

Ervin Alleges Army Spies Plumber-Like on Civilians

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Military intelligence agents have infiltrated up to nine civilian organizations since 1971 and conducted at least three plumber-type operations to track down leaks to the press, Sen. Sam J. Ervin Jr. said yesterday.

The North Carolina Democrat disclosed the operations as his Judiciary Subcommittee on Constitutional Rights began hearings on legislation designed to prohibit military spying on civilians.

Robert Jordan, former general counsel of the Army, testified that the Justice Department under former Attorney General John N. Mitchell blocked a 1969 plan to disengage military intelligence from collecting information dealing with disturbances in American cities.

Jordan also criticized the computerized data banks the

Army had kept until recently on civilians. The data banks, which the Army says have been dismantled, were at Ft. Holabird, Md., and Ft. Monroe, Va.

"Because of the passion for secrecy it appeared that Fort Holabird was unaware of the Fort Monroe computer system and vice versa," Jordan said.

Ervin, who is also chairman of the Senate Watergate committee, launched his Judiciary subcommittee hearings to explore to what extent the Defense Department was complying with a March, 1971, directive seeking to end military surveillance of civilians under all but exceptional conditions.

Ervin said his subcommittee's follow-up investigation of its own 1971 hearings indicates "the Defense Department has achieved significant success in bringing its domestic intelligence operations under con-

trol. But it also demonstrates that the potential for continued surveillance is lurking just beneath the surface."

Ervin said, "The subcommittee has been informed that, under the provision in the Defense Department directive prohibiting covert penetration of civilian organizations unless approved by the Secretary of Defense or his designees, several such penetrations—no more than three in any given year—have been authorized since 1971."

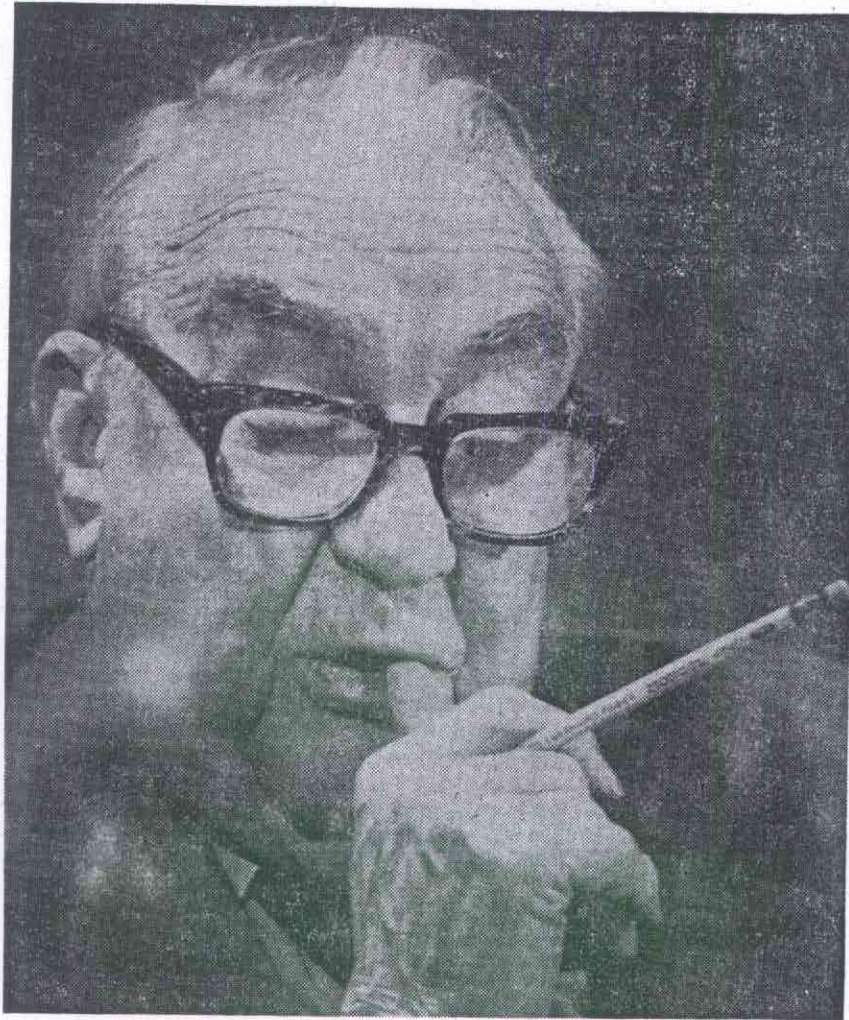
Ervin added, "Although the subcommittee has not been informed of the details of these special operations, they apparently involved the covert penetration of anti-military civilian groups who were thought to pose a threat to military personnel or property."

The senator also said his subcommittee has been informed that the Defense Department has "undertaken three 'plumber' operations to determine the source of leaks to the press of classified defense information."

He said that although his committee investigators were assured that Defense Department agents interviewed only persons connected with the Defense Department, the 1971 Defense Department directive appears to place no limitation on the scope of such investigation and thus they could spill over into the civilian community.

Ervin said there was also a case in which military intelligence agents operating under the pretext of investigating military personnel in 1971 helped local police in Prince William County, Va., identify 29 civilians during an investigation of a drug ring.

Jordan said that in early 1969, the Defense Department made a strong effort to withdraw from the job of collecting information dealing with civil disturbances. He said that although early drafts of the plan on inter-department action approved by President Nixon in April, 1969, "placed the obligation for furnishing necessary information on the Federal Bureau of Investigation, the key language was inexplicably removed near the end of the process of coordination, at the insistence of the Department of Justice."



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Sen. Sam J. Ervin presides at hearing into military spying on civilians.