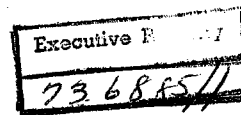


OLC 73-1274

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505



5 November 1973

The Honorable Lucien Nedzi
Chairman, Special Subcommittee
on Intelligence
Committee on Armed Services
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your inquiries and a similar inquiry from Senator Stuart Symington, Acting Chairman, Committee on Armed Services, I have communicated with former CIA Director Richard Helms regarding allegations in the press and elsewhere that a portion of his memorandum of 28 June 1972 to General Vernon A. Walters on the Watergate affair appears to be in sharp conflict with his testimony before congressional committees and Federal prosecutors on this subject.

I am forwarding herewith the text of Ambassador Helms' personal response to your inquiry. I am also sending this response to Senator Symington.

It is clear from testimony on the record that in every instance when Mr. Gray was in communication with Mr. Helms, Mr. Helms stated there was no CIA involvement in any matter that he knew was under investigation by FBI, including Mexican activities. This testimony includes:

From Mr. Gray's opening statement before the Senate
Select Committee on Presidential Campaign Activities
on 3 August:

"On Thursday, June 22, 1972, after being briefed by Mr. Charles W. Bates, Assistant Director, General Investigative Division, regarding the latest development in the Watergate case and undoubtedly as a result of

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information developed at the briefing, I telephoned Director Helms of the CIA. I told him of our thinking that we may be poking into a CIA operation and asked if he could confirm or deny this. He said he had been meeting on this every day with his men, that they knew the people, that they could not figure it out but that there was no CIA involvement. "

. . .

". . . I telephoned [on 27 June 1972] Director Helms of the CIA and asked him to tell me specifically if the CIA had any interest in Mr. Ogarrio that would prevent us from interviewing him. . . Director Helms told me that he would have to check to determine whether the CIA had any interest in Mr. Ogarrio and would call me later. . . Director Helms called me back later that afternoon, told me the CIA had no interest in Mr. Ogarrio"

The record also indicates that Mr. Gray telephoned Mr. Helms on 28 June 1972 to cancel the meeting scheduled for that date. During that conversation Mr. Helms closed out a previous request by the FBI by advising that any investigation of Mr. Dahlberg would not interfere with Agency operations. Mr. Helms also said he would be out of the country but that General Walters would be available for any meeting next week. Mr. Gray did not schedule any further meetings with CIA officials until 6 July 1972 when he met with General Walters. In this connection Mr. Gray testified before the Senate Select Committee on Presidential Campaign Activities:

"On Thursday, July 6, 1972, I met with General Walters in my office. I remember that he delivered to me the writing that I requested and I remember that it indicated the CIA had no interest in Ogarrio or Dahlberg. After reading the document, I concluded that there was no reason for us to not interview Messrs. Ogarrio and Dahlberg. . . ."

In light of the record as developed above, I would like to share with you my personal interpretation of the meaning of the 28 June 1972 memorandum by Mr. Helms. Mr. Helms, mindful that the Agency was not involved in the Watergate break-in, was issuing instructions, for internal Agency guidance during his absence abroad, that the FBI should not look into any and all Agency operations without some showing of justification for such an investigation. Mr. Helms was concerned about leakage from the FBI compromising CIA sensitive information provided the FBI, which actually occurred.

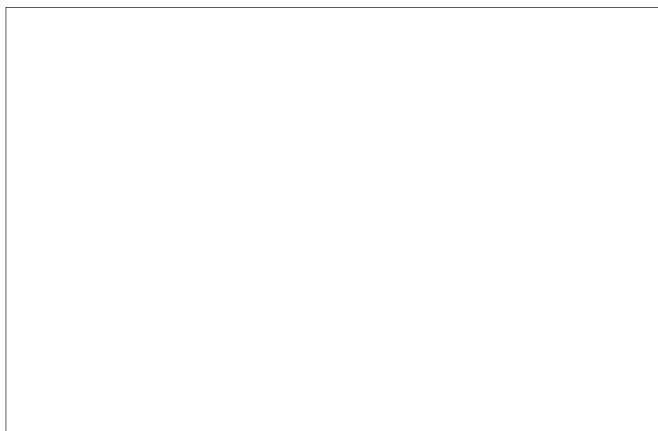
I fully support Ambassador Helms' position that there is clear evidence on the record that the actions of Mr. Helms and General Walters, both before and after 28 June 1972, completely refute the interpretation that the memorandum of that date constituted an order to General Walters to stifle the FBI's investigation of the Watergate break-in.

If we can be of any further assistance, please let me know.

