

Helms Faces Charge

Prosecution Expected in Fairfax Case

By Bob Woodward
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Former CIA Director Richard M. Helms is expected to be prosecuted on a misdemeanor charge for personally approving a 1971 break-in at a Fairfax City photo studio, according to informed sources.

Helms has acknowledged to Justice Department attorneys that he approved the break-in to gather information about a former employee of the CIA.

The break-in, but not Helms' role in it, was revealed last year in the Rockefeller commission report on CIA abuses.

The sources said that a civil rights misdemeanor charge is expected to be brought against Helms within the next month. The five-year statute of limitations for the break-in runs out in February.

Using a secure telephone line from CIA headquarters, Justice Department attorneys last week informed Helms in Iran, where he is U.S. ambassador, of his constitutional rights in the continuing investigation.

Though Helms spoke to Justice attorneys earlier about the break-in, he declined last week to answer their further questions.

J. Stanley Pottinger, head of the Justice Department's Civil Rights Division, yesterday declined to comment on the case.

A separate Justice investigation into possible perjury by Helms is continuing.

Helms is in the process of obtaining a lawyer and has indicated to associates here that he wants to retain Washington attorney Edward Bennett Williams.

Williams said Friday that he has not been hired by Helms.

Helms could not be reached for comment over the weekend, but he indicated in calls to friends here last week that he is innocent of any criminal intent.

In a call last week to a senior White House official, Helms sought information about the break-in case and

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Painted a gloomy picture of his future. One source said Helms indicated he would be charged in the break-in case, but would fight it in court.

Helms maintains that under the law he was empowered as CIA director to act to protect security.

The break-in was at a photo studio run by Deborah Fitzgerald, the former CIA employee, and Orlando Nunez, a former middle level official in the Castro government in Cuba.

Both were under CIA surveillance for some time after Fitzgerald, while working in the records division of the CIA, tried to find out what information the CIA had in its files about Nunez. Fitzgerald and Nunez have since married.

The CIA did not turn up any evidence of a security violation in its investigation.

According to the sources, the break-in was conducted as a final effort to close the investigation of Fitzgerald and Nunez. The sources said that there was no crisis or compelling need to resort to illegal entry.

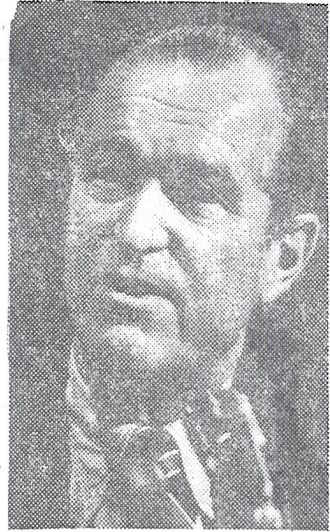
The break-in was conducted during the early morning hours of Feb. 19, 1971, half a day after Helms gave his approval for the break-in, according to the sources.

Three Fairfax City policemen apparently cooperated by ensuring that no one interrupted the CIA break-in team, which entered the now-delunct Roland Studio on the second floor of 10419 Main St. in Fairfax City.

A decision whether to prosecute Helms for perjury is scheduled to be made within 30 to 45 days, according to the sources.

The perjury investigation focuses on Helms' sworn testimony denying a CIA role in domestic surveillance and in supplying covert support to political factions in Chile.

The sources indicated that a



RICHARD M. HELMS
... hiring a lawyer

stumbling block for the Justice Department investigators is the unwillingness of the Senate intelligence committee, chaired by Sen. Frank Church (D-Idaho), to give the department all its material relating to Helms.

It is known that Church is waiting to establish an overall policy on providing material from his committee's investigation to the executive branch and does not want to establish a precedent that could alarm his probe's confidential sources.