

Nixon Discussed Yeoman's Case

By Michael Getler
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White House counsel J. Fred Buzhardt says the question of whether to bring formal charges against a Navy yeoman suspected of pilfering top-secret White House documents in 1971 was discussed with President Nixon at the time, but that Buzhardt still doesn't know who actually decided not to prosecute in the highly sensitive case.

Buzhardt's acknowledgment that the President was personally involved in the situation is contained in testimony taken before a closed session of the Senate Armed Services Committee on March 7, but released only Wednesday.

Testimony taken from other witnesses by the committee in February—when the so-called "military spying" case was attracting considerable attention—generally was made public within two weeks.

The case involves charges that certain top-secret White House documents were pilfered from files and briefcases by Navy Yeoman Charles E. Radford; passed by Radford to his bosses in the White House liaison office maintained by the Joint Chiefs of Staff, and that at least two batches of documents eventually were passed on to Adm. Thomas H. Moorer, chairman of the joint chiefs.

Previous testimony has revealed sharp conflicts between Radford and his last boss, Adm. Robert O. Welander, as to whether Radford was asked to carry out such unorthodox means of gathering documents, by Welander and, before him, by Adm. Rembrandt C. Robinson.

The most recent testimony by Buzhardt, however, raises still other questions concerning possible conflicts in what Welander has said about Moorer's awareness of the origin of some of the pilfered material eventually sent to him.

Also, two of the senators on the committee raised new questions about whether Radford had committed perjury in some of his statements concerning meetings with columnist Jack Anderson.



ADM. THOMAS H. MOORER
... was given secret data

Buzhardt was a key witness because the White House counsel, in 1971, was serving as the Pentagon's top lawyer and was asked by then Defense Secretary Melvin R. Laird to carry out his own investigation into allegations that Radford had leaked secret material to Anderson. It was during this investigation that it became known inside the government that documents also had been "retained" and transferred back to the Pentagon in an unauthorized fashion.

The key documents were those taken by Radford during trips to Asia with presidential national security adviser Henry A. Kissinger and his deputy, Gen. Alexander M. Haig Jr.

According to Buzhardt, when he interviewed Welander in late 1971, the admiral "acknowledged that he was aware of the method by which

Radford had obtained the documents on the trips. Welander said he informed the chairman of the Joint Chiefs of Staff generally of the way in which the documents from the trips were obtained."

"What do you mean by that?" Sen. Stuart Symington (D-Mo.) asked Buzhardt.

"That Radford had obtained them surreptitiously, that they had not been given to him," Buzhardt answered.

On Feb. 21, 1974, before the Senate committee, however, Welander was questioned twice about what he told Moorer concerning the origin of the material supplied by Radford.

Welander replied: "If I said anything, I probably said: 'Here are some of the reports from Dr. Kissinger's trip, or something of that sort ... This is something that Radford brought back from the trip with Dr. Kissinger.'" The admiral at that time gave no indication that he told Moorer they might have been gathered in an unorthodox fashion.

Buzhardt said he concluded in his report to Laird that it was "improbable that the chairman would have been provided access, authorized access, to these documents" and that from Laird's perspective of what communications channels there should be between the chairman of the Joint Chiefs and the National Security Council there were "abuses and excesses."

While this appeared to be criticism of Moorer, at other points Buzhardt said there was no reason for the chairman to assume that information he

had received was not sent by members of the NSC staff.

At another point, Buzhardt said he had found nothing to contradict Moorer's explanation that he had been previously informed of the contents of various documents passed to him. Moorer has said that he paid little attention to the origin of this material—even though conceding that one memo—of secret conversations did catch his attention—because he had been previously briefed on the subject matter by either Kissinger or other top officials.

Buzhardt did give an "individual judgment" to the committee under questioning that Welander had made a "serious error in judgment" in accepting secretly acquired data from Radford and passing it back to the Pentagon.

Aside from the President, Buzhardt said the question of whether to prosecute Radford was discussed with former Attorney General John N. Mitchell, Laird and with former Presidential domestic affairs adviser John D. Ehrlichman.