

Helms Fined \$2,000, Term Suspended

By Timothy S. Robinson
Washington Post Staff Writer

Former Central Intelligence Agency director Richard M. Helms was fined \$2,000 and given a suspended sentence of two years in jail yesterday by a federal judge who said Helms considered himself above the law when he failed to tell a congressional committee about CIA operations in Chile.

"You now stand before this court in disgrace and shame," District Judge Bannington D. Parker told Helms at one point during a severe tongue-lashing he delivered to the former CIA chief before freeing him.

Helms' attorney, Edward Bennett Williams, had just asked the judge for leniency, saying that the ex-CIA chief would bear "the scar of a conviction for the rest of his days."

However, minutes after the sentence was imposed, Helms and Williams described the conviction to the media as "a badge of honor."

Helms could have received up to two years in prison for his plea of "no

contest" to charges that he failed to testify fully and accurately to the Senate Foreign Relations Committee.

However, the Justice Department joined Williams in urging that Helms be kept out of jail as part of its plea-bargaining arrangement.

Assistant Attorney General Benjamin R. Civiletti said he was making the request on behalf of Helms "with all the strength and conviction which I can muster on behalf of the Attorney General and the Department of Justice."

Civiletti repeated the government's position that a conviction was enough to "uphold the principle of the rule of law and the paramount duty compelled by oath-taking" and that a jail term would serve no useful purpose.

The Justice Department had maintained, from the moment that it filed secret criminal charges against Helms on Monday, that he should be spared any jail term, saying the arrangement

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The Man

By Laurence Stern

Washington Post Staff Writer

The final act was rich in paradox.

Richard M. Helms, a son of the American establishment and a keeper of its official secrets, stood in the courtroom of Bannington Parker, a black judge appointed by Richard M. Nixon, to receive sentencing.

For 35 years Helms had lived in the world of the intelligence community, abiding by its special values and obligations—the code that carved the path to Judge Parker's courtroom.

Richard Helms will bear the scar of a conviction for the rest of his days," said Edward Bennett Williams, his attorney, "a scar incurred in the service of his coun-

try for doing what by his lights and conscience was the right thing to do."

But the plea, however poignant, was rejected by Parker, speaking with the authority of the federal judiciary. "From this day forward, let there be no doubt: no one whatever his position in or out of government, is above the law or is relieved from complying with it," said the judge.

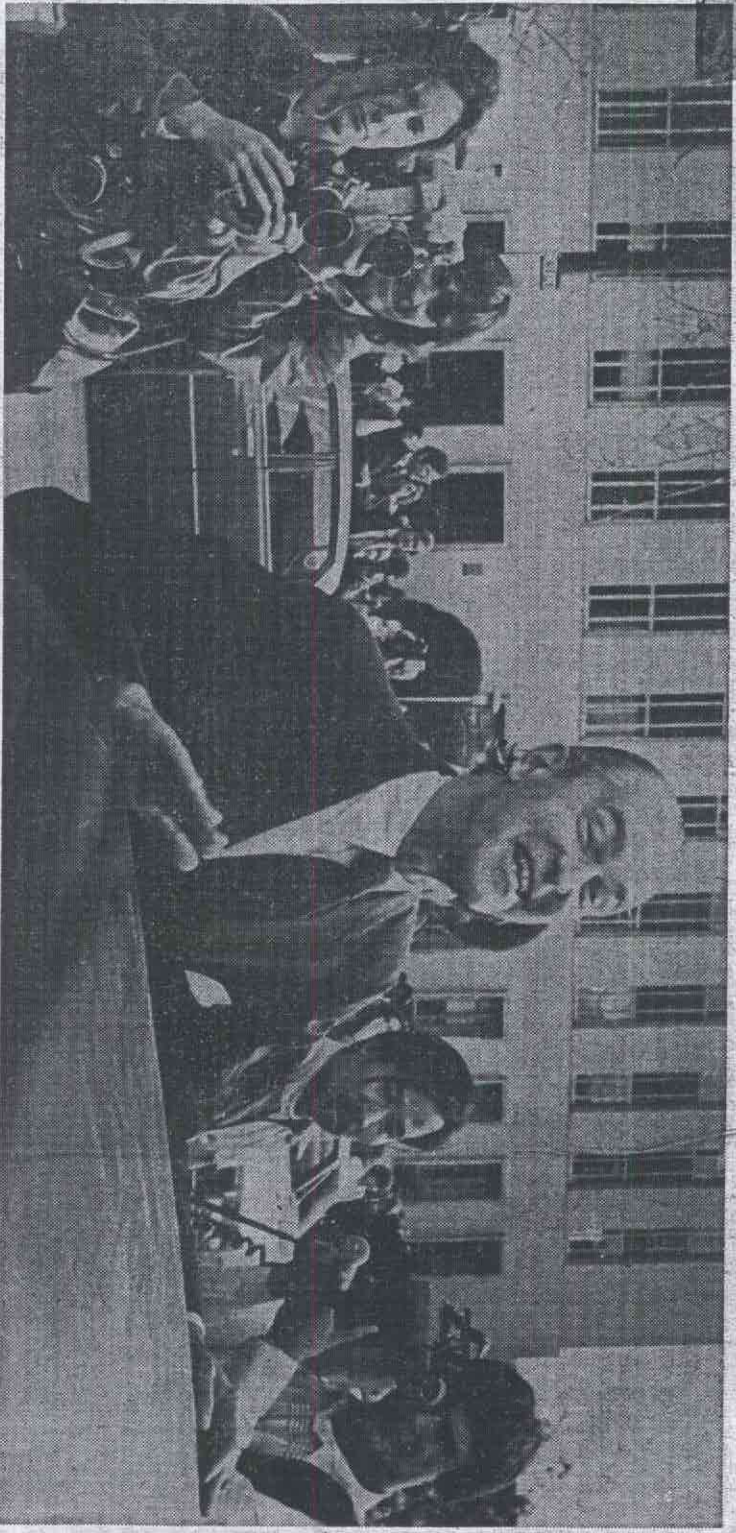
There the issue was joined and decided with the punishment meted out by Parker: a two-year suspended jail sentence and \$2,000 fine.

