

Ervin Rules Out Inquiry Into F.B.I. Now

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WASHINGTON, April 18— Senator Sam J. Ervin Jr. said today that he would not make the Federal Bureau of Investigation a target of his inquiry into Government surveillance unless he saw some evidence of illegality first. He said he had not found such evidence in nearly three years of search.

Senator Ervin is chairman of the Senate Subcommittee on Constitutional Rights, which brought the Army's domestic intelligence operation to public attention last month. He said he would order a staff review of reports that the F.B.I. moni-

tored Earth Day activities around the country last year and had used an electronically equipped informant to question Representative John Dowdy in his office.

But in both of these instances, he said, he has not yet seen evidence that the F.B.I. exceeded its authority.

"I abhor their conduct in the Dowdy case," said Senator Ervin of North Carolina, a Democrat and former judge, who is a conservative on many issues, including race, but an outspoken defender of the individual liberties in the Constitution's Bill of Rights.

"Frankly I don't like for

them to send in an informant with an electronic device on him," he continued, "but that's just my personal feeling. It's reprehensible, but I'm not sure it's illegal.

With respect to the surveillance of Earth Day, brought to light last week by Senator Edmund S. Muskie of Maine, Senator Ervin appeared to accept the Nixon Administration's explanation that there had been potentially dangerous individuals among the wide spectrum of speakers.

"Surveillance of people of the character of Rennie Davis," he said, referring to one of the antiwar leaders convicted of crossing state lines with intent to incite riot during the Democratic Convention at Chicago in 1968, "is probably the duty of the F.B.I."

Boggs Evidence Awaited

Responding to a charge by Representative Hale Boggs, the Democratic leader in the House, that the F.B.I. had tapped Congressional telephones, Mr. Ervin said, "I'd be glad to hear from Representative Boggs on that." But he insisted that he had seen no supportive evidence so far.

The quick succession of revelations and charges regarding the F.B.I. has prompted the first high-level discussion of a general Congressional review in the bureau's history.

Senators John V. Tunney of California and Edward M. Kennedy of Massachusetts, both Democrats and members of the Judiciary Subcommittee on Constitutional Rights, have proposed an inquiry into F.B.I.

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