

Nixon's New Watergate Prober Called

By PAUL CLANCY

Of Our Washington Bureau

WASHINGTON. — The man chosen by President Nixon to deal with the Watergate affair has been accused of suppressing information in the Pentagon Papers trial and refusing to cooperate with a Congressional committee studying Army spying.

J. Fred Buzhardt Jr., a former aide to Sen. Strom Thurmond (R., S. C.) and most recently general counsel for the Defense Department, was described on both sides of Capitol Hill, by attorneys who have dealt with him, as "a cover-up artist."

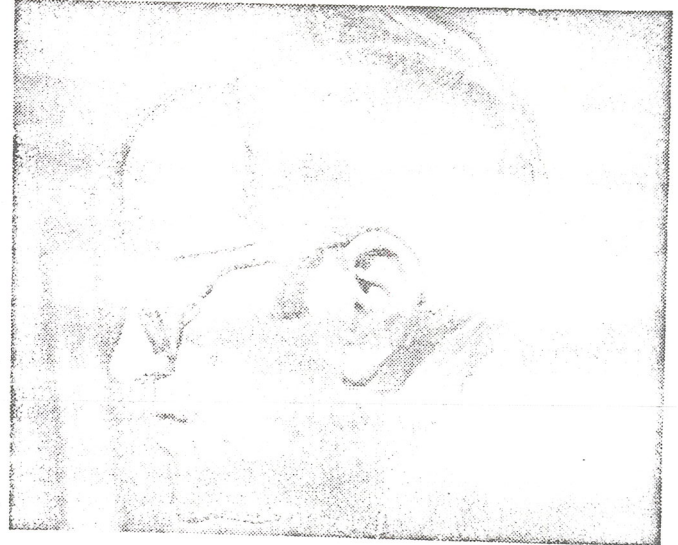
In testimony before Congress, Buzhardt also defended the Army's practice of spying on civilians, saying it did not violate their rights if they did not know they were being spied on.

Buzhardt has denied that he knew anything about the Pentagon Papers information which the judge in the case angrily ordered him to produce.

The judge, W. Matt Byrne Jr., ordered the government in April 1972 to produce Defense Department studies which tended to show that the defendants in the case, Daniel Ellsberg and J. Anthony Russo, were not guilty of espionage.

The nine-volume study found that in most instances the Pentagon Papers contained nothing harmful to national security. But that study was not furnished until late January 1973—eight months later—when Byrne ordered them flown out immediately.

Lt. Col. Edward A. Miller Jr., the author of the studies, testified in court that Buz-



J. Fred Buzhardt Jr.: Defended spying

UPI Telephoto

hardt ordered the studies removed from the files. Buzhardt testified under oath that he gave no such order and that he had never heard of the

studies.

Buzhardt got into a running battle in 1971 with Sen. Sam Ervin (D., N. C.) in Ervin's efforts to obtain information

ed 'Cover-Up Artist'

about military surveillance practices.

Ervin finally had to complain formally to Defense Secretary Melvin Laird that the information was being suppressed and that Ervin was being given "the runaround."

Ervin's Constitutional Rights Subcommittee held extensive hearings into the snooping by Army agents on demonstrators, activist groups and politicians.

As the Pentagon's chief lawyer, Buzhardt replied by letter that "no useful purpose would be served" by answering the committee's requests for records.

Buzhardt later testified at the surveillance hearings and, under questioning by Ervin, said that, in general, "direct agent observation, merely watching somebody, does not appear to me to violate any constitutional rights of the in-

dividual observed."

When Ervin asked if this wouldn't deter a person from participating in a demonstration, Buzhardt replied: "If it was unknown, the man wouldn't know it, so it could hardly deter his activities."

Thurmond, boasting of Buz-

hardt's appointment, called him "a man of unquestioned integrity. He's got a lot of common sense. I don't think anybody in any political position could induce him to follow a course that was not proper — not even the President."