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U.S. CHECKS REPLY BY ARMY TO SUIT

Sends Investigator to Berlin
in Surveillance Affair

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BONN, Sept. 18—The United States Government has sent a legal official to West Berlin to investigate the response by the United States Army to a lawsuit charging its intelligence agents with illegal surveillance of American citizens.

According to American officials in West Berlin, the investigator, Assistant United States Attorney Royce C. Lamberth, arrived there yesterday to look into "possible inaccuracies" in the army's response.

The lawsuit was filed in United States District Court in Washington against the Secretary of Defense and 13 subordinates last winter by the American Civil Liberties Union, which was acting on behalf of the Berlin Democratic Club and 19 other organizations and individuals—American lawyers, soldiers and private citizens working in Germany.

The suit alleges that in a number of specific cases over at least five years, United States Army intelligence tapped their telephones, intercepted their mail and spied on them.

A Pro-McGovern Group

The Berlin Democratic Club started out as Americans in Berlin for McGovern in 1972, when George McGovern was the Democratic candidate for President against Richard M. Nixon. Some of its members apparently also engage in counseling of American troops in West Berlin.

It and the other plaintiffs are suing to stop the Army's surveillance activities and to win punitive money damages, for them and for anyone the Army might have been spying on.

The Army's response, filed by the staff of Earl Silbert, United State Attorney in Washington, denied the charges in the specific cases but declared that it could and did carry out legal surveillance of any civilian and military groups it believed a possible danger.

Last Wednesday, the United States Attorneys filed a statement in court in Washington saying that as a result of an investigation, they had learned "that certain information contained in our statement and pleadings previously provided to this court may be erroneous." No details were given.

The Government obtained a one-month delay, apparently to go back to the Army for further information.