PS1 for 12/3/87#IRAN-CONTRA IS A POLITICAL NOT CRIMINAL AFFAIR

The (BF)New York Times(end BF) has accused the eight Republican members of the Iran-Contra committees of ""trivializing the Iran-Contra affair.'' The truth is that those Republicans deserve a medal for putting Iran-Contra into perspective after the liberals in Congress and the media fell on their faces in an attempt to criminalize it.

The $4 million dollar hearings, the 26-member committee, the 709-page report produced no evidence of a constitutional crisis, a conspiracy, a coverup, or a collapse of confidence. All that ranting and raving, posturing and polemicizing, was much ado about nothing.

The evidence supports the Republicans in calling the Democrats' report ""hysterical'' and full of ""rhetorical overstatements.'' In the words of the Bard, the Democrats' report is really a tale ""full of sound and fury, signifying nothing.''

The real issue in Iran-Contra is the struggle over the aggrandizing attempt by Congress to take over the conduct of foreign policy by passing ""vaguely worded and constantly changing laws'' about Central America. That was the cause of the conflict and of what the Republicans call the ""ongoing state of political guerrilla warfare over foreign policy between the legislative and executive branches.''

In a highly partisan and adversarial tone, the Democrats' report tried to claim that the Reagan Administration acted in violation of or disrespect for ""the law.'' The Republicans believe that the Administration did not violate the so-called Boland Amendment and did not intend to violate it, but proceeded legally in both its Iran initiative and its encouragement of others to send aid to the Contras.

The Democrats' report is full of ""politically biased interpretations.'' They didn't even give a fair and objective

narrative statement of the facts, but distorted them into an advocate's legal brief that arranges and selects certain facts to fit preconceived theories.

The headline conclusion of the Iran-Contra hearings should have been ""No smoking gun found despite months of investigation by a 105-person staff.'' The investigation failed to unearth a shred of evidence that President Reagan knew anything at all about the so-called ""diversion'' to the Nicaraguan Contras of proceeds from the arms sale to Iran.

When we think back on the media buildup and the partisan predictions, that's truly remarkable. The liberal Democrats gave it their best try, but they failed to produce any evidence at all.

As the Republicans pointed out in their report, ""the conclusion that the President did not know about the diversion is one of the strongest of all the inferences one can make from the evidence.'' Yet, the Democrats' report made a cheap attempt to sow doubt on this issue so as to confuse the public and reap partisan advantage.

The principal issues in the Iran-Contra affair were not legal issues, not constitutional issues, not ethical or moral issues, but simply political judgments and policy decisions. One can disagree with and second-guess any of the Reagan decisions, but trying to turn them into a criminal prosecution is wrong.

In most other countries, when one faction carries out a coup and captures the reins of government, the losers have to flee the country because the penalty of losing is usually to be murdered or imprisoned. It would be very sad if the United States has sunk to a situation where, when one party achieves ascendancy, it simply sets up a star chamber proceeding and criminalizes the losers' decisions so they can be prosecuted and sent to prison.

The Republican report calls this ""interbranch intimidation.'' It

can also be called a perversion of the political process.

The Republican committee members did register their own criticism of President Reagan. They believe that the President should have conducted his aid-to-the-Contras policy in the open, and directly confronted Congress about whether the United States can tolerate a Soviet-Marxist base in Central America.

The Republican Congressmen said that it was ""politically foolish and counterproductive to mislead Congress.'' The Congressmen know very well that, in politics, it is virtually impossible to keep anything secret anyway (as Gary Hart, Joseph Biden, and Douglas Ginsburg learned the hard way).

The time has come to get on with current problems (such as the budget) and to put petty, partisan bickering about Iran-Contra behind us. The special prosecutor should fold up shop and admit that the questions posed by Iran-Contra should be decided by the voters, not by the prosecutors or judges.