Symbolically, Helms before the bench represented the American intelligence community itself —

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Former CIA chief Richard Helms leaves courthouse after sentencing for failure to testify fully and accurately at Senate hearings on CIA involvement in Chile.

By Gerald Martinson—The Washington Post



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battered as it has been by the revelations two years ago that it has violated the bounds of statutory charter and in some cases transcended accepted standards of international behavior.

There are those who will argue that the Justice Department's plea-bargaining terms for Helms were too lenient, that the government would have been less generous had the accused not been a respected member of the governing elite. Yet others, surely the prestigious constituency of Helms' Washington friends and patrons, will respond with bitterness to the sentencing—echoing the emotions voiced by Williams.

On one occasion in February, 1975, the lions of Washington social and political life gathered at dinner to pay homage to Helms, who had already perceived the trouble ahead. The group included Averell Harriman, Stuart Symington, Robert S. McNamara, Henry A. Kissinger and the Bradens, columnist Tom and hostess Joan, who issued the invitations. The wagons were being circled even then.

For President Carter and for his Attorney General, Griffin Bell, the Helms case has been a painful and vexing inheritance. Bell has spoken openly of the pressure, the entreaties from the influential partisans of Helms. Al- from the Ford administration, most since the administration took office the negotiations have been under way between counsel for Helms and Carter's Justice Department.

At the heart of the Helms case was the issue of giving untruthful testimony under oath to a duly-constituted committee of Congress, the Senate Foreign Relations Committee.

Under questioning by his long-standing friend and patron, Sen. Stuart Symington (D-Mo.), Helms testified in February, 1973, that the CIA played no role in passing money to or helping opponents of the late President Salvador Allende in Chile, later disclosed to have been the target of an undeclared covert war by President Nixon. The following March

Helms made similar disclaimers to the same committee, then headed by former Sen. J. W. Fulbright (D-Ark.), another staunch Helms partisan.

Throughout his ordeal Helms professed to have been obeying a higher loyalty—the code of his craft, his oath as an intelligence operative. He felt, as he put it yesterday, a position "of total conflict" between his obligation to keep institutional secrets and to obey the law which binds all of us.

For Carter, who campaigned for office against the excesses of the intelligence establishment and in behalf of an "open" administration, the Helms case must also have posed a painful dilemma.

For the men charged with prosecuting the case, Attorney General Bell and his deputy in charge of the criminal division, Benjamin R. Civiletti, the horns of the Helms dilemma bit as deeply as anywhere in the government.

Williams had made it clear that to defend Helms against such prosecution it might be necessary to open up national security issues which could be profoundly embarrassing to the government—even to some of those personages who had escaped the tar brush of the case. It was for this reason, as Civiletti argued in court, that the administration had chosen to initiate the plea-bargaining with the former CIA director.

