

# Goldwater Accuses the Washington Post

WASHINGTON, June 19 (AP) — Senator Barry Goldwater, Republican of Arizona, said today that The Washington Post could be prosecuted under at least five Federal criminal statutes for publishing "top secret" Government documents.

Benjamin C. Bradlee, executive editor of The Post, issued a statement saying "Last week Senator Goldwater charged The Washington Post with treason. Now he's down to theft, but his accusation is again false."

Senator Goldwater's case was outlined in a 38-page memorandum by his legal counsel, J. Terry Emerson, which he inserted into The Congressional Record. The memorandum outlined the five laws that Mr. Goldwater said would apply to the Post. They carry penalties ranging up to 10 years imprisonment and \$10,000 fine.

Mr. Goldwater referred specifically to publication The Post on June 12 of a memo from the late F.B.I. director, J. Edgar Hoover, to then Attorney General John N. Mitchell.

The memo, dated May 9, 1969, quoted Alexander M. Haig Jr. as saying that Henry A. Kissinger had requested telephone surveillance on a member of Mr. Kissinger's National Security Council staff. Mr. Kissinger, now Secretary of State, has denied that he initiated any wiretaps and has threatened to resign if questions about his role in a series of national security wiretaps are not resolved.

General Haig, who once served as Mr. Kissinger's deputy within the National Security Council, is now White House chief of staff.

In an interview on the day the memo was published, Mr. Goldwater referred to publication of the document as treason. He said today that he had been advised it was doubtful

that the treason statute would apply. But he said there were others.

The memorandum listed these possible felonies: communicating documents relating to the national defense; retaining national defense documents;

conversion of Federal property to one's own use; conspiracy to commit an offense against the United States; conspiracy to impair, obstruct, or defeat the lawful functions of the United States and the secretary of state.