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# Justice Dept. Probes Helms

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Events have put a crust of irony on the appeal that Richard M. Helms made to the American Society of Newspaper Editors in 1971.

"The nation must, to a degree, take it on faith that we, too, are honorable men devoted to her service," Helms said in what was his first public speech although he had been CIA director since 1965.

Prosecutors in the Criminal Division of the Department of Justice are now sifting through other words uttered by Helms. They are conducting what was described by officials as an active investigation of the former director's sworn testimony in more than half a dozen appearances before congressional committees and federal grand juries.

The object of that investigation, according to official sources, is to determine whether Helms' testimony constituted perjury and obstruction of justice.

It is a ticklish inquiry, fitting as it does into a larger investigation of whether officials of the CIA and other intelligence agencies are criminally liable for the excesses that have been made public in the round of congressional and executive inquiries over the past year.

One Justice Department official put it, "This is all extremely awkward. We are in the position of investigating agencies and people with whom we have regularly

worked through the years."

In the case of Helms, the testimony being reviewed by prosecutors centers on his efforts to defend the agency from implication in the overthrow of the Chilean government of Marxist President Salvador Allende in 1973 and from involvement in the expanded domestic surveillance programs of the Nixon and Johnson administrations.

A Senate Foreign Relations Committee staff report recommended in September, 1974, that a perjury investigation be initiated against Helms as a result of discrepancies between his sworn statements and the testimony of CIA Director William E. Colby. The subject was the agency's covert intervention in Chile. But the report was shelved.

It cited an exchange between the former CIA director and one of his leading senatorial defenders, Sen. Stuart Symington (D-Mo.), during an executive hearing Feb. 7, 1973, on Helms' nominations as ambassador to Iran.

Symington: Did you have any money passed to opponents of Allende?

Helms: No sir.

Symington: So that the stories that you were involved in that are wrong entirely?

Helms: "Yes sir..."

The following year Colby testified that the CIA had expended some \$13 million in covert funding against Allende in the 1964 and 1970 presidential elections. Helms



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afterward acknowledged that he probably had erred in his testimony to the Foreign Relations Committee.

In May, 1973, Helms told the House Armed Services subcommittee on intelligence that the CIA does not conduct surveillance against

American citizens in the pursuit of security leaks. "We don't have any arm of the agency to investigate in U.S....," he testified. "...This is within the aegis of the police or the FBI or somebody of this kind."

Colby later disclosed to

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Congress that the CIA did conduct surveillance against a group of private citizens, including four journalists.

In another exchange before the Senate Foreign Relations Committee, the former director, in response to a question by Sen. Clifford P. Case (R-N.J.) said he could not recall that the White House asked the CIA to join in a government-wide information pool directed at the antiwar movement.

"What would you do in a case like that? Suppose you were?" Case persisted.

"I would simply go to explain to the President this didn't seem to be advisable," replied Helms.

"That would end it?" Case asked.

"Well I think so, normally," answered Helms.

Soon afterwards the papers of former White House aide Tom Charles Huston became public, with praise for the "most helpful" attitude of Helms in the White House program targeted at antiwar groups.

Helms later said he "simply did not remember" the Huston proposal.

The Justice Department is known to be looking into the destruction of records on drug testing by the CIA during the final months of Helms' tenure as director.

Sidney Gottlieb, former director of the agency's Technical Services Division, told a closed session of the Senate intelligence committee that he acted at the order of

Helms. However, Helms told the Rockefeller commission that he could not recall giving such an order.

Also at the nomination hearing in 1974 Helms was asked by another senatorial friend, J. W. Fulbright of Arkansas, about any relationships between the CIA and Watergate. "Is there anything I should have asked you?" Fulbright asked, knowing Helms' propensity for lawyerly responses. Helms could not think of anything. He asserted that there was no link between the agency and the Watergate arrests.

Helms knew at the time that the false identification papers found on the Watergate burglars had been provided by the CIA to E. Howard Hunt and G. Gordon Liddy.

Helms also had given orders that the information not be supplied to the CIA official in charge of liaison with the FBI, according to testimony presented to the House Armed Services intelligence subcommittee.

The case of Helms, as one official pointed out, is a unique one from the standpoint of perjury prosecution. "Do you convict a man," he asked, "when one of his chief responsibilities is to lie, when necessary, to protect secrets?"

That may well be one of the central issues now being pondered in the Criminal Division in the case of Richard Helms.