

than so much to rescue Hassan from his weapons inferiority. Given the US handicap in Angola, Moscow has no strong reason to lean on Algeria and Libya both noted, in any case, for their refractory attitude to superpower pressure.

It is true that if Washington had failed to support the land grab, this would have angered the king; but Morocco cannot afford to be "difficult": like Taiwan and

Israel, it has virtually no other friend than America. If the Saharan adventure costs Hassan his throne, a new Moroccan republic, friendly to Algeria, may close down another American torchhold on the Atlantic. Like Cyprus, Spanish Sahara seems an obvious customer for a UN peacekeeping force whose presence would facilitate that long-awaited referendum and the independence the little nation wants.

## Did Richard Helms Commit Perjury?

by Morton H. Halperin

One of the most extraordinary meetings in the continuing investigation of the abuses of the intelligence agencies took place early last year in the office of the then Deputy Attorney General Laurence Silberman. His visitor was Director of Central Intelligence William Colby. Colby began the meeting by alluding to a long-standing secret agreement between the CIA and the Justice Department under which the CIA was not obliged to report evidence of possible violations of the law by its employees to the Justice Department. Silberman stated that he had never heard of such an agreement and the two men quickly agreed that it could not be valid. Colby then presented to the Deputy Attorney General evidence in his possession suggesting that Richard Helms, his predecessor, had committed perjury in testimony before Congress.

The exact nature of the evidence Colby presented about Helms that day is not known; it is known that it is the subject of a continuing investigation by Justice. There appear to be three areas in which testimony by Helms under oath misled the Senate Foreign Relations Committee and may have constituted a violation of the perjury statute: US intervention in Chile, CIA domestic surveillance and the CIA role in Watergate. Helms was questioned on all three subjects during the hearings held February 5 and 7, 1973 prior to his confirmation as ambassador to Iran. When evidence was made public casting doubt on Helms' testimony, the Senate Foreign

Relations Committee called him back to explain, first on May 21, 1973 and then on January 22, 1975. On both occasions Helms' "explanations" appear to have been deliberately misleading and possibly perjurious.

The bulk of this article is devoted to presenting in some detail the original testimony by Helms, his later testimony, and what is known from the public record that casts doubt on Helms' veracity.

Helms testified before the Foreign Relations Committee on his nomination to be ambassador to Iran in public session on February 5, 1973. He was not sworn, the questioning was polite and very brief (running 10 pages altogether in printed form). The sole reference to Chile was a passing comment in a question pertaining to the International Telephone and Telegraph Company. Helms assured the committee that the CIA's relations with ITT were "for the purposes of the acquisition of information and things of this kind."

Then a story appeared in the press alleging that the CIA had trained the police forces of about a dozen cities and counties in the US. The committee called Helms back for an executive session. This time he was sworn and the questioning went on for some two hours. The departing CIA director was pressed on a number of subjects including Watergate, domestic surveillance and the CIA role in Chile during the Allende period.

At the time of the hearing nothing was known publicly about the CIA's activities in Chile. Administration officials were denying that the US was involved in any way and Helms repeated those denials in an exchange with Sen. Stuart Symington (D, Mo.):

*Sen. Symington:* Did you try in the Central Intelligence

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*Call?*

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agency to overthrow the government of Chile?

Mr. Helms: No, sir.

Sen. Symington: Did you have any money passed to the opponents of Allende?

Mr. Helms: No, sir.

Sen. Symington: So the stories you were involved in that war are wrong?

Mr. Helms: Yes, sir. I said to Sen. Fulbright many months ago that if the agency had really gotten in behind the other candidates and spent a lot of money and so forth the election might have come out differently.

When Helms was called back to testify almost two years later on January 22, 1975 the letter written by Rep. Michael Harrington (D, Mass.) summarizing Colby's testimony on CIA activities in Chile had been made public. The committee asked Helms to explain his previous testimony in light of Colby's description of intervention in Chile after Allende came to power. The committee now knew that some money had been given to political groups in Chile during the election campaign. Helms explained contritely his previous "no" answer to the question, was "any money passed to the opponents of Allende": "perhaps I should have answered it in a much more extensive way. May I say, right here and now, that I think I made one mistake in that testimony; maybe it is a serious mistake, but I should probably have asked either to go off the record or asked to discuss this matter in some other forum."

