A.G.L.U. Sues on Surveillance By U.S. Army in West Germany

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WASHINGTON, Feb. 19—The American Civil Liberties Union filed suit in United States District Court here today to enjoin the United States Army from continuing surveillance of American servicemen and civilians in West Germany.

The A.C.L.U., in a class action suit filed on behalf of "all United States citizens overseas who wish to engage in lawful, constitutionally protected political, religious and social activities," asked Judge William B. Jones for compensatory damages of $50,000 for persons known to have been under Army surveillance.

Among those named as defendants in the suit were Secretary of Defense James R. Schlesinger; Howard H. Callaway, Secretary of the Army; Gen. Creighton W. Abrams, Army Chief of Staff, and Gen. Michael S. Davison, commander in chief, United States Army, Europe.

Declaratory Judgment Asked

Total damages asked by the A.C.L.U. on behalf of 18 plaintiffs come to almost $1-million.

In addition, Judge Jones was asked for a declaratory judgment that the surveillance measures used by the Army violated the Bill of Rights "and are beyond any statutory or constitutional authority of the United States Army to carry out its lawful mission."

Such army intelligence activities in West Germany first came to light last summer. The West German Government subsequently began an investigation of the activities, when it was revealed that the telephones of German citizens had been among those tapped.

In a second controversy involving United States forces in West Germany, the Army has suffered another setback in its attempt to prevent the court-ordered dismantling of its controversial drug-rehabilitation program there, despite its contention that, as a result, the troops' welfare would be done "irreparable harm" and the security of the United States endangered.

The setback came last Friday, when a District Court Judge, Gerhard A. Gesell, who ruled last month that the drug detection and treatment parts of the program were unconstitutional, rejected an attempt by General Davison to obtain a postponement of his order pending appeal to a higher court.

In an unusually sharp response, Judge Gesell said that he found the motion "offensive," and was dismissing it under a Federal rule of civil procedure that empowers a judge to "order stricken from any pleading any insufficient defense or any redudnant immaterial, impertinent or scandalous matter."

In his affadavit, General Davison described the drug situation among American servicemen in bleak and negative terms. He said that only after new regulations went into effect last September allowing military authorities to examine a soldier's private property and assign him to a rehabilitation program if "suspected" of drug use had the problem been brought under control.

"If I am required to suspend the drug program even for a short period of time, the harm will be irrevocable," General Davison said.

David F. Addlestone, a lawyer for the Committe for G.I. Rightse, the Plaintiff in the case, praised the motion's dismissal, and challenged the consequtnces forseen by General Davison.

T ehArmy is now expected to ask the Justice Department to file a similar notion for a stay pending an appeal to the United States Court of Appeals here.