

## 60's Role of State Dept. Appointee In Surveillance to Be Questioned

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WASHINGTON, Jan. 27—When Warren M. Christopher goes before the Senate Foreign Relations Committee for confirmation hearings as Deputy Secretary of State, Senator Jacob K. Javits says he intends to raise the question of Mr. Christopher's role in the Government's surveillance of citizens' political activity in the late 1960's.

Mr. Christopher was Deputy Attorney General in the Johnson Administration from July 1967 to January 1969, while the most intensive collection of information on thousands of citizens and groups ranging from the far left to the far right was being made by the Justice Department and the Army.

Government documents assembled in the early 1970's by a Congressional subcommittee indicate that Mr. Christopher helped draw up plans that led to the widespread surveillance operation. He was also a user of the intelligence produced by the operation in the Johnson Administration's effort to contain civil disorders caused by racial tensions and antiwar protests.

### Doesn't Recall Army Plans

Mr. Christopher, whose nomination has not yet been sent to the Foreign Relations Committee, said in response to a question that he was aware that the Army had been collecting information on potential incidents but that he had "no recollection of Army plans for any covert surveillance of civilians or to infiltrate any groups or to set up files on civilian groups."

A spokesman for Senator Javits, a New York Republican, said that the Senator's staff had just begun its research for the hearings and thus it was too soon to say how severe he intended to be or how he would vote on confirming Mr. Christopher.

It also appeared too early to tell whether the issue would jeopardize Mr. Christopher's confirmation. Earlier allegations halted that of Theodore C. Sorensen to be Director of Central Intelligence. A random sampling of other senators on the committee suggested little concern so far beyond that of Senator Javits.

Mr. Javits took up the surveillance issue with Ramsey Clark, his Democratic opponent in the election of 1974. Mr. Clark, who was Attorney General in the later part of the Johnson Administration, was also involved in the intelligence operation, the documents show.

### Califano Role Reported

The material collected by the subcommittee further indicates that others who played a role included Joseph A. Califano Jr., then special assistant to President Johnson and now Secretary of Health, Education and Welfare, and Matthew Nimetz, then on Mr. Califano's staff and currently designated to be counselor of the State Department and a senior adviser to Secretary of State Cyrus R. Vance.

Mr. Vance himself appears to have been initially involved, having written a memorandum that officials at the time said was the inspiration for the widespread

surveillance and compiling of data banks. But the memorandum, they said, contained no specific recommendation for the operation that followed.

The memorandums, letters, orders and notes on telephone conversations giving details of the roles of Mr. Christopher and the others were collected by the staff of the Subcommittee on Constitutional Rights, headed by former Senator Sam J. Ervin Jr., Democrat of North Carolina, for hearings in 1971 and 1974.

### Found Threat in Files

The hearings led to inquiries far beyond the Justice Department and the Army, and the subcommittee found that 54 Government agencies had kept 858 files with 1.5 billion records on individuals. It came up with the following conclusion:

"The subcommittee has discovered numerous instances of agencies starting out with a worthy purpose but going so far beyond what was needed in the way of information that the individual's right to privacy and right to due process of law are threatened by the very existence of files."

Senator Ervin in 1974 proposed a bill that was intended to protect the citizen's right to privacy by forbidding civil or military officers to use the armed forces for surveillance of civilians. But the bill was never brought to a vote.

Those documents show that the surveillance began as part of the Johnson Administration's response to riots in the summer of 1967. Mr. Vance, who had been sent to Detroit as the President's special representative, returned to write a report on the lack of preparation to handle the disorders. Mr. Vance recommended the collection of information needed to deploy troops and to determine what level of disorder might arise. He also suggested that patterns of activity be analyzed.

Another stimulus to the collection of information came from the anti-Vietnam march on the Pentagon in October 1967. The Department of Defense underestimated the strength of the demonstration even though Army undercover agents had infiltrated the ranks of the protesters.

Immediately afterward, the Under Secretary of the Army, David E. McGiffert, was asked to form a committee to review the role of Federal troops in civil disturbances. Mr. Christopher, as Deputy Attorney General, represented the Justice Department.

Mr. Christopher said that he recalled working with Mr. McGiffert and others on the problem but had no recollection of a committee, although he said that the Army might have regarded the group as constituting a committee.

In any event, Mr. McGiffert's group supervised the writing of a plan to handle civil disturbances and an intelligence annex that set out extensive requirements to be met by Army intelligence units in the field.



Warren Christopher

### Would Have Questioned Memo

It asked for information on incidents, people and organizations and indications of potential disorder and violence. Mr. Christopher said that he did not recall seeing or knowing about that document but that he would have questioned it if he had because he was concerned with rights to privacy throughout his legal career.

About the same time, Attorney General Clark ordered the establishment of an Interdivision Information Unit, known as IDIU, within the Justice Department to collect information on all manner of political dissidence.

The unit got information from the Federal Bureau of Investigation, the Army and other Federal organizations. Mr. Christopher was aware of its operation and its connection with Army intelligence but said that the reports he had seen were concerned with incidents and the potential for disorder.

A key meeting, whose chairman was Mr. Califano, took place in the White House on Jan. 10, 1968. Those attending it included Paul H. Nitze, the Under Secretary of Defense; Robert E. Jordan 3d, the Army's general counsel; Mr. Clark and Mr. Christopher from the Justice Department, and Mr. Nimetz of Mr. Califano's staff.

There was a full discussion of the collection of intelligence, according to a memorandum written by Mr. Jordan after the conference, with the Attorney General emphasizing the need for information



but asking the Army to screen out all but the important items.

The following April, the intelligence effort surged ahead when riots broke out after the assassination of the Rev. Dr. Martin Luther King Jr. and before the Poor People's March on Washington.

At that time, Mr. McGiffert wrote to Mr. Christopher saying, "The major intelligence collectors providing the raw material for use at the Washington level are the F.B.I. and the United States Army Intelligence Command." Mr. McGiffert suggested that the effort needed to be improved.

Shortly afterward, Maj. Gen. William P. Yarborough, the Army's assistant chief of staff for intelligence, wrote to Mr. Christopher asking for better coordination between the Justice Department and the Army on intelligence gathering and evaluation.

#### Noted Coordination Effort

Mr. Christopher replied briefly, citing the "Interdivision Information Unit whose purpose and function is to coordinate all the information received by this department from its intelligence sources, including, as you are aware, the Army intelligence reports for analysis and distribution on an intradepartment basis."

An Army record says that Mr. Christopher called the Pentagon in late August 1968 to ask for still and motion pictures taken by a covert Army unit of the demonstrators outside the Democratic National Convention in Chicago that month.

Mr. Christopher said he was in the streets watching the police action at the time but did not recall having then or later asked the Army for pictures of the action.