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Essay; Iraqgate Whitewash

By WILLIAM SAFIRE DEC. 10, 1992

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In the first week of October, the refusal to name an independent counsel in the Iraqgate scandal was becoming an issue in the Presidential campaign. To take off the heat, Attorney General William Barr asked former Federal Judge Harold Tyler if he would serve as a "special" -- not independent -- counsel.

The timing of the assignment was fishy. "He didn't seem to be in that much of a hurry," recalls Judge Tyler. Mr. Barr wanted a report delayed until after the election, well into December -- when the act authorizing special prosecutors was to expire. Judge Tyler wisely ducked.

Jumping at the chance was Frederick Lacey, another former Federal judge. Yesterday, on Mr. Barr's carefully chosen schedule, Mr. Lacey came through for the Coverup-General and his corrupt crew in a style that would make a Watergater blush.

At a press conference in the F.B.I. building, Mr. Lacey -- seething at having been called a "patsy prosecutor" in this space -- was at his patsiest. "All of this 'stuff,' " he charged, spitting out the euphemism, was "arrant nonsense." He called the prosecution of the botched case "pretty near perfect" and charges of cover-up

"baseless." They were caused by "unbridled attacks of a legislator" (he means you, Henry Gonzalez), and he further chastised the press: "You have been taken by them."

That's one of the misprints -- he meant "taken in" -- from a slapped-together, grammatically befuddled diatribe handed out by **Barr's** helper, Paul McNulty, before Lacey's press conference.

Customarily, a lengthy written report such as Lacey submitted is given to reporters for study at least an hour in advance, facilitating informed questioning. Not this time; **Barr** wanted no detailed cross-examination of his defender.

When I rose, unrecognized, to ask that copies of the supposedly definitive document be distributed, the imperious former jurist denied responsibility, professing to think we already had it.

I walked out in protest at being denied the basis for specific queries (thus missing his later aspersion at "distortions" from Justice whistleblowers that come to "people like Safire"). But the obfuscation performed by **Barr's** spokesman did illustrate how easily Lacey was manipulated by the Justice Department he was supposed to investigate.

A second section of Lacey's whitewash -- dishonestly labeled as coming from "independent counsel" -- is classified as secret. Between denunciations of the press and a shot at "Congressional pressure" that forced the helpless Agriculture Department to shut its eyes to wrongdoing, **Barr's** dependent counsel admitted he had not sought to have anything stamped "secret" declassified.

This comes from Lacey, a former judicial intelligence panelist who never met a wiretap he didn't like. He thus perpetuates the wrongful use of national security as a device for preventing investigation into abuses of power. Then-Attorney General Dick Thornburgh claimed "national security" in seeking to hide embarrassments from the House Banking Chairman. Lacey's report brushes away this blatant attempt to intimidate as "the unfortunate use of the words 'national security.' . . ." A whitewasher's "unfortunate" is a hard-eyed prosecutor's "unlawful."

Barr's dependent counsel invokes that secrecy in failing to tell the public about the Iraqgate diplomatic cable traffic. It shows how the F.B.I. and C.I.A. knew the truth about the use of Agriculture billions for Saddam's armaments, as well as the involvement of the Italian and British Governments -- while Justice prosecutors were claiming the opposite in court. Lacey's see-no-evil conclusion: "We were unable to determine who at Justice saw what and when."

Others will determine that. Iraqgate will not be squelched by **Barr's** cover-up or his dependent counsel's nonfeasance. The Senate majority leader, George Mitchell, expects to send up new legislation establishing an independent counsel; Bill Clinton will sign it and has assured me he would urge his Attorney General to trigger the Act in this case.

Meanwhile, in response to the display of power-abusive arrogance shown this day, the new Congress should set up a select joint committee with expert staff to plumb this scandal to its depths.

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