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Senate Investigators Won't Ask President to Testify in Billy Case

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The Senate subcommittee probing Billy Carter formally decided yesterday not to question President Carter about his brother's Libyan connection, either in person or in writing.

"The general consensus of the committee is that asking questions of the president should not be done lightly and that it should be done only when we feel we need his response," Chairman Birch Bayh, D-Ind., said after emerging from an hour-long subcommittee executive session. "There are no areas where that is necessary."

Both Bayh and vice chairman Strom Thurmond, R-S.C., also said that the subcommittee's report to the Senate, due by Oct. 4, will be an interim one and not final as hoped.

"I am not sure we will be through," Thurmond said.

Special committee counsel Philip Tone said, however, that he plans to leave the committee Oct. 4 to return to his law practice in Chicago, and pledged that the report "will be as complete as we can make it at the time."

Bayh said that instead of questioning President Carter, as the committee initially said it would, the subcommittee will have its staff investigators submit written questions to the White House staff and White House legal counsel Alfred Moses. The idea, he said, "is to draw loose ends together and to cover areas that have not been fully covered."

He said that President Carter may contribute to the answers but that information would "be filtered back" from the president only indirectly through Moses.

"There is no reason to believe the president has information that might be helpful," Bayh said, adding that the president has already answered most questions in the "white paper" the White House released early last month outlining its involvement in the Billy Carter affair.

The leaders of the Senate probe acknowledged that they cannot consider their work finished until the Justice Department completes its investigation of Billy Carter — an investigation whose nature has not been disclosed.

But a "sanitized" declassified transcript of a session the subcommittee held with CIA Director Stansfield Turner on Sept. 7 reveals that the Justice inquiry is based, at least in part, on a CIA tip.

According to the transcript, a subcommittee member, Sen. Dennis DeConcini, D-Ariz., asked Turner: "Does your agency have additional information in relation to this ongoing investigation . . . at Justice."

Turner replied "yes," and reported that he had turned over this information to the Justice Department.

"Now, are you prohibited from discussing that with us also?" DeConcini asked.

"Yes, sir," Turner replied, and when asked why, he replied "because of source protection."

The Turner transcript, released by the subcommittee yesterday, reveals little new information in the Billy Carter affair.

Turner was a key player in only one instance. On March 31 Turner turned over to President Carter's national security adviser, Zbigniew Brzezinski, an intelligence report he had received five days before indicating that Billy Carter was negotiating a lucrative oil deal with the Libyans on behalf of a U.S. oil company.

After receiving the information, Brzezinski almost immediately telephoned Billy Carter and told him he was aware of the oil deal and that it could be politically damaging to his brother.

Most of the questioning by the Senate probers involved the propriety of the Brzezinski telephone call and inquiries about why Turner had chosen to give the information only to Brzezinski and not to federal law enforcement officials as well.

Turner told obviously skeptical senators that he kept the report from the Justice Department because he had no idea it was investigating Billy Carter.

Tone asked Turner: "Do you believe your actions in that regard might have been different if you had learned that Billy Carter was the subject of a foreign agents registration act investigation?"

Turner said that Tone's question was "hypothetical" but said, "I believe that I would have acted differently."

At another point Turner said that had he known of the Justice probe, "I would have then appreciated that this did relate to a law enforcement problem which was ongoing, and I would have been sure that the attorney general received it."

Justice Department investigators on the Billy Carter case did not learn of the oil deal on their own until three months later.

Turner also said that he saw nothing wrong with Brzezinski's relaying the intelligence information to Billy Carter. His insistence that Brzezinski's action was proper displeased some senators.

A poll of the subcommittee members last week showed that eight of the nine members believed that Turner, Brzezinski and Attorney General Benjamin R. Civiletti exercised bad judgment in their handling of the Billy Carter case.

The Senate probers have a deadline of tomorrow to tell the subcommittee staff what conclusions they have reached up to now on the Carter case for the writing of the interim report.

Meanwhile, Billy Carter was again questioned yesterday by Senate investigators in his lawyer's office in Washington.

The lawyers attempted to jog Billy Carter's memory and to have him explain why so much of his testimony differed from the testimony of Justice and other U.S. officials.

The biggest discrepancy was Billy Carter's testimony under oath that the entire \$220,000 he received from the Libyan government was part of a loan.

In July, Billy Carter had told Justice investigators that \$20,000 was a repayment of expenses he incurred while hosting a delegation of