affair all these years.

Asked another way, the question is will it be private citizen Bush in 1993 finding himself in a similar situation to the one Weinberger found himself in until just a few days ago.

Newspaper columns have been filled in recent days with commentary on these matters including a most insightful — though hard to say how accurate — account in the *Evans and Novak* syndicated column of how Bush's own closest advisers were very much divided up to the last moment over the desirability of the pardon.

Whatever Bush's motivations, this particular pardon really doesn't have precedent and is certainly not like Gerald Ford's pardon of Nixon.

For in this case it was Bush himself who was likely to be called to testify at a Weinberger trial; Bush himself whom many have alleged was among the key conspirators in the coverup; Bush himself, who like Weinberger, now seems to have pretended not to have had notes when he in fact did; and Bush himself who was the next logical person in line-up the totem-pole after Weinberger should he have been convicted.

New York Times columnist, and former government official in the Carter years, Leslie Gelb, writes about "Bush's Ethical Manure". While advocating that incoming President Clinton pardon Bush and get this whole matter closed, he castigates Bush for not making clear that important laws were broken.

Another *NYTimes* columnist, this one from the liberal progressive wing of the establishment, Anthony Lewis, writes under the title *George*

America now thinks loudly to indict Coalition War Hero-President George Bush for his involvement in the Iran-Contra scandal once he gets out of the White House

Milhous Bush — Milhous for those who might have forgotten being the middle name of Richard Nixon, that cover-up artist from the past.

And *The Washington Post's* Meg Greenfield chimes in with the prevailing view among many that while the pardon itself might be acceptable the failure of the president to acknowledge the wrong-doing, the criminality, of what occurred, while trying to insist that "policy differences" are the core issue, is what is wrong.

"The real issue to my mind," writes Greenfield, "is not whether any of these men has been sufficiently penalised for what went on in Iran-Contra, but whether the principal offences and derelictions involved have been properly acknowledged for what they were and accepted as wrong. This is where the Bush pardon message gets into big trouble with me. At best it kind of stiff's the issue; it doesn't so much pardon those charged with or convicted of wrongdoing as it blames the cop who hauled them in."

Whatever arguments concerning the pardon, the coverup, and the special prosecutor — who by the way people seem to forget is a life-long Republican chosen by none other than former attorney general Ed Meese himself! — there are wheels in motion that are going to be very hard to stop.

The special prosecutor and his team seem determined not only to vindicate themselves but to carry out their assignment. Republican heavyweights such as Senator Dole are already dumping great abuse on the special prosecutor and loudly calling for his resignation. The tug of war is getting vicious.

So the legal train is in motion. There will be a report to Congress. There will be release of Weinberger's notes, then Bush's notes. There will be congressional hearings about the pardon.

And then, beyond these things in coming weeks, there is likely to be an attempt by the special prosecutor to question Bush after he leaves the White House and to make a case for bringing Bush into the dock.

The real question remaining, it seems, is whether the special prosecutor is just going to condemn Bush in his report to Congress and throw the ball back in their court, or whether he's going to shock Washington one day and bring an indictment against Bush just as he did some months ago in bringing an indictment against Weinberger.

My own guess at the moment is that he will do just that. And so in these days preceding George Bush's turning over of power to Bill Clinton the slogan "Bush in '93" is beginning to take on a very unusual meaning.

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