

# Helms Ordered McCord Letters

By Lawrence Meyer  
Washington Post Staff Writer

James W. McCord's letters to the Central Intelligence Agency written after the Watergate break-in were withheld from the Watergate prosecutors on orders from CIA Director Richard M. Helms, according to sworn testimony.

Helms ordered the letters held by the CIA, despite the strong recommendation of CIA security director Howard J. Osborn that they should be turned over to the FBI, after the agency's general counsel told Helms that the CIA had no legal obligation to give them to the FBI, according to testimony before a House subcommittee.

The letters, written between the Watergate break-in and the start of the first Watergate trial, could have had a "significant effect" on the investigation, according to acting U.S. Attorney Earl J. Silbert, the chief prosecutor in the first Watergate trial.

The CIA's failure to turn Watergate conspirator McCord's letters over to the investigators was called "a suppression of evidence" by Rep. Lucien Nedzi, chairman of the House Armed Services Subcommittee on Intelligence during closed hearings in May, 1973. Testimony from those hearings was recently made public.

Helms ordered McCord's six letters to be held by the CIA after the agency's general counsel, Lawrence Houston, told Helms "that we had no legal responsibility to pass the letter on to any other authorities" according to Houston's testimony.

Houston testified that in his experience as general counsel to the CIA since 1947 criminal defendants had attempted to construct a defense by involving the CIA. In many cases,



Associated Press

Former CIA official Lyman Kirkpatrick waits to testify before Rockefeller panel.

# Kept From FBI, Inquiry Told

Houston said, this attempt was a bluff and the bluff collapsed when the CIA waited out the situation.

Where the defense was actually presented, Houston said, the CIA countered it by presenting documentation or witnesses to refute the claim.

Houston did not, however persuade Nedzi during his testimony that the CIA had acted properly in withholding the letters from the FBI, the prosecutors and the Justice Department.

In a session that at times became heated, Houston admitted that part of his motivation was to keep the CIA from being linked publicly to the Watergate affair.

Osborn, during his testimony on May 24, 1973, recounted how a letter signed only "Jim" in an envelope addressed to Helms with no return address had come to his desk about Aug. 1, 1972—some six weeks after the Watergate break-in. At first dismissing it as "crank mail," Osborn said he then recognized the signature as that of McCord, who had worked for Osborn at the CIA.

Osborn testified that he showed the letter to Helms and said that he was "reasonably sure" it was from McCord. "I told him that I felt very strongly that the letter should be turned over to the Federal Bureau of Investigation."

Helms, Osborn said, decided to get Houston's legal advice on the matter.

"I participated, I stayed in and remained in that conversation when Mr. Houston and Mr. Helms discussed the legal aspects of it," Osborn testified. "At the time, I don't

think I really agreed with it, but, you know, I worked for Mr. Helms, he was my boss."

In one letter, dated Dec. 29, 1972, and addressed to one of McCord's former CIA colleagues, McCord asserted: "I have the evidence of the involvement of (former Attorney General John N.) Mitchell and others, sufficient to convince a jury, the Congress and the Press."

When Houston argued that the CIA had no legal responsibility to turn the letters over to the FBI or prosecutors, Nedzi told him that he agreed "that you had no direct legal responsibility at that time to do this," but that "the reasonable thing to have done would have been to immediately notify the FBI that such a letter was from a defendant...."

Houston said that it was "very obvious from the newspapers that any information that went to the prosecutor's office was appearing in the papers very shortly after that... And since the last thing we wanted to do was interject ourselves into the case and stir up newspaper stories and rumors that we had been involved, I felt that I wanted to deal with this matter with the Department of Justice and the prosecuting attorney when the issue arose as it subsequently did...."

The issue arose when Silbert told the CIA he was concerned that a defendant might bring the CIA into the case and asked Houston's deputy, John Warner, a series of questions about the CIA.

The answers to Silbert's questions, contained in what Houston described as an "elaborate report," went not to Silbert but to his superiors at the Justice Department. Houston then did not mention McCord's letters, he testified, because "I honestly didn't think of it."

