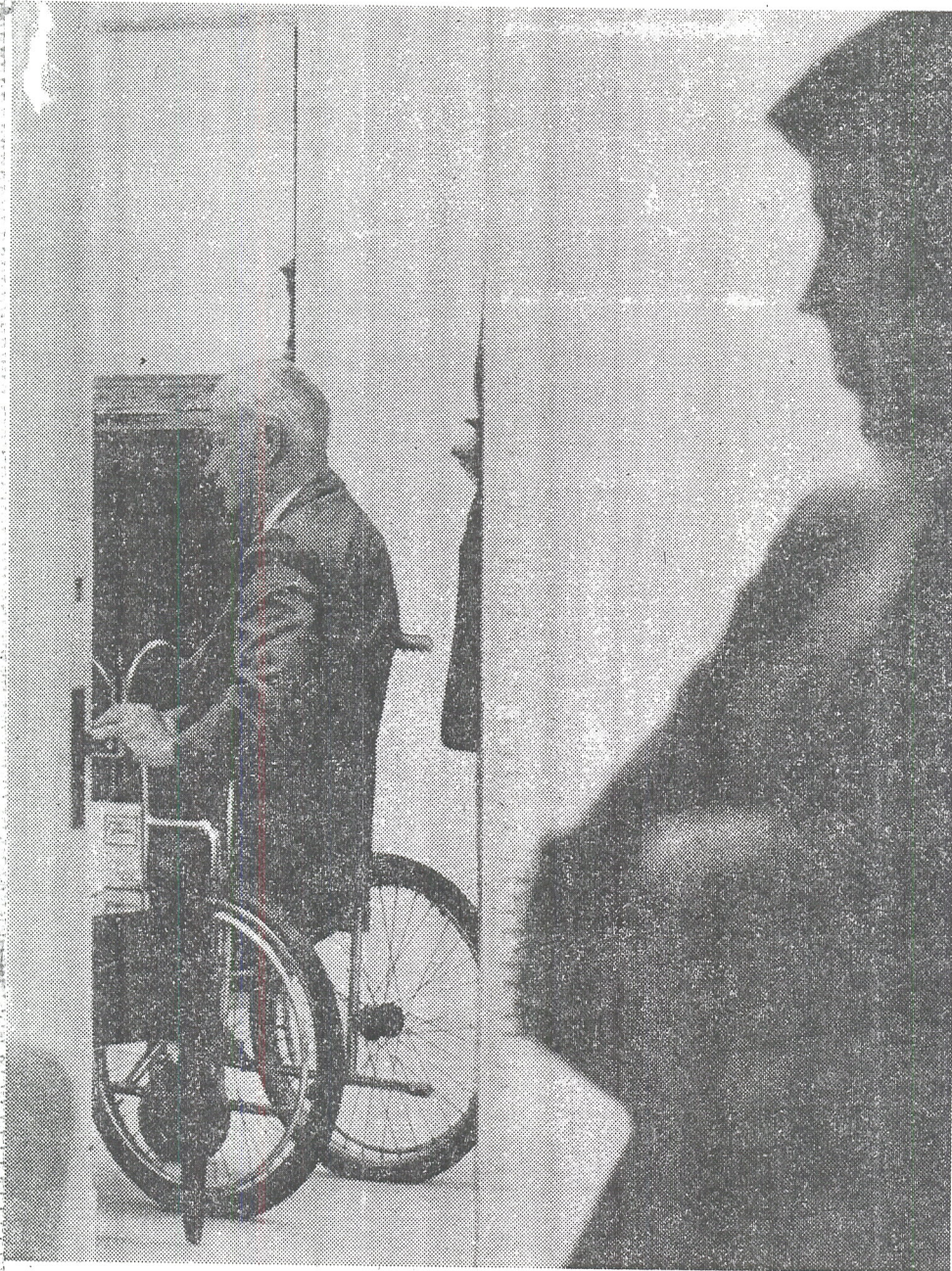


Helms Ordered McCord Letters



Associated Press

Former CIA official Lyman Kirkpatrick waits to testify before Rockefeller panel.

By Lawrence Meyer
Washington Post Staff Writer

James W. McCord's letters to the Central Intelligence Agency written after the Watergate break-in were withheld from the Watergate prosecutors on orders from CIA Director Richard M. Helms, according to sworn testimony.

Helms ordered the letters held by the CIA, despite the strong recommendation of CIA security director Howard J. Osborn that they should be turned over to the FBI, after the agency's general counsel told Helms that the CIA had no legal obligation to give them to the FBI, according to testimony before a House subcommittee.

The letters, written between the Watergate break-in and the start of the first Watergate trial, could have had a "significant effect" on the investigation, according to acting U.S. Attorney Earl J. Silbert, the chief prosecutor in the first Watergate trial.

