

Ex-Envoy Won't Be Prosecuted

Washington

The Justice Department announced yesterday it will not prosecute Graham Martin, former ambassador to Vietnam, on allegations he mishandled top secret intelligence documents.

The department said, "In arriving at the final decision against prosecution, a significant consideration was Ambassador Martin's age and his present physical condition, although this does not necessarily mean that the facts otherwise would have warranted seeking prosecution."

Deputy Assistant Attorney General Robert Keuch, who made the decision, declined to elaborate on the department's reasons.

But a department source said, "It might have been different if he were in good health." The source said that because of Martin's health, "there were many matters we didn't go into."

Assistant Attorney General Philip Heymann, the head of the criminal division and the man who normally would have made the decision on prosecution, disqualified himself because he knew Martin when Heymann worked at the State Department.

Martin, 66, underwent lung surgery for cancer last year at a hospital near his home in Winston-Salem, N.C.

In January, 1978, North Carolina State Police recovered Martin's car, which he had reported stolen.



GRAHAM A. MARTIN
Health was a factor

They discovered a large number of top secret files taken from the Saigon embassy in the car and scattered about in the nearby woods. They turned the case over to the FBI.

The Justice Department said Martin could have been prosecuted under a seldom-used law which makes it a crime for persons to permit national defense information in their possession to be lost or stolen through gross negligence or who fail to report that the docu-

ments are missing.

Martin served as ambassador to Vietnam from July, 1973, until the American evacuation on April 30, 1975.

Martin's conduct in handling the evacuation was criticized by government officials and by former CIA officer Frank Snepp in his book, "Decent Interval."

The Justice Department prosecuted Snepp for publishing the book without CIA approval. He was convicted of breaking his "contract" with the CIA, but an appeals court, overruling a lower court, said the government could not confiscate all proceeds from the book.

Last September, Martin told the Washington Post that he intended to turn over the papers he took from the Saigon embassy to the Lyndon B. Johnson Library in Austin, Texas.

But Martin did not volunteer the papers to the library until after police had found the documents in the front of his car. The documents purportedly included top secret CIA cables which bypassed the State Department's routine traffic network.

Martin was unable to get reassignment within the State Department after the evacuation from Vietnam and later retired. He had been at the State Department since 1947 and had been ambassador to Thailand and Italy before Vietnam.

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