

Army Admits West German Spy Activity

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The Defense Department confirmed yesterday that it has conducted counterespionage operations in West Germany in which it has investigated anti-Army groups that allegedly encourage American soldiers to desert their units.

However, Army and Pentagon officials insisted that the spying activities were known to the West German authorities and conformed to United States regulations and German-American agreements.

They also stated that the activities would continue "as long as we have forces abroad, as long as there is concern about such things as sabotage, desertion and theft, and as long as these things are done within the law."

The Pentagon statements were made in response to a detailed story in The New York Times in which the paper's Bonn correspondent, relying on Army military intelligence agents in West Germany, listed examples in which local German civilians and organizations had been placed under surveillance.

Army spokesman Col. Philip H. Stevens refused to confirm that West German civilians had been among those subjected to the surveillance, as stated in the newspaper's story.

"I am not aware of any German civilians being involved," he said.

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The Bonn government spokesman, Ruediger von Wechmar, refused to comment on the report, except to say that checks into the reports were being carried out.

The allegations were being carefully studied on Capitol Hill as well. Members of the staff of the Constitutional Rights Subcommittee, which investigated Army snooping in the United States in 1971, said that Sen. Sam J. Ervin Jr. (D-N.C.) would introduce a bill Wednesday that would prohibit the gathering of intelligence information on American civilians who are engaged in political activity anywhere in the world.

After a number of revelations about the military's use of undercover agents to gather material on off-post antiwar groups, the Defense Department issued a regulation in March, 1971, limiting the practice.

However, the regulation did not cover such counterintelligence activities outside the United States or its territories. It also did not cover spying against foreign nationals.

The Ervin bill would extend the safeguards to overseas, but it would not apply to civilians of other countries.

There is extreme sensitivity in Germany to any suggestion that the United States or other NATO allies are overstepping their power, because of memories of the post-war occupation and because West Germany achieved its full sovereignty only after a long and difficult process.

Until 1968, the United States, Britain and France had broad powers to intervene to protect their own forces stationed in West Germany. These "reserve rights," which included provisions for wiretapping, were ended in 1968 when the Bonn parliament approved a package of "emergency laws" that gave it adequate machinery to deal with a major crisis such as an invasion or revolution. At the same time, Bonn adopted a "monitoring law" providing for wiretapping and took over the broad functions of safeguarding the security of the foreign troops stationed on its soil.

Defense Department officials contended yesterday that any counterintelligence activities in West Germany had been cleared with the local authorities, and conformed to the U.S.-German status-of-forces agreements.

According to the understanding of some American officials, there is nothing in the status-of-forces arrangement that permits wiretapping without express German authorization. Some officials contended that NATO military commanders have a right to take special measures to protect the security of their installations in an emergency, but it was not clear how this provision could be applied to spying on Germans who were assisting in political propaganda and agitations against locally stationed forces.

According to the Defense Department absence without official leave and desertion have not declined in West

Germany since the ending of direct American involvement in Vietnam.

They added, however, that the desertion rate is still miniscule—about 2 per 1,000 soldiers.

The Army spokesman said that, in any case, the counterintelligence operations are "not of an untoward magnitude."

"I have no indication that we're involved in some monstrous Big Brother program over there," said Col. Stevens.

According to the newspaper reports, the espionage activities include telephone tapping, photographing of meeting places and infiltration.

Among the alleged targets of the intelligence "counteroffensive," which has command backing, are German university organizations, a Protestant church mission and underground newspapers.

During the depths of the Cold War, West German political sentiment was overwhelmingly sympathetic to NATO and to the American units stationed in the country.

However, with the rise of the German left-wing student movement and with the apparent decline in tensions in Europe, there has been much wider scope for anti-NATO and anti-American activity by German leftists and by some of the younger membership in the ruling Social Democratic Party. Some of these groups are openly sympathetic to American soldiers who opposed the war in Vietnam, and who, more generally, are opposed to the Army.