At another point, Houston asserted that the letters were "not pertinent to the FBI's interest."

"Why wouldn't you let the FBI make that determination?" Nedzi asked Houston.

Houston also attempted to justify his recommendation by explaining, "I was not asked to give it (McCord's letter), I was asked whether we had to give it, and in my opinion I said, 'No.'"

"Your opinion, in my judgment," Armed Services Committee chief counsel Frank M. Slatinshek told Houston, "was very, very poor."

Nedzi told Houston that he understood the desire to "keep the agency's skirts clean," but he added, "under these circumstances, the desires seem to be somewhat excessive because I do think that in effect there has been a suppression of evidence."

Osborn also told the subcommittee that while investigating the contracts of the Watergate conspirators with the CIA, he had been told by Helms to "forget about" a mater involving the loan by the CIA of a vig, take recorder and other materials to Watergate conspirator E. Howard Hunt Jr. Osborn said Helms told him, "I

will handle that. You take care of the rest of it."

Helms' sworn testimony before the Senate Select Watergate committee appears to conflict with the testimony given by Osborn and Houston. Helms was asked on Aug. 2, 1973 by assistant chief counsel David Dorsen if "any relative information (was withheld by the CIA to the FBI and Justice Department, information that you were aware of while the events were taking place in June, July or August of 1972."

"Sir, I do not believe so," Helms replied, "Does the record show that there was anything of this kind?"

Dorsen replied that he had no evidence to the contrary. "Well," Helms said, "I do not either, but I just want to be sure that my recollection tracked with the facts."

## Rockefeller Panel Hears Kirkpatrick

The presidential commission investigating the CIA's domestic activities held its fourth all-day meeting yesterday and heard private testimony from Lyman B. Kirkpatrick Jr., a Brown University political science professor who was executive director of the agency from 1962 through 1965.

The commission chaired by Vice President Rockefeller also heard more testimony from Richard Ober, an aide to the National Security Council, who was former deputy to the CIA's counterintelligence chief, William Angleton.

For the third meeting in a row, former California Gov. Ronald Reagan did not attend.

Walter Pincus

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# The 'Spying' Inquiry

As the new select Senate committee on government intelligence gathering begins the task of organizing itself, its 11 members will find that passage of the resolution creating the committee was the easiest part of the job.

How should the inquiry be structured? What size staff is needed? How should information be gathered, coordinated, stored and shared within the committee? When should hearings be held and which should be closed and which open? These would be difficult questions even if the subject at hand were simple. When the focus of attention is the sensitive intelligence community and its operations at home and abroad, however, the problems are compounded.

Take the question of structuring the initial inquiry. The committee as approved has only an eight-month life. It is required to make a final report on Sept. 1. That deadline is going to require some pretty quick investigation, given the broad mandate contained in the authorizing legislation.

The mandate itself is a bit slapdash, reflecting the diverse interests of several senators. Overall, the committee is directed to study intelligence activities with an eye to uncovering the "extent, if any, to which illegal, improper or unethical activities were engaged by any government agency or any individuals acting for an intelligence agency." Standing by itself, that could require years of investigation since there is no time limitation such as, say, back to 1960.

The resolution, however, goes further to itemize 14 specific matters that are to be completely investigated. Three deal directly with the Central Intelligence Agency, its allegedly "illegal" domestic operations and whether these questions conform to the agency's charter.

The committee is also directed to study the Federal Bureau of Investigation's "domestic intelligence and counterintelligence operation in the United States" along with similar operations of other agencies. Another broad directive calls for the study of possible violations of "any state or federal statute" by an intelligence agency or anyone using wiretaps, break-ins, mail interceptions or any other means on its behalf.

The committee is called upon to

study whether or how the intelligence community coordinates its operations and the manner in which they are controlled and directed by executive orders.

Oversight of intelligence is not forgotten. The committee is to study both the "nature and extent" of executive branch oversight and the "need for improved, strengthened or consolidated" congressional oversight. The Nixon administration's Huston plan of 1970, which sought to coordinate domestic intelligence, is to be restudied and federal laws are to be reviewed to determine if they are inadequate to "safeguard the rights of American citizens" or to "resolve uncertainties as to the authority of United States intelligence and related agencies."