Helms said he had thought that Symington's question related to the two men who had actually run against Allende in the presidential election of 1970. Helms noted that the CIA had given money directly to Allende's opponents in the 1964 election and he assumed the question related only to such direct transfers. The former CIA director testified that as far as he knew no assistance had been given to political parties in 1970.

The question relating to overthrowing the government of Chile was more difficult for Helms to field, and he needed help from friends on the committee: "By the testimony I wish you gentlemen would help me because I have a sensation here sometimes I am walking into a bog, that maybe somebody has come up and said something else, which makes it seem as through [sic] I am not being forthright." He then went on to deny that there had been anything more than a probe at the request of the Nixon administration to see what could be done:

*The Allende government was not even in at the time the probe was made, just to see if there were any forces there to oppose Allende's advent as President. It was very quickly established there were not, and therefore, no further effort was made along those lines, to the best of my knowledge, at least I know of none. Even though we had been charged to try and find out, I believe a report came back that there was no way to do this . . .*

*Looking back at the various things that certainly occurred, I cannot understand how anyone could interpret them as an attempt to overthrow the government or believe that there stood a chance of doing so, so that is what I meant when I answered Senator Symington's question there was really no effort made to overthrow the government of Chile.*

Helms ended his exchange with the committee on this subject by confessing that he was less than candid but had not lied. "I didn't want to seek refuge and say I lied in the national security interest. I didn't run into any situation where I thought that was required."

The most authoritative accounts of the CIA role in Chile are two reports of the Senate Intelligence Committee, one on *Alleged Assassination Plot Involving Foreign Leaders*, released November 20, 1975, and one on *Covert Action in Chile 1963-1973*, released last December. The Chile report supports Helms' assertion that no money was passed directly to political parties running candidates against Allende in the presidential campaign. It reports also that the CIA spent some one million dollars "on covert action to affect the outcome of the 1970 presidential election," with about half of the activities approved by the Forty Committee on which Helms sat. One major activity was a "scare" campaign designed to equate an Allende victory with violence and Stalinist repression.

The Church committee assassination report provides extensive detail on the CIA effort to overthrow the government of Chile after the presidential election of 1970 but before Allende actually came into office. The order to do whatever was necessary to prevent Allende from coming to power was given to Helms by President Nixon at a meeting on September 15, 1970. As Helms testified before the Church committee, "If I ever carried a marshall's baton in my knapsack out of the oval office, it was that day." He told his staff the next day that "the President asked the agency to prevent Allende from coming to power or to unseat him." The order sent to the station in Santiago was equally explicit: "Purpose of exercise is to prevent Allende assumption of power. Parliamentary legerdemain has been discarded. Military solution is objective." According to the Church committee this objective was implemented in a program that included creating a coup climate by propaganda, disinformation and other activities designed to motivate a coup and by informing coup-minded officers that the US would give them full support. Helms was fully aware of these activities.

At the time of Helms' confirmation hearing in February 1973, nothing was known publicly about the domestic surveillance programs of the CIA. It was known that the army had conducted a massive domestic surveillance program focused on the antiwar movement because of intense presidential pressure. Sen. Case thus was moved to ask if the CIA had come under similar pressure and if it had yielded. This exchange

\*TRANSLATION: IF REQUIRED, WE LIE.



then?

*Mr. Helms:* No, sir.

*The Chairman:* What is G. Gordon Liddy's relationship with the agency?

*Mr. Helms:* None.

*The Chairman:* Never?

*Mr. Helms:* Never under any circumstances.

*The Chairman:* He never has been, I see.

*Mr. Helms:* Never.

