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Court Session Reportedly Told Chilean Official Is CIA Agent

By Ronald J. Ostrow
Los Angeles Times

A secret court session has been told of "information" that Hernan Cubillos, Chile's foreign minister, has been a "principal" Central Intelligence Agency operative, the Los Angeles Times learned yesterday.

Patrick M. Wall, defense lawyer for Robert Berrellez, an International Telephone and Telegraph Corp. official, cited the information in a closed court hearing Oct. 23, informed sources said.

Wall considered the subject so sensitive that he turned over his copy of the sealed court record to John T. Kotelly, a Justice Department prosecutor, saying he did not want disclosure blamed on him.

Berrellez has been charged with conspiracy, perjury and obstructing governmental proceedings as a result of testimony he gave in 1973 to a Senate Foreign Relations subcommittee investigating ITT-CIA attempts to block the 1970 election of Salvador Allende as president of Chile.

Sources said Wall told the court he had "seen" information on Cubillos' covert role, but did not have physical access to it. The lawyer was seeking government documents to bolster Berrellez' defense that he is being prosecuted for acts he contends he was induced to do by CIA representatives, including Cubillos.

Wall's New York office said yesterday that he was traveling and could not be reached for comment.

Juan Prado, press officer for the Chilean Embassy in Washington, said the information sounded "impossible" to him. "It's the first time in my life I have heard something about Mr.

Cubillos and the CIA. For sure, I can say it's a lie."

A CIA spokesman would not comment on grounds the case is still pending.

U.S. District Court Judge Aubrey Robinson Jr. dismissed the jury in the Berrellez case last month rather than accept the Justice Department's special procedure for protecting sensitive information in the case.

The Justice Department urged the U.S. Circuit Court of Appeals for the District of Columbia last Thursday to direct Robinson to accept the procedures under which prosecutors could challenge the relevancy of defense material before it is presented in open court.

Assistant Attorney General Philip B. Heymann had indicated to reporters that the government's chief concern in the case was over revealing CIA station locations. But, without confirming Cubillos' CIA tie, he said yesterday that his earlier statement was merely "illustrative" of the problems surrounding the case.

"With regard to any people or any places, I just can't tell you anything," Heymann said.

Cubillos had been mentioned in the criminal information that the Justice Department filed against Berrellez, but prosecutors dropped references to him without explanation on the day the trial was to begin.

Cubillos, 42, was named foreign minister last April 20, although his only previous government service had been as a Chilean naval officer.

Before dismissing the Berrellez jury, Judge Robinson said of the government's secrecy proposals: "I just sense there is one name that if it pops up could blow... I don't know what."