If all that were not enough for an eight-month inquiry, the committee is finally charged with looking into the

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"extent and necessity of overt and covert intelligence activities in the United States and abroad." When this language originally was introduced in the Senate as a separate resolution, it, alone, was to be the subject of a two-year study.

Chairman Frank Church (D-Idaho) has recognized that the committee cannot responsibly undertake all the investigations authorized in its resolution and finish by Sept. 1. It must choose the areas it believes require the most urgent attention and let the others go for some other time. According to Sen. Howard Baker (R-Tenn.), at least 19 federal agencies carry on intelligence operations.

Committee attention inevitably should be focused primarily on the CIA, the FBI, the Defense Intelligence Agency and the individual military services, the National Security Agency and the Secret Service. How these agencies will be approached, what information will be sought and whether it will be sought in preliminary staff inquiry or in closed hearings—these are structural questions that the com-

mittee must determine almost immediately.

It is at this point that agreement between Church and the ranking minority member, Sen. John Tower (R-Texas) becomes extremely important. If the Democrats try to go one way, and the Republicans refuse to join them, the resulting partisan split could jeopardize the entire inquiry. In his floor remarks the day the committee resolution was adopted, Tower indicated he thought "examination of the domestic activities of our intelligence gathering organizations" was needed and overdue. He added that the "most important thing that our committee can do" would be to proscribe activities that violate an agency's charter or its authorization from Congress or which "militate against the individual freedom of the American people." On the basis of that statement, Tower appeared to be putting most of his interest in intelligence activities within the United States. Other senators, including Chairman Church, have talked about looking at CIA's covert activities around the world. Some practical accommodation between those two views should be reached at the start, rather than midway in the inquiry.

If agreement between the Democrats and Republicans can be reached on the exact scope of the investigation, a second pitfall might be avoided—the setting up of a divided staff with a minority serving only the GOP members. To work well, there should be only one staff selected by a bipartisan group of senators. Minority staffs by their very nature generate competition, and competition in this type of inquiry is bound to lead to leaks of information. The only way to avoid leaks and partisan confrontation either within the committee or in relation to the Republican-controlled executive branch is to be certain that the committee members move together on each step of the investigation.

Within the next few weeks, as the committee makes its first information-gathering efforts, some event will occur which sets the tone for relationships both inside and outside the committee. In the Senate Watergate investigation, it was the manner in which the committee's chief counsel, Sam Dash, handled his initial interview with James McCord. Rather than keeping McCord's appearance secret, Dash



held a press conference of his own with no senators present. Dash got the publicity. It set a pattern for the grandstanding and leaking that followed. Everyone, whether senator or staffer, was out for himself.

This select committee cannot afford to make that type of mistake. In fact, it would be better if some announcement were forthcoming that no hearings or public statements would be made for at least two months—so that investigation could go forward without the pressure of press publicity.

The committee could take one further step to help its inquiry along. It could request that the White House aid in the coordination of intelligence agency responses. That move would also bring in White House recognition that, in the end, it is the President's responsibility to supervise the activities of these agencies. Such a request would also pave the way for the eventual seeking of White House information relative to past agency activities.

As with a child, so with a serious congressional inquiry—the first few steps set the eventual course.

# Rocky's fears of

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By Thomas B. Ross  
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WASHINGTON — Vice President Nelson A. Rockefeller, expressing fear that former Presidents Richard M. Nixon and Lyndon B. Johnson will be "destroyed," is complaining bitterly about the selection of Sen. Frank Church (D-Ida.) to head the Senate investigation of the Central Intelligence Agency.

Rockefeller's private lament to friends and associates indicates there is little chance of co-operation between the White House and

Senate inquiries into whether the CIA violated the law by spying inside the United States.

It also suggests that Rockefeller may consider it part of his job as chairman of the presidential commission on the CIA to protect the reputation of present and former high-ranking officials.

