

*F.P. 11-17-71*

# Probe Of Army Spy System Set By High Court

WASHINGTON (AP) — The Supreme Court agreed Tuesday to take a look at claims by civilians and peace groups that the Army is engaged in unconstitutional and speech-inhibiting spying.

The court acted at the behest of the Justice Department. The move at least delays a full-

dress federal District Court hearing into Army spying.

The government will argue that individuals cannot bring suit against an Army surveillance system unless they can show first that they were spying victims.

The case will be considered by the justices early next year. The court by then will be up to full nine-member strength if the Senate confirms nominees William H. Rehnquist and Lewis F. Powell Jr., both of whom are conservatives.

The District Court hearing was ordered last April by the U.S. Circuit Court here in a suit filed by the American Civil Liberties Union in behalf of seven antiwar groups, five individuals and the American Federation of State, County and Municipal Employees. The Circuit Court called for a determination of whether Army spying was unrelated to its "mission as defined by the Constitution."

The Supreme Court could kill the suit if it decides to overrule the Circuit Court. The Justice Department contends the ACLU is seeking an advisory opinion on "indefinite and abstract assertions."

In a 6-1 decision, the high court barred Montana and all states from denying welfare assistance to new residents. The case concerned Victor Pease, a ranch hand who migrated from the state of Washington and was denied unemployment benefits in Cascade County in 1969 because he had not lived in Montana for at least a year.

In a 1969 ruling the court struck down one-year residence requirements for welfare programs funded in part by the federal government.