Ervin Appeals to Laird for Help With Army Surveillance Inquiry

By RICHARD HALLORAN
Special to The New York Times

WASHINGTON, March 14—Senator Sam J. Ervin Jr. has appealed directly to Secretary of Defense Melvin R. Laird for a fuller explanation of the Army's three-year surveillance of civilians that the Pentagon says ended last year.

Mr. Ervin, in a letter to Mr. Laird released today, said that among the important issues to be cleared up "is the question of the extent to which the intelligence gathering was ordered or approved by higher civilian authority."

"It is also necessary," the North Carolina Democrat said, "to determine the extent and level of civilian knowledge of those activities during various times throughout the period in question."

Senator Ervin's Subcommittee on Constitutional Rights has been conducting an investigation of the Army's surveillance operations and other governmental gathering of information about American citizens.

Testimony by 3 Sought

The Senator wrote Mr. Laird that earlier testimony by an Assistant Secretary of Defense, Robert F. Froehlke, was "very helpful." But he noted that Mr. Froehlke had been given "formal and direct responsibility for these matters only recently."

Mr. Ervin particularly requested Mr. Laird to allow three Army generals to testify before the subcommittee this week. He named the following officers:

Lieut. Gen. William P. Yarborough, a flamboyant counterintelligence officer known as "the Big Y," who was the Army's top intelligence planner—Assistant Chief of Staff for Intelligence — throughout 1967.

Maj. Gen. William H. Blakefield, who was in charge of the Army's intelligence command that carried out the operation from mid-1967 to mid-1970.

Maj. Gen. Joseph A. McChristian, General Yarborough's successor and the present Assistant Chief of Staff for Intelligence.

A spokesman for the Department of Defense said that he had no information on the letter and that there would be no comment until tomorrow at the earliest.

Testimony by the three generals had been requested earlier but the Army declined. The latest refusal came in a letter to Senator Ervin from the Defense Department's general counsel, J. Fred Buzhardt, last week.

Question of Rights

Mr. Buzhardt, stressing that the Army itself was investigating the surveillance operation, said that the generals "could be material witnesses in formal proceedings which might grow out of the current investigation."

He said that it would be "inappropriate" for the generals to testify, lest "the due process rights of any persons who might be the subject of criminal or administrative charges" be violated.

Senator Ervin countered in his letter to Mr. Laird. As a former judge, the Senator said, he is aware of the need to protect the rights of anyone under possible accusation. But he expressed doubt that testimony from the generals would be involved in a trial.

He asked Mr. Laird to "inform me, in detail, of the nature of the possible prosecutions, the persons involved, the substance of the allegations and the particulars of the statutes and regulations that may have been violated."

Repeating his request that the generals testify, Senator Ervin said to Mr. Laird, "I am certain you agree with me that it is important that the Congress and the Defense Department not give any citizen any reason to believe that the full story about surveillance of civilians has not yet been told."