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Board Says That Army Did Not Spy on Stevenson

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WASHINGTON, Feb. 7—The Army has come up with what Pentagon officials consider conclusive evidence that Army Military Intelligence agents did not spy on Senator Adlai E. Stevenson 3d.

A three-man board of inquiry completed a 10-day investigation of the spying charges last week in Chicago, headquarters of the 113th Military Intelligence Group. It was this group that was alleged to have put Mr. Stevenson under surveillance while he was State Treasurer of Illinois and campaigning for the Democratic senatorial nomination.

The board has reported to senior officials in the Pentagon that Military Intelligence agents were never assigned to spy on Mr. Stevenson, that agents did not collect information about Mr. Stevenson from other informants, and that a file on him was never opened.

The investigators did find that newspaper clippings in which Mr. Stevenson's name appeared were probably placed in files pertaining to organizations that were deemed potential militants in a civil disturbance.

The information the board developed came from sworn statements taken from officers, civilians and enlisted men in the 113th M.I.G., former agents still in the Chicago area, and a search of the group's files. The board also investigated at the Washington end to see whether any directives had gone out ordering surveillance of Mr. Stevenson.

Pentagon officials conceded that the file search was incon-

clusive since the files on organizations and persons not connected with the Department of Defense had been destroyed on orders from Washington during the period when the Army was cutting back its domestic intelligence operation—known as Conus Intel, for Continental United States Intelligence.

The allegations of army spying on Mr. Stevenson, other political figures in Illinois and thousands of Americans across the nation will be the subject of hearings by the Senate Subcommittee on Constitutional Rights scheduled to begin Feb. 23.

The spying charges were made initially by John M. O'Brien, a former agent in the 113th M.I.G., in a letter to Senator Sam J. Ervin Jr., Democrat of North Carolina, chairman of the Constitutional Rights Subcommittee.

In the text of a Senate speech he will deliver tomorrow, Senator Ervin disclosed today that Mr. O'Brien would be one of the first witnesses in the nine-day series of hearings on "computers, data banks and the Bill of Rights." The former Army agent is one of several onetime military intelligence men scheduled to give testimony on Feb. 24.

Subcommittee aides insisted today that the former agents' testimony would conflict with the Army's denials in the Stevenson case. They said it would support most, if not all, of Mr. O'Brien's original charges and, furthermore, would cover a large number of Army surveillance episodes involving other public figures.

Senator Ervin's prepared speech, containing for the first time a list of witnesses asked

to testify at his hearings, also underlined his concern with other forms of Government surveillance and record-keeping.

The Senator said he had asked Attorney General John N. Mitchell to appear March 9 to explain the surveillance activities of nonmilitary Government agencies and to say "what constitutional authority executive branch officials possess to order or conduct surveillance and to acquire information on lawful political activities, personal beliefs and private lives of citizens where no probable cause exists to believe they are guilty of any crime."

His speech also disclosed that the subcommittee had invited Secretary Elliot L. Richardson of the Department of Health, Education and Welfare to testify March 11 on the H.E.W. data files and on the growing use of individual Social Security numbers as an identifying code in computer data banks.

Army Denied Charges

Secretary of Transportation John A. Volpe will be asked to appear the same day to explain his department's computerized file of all motorists in every state whose driver's licenses have ever been suspended or revoked.

Senator Ervin had used Mr. O'Brien's charges concerning the alleged surveillance of Mr. Stevenson as the basis for a speech to the Senate on Dec. 16. Secretary of the Army Stanley R. Resor denied the allegations after discussions with Col. Joseph Walker, commanding officer of the 113th M.I.G. and Thomas L. Filkins,

one of Mr. Resor's chief civilian subordinates.

Mr. O'Brien however repeated the charges in a news conference in a sworn affidavit and on the witness stand in a court, suit brought by the American Civil Liberties Union against the Army.

Mr. Resor, reported to be uneasy about the forthcoming Congressional hearings and concerned that he might have been misinformed, then convened the board of inquiry.

Pentagon officials are less certain about Mr. O'Brien's allegations of spying on Representative Abner J. Mikva, Democrat of Illinois. They say that it is "very likely" newspaper clippings about him were collected and that he might have been present at anti-Vietnam demonstrations covered by Military Intelligence agents.

The officials said that they were not able to verify Mr. O'Brien's initial charge that the Army had spied on 800 other persons in Illinois. A transcript of his testimony in court, however, showed that he had changed this to 450 to 800 persons, organizations and incidents.

Mr. O'Brien also charged in his affidavit that he had been instructed to collect information on Mr. Stevenson's political activities from a fellow part-time bartender who was active in Mr. Stevenson's campaign. But Mr. O'Brien said in court that he had not been directed to collect the information, that he had discussed such information orally in the Military Intelligence office but had not written reports on it, and that he did not know whether anyone else had written reports about it.