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New Conflict
In Account by
Helms Seen

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Some months after the Central Intelligence Agency spied on Washington reporters in search of security leaks, the CIA's former director, Richard Helms, told a congressional subcommittee that the CIA has no authority to conduct such investigations.

The episode suggests another incident where testimony by Helms before various congressional hearings conflicts with recent disclosures on the CIA's domestic activities. Two weeks ago, the agency formally acknowledged that it placed five Americans—three of them later identified as reporters—under physical surveillance in 1971 and 1972 because they were suspected of obtaining classified information.

Yet Helms, when he appeared in private before the House Armed Services subcommittee on intelligence in May of 1973, insisted at length that the CIA doesn't conduct such investigations because it lacks the legal authority.

Helms, who is now U. S. ambassador to Iran, was CIA director from 1966 to 1973. His testimony before the House subcommittee, which remained secret until now, was apparently not taken under oath, according to the transcript made available to The Washington Post.

The subject of "leaks" came up in the hearing as Helms was discussing the White House concern in 1971 over the Pentagon Papers and its request for CIA help in constructing a "psychological profile" on Dr. Daniel Ellsberg, the anti-war activist who released the papers. Helms told the subcommittee, whose chairman was Rep. Lucien Nedzi (D-Mich.), that, while the CIA is charged with the protection of "intelligence sources and methods," it has no capacity to track down such leaks.

"As a citizen who is no longer involved in the agency," Helms testified, "I think it would be well to look at that provision of the law as a charge against the Director of Intelligence because he has no investigative power, he has no facilities for looking into who might have leaked what.

"And when classified papers disappear or stories appear in The New York Times or whatever the case may be, all he can do is wring his hands and check around with other agencies of the government and ask who might have talked to that reporter and so forth, but he has no way really to follow up. So he has a charge against him which he has an awful time trying to fulfill."

According to the recent declaration by Helms' successor, William E. Colby, the CIA did place surveillance on five Americans not affiliated with the intelligence agency. Among them, according to an independent source, were columnist Jack Anderson and his colleague Les Whitten, and Washington Post reporter Michael Getler. The surveillance was reportedly "fruitless."

When Helms testified in May, 1973, he described the agency's Office of Security as limited to personnel investigations, but restricted from investigating citizens not affiliated with the CIA.

"We don't have any arm of the agency to investigate in the U. S.," Helms testified. "We have a Security Office which goes around making personnel checks and things of this kind, but they are not authorized to go out and check up on newspapermen or things of that kind, make that type of investigation. That is within the aegis of the police or the FBI or somebody of this kind."

Former Rep. William G. Bray, who was ranking Republican on the House Armed Services Committee, suggested to Helms that legislation might be needed to extend the CIA's domestic authority though Bray, who was defeated last fall, conceded that in the Watergate atmosphere such a proposal "would receive a great deal of suspicion."

"I agree," Helms replied. "Inside of the agency we can interrogate people, speak with them and do things of this kind with our own employees. But once we get outside of

the agency, we may not do it."

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for assistance was that the CIA had nothing to offer. Rep. Bob Wilson, another Republican on the subcommittee, asked Helms: "Are you permitted to call the FBI?" Helms replied, "but when it comes to the investigation of leaks, the FBI is very reluctant to undertake those."

In his recent declaration, Colby acknowledged that the CIA does keep information on American citizens who are not affiliated with the agency—including a computer file on some 10,000 political dissenters.

Most of Helms' 1973 testimony was devoted to the CIA's entanglement with the Watergate scandal and his explanation of why the agency provided surveillance equipment to the White House "plumbers."

In the course of his 1973 testimony, Helms made one other oblique assertion which appears to conflict with what the public now knows about CIA domestic activities. In discussing the Ellsberg case, Helms told the House members that his initial reaction sums that the proposals are to the White House request legal.