Sincerely,


W. E. Colby
Director

Enclosure



4 November 1973

Response of Richard Helms to Inquiries from Senator Symington
and Representative Nedzi Regarding Helms' Memorandum of
28 June 1972 to General Vernon A. Walters and Related Matters

My memorandum to General Walters of 28 June 1972 was written in the context of an upcoming trip which took me abroad from 1 to 12 July 1972. I was mindful of the fact that General Walters had only been Deputy Director since 2 May 1972 and that Acting Director Gray of the FBI had been in his job an even shorter time. I could not understand why Gray could not find time to see me on 28 June or during the next two days. I wanted Gen. Walters to be cooperative with the FBI so that its investigation of the Watergate break-in could go forward. But I did not want him to permit some kind of a fishing expedition into CIA operations outside the United States There had been queries about Ogarrio and Dahlberg from the FBI without any explanation being given as to what these individuals represented. Since I could not establish the FBI motive and since Gray kept querying about CIA involvement in the Watergate burglary despite my denials, I wanted to insure that the agreement between

the two agencies to advise each other of any activity which touched on any activity of the other was scrupulously followed. Further, I could see from press stories and other events (such as Dean's meetings with Walters on 26, 27 and 28 June) that efforts were being made to implicate the Agency. My sole preoccupation was to prevent this from happening since the Agency was in no way involved in the Watergate break-in, the only illegality which as far as I knew at the time was at issue. Although the precise language of the sentence of my 28 June 1972 memo may sound ominous in light of later findings and testimony, i. e., out of context in time and circumstance, it was simply an effort to see to it that the investigation went forward while I was absent from the country. It was designed to give Gen. Walters guidance, since he was so new to the Agency, to the effect that I did not want the FBI's headquarters [redacted] taking advantage of this investigation to hurt unrelated Agency operations [redacted] whatever they might be. I had no way of knowing what the FBI was attempting to get into as of 28 June 1972.

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I have been informed that Gen. Walters has said that he did not see my memorandum of 28 June 1972, until May or June of 1973. I do not know how or why this happened, and I was not aware that this was the case until some time this year. Since it was an "eyes only" memorandum, it would

probably not have been seen by any other officer of the Agency. I certainly intended Gen. Walters to see the memorandum, but if he did not, it could not have affected his attitude in the 6 July meeting or any other conversations with Mr. Gray.

I believe that there is clear evidence on the record by Gray and Walters that my actions and those of Walters both before and after 28 June 1972 completely refute the interpretation that the second paragraph of my memorandum constitutes an order to Walters to stifle the FBI's investigation. A few days previously, I had firmly and clearly told Gray that there was no CIA involvement. Also, Gray rescheduled the cancelled 28 June meeting for 6 July with Walters, and Walters' memorandum of the same day states that he told Gray, "In all honesty, I could not tell him (Gray) to cease further investigations on the grounds that it would compromise the security interests of the United States." At that meeting, Walters also gave Gray a memorandum summarizing all the information that we had reported to the FBI on the matter which, of course, is further proof that there was no Agency involvement. Surely this was not an action to stifle the FBI investigation.

As for my attitude toward the FBI as of 28 June 1972, I would like to point out there had been leaks from the field office of the FBI which had been conducting the initial interviews. It was for this reason that I did not want Wagner and Caswell interviewed by that office although I was quite

prepared, and believe I made it clear to Gray, that if their testimony was actually needed, someone from Gray's own office would have access to them at any time. Also, as early as 22 June 1973 the Agency security staff checked with the FBI on the progress of their investigation of McCord and was advised by the FBI that word had come down from Gray that the FBI was not to disseminate any information about the case in oral or written form. The accumulation of such facts made me wary of what the FBI might be doing and strongly influenced my efforts to try to keep the Agency from becoming ensnared.

Laurence Stern wrote an earlier article on 10 July 1973 pertaining to me. This article was the subject of a letter from Mr. Colby to Chairman Symington of the Armed Services Committee dated 10 July. What Mr. Colby writes in said letter is accurate.

I have no reluctance to return to the United States to testify before the Senate Armed Services Committee or before the staff of the Special Prosecutor. I find myself with numerous commitments here. I open a US trade center on Sunday evening and am involved in the arrangements for Secretary Kissinger's visit in Tehran on November 9. Also I am scheduled to travel in southern Iran from November 5 to November 8 to visit Iranian oil installations. This trip could be cancelled, but I do not quite see how

I could get to Washington and return by November 9 and still do justice to what would be required of me. I cite these commitments, and others in the week right after 9 November, only to set forth what my problem is.

I have not addressed the question of releasing publicly the text of the 28 June 1972 memorandum since I believe the security and legal implications can best be judged by you on the scene. It is noteworthy that Mr. Cox made his indirect reference to the memo despite Mr. Colby's testimony at his confirmation hearing before the Senate Armed Services Committee in July 1973 which reads as follows:

This position (taken in the 28 June 1972 memorandum) was consistent with our concern that investigations might reveal CIA activities and our belief that they were unnecessary since CIA had no involvement in the Watergate incident ... our check indicated that the leads in Mexico did not involve any current CIA assets or activities. Having satisfied ourselves that there was no CIA involvement in the Watergate incident, we were concerned that a possible broadening of the investigation which would reveal CIA foreign activities having no bearing on the Watergate incident would take place.

Please advise me whether the use of the foregoing responses will help to quiet down the current controversy, I am clearly open to advice as to what further I should do if anything seems required.