

Rowland Evans and Robert Novak

Post 8/18/77

The Grave Risks in the Helms Investigation

President Carter must decide soon between permitting or blocking criminal prosecution of former CIA Director Richard Helms, an agonizing choice of whether to fulfill his campaign pledges for "open" government at the cost of the nation's higher interests.

So dangerous to this country are the implications of the unprecedented grand jury investigation of Helms on suspicion of perjury that Carter has been secretly warned by informal advisers he must never let the case go to trial. One eminent Democrat, deeply involved in high intelligence matters for many years, has said privately that Helms's indictment and trial "would be the single most damaging thing that could be done to this country."

These "damaging" consequences would include further deterioration of

U.S. intelligence, an end of any further intelligence cooperation with the United States by allied nations and exposing the nation and its recent Presidents to obloquy. In short, self-flagellation of the nation would reach a masochistic peak.

To prevent this, the President must block the grand jury, now well into its second year of probing the truth of Helms's 1973 Senate testimony on Chile. Carter almost certainly would have to instruct Attorney General Griffin Bell to veto an indictment and thereby prevent a trial.

Such a move would infuriate the liberal community, including large segments of Congress and the press. Moreover, Carter's campaign trail was strewn with pledges, calculated to make him appear different from Presi-

dent Ford, for government operating "in the open," as he declared in the first presidential debate.

That the grand jury is moving toward indicting Helms by no means suggests guilt. In fact, experienced lawyers and politicians here believe the chance of finding the former chief spy guilty of perjury is, in the words of one lawyer, "exactly zero."

Nevertheless, in his defense, Helms would be compelled to reveal the most secret Oval Office and National Security Council deliberations. This unquestionably would involve former Presidents in what the CIA's critics call the seamy, squalid side of the intelligence game. Helms would be relieved from protecting sources and directions given to him, even by a President, if forced to defend himself in a public trial.

The President could be taken off the hook by George A. Carver and Robert G. Andary, Justice Department criminal division lawyers in charge of the Helms investigation. They could simply rule the grand jury had "no case."

The President is not going to be so lucky, well-informed sources have told us. The youthful investigators who have spent so many months hunting Helms down want to confront him in open court as prosecutors.

The grand jury probe has subpoenaed every scrap of paper in the Central Intelligence Agency bearing on clandestine operations against the late Marxist president of Chile, Salvador Allende. It has questioned for long hours scores of top CIA officials and former officials. Included are Thomas Karamessines, who for many years ran clan-

destine operations, and Elizabeth Dunlevy, Helms's longtime confidential secretary.

Interoffice memos, personal logs, calendars and records of every traceable telephone call made out of Helms's office during his seven years as CIA director—as well as thousands of calls from CIA's Latin American section—are under grand jury scrutiny.

Accordingly, prosecutors Carver and Andary would no more welcome a presidential order barring indictment and trial than would liberals in Congress, the media and elsewhere who have expended so much righteous energy against the once super-secret CIA.

That righteous energy and Helms's predicament both stem partly from bad decisions made in the Ford White House and Justice Department during the post-Nixon demand for purging Watergate wickedness. The grand jury probe of Helms was started by Ford's Attorney General, Edward Levi, an action viewed by one seasoned lawyer here with liberal connections as "an outrage."

But Levi had plenty of company. Helms, who gave 32 years of honorable service to his country, was summoned to the White House from his post as ambassador to Iran in January 1975 to be warned by presidential counsel Philip Buchen. Helms was informed that anything he told the President (identified by Buchen as "the nation's chief law enforcement officer") could be used against him in the investigation Levi was then contemplating.

With post-Watergate morality reinforced by Jimmy Carter's promises never to run other than an "open" government, a presidential decision to block indictment of Helms would not be easy. But the alternative, exposing the nation's intelligence system and past occupants of the Oval Office to further abuse, might well be pondered carefully by the President.