For Barrington Parker, the independent-minded black judge who was born in Rosslyn, Va., and educated in the District of Columbia schools, there seemed to have been no ambiguities, no anguishing.

"You now stand before this court in disgrace and shame," he told Richard Helms yesterday.

As he uttered these words Richard Helms gripped the podium with tense fingers. The patriotic achiever, who had made Phi Beta Kappa and class president and was voted "most likely to succeed" at Williams College — and did — had come to the climax of his ordeal.

And in a way, so did the institution he served since the CIA was constituted 30 years ago, when Helms first went to work there.

"Richard Helms will bear the scar of a conviction for the rest of his days, a scar incurred in the service of his country for doing what by his lights and conscience was the right thing to do."

—Defense attorney Edward Bennett Williams before U.S. District Judge Barrington D. Parker.

"He is going to wear this conviction like a badge of honor. He will wear it like a banner . . ."

—Defense attorney Williams before the press, minutes after Helms was given a suspended jail term.

Former CIA Director's Sentence: \$2,000 Fine, Suspended Jail Term

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had been approved by the Attorney General and the President of the United States.

Parker had rejected that arrangement, a point which he made clear again to Helms later Monday at the open court proceedings in which the former CIA head pleaded "no contest."

Even after the plea, Williams had sought immediate imposition of a suspended sentence to end Helms' "mental anguish." Parker, however, said just as forcefully that he was not going to sentence Helms on the same day he pleaded, and instead set yesterday's sentencing date.

Helms and Williams smiled and chatted as they waited for Parker to take the bench yesterday, but became increasingly grim as the sentencing procedure wore on.

Williams praised Helms' government service and his personal attributes and said he was proud "to stand beside a man who has made these virtues the hallmarks of manhood and who has lived his whole life accordingly."

His client, Williams said, "found himself impaled on the horns of a moral and legal dilemma" when he testified under oath before the Senate committee on two occasions and was questioned about CIA operations in Chile.

Helms was aware that covert activity by the oaths he had taken when he was CIA director and when he left the agency never to divulge classified information, Williams said.

"Is that paramount to the oath that

he took before the Foreign Relations Committee?" Parker interjected.

"I think it is not paramount, your honor," Williams replied, adding that he was mentioning it only to show the "dilemma."

"Were there not other alternatives open to him, Mrs. Williams? Parker asked. When Williams replied that there were, Parker said, "He could have very easily stood back and considered very carefully the other alternatives . . . and I am sure that he is experienced in meeting situations such as these."

Williams suggested that the consideration of alternatives such as claiming executive privilege amounted to hindsight, and that he and Helms did not contest that alternatives might have been available. Instead, said Williams, Helms did what he thought was in the best interest of the country and kept the Chile operation secret despite the fact he was under oath to tell the truth.

In the days-only Watergate reference, the judge interrupted again to say, "There have been a number of defendants before this court within the last five years who have weighed this question as to what is the best interests of the United States and you have seen what has happened."

Williams responded that Helms was different, because "self-interests were at work in those cases. There was no self-interest at work in this case. There was no self-gain."

Instead, Williams added, there was only the "scar of a conviction" that Helms will bear for the rest of his life, "a scar incurred in the service of his country for doing what by his

lights and conscience was the right thing to do."

Helms' only statement in court was a quiet, calm, "I don't believe that I have anything to add to what Mr. Williams has said." He issued a statement later, however, again explaining the dilemma in which he felt caught before Congress.

The statement said he hoped his conviction would lead to new guidelines for taking testimony from CIA directors before congressional panels.

Parker's tongue-lashing of Helms began after Civiletti urged on behalf of the government that he go free. The judge told Helms:

"You considered yourself bound to protect the agency whose affairs you had administered and to dishonor your solemn oath to tell the truth before the committee."

Helms whose arms had been at his side began gripping the lectern stiffly as the judge continued:

"If public officials embark deliberately on a course to disobey and ignore the laws of our land because of some misguided and ill-conceived notion and belief that there are earlier commitments and considerations which they must first observe, the future of our country is in jeopardy."

"There are those employed in the intelligence security community of this country . . . who feel that they have a license to operate freely outside the dictates of the law and otherwise to orchestrate as they see fit. Public officials at every level, whatever their position, like any other person, must respect and honor the Constitution and the laws of the United States," Parker added.



By Betty Wells—WRC/NBC-TV

Richard Helms hears Judge Barrington Parker say, "You now stand before this court in disgrace and shame."