

Testimony In Pentagon Case Conflicts

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Conflicting assessments were revealed yesterday on why court-martial proceedings were ruled out in the case of a Navy yeoman suspected of passing secret White House documents to the press and to the Pentagon. The statements were made in newly released congressional testimony of Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, and Secretary of State Henry A. Kissinger.

Kissinger, under questioning, told the Senate Armed Services Committee, that "I remember Ehrlichman telling me once that he thought no action should be taken because the only way one could prosecute the case would be to reveal highly classified documents."

At another point in the closed hearings on Feb. 6, a transcript of which was made available yesterday, Kissinger said he was later informed by former presidential aide John D. Ehrlichman that the decision not to proceed with legal action was in fact made on the basis that "it would jeopardize too much sensitive information if they proceeded."

In separate testimony earlier on Feb. 6 Moorer said that former Pentagon counsel J. Fred Buzhardt, now a White House lawyer, had told Moorer in early 1972 that "the decision had been made be-

See MOORER, A10, Col. 1

MOORER, From A1

cause the evidence was all circumstantial, and so on."

The Navy enlisted man—Yeoman 1C Charles E. Radford—is a central figure in the lingering allegations of military spying on the White House offices of then national security adviser Kissinger in 1970 and 1971.

Moorer has said that he twice recommended starting legal proceedings to determine Radford's guilt or innocence in this matter but was overruled by "higher civilian authorities," whose identity he says was never revealed to him.

Previously, Moorer has spec-

ulated that the decision might have been made by former Defense Secretary Melvin R. Laird or even "higher authorities." But Laird has told newsmen he never made any such flat decision, but rather warned Pentagon lawyers that they better make sure they had all the evidence.

In the newly released testimony, however, Moorer, for the first time publicly, adds Ehrlichman's name to those he would "speculate" may have overruled his recommendations.

The point is important since Moorer maintains that he would not have made the legal-action recommendations if he had been an instigator or

accomplice in any aspect of the unauthorized document pilfering.

Moorer several times has publicly raised the question of "motive" and "timing" of those raising allegations against him.

In the newly released testimony, Moorer was also asked about this and said: "I can only speculate that those that prepared one of the reports that contain this information are under indictment and the source may be from the report that was prepared by the so-called (White House) plumbers."

Ehrlichman was the overall head of the secret White House investigative group

known as the "plumbers." One of the group's members, David R. Young, is the author of the plumbers' investigative report on the spying episode which allegedly implicates Moorer beyond the only role he has admitted: as the unknowing recipient of two batches of information to which he paid little attention because they were outdated and told him nothing new.

Ehrlichman and Young are both under indictment in California for the plumbers' role in the break-in at the office of Daniel Ellsberg's psychiatrist.

Moorer's remarks imply that the admiral believes he is being used by the plumbers to help shore up their defense that legitimate national secu-

rity issues were at stake, thus justifying their activities.

In other areas, questioning by Sen. Robert Taft Jr. (R-Ohio) produced a concession by Moorer that it was "possible" that more than just "two batches" of papers may have come to him in an unauthorized fashion.

Moorer said he was not "aware" of any others but conceded to Taft's point that he was also not aware initially of the origin of the two batches of papers subsequently labeled as having been pilfered from Kissinger's files.

Moorer also said he remembered Buzhardt, who ran the Pentagon's own investigation of the spying in 1972, as saying that Yeoman Radford told investigators that no higher ups had told him to steal the documents.

Radford has said publicly in recent weeks that he was asked to get them by his former bosses in the White House liaison office, Admirals Rembrandt C. Robinson (now deceased) and Robert O. Welander.

Radford is to testify before the committee today, and Welander is to appear on Thursday.

Kissinger said there were allegations of other documents being taken by the yeoman for unauthorized passage to the Pentagon, but that the only two documents he was told about were his description of a conversation with Chinese Premier Chou En-lai and a trip report written by Alexander M. Haig Jr. during a visit to Vietnam.