

# How Army Spied on

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Washington

Army files show that military electronic eavesdropping of civilians was far more extensive during the Johnson administration than previously disclosed.

The operations included the illegal monitoring of private radio transmissions during the 1968 Republican National Convention and during the trial that year of Black Panther leader Huey Newton.

A series of secret memos, made available to The New York Times, also showed that high officials of the Nixon administration had withheld information on the electronic snooping during Senate hearings into Army surveillance last year.

The documents show the eavesdropping during the Republican convention and the Huey Newton trial were authorized by then Army Chief of Staff William C. Westmoreland.

## Dissident

The Republicans were monitored 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," said a memo dated February, 1971. The Newton trial, held in Oakland, 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, General Harold K. Johnson, had approved electronic eavesdropping of private radio communications for three earlier activities — the march on the Pentagon in October, 1967; the riots in Washington in April, 1968; and the poor people's march in May-June, 1968. West-

## 5 Survivors Rescued

Port Moresby

Five survivors of an Australian air force Caribou aircraft which crashed in the mountains of Papua, New Guinea Monday were rescued by helicopter yesterday.

All were teen-age Papuan air cadets. They said that all 24 of the other people on the plane, which disappeared on a flight from Lae to Port Moresby, were killed.

Reuters

Westmoreland replaced Johnson on July 4, 1968.

## RADIO

The documents show that all of the electronic eavesdropping of events in the Washington area was conducted by Army Security Agency personnel working out of the Vint Hill Farms station, an Army 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 only in terms of the potential adverse publicity the Army could receive in case the activities were inadvertently made public.

For example, one memo in 1969 noted 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, made the following observation:

"Compromise of the fact that USASA (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 USASA.

## INFORMED

The memos also make clear that top officials of the Johnson administration's Department of Justice, including then-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."

A verbal reply was received from Sol Lindbaum, Clark's executive assistant, the memo stated, saying that "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."

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.

On March 2, 1971, during hearings into Army surveillance before the Senate Sub-

# GOP,

committee on Constitutional Rights, Robert F. Froehlke, Assistant Secretary of Defense at the time, testified that Army intelligence had monitored citizen band broadcasts only once—at the 1968 Democratic National Convention in Chicago.

But one month before the

# Newton Trial

testimony of Froehlke, 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 moni-

toring 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."

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