Later at the end of the hearing, committee chairman William Fulbright alluded to the famous "Sullivan episode." It seems William Sullivan, a career State Department official, had testified often before the Foreign Relations Committee about Laos but had never told the committee about the secret war, the massive American bombing program in Laos. When the committee finally heard about it, Sullivan was asked why he had never testified about the secret war. His answer was that the committee had never asked the right question. Fulbright asked Helms: "Is there something that I should have asked you about that I didn't to which you might like to reply?" Helms answered, "Sir, let me in an effort to sort of close this, about this, Watergate business, you have asked all the relevant questions. I have no more information to convey and I know nothing about it. Honestly, I do not".

There was a brief exchange following and then Helms asked to go off the record. The hearing ended.

Helms was called back to testify in May 1973, just after the Watergate bubble had burst. The committee then knew about the aid to Hunt and Liddy used in the Fielding break-in (Daniel Ellsberg's psychiatrist's office), the preparation of the Ellsberg psychological profile, and the White House effort to get the CIA to request that the FBI limit the scope of its Watergate investigation. Fulbright pressed Helms on his statement that Hunt had no relationship with the CIA after his retirement and that Liddy had never had any. Helms explained:

*But, Mr. Chairman, in the context of the questions I was answering, this had to do with an agency's fiduciary or hiring or employee relations with Hunt and Liddy, and I answered those questions absolutely honestly.*

*This man [Hunt] was not employed by the agency at the time he came out to get these equipments. He was employed by the White House.*

*Now in retrospect and in hindsight one can stretch the word "relationship" very much more widely than I construed it at the time because all the preceding questions had to do with who was on the payroll and who was not on the payroll, and under what circumstances.*

When Helms returned in January 1975, the Watergate questioning focused on the still unresolved issue of whether when the CIA cut off aid to Hunt and Liddy Helms knew that they were engaged in a

burglary operation. Helms denied that he knew.

In fact there is no question that CIA had a "relationship" with Hunt and Liddy. Whether Helms' answer on that question deceived the committee intentionally depends on whether he could reasonably believe that the question pertained only to formal employment. The termination of CIA aid to Hunt and Liddy just after the agency processed photographs for the Fielding break-in remains a mystery and it is not clear how much Helms knew and when.

As for the "Sullivan" question, there were a number of things that Helms knew in January 1975 about Watergate. These include:

- The White House meeting at which the CIA was asked to go to the FBI and request a curtailment of the Watergate investigation.
- The CIA assistance to Hunt and Liddy included the provision of false identification documents of the kind found on the Watergate burglars.
- The letters the agency had received from conspirator James McCord warning that an effort was underway to cover-up the Watergate burglary and blame it on the CIA.

The committee would have also wanted to know that, according to testimony before the House Armed Services subcommittee on intelligence, Helms personally ordered that the McCord letters and the CIA file on aid to Hunt and Liddy not be turned over to the FBI agents investigating the Watergate case.

The Justice Department has been investigating Helms with perjury in mind for more than a year. Its current explanation for the delay is that it has asked the Senate Intelligence Committee for the information not yet made available. No doubt other pressures are at work. For 20 years there was an agreement between Justice and the CIA never to prosecute CIA people. To break it retroactively may seem unfair. Helms was hired to lie for his country and no one told him that that did not include lying to Congress. Moreover, in a criminal prosecution the trial must be in public. Helms will have every right to make public all of the details of these episodes in an effort to show that he did not actually lie. Particularly in the case of Chile many in the administration must feel that such additional revelations would damage the national security. Beyond these factors Helms is said to have told friends that if indicted he would not remain silent but would implicate others. William Safire in a recent *New York Times* column suggested that those whom Helms would blow the whistle on include a senior US senator, reportedly Stuart Symington, and a cabinet officer.

In these circumstances the Attorney General's role becomes exceedingly difficult. He should appoint a special prosecutor to consider the evidence on Helms and to decide whether an indictment should be sought.

took place.

*Sen. Case:* On another matter, back to the CIA, if I may, I expect the President can ask the CIA to do anything he wants it to do. Of course, whether the CIA does it or not, I suppose, depends upon many things.

