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Federal Judge Dismisses a Suit On Army Spying on Civilians

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CHICAGO, Jan. 5—A Federal judge dismissed today a suit by the American Civil Liberties Union seeking an injunction to halt Army spying on civilians.

Judge Richard B. Austin of United States District Court here said that the testimony during nearly two weeks of the hearing had shown only that the Army's spy operations were "typical Washington bureaucratic boondoggling."

The A.C.L.U. had sought a court order directing the Army to cease all surveillance of civilians and to destroy the records it had compiled on these civilians.

The suit was brought in behalf of Jay Miller, head of the A.C.L.U.'s Chicago chapter; the Rev. Jessie Jackson, the Chicago civil rights leader, and Gordon B. Sherman, a businessman who organized a group called Business Executives Move for Peace in Vietnam.

Principal Witness

The principal witness was John M. O'Brien, a former staff sergeant who had served in the 113th Intelligence Group in Evanston, Ill., until his discharge last June.

Mr. O'Brien testified that the 113th Intelligence Group had maintained, filed and conducted surveillance on these plaintiffs as well as on other political and public figures in the Chicago area, including Adlai E. Stevenson 3d, now a United States Senator; Representative Abner J. Mikva, Democrat of Illinois, and Federal Judge Otto Kerner, a former Governor of Illinois.

Thomas L. Filkins, the civilian supervisor of a "special operations section" in the 113th

Intelligence Group, denied that Mr. Stevenson had ever been a target of surveillance. But he conceded that the group still maintained files on two black Aldermen in Chicago, William Cousins and A. A. Rayner, because of their connections with Veterans for Peace.

Files Destroyed

Other witnesses for the Army testified that civilian surveillance activities had been largely halted since last June and that those files not already destroyed had been sent to Fort Holabird, Md., for final disposition.

In his ruling, Judge Austin said that the Federal Government was "well within its rights" to use any facility available to prepare for civil disturbances.

According to testimony, a major activity of the Army's agents, in addition to occasional surveillance, was clipping newspaper stories about their "targets."

"Considering their activity," Judge Austin said, "the chief beneficiary of Army intelligence has been newspaper circulation. The only detriment resulting from the surveillance appears to have been an increase in air pollution from burning the newspapers after they were read."

The judge characterized the intelligence unit as an "assemblage of Keystone Cops" and added, "It is clear from the testimony that if this country must rely on Army intelligence, there will be no 'Seven Days in May.'" He was referring to the novel and movie, "Seven Days in May," in which a group of military officers attempt to seize control of the United States.