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Wider Army Surveillance Of Top Officials Disclosed

Ervin Says a Justice and Key Senators Were Targets

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WASHINGTON, Feb. 28— Senator Sam J. Ervin Jr. disclosed today that Army intelligence surveillance of civilian officials from late 1967 into 1970 was more extensive than had previously been revealed.

In a brief filed with the Supreme Court, the North Carolina Democrat said that the Army had watched the political activities of a Supreme Court Justice, "numerous Congressmen and United States Senators" and state officials.

The Senator did not name the subjects of the surveillance, the details of which were furnished by the Army to the Subcommittee on Constitutional Rights, which Mr. Ervin heads.

A spokesman for Mr. Ervin said, however, that the subjects included Mr. Ervin, Senators Edmund S. Muskie, George McGovern, Edward M. Kennedy, Harold E. Hughes and Fred R. Harris and former Senators Ralph W. Yarborough and Eugene J. McCarthy.

Members of the House listed as subjects included Representatives Philip M. Crane, Republican of Illinois; John R. Rarick, Democrat of Louisiana, and Don Edwards, California Democrat when he was a California State Senator, and former Representatives Adam Clayton

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Powell, Manhattan Democrat, and Allard K. Lowenstein, Nassau Democrat.

Governors said to have come under surveillance included Francis W. Sargent, Republican of Massachusetts, and Kenneth M. Curtis, Democrat of Maine. Former Governor H. Philip Hoff, of Vermont, and Lieut. Gov. Thomas Hayes of Vermont, were also on the list.



The New York Times

Senator Sam J. Ervin Jr.

Senator Ervin's spokesman declined to name the Supreme Court Justice since his name was on a still-secret document furnished by the Army to the subcommittee. But other authoritative sources who have studied the documents, indicated that it was Thurgood Marshall.

Whether the information was gathered before Mr. Marshall was named to the Court in 1967 or after he took his seat was not clear. He was the Solicitor General before going to the Supreme Court.

No details on what sort of information was collected about Justice Marshall or why he was investigated were available.

Earlier reports on the Army's civilian intelligence operation named Senator Adlai E. Stevenson 3d, Representative Abner J. Mikva, and former Gov. Otto Kerner, all Illinois Democrats, as subjects of surveillance.

The new names came from Army reports and computer printouts from intelligence data banks that Senator Ervin's subcommittee obtained from the Army and had declassified, or taken out of the secret category.

In most cases, the documents showed that Army agents in civilian clothes attended political rallies or listened to speeches given by the subjects and then filed "spot" reports on the event. The Army has consist-

ently justified such surveillance as part of its responsibility for warning against the outbreak of civil disturbances.

The Army was ordered by senior civilian officials of the Johnson Administration in 1967 to 1968 to use its internal counter-intelligence units to gather information that might indicate that civil disturbance was on the way. It was also ordered to collect information that might be useful to Army troops when they were sent into an area of strife.

Civilian officials and military officers involved in the operation conceded later that directives intended to control the surveillance had been drawn too loosely and that the operation had spilled over into watching legitimate political activity.

Among the main targets were persons and organizations that opposed the war in Vietnam, student radicals, blacks, civil rights militants and others considered to be anti-establishment. The Army also watched organizations considered to be conservative or right-wing, such as the Daughters of the American Revolution, the Ku Klux Klan and the American Nazis.

Senator Muskie of Maine and Senator McGovern of South Dakota are both candidates for the Democratic Presidential nomination and opponents of the war. Senators Kennedy of

Massachusetts, Hughes of Iowa, Harris of Oklahoma, and former Senators Yarborough of Texas and McCarthy of Minnesota, all Democrats, have also spoken out against the American involvement in Vietnam.

However, Representative Crane is considered a militant conservative and Representative Rarick has been a hawkish supporter of American action in Vietnam. Representative Edwards has been a critic of the war, as has Mr. Lowenstein. Mr. Powell was generally considered anti-establishment.

Given the somewhat haphazard pattern of the surveillance, critics of the Army's operation have suggested that it often lacked direction and in-

discriminately gathered information on public figures.

Senator Ervin's brief in the Supreme Court was filed as "friend of the court" brief in the case of Arlo Tatum v. Melvin R. Laird, the Secretary of Defense. Mr. Tatum, the executive secretary of the Central Committee for Conscientious Objectors, alleged that he had been put under surveillance by the Army.

He was filed suit against the Government asking for a court order enjoining such surveillance. His case was dismissed in the District Court here and then upheld by the Court of Appeals. It is scheduled to be heard by the Supreme Court this spring.