It has been called to my attention that in 1969 or 1970 the White House asked that all intelligence agencies join in the effort to learn as much as they could about the antiwar movement, and during this period, US Army Intelligence became involved and kept files on US citizens.

Do you know anything about any activity on the part of the CIA in that connection? Was it asked to be involved?

*Mr. Helms:* I don't recall whether we were asked, but we were not involved because it seemed to me that it was a clear violation of what our charter was.

*Sen. Case:* What do you do in a case like that?

*Mr. Helms:* I would simply go to explain to the President this didn't seem to me to be advisable.

*Sen. Case:* That would end it?

*Mr. Helms:* Well, I think so, normally.

When Helms reappeared in January 1975, the committee knew nothing about Operation CHAOS and other CIA domestic activities. Sen. Case recited the testimony quoted above and indicated the Helms' answer had turned off further inquiry about CIA activity and "was disingenuous at least." Helms offered this explanation:

*Now I distinctly remember when I was asked that that I wanted very much to clear up any impression in your mind that we had done like Army Intelligence, that I was addressing myself to the part of the question where you said, "And during this period US Army Intelligence was involved and kept files on US citizens." I wanted to correct any impression you might have had that the CIA was doing the same thing.*

*And believe me, the first part of the question had simply gone out of my mind and in my desire to set your mind straight on something which I thought was very explosive indeed, that we go out and take photographs of war protestors, dissidents, and things of that kind because we had not done so.*

The Rockefeller commission report on the CIA provides extensive detail about White House requests to the agency to learn everything it could about the antiwar movement. It shows that, far from rejecting these requests, Helms directed a major operation that included keeping "files on US citizens" and taking "photographs of war protestors." The Rockefeller commission report indicates that beginning in the Johnson administration there was continuous pressure on the CIA to investigate the antiwar movement. The CIA responded not by rejecting the demands but by preparing reports and by establishing Operation CHAOS. That project produced 7200 personality files

on American citizens who were the targets of its collection. Its computer included the names of more than 300,000 Americans. More than 6000 memoranda were produced daily, many of them concerning antiwar activity within the United States.

Helms appears not to have been in doubt about the fact that these activities were, to quote his testimony, "a clear violation of what our charter was." Indeed, he used similar language in sending a copy of one report on "Restless Youth" to White House National Security Adviser Henry Kissinger:

*In an effort to round out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this agency, so I would emphasize here extremely sensitive. This makes the paper, so to speak, highly of its existence it would prove most embarrassing to all concerned.*

The Rockefeller commission report states that Helms was fully aware of the activities of Operation CHAOS, as well as other CIA programs designed to gather and analyze information about the antiwar movement. The report does not indicate whether he was personally aware of the photographing of antiwar protesters. The Rockefeller commission report states that "photographs were also taken at several major demonstrations in the Washington area and at protest activities in the vicinity of the White House."

Helms' testimony on Watergate is, for several reasons, not as succinct and simple to analyze as his testimony on Chile and domestic dissidents. The testimony is much more extensive. Helms had two chances to explain in May 1973 and in January 1975 (when he dealt also with Chile and domestic dissidents). Finally there is no authoritative account of the CIA role in Watergate. Nonetheless there are exchanges with senators at the confirmation hearings and the subsequent sessions that raise questions about whether Helms told the truth.

Two sets of exchanges in the confirmation hearings raised questions that the committee explored when Helms was called back. The first concerned CIA relations with Watergate conspirators E. Howard Hunt and G. Gordon Liddy. It came at the end of a discussion of whether any of the Watergate burglars had been employees or had other relations with the CIA:

*The Chairman:* Was E. Howard Hunt, Jr., an employee?

*Mr. Helms:* He also had been an employee of the agency.

*The Chairman:* In a similar situation?

*Mr. Helms:* He also, but my recollection is that he resigned rather than retired. I am not sure exactly. It was one or the other.

*The Chairman:* About when?

*Mr. Helms:* About two, two and-a-half years ago.

*The Chairman:* He had no relationship to the CIA since