

TRB

from Washington
November 19, 1977

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Spare That Spook!

The regular author of TRB will return next week. This column is written by another member of The New Republic's staff.

I believe the investigation [of Richard Helms] should have been cut off by the Ford administration or the Carter administration—with perhaps a formal opinion by the Attorney General indicating that the circumstances were special and would never apply in the future.

—Joseph Kraft
November 8

Richard Helms has a lot of friends in Washington, DC. Several days after being given a suspended sentence for deceiving the Senate, he walked into a meeting of retired CIA agents at the Kenwood Country Club and was met with a standing ovation. His appearance had not been prearranged. The agents were so moved when they saw their embattled ex-chief that on impulse they filled two trashcans full of checks to help pay Helms's court-imposed fine.

Columnist Kraft is a friend of Helms who seems to agree with the agents' view of the case. In coming to Helms's defense last week, he identified himself as a friend, but wrote that this did not make him incapable of fair judgment. In his unbiased opinion President Carter and Attorney General Griffin Bell behaved like cowards when they indicted Helms. They acquiesced in a vulgar attack on an honorable man. Kraft gave voice to a feeling that is very strong now at the Kenwood Country Club and like places around town, the feeling that the nation is persecuting some of its ablest warriors because they did their job well.

What objective arguments does Kraft bring to the case? I see four. First is the question of responsibility, or lack of the

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same. As Kraft put it, "These operations were conducted under the express order of the President. . . ." Kraft seems to mean that because the President approved the CIA's plan to meddle in Chilean politics in 1970, he also approved of Helms's decision to conceal the scope of this plan from a Senate committee in 1973. It wasn't so. If Helms thought the senators were not entitled to the information they wanted, he might have said so at the time. In that case, the Senate and the President might have settled the matter between them, possibly agreeing to keep Helms's testimony under lock and key. But Helms made no protest and claimed no executive privilege when asked about Chile. He decided instead that the best approach was simply to tell the Senate nothing. He was wrong.

Kraft's second point is more obscure. Essentially it is that the wrong committee asked Helms to tell the truth. Kraft wrote that "more than a decade before" Helms testified, the CIA and Congress worked out an arrangement whereby only the "established" CIA oversight committees would get to review the agency's top secrets. "All CIA overt actions in Chile were duly reported to the established oversight committees," Kraft claims. So why accuse Helms of deception? The implication is, if you tell the truth to one committee, you can lie to any number of others. By this reasoning, the Senate was to blame for getting Helms in trouble. It shouldn't have allowed "unauthorized" senators to ask questions that it knew Helms would be forced to answer with lies. This argument, it seems to me, attempts by quick shuffle to move the blame from the deceiver to the deceived. It blames Congress for doing what it is legally entitled to do and it excuses Helms on grounds that he was obeying a higher, secret code. Secret codes appeal to many people and may even be necessary, but they don't govern Congress.

The third argument is like the second, only thinner. Kraft accuses the senators (who happened to be on the wrong committee) of asking the wrong questions. They were too vague, he believes. Senator Stuart Symington, now retired, asked Helms, "Did you have any money passed to the opponents of Allende?" Helms answered, "No, Sir." Kraft thinks the question should have been phrased more accurately, thus: "Did you supply any funds to keep democratic elements in

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Chile alive during the Allende regime?" Had Helms been confronted with these phrases, he would have been compelled to answer, "Yes, sir." Here again Kraft seems to invoke a rare interpretation of the law that does not appear in the law books. Officials at the higher ranks of government, like Helms, have a higher standard of truth. They cannot be expected to divulge the full story when asked a clumsy question. Only the right question deserves the right answer. Sloppy questions deserve no answer. Nonsense. If this were true, every senator would have to be literate.

The final point is the one that matters: the shifting standards argument. It is, in brief, the view that Richard Helms was punished because he had the misfortune to pass from one world to another at a time when he had great public responsibilities. In the old world, Helms was preeminent among America's spies, entrusted with the darkest state secrets. Being a man of honor, as Kraft and others say he is, Helms felt bound by the written and unwritten codes of his tribe. Part of the traditional code had it that national secrets could not be shared with just anyone who had a legal claim upon them, but only with trusted secret

keepers. Not even senators could hear the secrets, if they were outside the trusted group. Helms thought he was doing his country a service by hiding secrets from "unauthorized" senators. Now in the post-Watergate world, the old code has been abolished. As things turned out, Helms was mistaken when he put his trust in tradition. He should have blabbed. Why should he be punished, his friends ask, simply because the old code has been replaced by a new one? Helms's loyalty was never in doubt. Isn't loyalty what counts in a secret keeper, and not an ability to detect shifts in public ethics?

The answer is that in this specific case, Helms was not protecting a private secret, but rather, a public lie. The Senate already had evidence that the CIA had given money to Allende's opponents in Chile. The newspapers were full of corroborating gossip. All that was required of Helms was that he officially confirm what was widely assumed. Two Senate committees asked him to do that. In choosing between loyalty what counts in a secret agent and not an ability to detect shifts in public ethics?

In more general terms, officials are always bound by the letter of the law, including 2 USC 192, which makes it a federal offense to withhold information from Congress. Officials may choose to be bound by other unwritten codes. Such things always exist in politics. But the politician who adheres to the secret code over the public code—aside from breaking the law—takes great risks. He has no right to complain if his risk-taking gets him in trouble.

This is what makes the whining in Helms's behalf insufferable. One might guess from the cries of anguish that Helms, and not the Senate, had been tricked and deceived. Kraft goes so far as to suggest that a special deal should have been arranged for his old friend, a dismissal of the case followed by a little note from the Attorney General explaining that the circumstances were unique and never would arise again. But Helms has not been drawn and quartered, not even sent to jail. The Attorney General *did* make a special deal, letting Helms plead "no contest" to a misdemeanor in an empty courtroom, handing him a suspended sentence and a small fine. Helms suffered no more and no less than Richard Kleindienst, who was guilty of the same violation. The Attorney General could hardly have done less and still called himself an enforcer of the law.

Correspondence, from page 9

personal/individual/psychological approach to what he perceives as spiritual givens of human nature. Then he tries to make a case—through incredibly select observation—for his equally incredibly rarefied philosophy. He is long past opinion—which *The New Republic* is a journal of—and into pure (emphasis on *pure*) religion parading as reason.

Richard Block
Woodstock, New York

To the editors:

Re "Avarice or Avaritia," (TNR, Oct. 1): If we are to be reduced to that grunting state in which we seek only to satisfy pure needs, we may as well begin by giving up such frivolities as Henry Fairlie's articles. His notions of "reasonable" and "necessary" would make an excellent foundation for an egalitarian utopia; however, he neglects to tell us who will define these slippery terms.

Perhaps Mr. Fairlie imagines himself as the benevolent overseer, ruling over his serfdom with a dictionary.

David Bosserman
Sheboygan, Wisconsin

To the editors:

I have been reading with great relish Henry Fairlie's portrayal of the sixth of the Deadly Sins, the Sin of "Gluttony or Gula" (TNR, Oct. 22). And what a portrait of the contrast between sauces "flecked like the side of a doe" and that of the glutton, who "when we say that he makes a pig of himself, we do not mean only that he has his trotters in his slop, but that the rarest delicacy can be set before him, and it will still be to him only slop."

My only question where is his *club* where these delicacies may be served; and who are his dining companions that are such an inspiration for his passionate prose?

Bon Appetit!

Thomas R. Parker
Armonk, New York

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