

BELL STRONGLY BACKS HELMS PLEA BARGAIN

Says He Believes Action Will Deter
Other Intelligence Officers From
Keeping Facts From Congress

By ANTHONY MARRO
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WASHINGTON, Nov. 1 — Attorney General Griffin B. Bell strongly defended today the plea bargain that his department negotiated with Richard Helms, the former Director of Central Intelligence, saying that it put the intelligence community on notice that it was "subject to the rule of law."

Mr. Bell's statements were made at a hastily called news conference today at which he and Benjamin R. Civiletti, the head of the department's criminal division, said they believed the action would deter other intelligence officers who might be tempted to withhold information from Congress.

Yesterday, in a Federal courtroom that contained no spectators and no reporters, Mr. Helms pleaded nolo contendere, or no contest, to a criminal information charging him with two misdemeanor counts of failing to testify fully and accurately to a Senate committee that was asking about C.I.A. operations in Chile.

Mr. Bell said today that the plea by Mr. Helms, which was made after the department agreed to ask the judge to suspend any prison sentence that might be imposed, came after several months of negotiations between Justice Department attorneys and Mr. Helms's lawyers and satisfied the goals that Mr. Bell said he had presented to President Carter in July.

Oval Office Meeting

He said that these goals were discussed in some detail at a July 25 meeting in the Oval Office that also was attended by Vice President Mondale and Zbigniew adviser. They included a need to demonstrate that the intelligence community was subject to the same criminal justice system as other Americans, Mr. Bell said.

Other concerns, he said, were that any disposition of the case would uphold the constitutional right of Congress to conduct investigations, would take note of legitimate national security questions that might be raised by the introduction of classified information at a public trial and would "be fair to Mr. Helms."

However, a number of officials, including Senator Frank Church, Democrat of Idaho and the former chairman of the Senate Intelligence Committee, have suggested that the agreement between the department and Mr. Helms was not only fair but soft.

Mr. Helms's lawyer, Edward Bennett

Williams, obtained an agreement for his client that included the minimum charge under oath, a recommendation by the Justice Department that he be given a minimum sentence and a requirement that Mr. Helms plead "no contest," rather than "guilty," to the charge.

Criticism Resented

In addition to the criticism by Senator Church, the arrangement prompted a number of feeble jokes about Halloween being a good day for "spooks," the intelligence community's own term for persons involved in clandestine activities. Mr. Bell, however, said today that criticisms of the agreement "don't set well with me."

Asked whether the charge—which is

a misdemeanor, with a maximum penalty of one year in jail and a \$1,000 fine for each of the two counts—might not be a message to intelligence officers that they were free to commit perjury without risk of trial on a felony charge, he responded sharply that he did not.

"How can you say it's a license to commit perjury?" he said.

"It's just the opposite. It seems to me it sets the intelligence community out on a new course."

Mr. Bell also said that Mr. Helms was receiving no special consideration when the department urged that he not be sent to prison. "You can rob a bank and get probated," he said, adding that it was common for "first offenders" not to go to jail.

Mr. Civiletti, who was directly involved in most of the negotiations with Mr. Williams, said he believed the department's action would be a deterrent. He said the charge made it clear that the Justice Department did not consider an oath to protect intelligence sources and methods a valid reason for not answering questions by Congressional committees fully and completely.

'Compelling' Argument

Mr. Bell, however, said that while the department did not accept Mr. Helms's contention that his oath to protect sources and methods was at least equal to his oath to tell the truth to the Senate, he personally felt it might have been effective in a jury trial.

Mr. Civiletti agreed, saying that it could have been a "compelling argument to a jury that was trying to evaluate his state of mind."

Mr. Helms had testified several times in 1973 that his agency had not funneled money into Chile to influence Presidential elections there. Later, it was discovered that more than \$8 million had been channeled into Chile for that purpose.

The news conference today was called after the White House asked Mr. Bell to give reporters a briefing on the factors that went into the plea bargain. As he described it, the sessions continued for more than two months, and details were not finally worked out until Friday.

The full details, in fact, were not presented to President Carter until yesterday afternoon, when Mr. Civiletti already was in the courtroom. Mr. Bell said today that President Carter approved of them, but that if he hadn't, he would have pulled Mr. Civiletti out of court.

"It wasn't exactly as though all systems were go," he said.

Both he and Mr. Civiletti justified the failure of the department to alert reporters to the event, saying that there was concern that Mr. Helms might want to back out of the agreement and that he had a right to do so up until the last moment without prejudicing his case by the disclosure that he had been ready to plead no contest.

Federal District Judge Barrington D. Parker said in court yesterday that he did not consider himself bound by the agreement and would set any punishment that he considered fit. Sentencing has not yet been scheduled but is expected sometime this week.

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