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Outside
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the Law?

By Anthony Lewis

Griffin Bell, who returns this week from a brief vacation, must deal soon with what may be the prickliest question he has faced as Attorney General: whether to let a grand jury indict Richard Helms, former Director of Central Intelligence, for perjury.

The case is inevitably an awkward one, requiring as it does another painful look at what American governments did in the name of intelligence. But it is the more difficult for Mr. Bell—as it was for the previous Attorney General, Edward H. Levi—because an inner circle of power figures in Washington society is applying pressure on behalf of Richard Helms.

As a company town whose business is government, Washington has always had something of a social-political establishment: policy-makers, lawyers and journalists who stay as Administrations come and go. The makers of post-war American foreign policy are a prominent element now, and Mr. Helms is very much a part of that world.

He was guest of honor in January 1975, at a private dinner party that was immortalized by a story in *The Washington Post*. The guests included Henry Kissinger, Robert McNamara and Averell Harriman; there were toasts of sympathy and support. At other social occasions in Washington, officials dealing with the Helms case have actually found themselves being denounced for "persecuting poor Dick Helms."

The effort to protect Mr. Helms took extraordinary form the other day in a newspaper column by Roland Evans and Robert Novak. It warned that bringing him to trial on perjury charges could expose "the nation and its recent Presidents to obloquy" and "end" intelligence cooperation with our allies. It quoted an "eminent Democrat" as saying that such a prosecution "would be the single most damaging thing that could be done to this country."

The column said a "seasoned" Washington lawyer "with liberal connections" considered the grand jury investigation "an outrage." (Might that possibly be Edward Bennett Williams, who is Mr. Helms's lawyer?) It put down the Justice Department lawyers in charge of the grand jury as "youthful investigators . . ." (they are 36, James Madison's age at the Constitutional Convention, and 30; in any event they act at the Attorney General's direction).

The Helms case, Evans and Novak said, presented a choice between "open government" and national security. If President Carter was concerned about the latter, they suggested, he should instruct Attorney General Bell to prevent an indictment.

The one thought curiously missing from the column was that the law might have something to do with the case of Richard Helms. Indeed, one could read it without having the slightest idea why a law enforcement official as thoughtful and conservative as Edward Levi would have ordered a grand jury investigation—and why the jury is now, evidently, prepared to return an indictment.

In Senate hearings in 1973, Mr. Helms was asked whether the C.I.A. under his leadership had engaged in domestic spying on the antiwar movement. He said it was "not involved"—an answer that the facts of the C.I.A.'s massive domestic spying, disclosed later, showed to be at a minimum grossly deceptive.

In the same hearings Senator Stuart Symington asked whether the C.I.A. had tried "to overthrow the government of Chile." Mr. Helms an-

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swered "No, sir." Senator Symington continued: "Did you have any money passed to the opponents of [Chilean President] Allende?" Mr. Helms answered: "No, sir." In fact, the intelligence investigations later showed that the C.I.A. had given millions in covert funds to anti-Allende forces.

That testimony, widely publicized, raised a legal question that no conscientious Attorney General could ignore: Had Mr. Helms, under oath, told a knowing and deliberate falsehood on a matter relevant to the business of Congress?

The issue, in short, is one of law—and of law in more than some narrow technical sense. The Helms case tests again whether this country believes what it avowed as recently as Watergate: that the highest officials, like the rest of us, are obligated to obey the law.

Of course there's more to the case than the basic issue of principle. The law of perjury can be complex. The Government, if it goes to trial, would have to prove what Mr. Helms knew when he answered—which could involve some evidence of C.I.A. business. But disclosure for the limited purpose of law enforcement is a far cry from applying the slogan "open government" to intelligence generally. And the issue of principle—the application of law to those especially sworn to uphold it—remains.

Jimmy Carter, of all Presidents, has the least reason to give way to establishment opinion on such a question. He would be foolish in the extreme to interfere with what should be a decision by his Attorney General—a decision on the law.