

NY Times JAN 15 1974
Officials Doubt Pentagon

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Special to The New York Times

WASHINGTON, Jan. 14 — Government officials familiar with the espionage statutes said today that they doubted Federal laws had been violated by the principals in an alleged plot to divert secret National Security Council documents to military leaders at the Pentagon.

Moreover, most of the officials said, the details of the affair reported thus far do not assume the proportions of a critical "national security" matter, which President Nixon has cited as grounds for restricting an inquiry by Water-gate prosecutors into the White House's special investigations unit.

One Justice Department lawyer, noting news accounts that highly classified papers had been taken from the office of Henry A. Kissinger, then Mr. Nixon's National Security adviser, by military liaison aides, said that any illegality would probably depend on who received such documents and whether they were ultimately used to "injure" the United States.

Moorer Reportedly Recipient

The New York Times reported today that the special investigations unit, also known as the "plumber," had concluded that some of the documents reached Adm. Thomas H. Moorer, the chairman of the Joint Chiefs of Staff.

Other accounts have described the Joint Chiefs as resentful because of their belief that they had been "cut off" from Mr. Kissinger's policy planning in several areas, including the 1972 diplomatic initiatives toward the Soviet Union and China and the strategic arms limitation talks.

Without certain knowledge of the nature of the documents purportedly removed from Mr. Kissinger's office, the Justice

Department official explained he could not say definitely that no illegality had occurred.

But he pointed out that Admiral Moorer, as the nation's highest-ranking military officer, would almost certainly be "cleared for everything" in the way of classified national security information.

Separate Distribution System

That official and others familiar with operations of the National Security Council noted, however, that a separate "distribution system" was also used within the Government to keep officials, regardless of their classification clearances, from having access to

information they had no "need to know."

If reports are correct, distribution lists on papers allegedly gleaned from Mr. Kissinger's files by members of the Pentagon's National Security Council liaison office and passed to the Defense Department would not have included the names of high-ranking military officers who eventually received them.

One official conceded today that "the lack of a 'need to know'" with respect to a particular document "probably makes you a person not entitled to receive it, based on the statute."

"But the fact that you're giving it to someone who has an appropriate classification weighs heavily against any prosecution, if he didn't use it for some private purpose or to injure the country," he said.

A former National Security Council staff member, asked what sort of documents would normally have been kept from the military by civilian planners, replied that, although the council's formal policy papers would have been distributed to them, Presidential papers and those dealing with Mr. Kissinger's personal diplomatic activities would not.

He noted that members of the military liaison office are not paid by the council and are not included among its staff but he characterized reports of the unauthorized dissemination by them of such private papers as little more than a "bureaucratic no-no."

Another official with many years' experience in domestic intelligence investigations declared that the alleged scheme to divert information was "absolutely not a national security matter, absolutely not."

"Which foreign country were the generals working for?" he asked.