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Carter is silent on Helms quiz

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WASHINGTON — White House press secretary Jody Powell said Friday he could neither confirm nor deny that President Carter holds the key to prosecution of former CIA Director Richard M. Helms on perjury charges.

Powell called a special briefing to comment — or announce he could not comment — after being questioned at his regular briefing about a story in Friday's Sun-Times.

The Sun-Times story said that Robert Lipshutz, counsel to the President, had disclosed that Carter was faced with a decision on whether to allow federal prosecutors to receive highly classified information for a grand jury investigation of alleged perjury by Helms, who headed the Central Intelligence Agency from 1966 to 1973.

According to other sources close to the investigation, an indictment of Helms for allegedly lying to two Senate committees about CIA activities in Chile probably cannot even be considered without the introduction of now-secret government files to show what covert U.S. operations actually took place in Chile.

Lipshutz denied Thursday that the Justice Department had asked Carter's permission to proceed with an indictment against Helms.

But in issuing the denial, Lipshutz did, apparently inadvertently, acknowledge that the White House had been consulted in the investigation. Lipshutz said that his office was weighing Justice Department requests to clear classified documents for the probe because that decision would ultimately lie with Carter.

Lipshutz thus made it clear that the White House stood squarely astride the case by controlling the information sought by the prosecution.

Powell did deny rumors that the White House was trolling the information sought by the prosecutors.

But at that point, he said he could not comment further on any reports that requests for sensitive information had been received from the Justice Department.

As a matter of procedure, with reference to any specific case, the White House will receive from the Justice Department time to time requests to declassify information, Powell said. As a matter of policy, the White

House will never publicly admit it has received such requests, Powell said.

Asked what the policy would be toward granting such requests, Powell said that in some cases "there are facts that due to the security of this country ought to be kept secret." But he refused to say whether this dictum applied to the Helms case.

Other sources indicated that the prosecutors have now received the evidence they sought from State Department or CIA files but are prevented from proceeding because the secret documents cannot be shown to the grand jury unless they are declassified.

This would tend to confirm Lipshutz' comments, for the decision whether to declassify would be made by the President after consultation with legal counsel.

Incomplete as received.