The CIA's failure to turn Watergate conspirator McCord's letters over to the investigators was called "a suppression of evidence" by Rep. Lucien Nedzi, chairman of the House Armed Services Subcommittee on Intelligence during closed hearings in May, 1973. Testimony from those hearings was recently made public.

Helms ordered McCord's six letters to be held by the CIA after the agency's general counsel, Lawrence Houston, told Helms "that we had no legal responsibility to pass the letter on to any other authorities" according to Houston's testimony.

Houston testified that in his experience as general counsel to the CIA since 1947 criminal defendants had attempted to construct a defense by involving the CIA. In many cases,

Kept From FBI, Inquiry Told

Houston said, this attempt was a bluff and the bluff collapsed when the CIA waited out the situation.

Where the defense was actually presented, Houston said, the CIA countered it by presenting documentation or witnesses to refute the claim.

Houston did not, however persuade Nedzi during his testimony that the CIA had acted properly in withholding the letters from the FBI, the prosecutors and the Justice Department.

In a session that at times became heated, Houston admitted that part of his motivation was to keep the CIA from being linked publicly to the Watergate affair.

Osborn, during his testimony on May 24, 1973, recounted how a letter signed only "Jim" in an envelope addressed to Helms with no return address had come to his desk about Aug. 1, 1972—some six weeks after the Watergate break-in. At first dismissing it as "crank mail," Osborn said he then recognized the signature as that of McCord, who had worked for Osborn at the CIA.

Osborn testified that he showed the letter to Helms and said that he was "reasonably sure" it was from McCord. "I told him that I felt very strongly that the letter should be turned over to the Federal Bureau of Investigation."

Helms, Osborn said, decided to get Houston's legal advice on the matter.

"I participated, I stayed in and remained in that conversation when Mr. Houston and Mr. Helms discussed the legal aspects of it," Osborn testified. "At the time, I don't

think I really agreed with it, but, you know, I worked for Mr. Helms, he was my boss."

In one letter, dated Dec. 29, 1972, and addressed to one of McCord's former CIA colleagues, McCord asserted: "I have the evidence of the involvement of (former Attorney General John N.) Mitchell and others, sufficient to convince a jury, the Congress and the Press."

When Houston argued that the CIA had no legal responsibility to turn the letters over to the FBI or prosecutors, Nedzi told him that he agreed "that you had no direct legal responsibility at that time to do this," but that "the reasonable thing to have done would have been to immediately notify the FBI that such a letter was from a defendant...."

Houston said that it was "very obvious from the newspapers that any information that went to the prosecutor's office was appearing in the papers very shortly after that... And since the last thing we wanted to do was interject ourselves into the case and stir up newspaper stories and rumors that we had been involved, I felt that I wanted to deal with this matter with the Department of Justice and the prosecuting attorney when the issue arose as it subsequently did...."

The issue arose when Silbert told the CIA he was concerned that a defendant might bring the CIA into the case and asked Houston's deputy, John Warner, a series of questions about the CIA.

The answers to Silbert's questions, contained in what Houston described as an "elaborate report," went not to Silbert but to his superiors at the Justice Department. Houston then did not mention McCord's letters, he testified, because "I honestly didn't think of it."

At another point, Houston asserted that the letters were "not pertinent to the FBI's interest."

"Why wouldn't you let the FBI make that determination?" Nedzi asked Houston.

Houston also attempted to justify his recommendation by explaining, "I was not asked to give it (McCord's letter), I was asked whether we had to give it, and in my opinion I said, 'No.'"

"Your opinion, in my judgment," Armed Services Committee chief counsel Frank M. Slatinshek told Houston, "was very, very poor."

Nedzi told Houston that he understood the desire to "keep the agency's skirts clean," but he added, "under these circumstances, the desires seem to be somewhat excessive because I do think that in effect there has been a suppression of evidence."

Osborn also told the subcommittee that while investigating the contacts of the Watergate conspirators with the CIA, he had been told by Helms to "forget about" a matter involving the loan by the CIA of a wig, tape recorder and other materials to Watergate conspirator E. Howard Hunt Jr. Osborn said Helms told him, "I will handle that. You take care of the rest of it."

Helms' sworn testimony before the Senate Select Watergate committee appears to conflict with the testimony given by Osborn and Houston. Helms was asked on Aug. 2, 1973 by assistant chief counsel David Dorsen if "any relative information (was) withheld by the CIA to the FBI and Justice Department, information that you were aware of while the events were taking place in June, July or August of 1972."

"Sir, I do not believe so," Helms replied, "Does the record show that there was anything of this kind?"

Dorsen replied that he had no evidence to the contrary. "Well," Helms said, "I do not either, but I just want to be sure that my recollection tracked with the facts."