

President Links National Security To Decision on Helms Indictment

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WASHINGTON, Sept. 29—President Carter suggested today that national security considerations would play a role in any decision on whether to prosecute Richard Helms should the Justice Department seek to indict the former Director of Central Intelligence.

The President, in response to a question at a televised news conference today, said that Attorney General Griffin B. Bell had not yet consulted with him on the matter. Mr. Carter said that he did not know either the "seriousness of the offense" or "seriousness of possible damage to our own national security" that could result from a trial. [Question 9, Page A18.]

But Mr. Carter said that he expected a report soon from Mr. Bell and that "when I get all this information, then I would certainly consult with the Attorney General as to what action should be taken."

Possible Charges Cited

Mr. Helms, who returned to this country last year after serving more than two years as Ambassador to Iran, was notified last January by the Justice Department that he was a target of an investigation by a Federal grand jury.

Justice Department sources said at the time that Mr. Helms faced possible charges of perjury and obstruction of justice, both of which are felony offenses. At the same time, they cautioned that, even if a criminal violation were discovered, it might be difficult to prosecute the case because of the large volume of classified material that would have to be introduced into the public record at a trial.

President Carter indicated a similar concern today, saying that before consulting with Mr. Bell on the matter he would need information on the "seriousness of possible damage to our own national security if massive revelations of intelligence techniques and documents are made either to ourselves or to our friends and allies."

The President's comments came one day after Adm. Stansfield Turner, the current Director of Central Intelligence, told some 4,300 midshipmen at the United States Naval Academy at Annapolis, Md., that any prosecution of Mr. Helms would require the release of material that could damage the national security.

Alternatives for Bell

Admiral Turner, in a question-and-answer session after his speech, said that Mr. Bell would have to decide "whether the overall national interest will be furthered by prosecuting this case or whether it would be better to waive the trial in order to protect the secrets."

He did not say whether he personally felt that the Justice Department should abandon the case because of this. But he told the midshipmen that in the light of a possible prosecution he had already conveyed his views on "what information

would have to be released and how damaging it would be."

Although many present and former intelligence officers have said privately in recent weeks that Mr. Helms expects to be indicted, Justice Department officials have insisted that no decision has yet been made.

Benjamin R. Civiletti, the head of the Justice Department's criminal division, said today that the matter was still being studied by lawyers in his division and that a decision most likely would be reached "in the next several weeks."

The public debate in recent weeks has centered on the national security issues, but a number of persons close to Mr. Helms have argued that this is unfair to him because it has not yet been demonstrated that he perjured himself.

"Everyone seems to think that the only question is whether classified information can be released," one person in close contact with Mr. Helms said recently. "But it may be that they don't have a case in the first place."

Error Quickly Corrected

At one point in the news conference, the President apparently spoke in error, saying, "I have no way to know yet the seriousness of the offense with which he will be charged." Within minutes after the end of the conference, the White House press office issued a statement saying: "Please note: When the President said 'will be charged,' that he meant to say 'may be charged.'"

The correction also asserted that when the President said "it is a very serious thing for anyone to commit perjury" he had meant to say that "it is a very serious thing for anyone to commit alleged perjury."

At issue is whether Mr. Helms might have perjured himself when he told a Senate committee in 1973 that the Central Intelligence Agency had not provided funds to political opponents of the late Salvador Allende Gossens, the Marxist president of Chile.

Later, it was disclosed that the agency had funneled more than \$8 million to help opponents of Dr. Allende, who died in a coup d'etat in September 1973. It was also disclosed that the C.I.A. activities in Chile had been approved by President Nixon and by his national security adviser, Henry A. Kissinger.

In the past, White House and Justice Department spokesmen both had said that the Justice Department would make the decision on whether to indict Mr. Helms and that the decision on whether to declassify documents needed at any trial later would be made at the White House.

Statements today by President Carter and by a Justice Department spokesman, however, appeared to modify this, by indicating that the President and the Attorney General would "consult" in advance of any decision to seek an indictment.