

Ervin, Pentagon Officials Clash on Army Spying Role

By Michael Kraft

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Sen. Sam J. Ervin Jr. (D-N.C.) clashed yesterday with Defense Department officials over the issue of military spying on civilians, saying he did not believe the Army could be trusted to control itself without legislation.

Ervin cited legal cases stemming from alleged U.S. Army surveillance of American civilians in West Germany who supported the 1972 presidential candidacy of Sen. George McGovern (D-S.C.).

At a hearing of Ervin's Judiciary Subcommittee on Constitutional Rights, a senior Defense Department official opposed the senator's legislation as too restrictive and unnecessary in view of a 1971 Defense Department directive designed to restrict the large-scale surveillance of civilians which took place in the late 1960s and early 1970s.

David Cook, assistant secretary of defense for administration, disclosed under questioning that the department had conducted six investigations of civilians since 1971, but only one was still continuing.

Ervin said his panel's investigators had been told by the Defense Department that under the directive allowing undercover infiltrations of civilian organizations if approved by the Secretary of Defense or his assistants, no more than three in any given year had been authorized since 1971.

Cook declined to discuss the details in public except to say one dealt with a group of Navy men and civilians suspected of trying to sabotage ships. There have been several incidents in recent years.

Cook also said the Defense Department from time to time cooperated with other government agencies in counter-espionage operations.

He said: "There are very important and sensitive matters which I do not wish to spell out in greater detail except to note that the target of such operations is a foreign intelligence operation."

"Surely we do not wish to inhibit, let alone preclude, such vitally important national security investigations."

The Defense Department official said the department's 1971 directive corrected previous excesses examined by earlier congressional investigations in 1970 and 1971 and "these policies are now a secure part of our doctrine."

But Ervin said: "I don't accept your theory that the army has entirely reformed itself."

Referring to the subcommittee's four-month old request for information on the alleged surveillance activities in West Germany, he added: "I have

difficulty accepting the assurances that we can expect the Army surveillance to deal gently with the rights of American citizens."

Cook said the Defense Department decided in November, 1971, not to prohibit surveillance of American civilians abroad because "in overseas areas the idea of investigative activity is intimately connected with and compingled with foreign operations and missions, whereas in the U.S. these two functions are easily separable."