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The Nation

Helms Makes a Deal

Ex-CIA chief's conviction shows shift in attitudes about spying

One of the touchiest problems inherited by the Carter Administration was the case of former CIA Director Richard M. Helms. It brought into play questions of national security, loyalty, perjury and, in some ways, the future of the intelligence agency and its directors. Last week the case was settled in a manner that did not completely satisfy anybody but seemed a thoroughly reasonable compromise.

Helms' difficulties date back to 1973, when the Senate Foreign Relations Committee was weighing his nomination as U.S. Ambassador to Iran. Twice the committee quizzed him in closed sessions about covert U.S. efforts to prevent Sal-

bargaining with Helms and his attorney, the celebrated Edward Bennett Williams. Helms' lawyer maintained that if his client went to trial on more serious charges, an adequate defense would require that national secrets be divulged. This was an ironic shift: throughout his long career Helms had taken many risks—even putting his life on the line when he had been a covert agent—to protect the nation's secrets.

Bell took the threat seriously. He told Williams that if Helms would plead *nolo contendere* (no contest)—in reality an admission of guilt—to the misdemeanors, the Justice Department would support



After a scolding and a suspended sentence, Lawyer Williams and Helms leave court seeking the line between a public accounting and an operational imperative.

vador Allende Gossens from becoming President of Chile in 1970. Twice Helms in effect lied.

Jimmy Carter's Justice Department could have chosen not to prosecute the now retired ambassador at all or, at the opposite extreme, to charge him with two felony counts of perjury, each carrying a maximum five-year prison sentence and a \$2,000 fine. The department took a middle course, charging the 64-year-old Helms with two misdemeanor counts of failing to answer senatorial questions "fully, completely and accurately." The penalty on each count is 30 days to a year in jail and a fine of \$100 to \$1,000.

Carter and Attorney

Helms' insistence that his accumulated federal pension rights be protected, and would recommend that he not be imprisoned. This bargain was intended to ensure that no national secrets would be endangered at a trial. At the same time, it would demonstrate that the Carter Administration is in accord with Congress that even CIA chiefs are accountable to both the public and the law.

After Helms agreed to cop the plea and all details were worked out, the Justice Department whisked him into the federal courtroom of Judge Barrington D. Parker in Washington without notice. Assistant Attorney General Benjamin R.

Civiletti told the judge the misdemeanor or no-contest plea was "fair and just." Bringing Helms to trial, he said, "would involve tremendous costs to the United States and might jeopardize national secrets." Helms, moreover, had "performed outstanding services to the United States Government" during "a most distinguished career."

On his lawyer's advice, Helms made a personal plea to Judge Parker. During his Senate testimony, he said, "I found myself in a position of conflict. I had sworn my oath to preserve certain secrets . . . I didn't want to lie. I didn't want to mislead the committee. I was simply trying to find my way through a very difficult situation in which I found myself." Helms said he nonetheless agreed with the charges against him, although he understood "there is to be no jail sentence and I will be able to continue to get my pension from the U.S. Government."

Parker thereupon jolted Helms, Williams and Civiletti by declining to wrap up the deal right then and there. When Williams demurred, Parker asked: "You had hoped that I would sentence him today?" Replied Williams: "Both the Government and I had hoped that you would do that." The judge was not to be hurried. "Well, Mr. Williams, I am like a ship without a rudder. I am a fish out of the sea. I do not have any report or anything to aid me in sentencing."

Four days later, Parker's courtroom was jammed with reporters and spectators as he made his decision. The judge came on like a tiger, scolding Helms. "You now stand before this court in disgrace and shame . . . There are those employed in the intelligence-security community who feel that they have a license to operate freely outside the dictates of the law . . . No one, whatever his position, is above the law." Then Parker turned pussycat. He meekly accepted the prearranged deal, fining Helms \$2,000 and suspending a two-year sentence. Outside the court, Helms declared: "I don't feel disgraced at all." Added Williams: "He is going to wear this conviction like a badge of honor. He'll wear it like a banner."