

More Army Snooping Under Johnson Is Revealed

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WASHINGTON, Aug. 31 — Army files show that military electronic eavesdropping on civilians was far more extensive during the Johnson Administration than previously disclosed. They show it included monitoring of private radio transmissions during the 1968 Republican National Convention and during the trial that year of Huey Newton, the Black Panther leader.

A series of highly classified memorandums made available to The New York Times also show that high officials of the Nixon Administration withheld information on the electronic snooping during Senate hearings into Army surveillance last year.

Much information about the extent of Army spying on civilian antiwar groups has been made public since the first disclosure by a former agent in early 1970 and most recently in a Senate subcommittee report published earlier this week.

But, until today, only one incident of electronic surveillance has been cited. It involved the monitoring of private radio transmissions by personnel from the Army Security Agency during the Democratic National Convention in 1968.

Approved by General

The newly obtained documents show that the eavesdropping during the Republican convention and the Newton trial was authorized by Gen. William C. Westmoreland, Army Chief of Staff at that time.

The convention monitoring occurred from Aug. 6 to Aug. 10, 1968, after Army counterintelligence personnel received "reports indicating that pro-Castro and other dissident elements might initiate disruptive tactics," a February, 1971, memo explained. The Newton trial, held in Oakland, Calif., was similarly monitored for "suspected dissident communications" during early September, 1968.

In both cases, the 1971 Memo said, the operations were terminated "without obtaining any intelligence."

The documents show that General Westmoreland's predecessor as Chief of Staff, Gen.

Harold K. Johnson, approved electronic eavesdropping on private radio communications for three earlier activities — the October, 1967, march on the Pentagon; the April, 1968, riots in Washington; and the May-June, 1968, Poor People's March. General Westmoreland replaced General Johnson on July 4, 1968.

Concern Expressed

The documents show that all of the electronic eavesdropping on events in the Washington area was conducted by Army Security Agency personnel working out of the Vint Hill Farms Stations, an installation in Warrenton, Va., that serves as a focal point for the Army's monitoring of foreign embassy radio communications.

Earlier memos, dated in 1968 and 1969, show a repeated concern over the fact that the electronic monitoring was illegal, but the concern appeared to be mostly about the potential adverse publicity the Army could receive in case the activities were inadvertently made public.

For example, one 1969 memo notes straightforwardly that "Section 605 of the Federal Communications Act of 1934 prohibits monitoring of civilian radio transmissions not intended for public use." Elsewhere the three-page memo, apparently prepared in advance of a staff meeting, makes the following observation:

"Compromise of the fact that U.S.A.S.A. [United States Army Security Agency] units are engaged in monitoring civil communications either prior to or following Federal troop commitment, in violation of the law, would be politically embarrassing and would result in adverse publicity to both the U. S. Army and U.S.A.S.A."

Officials Were Informed

The memos also make clear that top officials of the Johnson Administration's Department of Justice, including Attorney General Ramsey Clark, were informed of both the eavesdropping program and its illegality.

One document, dated August, 1968, shortly before the Democratic National Convention, was entitled, "Possible Violations of

Federal Communications Act in Connection With Civil Disturbances." It described a meeting in the Federal Communications Commission in which the Army decided to seek coordination with the Department of Justice because, as the memo stated, "exceptional sensitivity was attached to any monitoring activity."

An oral reply was received from Sol Lindenbaum, Mr. Clark's executive assistant, the memo stated, saying, "The matter had been discussed with the Attorney General." Because Federal law "unequivocally prohibits such action," the memo said, Army eavesdropping "would not be authorized—without specific approval or at least a specific indication that there was no objection by the Attorney General."

The classified memo went to say: "Additional discussions indicated a desire not to record this denial in writing by the Attorney General's Office."

Sensitivity Stressed

Another memo, written three days later, concluded that the Justice Department was unwilling to flatly prohibit such activity, but would rule on eavesdropping on a case-by-case basis.

The matter was considered so delicate that one letter dealing with the apparent illegality of the monitoring activities was ordered withheld from the usual Department of the Army channels, "due to the extreme sensitivity of this proposed activity."

A later Army analysis of the eavesdropping activity concluded that the monitoring of radio calls, including the Republican convention and the Newton trial, was accomplished without any approval from higher officials, either in the Department of the Army or the Justice Department.

On March 2, 1971, during hearings into Army surveillance before the Senate Subcommittee on Constitutional Rights, Robert F. Froehke, Assistant Secretary of Defense at the time, testified that Army intelligence had monitored citizens band broadcasts only once—at the 1968 Democratic National Convention in Chicago.

But one month before the

testimony of Mr. Froehke, who is now Secretary of the Army, an Army security official prepared a complete review of all electronic eavesdropping activities.

The memo, written specifically for future testimony at the Senate hearings, described all five other monitoring operations and concluded, "It is conceivable that more information about these matters could be made public. We cannot ignore the possibility that this may extend to our actions during the Republican convention and the Newton trial."

Lawrence M. Baskir, chief counsel of the Senate Subcommittee on Constitutional Rights, said that his staff had learned that the surveillance "went further than Secretary Froehke had testified to at the hearings."

But he added, "Our attempts to get the Defense Department to give us full information about it were never answered."