## U.S. Drops Case Against ÎTT Aide To Protect Data Protect Data Protect Data Protect Data

Washington Post Staff Writer

The Justice Department yesterday dropped its perjury and conspiracy case against International Telephone and Telegraph Corp. official Robert Berrellez because of fears that national secrets would be disclosed at a

Prosecutor John Kotelly announced the decision at a two-minute hearing before U.S. District Court Judge Aubrey E. Robinson Jr. He also said the department was reconsidering its posi-tion on a companion case against Edward J. Gerrity Jr., a senior vice president of ITT, and would decide within 10 days.

Gerrity and Berrellez, an ITT public relations official, were charged with lying to Senate subcommittees in 1973 about ITT's involvement with the Central Intelligence Agency in trying to prevent the election of Marxist Salvador Allende as president of Chile in 1979. Allnde won but was killed in a coup

The government's attempted prose-cution of the alleged ITT-CIA inter-ference in the Chilean election has been plagued with national security problems. The department dropped three of the six counts against Gerrity last summer because of such compilcations.

And, in the fail of 1977, former CIA director Richard M. Helms and allowed to plead "no contest" to a misdemeanor charge of failing to testify
"fully and accurately" to the Senate
multinational corporations subcommittees investigating the Chilean af-

Sen. Frank Church (D-Idaho), who was chairman of the subcommittee

See ITT, A12, Col. 3

## U.S. Drops Cases Against an ITT Officia

ITT, From Al

rellez case was "outrageous." Committee, said in a statement yester-day that the decision to drop the Berand now heads the Foreign Relations

six years old and said a trial "might was based on spurious national secuthe CIA and the Nixon administrahave embarrassed major corporations, rity grounds. He noted that the case is Church said the department's action

Chile through congressional investiga-Church said est is involved that outweighs the de-mands of justice? I can find none," tions what concelvable national inter-He added that the decision will "But after all the revelations about

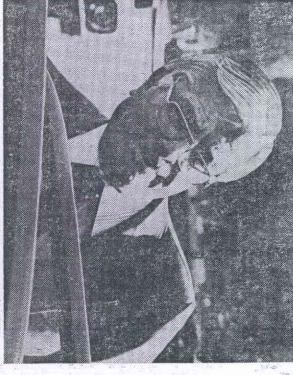
prosecutions complicated by national government is reluctant to pursue sisted yesterday that the decision in be held accountable. harm Congress because future wtthe Berrellez case doesn't mean the nesses who testify under oath will not Justice Department officials in-

of the department's criminal division, said in a phone interview. "We would "We're going to push national sec-urity cases," Philip B. Heymann, head like a statute to make the job easisecurity issues.

Terry Adamson, a spokesman for Attorney General Griffin B. Bell, said that the department successfully has prosecuted several espionage cases in-volving national secrets in recent in recent

back as calamitous to future national security prosecutions." "We regret the action we were forced to take today," Adamson said. "But we don't view this particular set

possible national security information prove a proposed prosection "protec-tive order" to rule on the relevancy of after Judge Robinson refused to ap-The Berrellez case was hamstrung



Robert Berrellez, one of two officials accused of lying about ITT role in Chile. United Press Internation

testimony as is usually the case. before-rather than during-public son said. "To get the court of appeals review we wanted we would have had

government could protest in advance if Berrellez's defense attorney, Patations with Chileans. CIA officers or stations or agency relevidence referring to the location of rick A. Wall, sought to bring up any Heymann argued last October that order was needed so the

> peals to consider the case, but rejected that approach because "it's virtually impossible" to get such a hearconsider asking the full court of ap-

we were trying to prevent." to go through the disclosure at trial

Adamson said the department did

last month on the technical grounds that it could not review the lower judge's rulings until the trial was here. The appeals court turned down to the U.S. Circuit Court of Appeals that so-called Justice appealed Robinson's refusal "mandamus" Petition

raised in

the Berrellez case.

yesterday they were considering seek-ing legislation to solve the problem

final decision in a trial.

ing on a procedural question before a Several department officials said

"That was a real Catch 22," Adam-

merits, or setting up procedures to al-

preliminary district court rulings to

on the relevancy of sensitive informalow the prosecution a pretrial ruling an appeals court for a decision on the could include procedures to take such

> have suggested such legislation to prevent what Biden refers to as "gray-mail," This is a practice where a defense atttorney fishes until he finds ernment decides cannot be disclosed at a trial, thus forcing it to drop the the Senate Intelligence Committee

not—as Church charged—drop the case to save the CIA from embarrassment, terviewed yesterday insist they Top Justice Department officials in-

ations." are careful, sometimes painful negotidon't blindly accept its claim. There community," Adamson'said. "We just national Security by the intelligence Deputy Attorney General Benjamin "We go behind every assertion of

"is often tedious and hotely debated" R. Civiletti agreed, saying the process blindly follows." says this is 'national security' and ligence agencies. "It's not simply between the department and the intel-

gations, said the cases had been carefully tailored to allow for prosecution division during the ITT-Chile investi-Civiletti, who headed the criminal

without giving up national secrets.

Heymann added: "I have no doubt
Judge Robinson was proceeding in loose." complete good faith. But he couldn't give us the order we thought we needed, and we couldn't play it that

officials accused of approving illegal break-ins in search of the radical Weather Underground in the early ceedings to show that the group was directed by foreign powers, and that, evidence in pretrial discovery procoming trial of three former top FB defenses have been raised in the upted on the basis of national security. warrantless surveillance was permit therefore, it could be argued that any 1970s. Defense attorneys are seeking Similar claims of national security

didn't think the Berrellez case decision carried over to the case because "it's a different case with different Adamson said didn't think the yesterday that

tion, they said.
Sen. Joseph Biden (D-Del.) and Sen.
Birch Bayh (D-Ind.), both members of