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The Handling of the Helms Case

When a federal judge threatened to upset the government's plea-bargaining agreement with Richard Helms, Justice Department lawyers declared their intent to proceed with a 10-count perjury indictment against the former CIA director—a final example of the Carter administration's ambivalence in handling the Helms affair.

Months of indecision over what to do about Helms were followed by more months of plea bargaining. Yet, when the judge threatened to upset the agreement, the administration was prepared to do what no great power has ever done: Persecute its own chief of intelligence for doing his duty.

That only heightens the mystery of President Carter's own attitude, toward Helms in particular and the intelligence service in general. Contrary to his public statements, Carter was deeply involved in the decision to prosecute and then to avoid a trial. Yet Carter never gave a hint of how he truly regarded the case. "The President was a Sphinx," one insider told us.

The President is by no means wholly responsible for the humiliation visited on Helms to conclude his distinguished career in public service. The idea of

bringing federal charges against him for not revealing to the Senate Foreign Relations Committee covert operations in Chile by the CIA was started by President Ford's Attorney General, Edward Levi.

The inflexible Levi could not be convinced that Helms was only following his oath of secrecy. Griffin Bell, Levi's successor in the Carter administration, was considered a more practical man. Bell, however, ran into three hard obstacles against dropping the case.

First, aggressive young lawyers in the Justice Department had been working on the Helms case for 18 months. To set aside their work would bring charges of "coverup," foulest of crimes since Watergate.

Second, an implacable stand that Helms must be prosecuted to set an example for the intelligence community was taken by Sen. Frank Church (D-Idaho), author of the dubious theory that the CIA has been a "rogue elephant" out of control. Church was well qualified to mobilize the liberal community in protest against a "coverup."

Third, and perhaps most important, was quiet support for Church from an erstwhile Senate colleague in harassing the CIA: Vice President Walter Mon-

dale. Indeed, the Helms case illustrates why Mondale is one Vice President who should be taken seriously.

No opposite arguments came from officials who might have been expected to urge dropping the case (such as CIA Director Stansfield Turner and Secretary of State Cyrus Vance). Thus it became clear during the summer that Helms would be prosecuted one way or another, setting up the real struggle within the administration.

Church's insistence on severe punishment of Helms, even if it led to an open trial, was backed quietly by the Vice President. Influential friends of Helms, descending on the President and Attorney General with pleas for clemency, came to regard Mondale as their major problem.

But three influential figures argued resolutely that a trial must be avoided at all costs: Bell, National Security Adviser Zbigniew Brzezinski and Secretary of Energy James Schlesinger (a former CIA director). They argued that a nightmarish Helms trial would expose U.S. secrets that would make this country the laughingstock of the world.

The President wanted no identification with any of this, even to the point

of not fully informing a press conference of his involvement. Ultimately, however, he was convinced that plea bargaining was the only way to escape from this self-made trap.

It was then that, purely by chance, U.S. District Judge Barrington Parker of the District of Columbia was assigned the case. When Parker objected to the plea bargaining, the incredible intent to pursue a 10-point indictment was revealed by government lawyers.

With Edward Bennett Williams defending him, Helms quite likely would have won acquittal. Consequently, that Parker finally acquiesced was more in the interest of the nation than of Helms (though the judge could not resist his unscheduled tongue-lashing of Helms from the bench).

The outcome was assailed as a "doubtful standard" of justice by Church and other CIA critics and viewed as the hap- piest solution possible by high administration officials. But the low morale of career intelligence officers dropped even more at the indignities visited upon their former chief. How much more depressed they would have been had they known how much worse it nearly was.