

Bid to Try Clerk In Spy Case Failed

Washington

The chairman of the Joint Chiefs of Staff said yesterday he was overruled by higher civilian authorities when he twice urged a court-martial for a Navy clerk suspected of spying on Henry Kissinger.

"I don't know who made the final decision," said Admiral Thomas Moorer after a closed-door hearing of the Senate Armed Services Committee on alleged top level military spying.

"I only have to conclude that it came down through the chain of command, either from the secretary of defense or from even higher authority," Moorer said.

In a statement read to the committee and later made

public, Moorer acknowledged he had twice in 1971 scanned documents obtained through unauthorized channels from the National Security Council headed by Kissinger, who is now secretary of state.

Moorer said other documents — not those which he saw — later found their way into the press, particularly as printed by syndicated columnist Jack Anderson.

"I gave no orders, issued no instructions, gave no encouragement — either direct or implied — to anyone to collect or retain in any irregular or unauthorized manner any information, papers or documents from the National Security Council," Moorer said in his statement.

"The allegation that I desired to inhibit national policy initiatives simply does not make sense," he said. "... These insinuations sicken me as a man, concern me as a military officer and deeply disturb me as the nation's senior uniformed official."

Armed Services Committee chairman, John Stennis (Dem-Miss.), who has promised to make public an edited version of Moorer's and Kissinger's secret testimony, did make public a letter in which Moorer wrote about the extent of circumstantial evidence against Yeoman First Class Charles E. Radford.

The admiral said the evidence against Radford is not enough, under military standards, to establish guilt.

unauthorized manner."

He said that none of the papers which Radford is known to have collected appeared in the press. The published documents concerned official U.S. Policy during the war between India and Pakistan.

In a statement provided to the committee, Kissinger said none of the material given Anderson came from National Security Council files.

He said he had nothing to do with the decision to close the investigation "or to reprimand or not to reprimand the participants."

Both Kissinger and Moorer expressed complete confidence in each other, and Moorer said he was kept completely informed and agreed with such diplomatic moves as U.S. initiatives toward China and Russia.

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He said that after he urged that Radford be court-martialed he was told that the clerk would be transferred from Washington but that no disciplinary measures would be taken against him.

Moorer said Radford was assigned to accompany senior National Security Council staff members on various trips outside the U.S.

The admiral said that it was after these trips that he did see unauthorized documents. But he said he was already aware of the subject matter and paid little attention to them.

Moorer said he later learned that when Radford was questioned by the Defense Investigative Service he said "that he had not only been retaining papers in the course of his clerical duties but, also, had been collecting them in a clearly



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Members of his staff accompanied Admiral Moorer to the hearings