

SFChronicle  
**Break-In** FEB 20 1976

# Former CIA Chief Won't Go to Trial

Washington

One day before the statute of limitations was to expire, the Justice Department announced it would not prosecute former CIA director Richard M. Helms and other intelligence officials for their alleged roles in a 1971 break-in.

"We have been unable to make a case that would stick," Assistant Attorney General J. Stanley Pottinger said yesterday. "No matter how much symbolic value ... there could be in bringing an indictment ... to bring an indictment would be a cynical and political act."

Pottinger said that the case was being forwarded to the department's civil division for possible action.

Helms headed the CIA from 1967 to 1973.

Pottinger said that Helms, now ambassador to Iran, "did have an active role in the decision" to conduct the break-in on a Fairfax City, Va., photographers studio run by a former CIA employee and her fiancé.

He refused to give the names of the other "three or four key people" who were involved. However, it is known that Richard Ober, a CIA employee who is now a member of the National Security Council staff, and Howard J. Osborn, the CIA's former director of security, also were under investigation.

According to Pottinger, the break-in was "related to a suspected foreign intelligence penetration of the CIA." He said, however, that "nothing was found as a result of the break-in to justify those fears."

The studio was run by Deborah Fitzgerald, a former CIA employee, and Orlando Nunez, a former official of the Castro government in Cuba.

The break-in, which occurred at 2 a.m., Feb. 20, 1971, was the most recent of 12 CIA burglaries uncovered by the Rockefeller Commission. Pottinger said that these "other break-ins occurred so long ago that by the statute of limita-

## New Ambassador To Britain Is Sworn In

Washington

Anne Armstrong was sworn in as U.S. ambassador to Great Britain yesterday and President Ford noted she is an example of what his wife has urged: That he name qualified, highly competent women to positions of responsibility.

"Anne Armstrong is such a person," said the President. "Whenever she has done something, she has done a superb job."

Mrs. Armstrong had been a counselor to both Mr. Ford and former President Nixon, the first woman to hold that position. As ambassador to the Court of St. James's, she is also the first woman ever to hold that post.

*Associated Press*

tions it is impossible for us to prosecute."

Pottinger said the only federal law which applied to the break-in was a statute making it a crime to willfully deprive a U.S. citizen of his constitutional rights. Department attorneys concluded the evidence did not meet the standards set by a 1945 Supreme Court ruling that "requires proof that the accused willfully deprived an individual of a specific and well-defined constitutional right," according to a brief Justice Department statement.

*United Press*