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The Helms Bargain

THE BARGAIN consummated by the government and former CIA Director Richard M. Helms represents a kind of minimal political equation. As he stated afterwards, Mr. Carter wanted to uphold the authority of the law and the Congress (by prosecuting Mr. Helms for failing to testify to the Senate fully and accurately) and to prevent the spilling of national security secrets (by arranging a plea bargain short of a trial). Mr. Helms wanted to protect, as much as possible, his freedom and his reputation and, not ignobly, his pension. To do this he pleaded "no contest" to two misdemeanor criminal charges arising from his testimony on Chile before the coup there in 1973, and the government accepted his plea.

We don't quarrel with this bargain. The administration and Mr. Helms must live with it. But we do question the post-bargain explanation offered by the White House and much of the instant "liberal" comment on the deal. For it is not enough to say that the law was upheld and the nation's secrets were protected. That formulation misses the dilemma that made this case genuinely agonizing to conscientious people. "I found myself in a position of conflict," Mr. Helms told the court. "I had sworn my oath to protect certain secrets. I didn't want to lie. I didn't want to mislead the Senate. I was simply trying to find my way through a very difficult situation in which I found myself."

It is easy, even tempting, to overlook that Mr. Helms—by his oath of secrecy to the CIA, by his professional commitment to the work and method of the CIA, by his devotion to what you might call the theology of secrecy then guiding the CIA—found it impossible in conscience to tell the Senate openly what the CIA had done covertly in Chile in 1970. One reason for his reluctance, it needs to be noted, is that at the time of his testimony, in 1973, the same sort of secret, presidentially directed operations against the Allende government were still under way. It also needs to be noted that the operations in 1973, as well as those in 1970, had been subjected to all the secret—and lamentably lax—oversight that the Congress at that time was prepared to require.

Mr. Helms, in other words, was being asked to compromise not just past covert activities but also *continuing* activities of which a select handful of congressional overseers had already been informed in exactly the manner of Congress's own choosing. The great public debate over CIA misdeeds, moreover, had not yet begun.

Later, wisely, the country changed the rules to ensure that secret operations would be conducted only with the orderly and explicit (and still secret) consent of Congress. Mr. Helms was caught up in the change. But that is not so much an indictment of him as an irony of our times: The national interest that formerly required him to make and keep secrets is now seen to require his humiliation for having pursued it faithfully in the past. To us, this calls not for vengeance but a measure of humility, and some sadness. It is, therefore, painful to see Sen. Frank Church (D-Idaho) misperceiving and degrading the occasion by accusing the administration of protecting Mr. Helms by a "double standard." It does not escape our notice that the same point is being made elsewhere on this page today by our colleague Herblock.

We are not saying that Mr. Helms should have been let off scot-free. The integrity of testimony under oath to a committee of Congress needs to be upheld as a matter of principle. But neither do we think he should have been prosecuted more severely. He had, after all, sworn a prior oath to defend the integrity of the agency of which he was the director. There was, in short, no way for Mr. Helms to meet the real double standard in this case—the irreconcilable conflict, if you will, growing out of an abrupt and profound change in the political climate—between the congressional permissiveness and acceptance of secrecy in 1970 and for years before that, and the insistence much later on forthright, public discussion of covert CIA activities. That he chose in this dilemma to remain faithful to his commitment to the CIA, at the expense of his obligation to a committee of the Congress, does not diminish our estimate of him as an honorable man.