

Archives | 1992

Essay; Obstructing Justice

By **WILLIAM SAFIRE** JULY 9, 1992

About the Archive

This is a digitized version of an article from The Times's print archive, before the start of online publication in 1996. To preserve these articles as they originally appeared, The Times does not alter, edit or update them.

Occasionally the digitization process introduces transcription errors or other problems. Please send reports of such problems to archive_feedback@nytimes.com.

In 1958 Sherman Adams, Eisenhower's chief of staff, improperly called the S.E.C. from the White House to inquire about the status of an investigation into his friend Bernard Goldfine; that influential call led to scandal and prosecutions.

In 1989 Boyden Gray, President Bush's White House Counsel, told his aide Jay Bybee to call the U.S. Attorney in Atlanta to express White House interest in a criminal investigation that might embarrass Saddam Hussein.

That improper intervention -- phone calls now remembered by the local prosecutor as "a few at the most," urging delicate handling from the highest level -- fit into a pattern of obstruction of justice and lying to Congress we call Iraqgate.

Let's review the bidding in 1989, as George Bush and James Baker determined to abuse our grain export program to provide backdoor foreign aid to Iraq:

On Aug. 4, the F.B.I. raids the offices of an Atlanta bank channeling billions of dollars of taxpayer-guaranteed loans to Iraq. Despite evidence of skimming and diversion, on Oct. 2 President Bush signs N.S.D. 26 encouraging U.S. companies to sell Saddam nuclear technology.

On Nov. 6 the C.I.A. reports Iraq is using the Atlanta bank loans to purchase "military-related technology," though the politicized C.I.A. summary concentrates on

the effect of publicity about this on U.S.-Iraqi ties.

During that first week of November, Gail McKenzie -- the Assistant U.S. Attorney in Atlanta preparing an indictment that would embarrass Saddam Hussein's family -- gets what she now tells associates were "a few at the most" calls from the White House reminding her of the "embarrassment level" of prosecution.

Ms. McKenzie tells Marilyn Muench of the Treasury Department, who also wants to know about the status of her case, of the White House calls; Ms. Muench tells Rachel Bailey, an economist monitoring the export credits to the uncreditworthy borrower, about the hard-to-forget calls; Ms. Bailey's notes were forced out of Treasury this week by Representative Henry Gonzalez.

On Nov. 8, Secretary Baker pressures the Bush interagency committee to ignore both nuclear warning and corruption evidence and O.K. \$500 million more to Iraq.

The "few at the most" calls from Boyden Gray's White House office are now characterized as requests for "publicly available information" by the Bush Justice Department.

Let's be serious: When the President of the U.S. needs information about a criminal case, he asks his Attorney General, who knows how to inquire without influencing the prosecution. But when the President wants to influence the case, he has his Office of Legal Counsel call the local prosecutor from the White House.

That's how Ms. McKenzie knew not to indict a member of the dictator's family in Baghdad, and why she was willing to delay her indictment for a year. It suited the Bush-Baker benighted foreign policy for this case to be botched, and botched it was - with the White House calls intended to be kept secret.

Can Justice investigate its own manipulation? Gerrilyn Brill, the Atlanta team player now being used as spokeswoman for Ms. McKenzie, who seems to have mislaid her phone logs, asserts proudly: "We are not investigating a possible obstruction of justice." Attorney General William Barr served with George Bush at the C.I.A.; his closest political pal is Boyden Gray, who initiated the corrupting phone calls.

This morning the Judiciary Committee chairman, Jack Brooks, will get the requisite 11 signatures on a letter pointing to "personal, political or financial conflict of interest" within Justice. Here is why it is urgent that he trigger the Independent Counsel Act this week:

Attorney General Barr could claim after 30 days that no evidence of wrongdoing existed, but such bald-faced cover-up would invite impeachment. After 60 more days -- Oct. 7 -- he could ask the courts for a 60-day extension, to Dec. 7.

On Dec. 15 the Independent Counsel Act expires, and George Bush wants it to stay dead. That means Judiciary must trigger the act now or it's back to the good old days of White House whitewashes. George Bush would investigate Iraqgate himself and -- surprise! -- find himself not guilty.

A version of this op-ed appears in print on July 9, 1992, on Page A00021 of the National edition with the headline: Essay; Obstructing Justice.

© 2019 The New York Times Company