Rockefeller's complaint about Church, a liberal who was named last week as chairman of the new Senate Intelligence Committee, reflects a widespread uneasiness within the so-called national security establishment about how many famous men will be exposed by the Senate investigation into the

## CIA probe told

CIA, the FBI and the other intelligence agencies.

Former CIA Director Richard M. Helms, chief focus of the investigation so far, has contributed to the uneasiness by implying that he will implicate others if he is allowed to be the scapegoat.

"I'm going to keep very quiet," Helms reportedly declared. "But if it looks as though it's all going to be my fault, I shall have a great deal to say."

Helms was quoted to that effect by columnist Tom Braden, an old friend and ex-CIA official, who implied that the finger of guilt

would be pointed, at least, toward Nixon and Johnson.

The Washington Post reported last weekend that Braden held a recent party for Helms at which several present and former high-ranking officials vied to praise and defend Helms.

The Post story said the guests included Sec. of State Henry A. Kissinger, former Defense Sec. Robert S. McNamara, Sen. Stuart Symington (D-Mo.), former Ambassador and Assistant Sec. of State Averell Harriman and Israeli Ambassador Simcha Dinitz.

Symington, a member of the Senate subcommittee that is supposed to oversee the CIA, was quoted as saying Helms did a "splendid job" as CIA director from 1966 to 1973.

McNamara reportedly declared that, whether or not Helms stepped over the line prohibiting domestic operations by the CIA, he supported him fully.

"That moment of fraternity," the Post story said, "moistened some eyes around the table."

Kissinger's comments were not recorded, but he is known to be defending Helms and criticizing William E. Colby, the current CIA director, who made the disclosures about domestic spying to Congress and the public.

Colby said the activities began under Helms and during the Johnson administration. Helms told the Senate Foreign Relations Committee two years ago that he could not "recall" any such activities.

Helms was questioned about the potential

conflict two weeks ago but the committee is expected to drop the issue after putting out this week a "sanitized" version of his secret testimony.

However, Church's committee is expected to give a much more thorough examination to the charges that Helms violated the law against domestic operations and also committed perjury.

Some members of the committee are pressing for an airing of the Helms' matter before moving on to the general investigation of the intelligence community.

Church is expected to hold the first meeting of his nine-man committee later this week.

After his commission's fourth weekly meeting, Rockefeller said Monday that the investigation of the CIA may require more than the three-month period set by President Ford.

The panel heard further testimony from Richard Ober, who once reportedly headed a counterintelligence group that Colby has admitted kept files on 10,000 American citizens. Rockefeller described Ober as the "former chief of the special operations group of CIA" but refused to discuss Ober's testimony.

Earlier, the commission heard from Lyman B. Kirkpatrick Jr., who served from 1962 to 1965 as executive director-controller of the CIA. Kirkpatrick spent more than three hours with the commission members, but declined to tell reporters what had been discussed.

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## Hear FBI bug on Agnew bared

NEW YORK (AP) — J. Edgar Hoover's deputy reportedly told Sen. Howard H. Baker Jr. (R-Tenn.) under oath in 1974 that the FBI monitored five telephone calls by Spiro T. Agnew from Albuquerque, N.M., in October, 1968, at the request of President Lyndon B. Johnson.

The monitoring of Agnew, a high source said Monday, was part of an FBI investigation requested by Johnson into alleged efforts by Anna

Chennault to sabotage the Paris peace talks on Indochina.

The testimony given to Baker lasted less than 5 minutes, the source said. The senator was hearing Cartha O. DeLoach, Hoover's deputy, in Baker's capacity as a member of the Senate Watergate committee.

"The calls turned out to be innocuous and all local," said a source who had close connections with the White House

at the time.

Most of DeLoach's sworn testimony concerned the Chennault investigation. Mrs. Chennault, widow of Gen. Claire Chennault, founder of the Flying Tigers in World War II, was suspected of trying to disrupt the peace talks during the last days of the 1968 election campaign so any credit for ending the Indochina war would go to candidate Richard M. Nixon and not to incumbent Democrats.