

Deal With U.S.

Helms Pleads No Contest in Chile-CIA Case

Washington

Richard Helms, former director of the Central Intelligence Agency, pleaded no contest yesterday to a criminal information charging him with two misdemeanor counts of failing to testify "fully, completely and accurately" before a Senate committee.

A White House spokesman said President Carter feels that the charge, which resulted from extensive plea bargaining between Justice Department officials and Helms' attorneys, was fair, and that it "upholds the law but also serves the interests of national security."

Helms, who entered the "nolo contendere" plea after the Justice Department had agreed to ask the court to suspend any prison sentence that might be imposed, said he had not intended to lie or to mislead the Senate Foreign Relations Committee in 1973 when he testified about his agency's covert operations in Chile.

"I had sworn my oath to preserve certain secrets from unauthorized disclosure," he told U.S. District Judge Barrington D. Palmer during a session attended only by Helms, his lawyers, Justice Department officials and court officers.

"I was simply trying to find my way through a very difficult situation in which I found myself," he said.

Judge Parker, who deferred sentence until a later date, told Helms that "this court does not feel itself bound by this agreement" between Helms and the Justice Department, in which prosecutors had recommended that no prison sentence be required. Helms, 64, replied that he understood that the judge had the right to impose any sentence permitted by law.

Under federal law, Helms, whose plea amounts literally to a statement of "no contest" to the charges but who legally is considered guilty of the charges, could receive a maximum sentence of one year in prison and a \$1000 fine on each of the two counts.

The minimum penalties are one month in prison and a \$100 fine on each count.

In bringing the charge, the Justice Department was asserting that intelligence officers have no right to lie under oath to congressional committees, despite the officers' oath not to reveal intelligence sources and methods to unautho-

rized sources.

At the same time, the department acknowledged the difficulties that could arise from any such trial, in which great amounts of secret information might have to be revealed in order for the Justice

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Department to prosecute a case.

In the past, both President Carter and Attorney General Griffin Bell had said that legitimate problems of "national security" might arise from any attempt to prosecute Helms, and that Carter would make the final decision on whether secret information could be made available for use in a trial.

In a statement yesterday afternoon, White House press spokesman Jody Powell said the President had not been informed of the Justice Department plan to accept a nolo contendere plea to misdemeanor charges until yesterday but that he had approved of it.

Powell said the President believes "it is a just decision," because it is one that "upholds the law but also serves the interests of national security."

But Senator Frank Church (Dem-Ida.), head of a committee that investigated abuses by the intelligence agencies, was critical of the arrangement.

"I thought there was to be an end to the double standard of justice for the big shots," Church said in a statement. "Apparently Helms was too hot to handle."

According to a statement released by the Justice Department, the government felt that disposition of the matter by a "nolo" plea to a misdemeanor charge was "fair and just" for two reasons.

The first, it said, was that "the trial of this case would involve

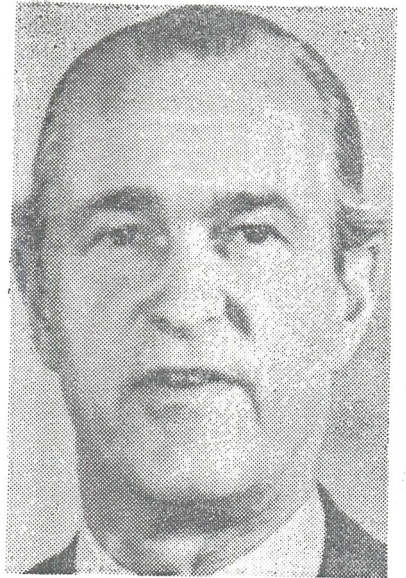
tremendous costs to the United States and might jeopardize national secrets." The second, it said, was

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that "Mr. Helms has had a most distinguished career and has performed outstanding services to the United States government during the course of that career."

It was not immediately clear precisely when the White House was informed of the agreement, which was worked out Friday between Helms' principal attorney, Edward Williams, and Bell and Benjamin Civiletti, the head of the Justice Department's criminal division.

Powell, the White House spokesman, said Bell had told the President of the plan yesterday morning, and "the President approved of it."



RICHARD HELMS
His sentence is pending

Bell and Civiletti, however, suggested that Carter was not given the full details of the proposal until Civiletti already was at the courthouse in the afternoon.

The issue, which has been under investigation approximately two years, concerns testimony that Helms gave in 1973 concerning covert operations in Chile. Helms had said, in response to questions, that his agency had not funneled money to opponents of the late Salvador Allende, who then was the Marxist president of Chile.

Later, a committee headed by Church discovered that the CIA had in fact funneled more than \$8 million to help opponents of Allende, who died during a coup d'etat in September, 1973.

The statement released by the Justice Department did not say precisely when Helms failed to testify fully, or precisely which sections of the testimony were not answered "completely and accurately."

The misdemeanor charge, which is a violation of U.S. Code 192, is similar to that made against Richard Kleindienst, the former attorney general who was indicted for failing to testify fully before a Senate committee during an investigation of the International Telephone and Telegraph Corp.

Kleindienst received a suspended 30-day sentence.

One advantage of the lesser charge was that it permitted Kleindienst to retain his license to practice law.

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