

Ervin, Pentagon Officials Clash on Army Spying Role

By Michael Kraft
Reuter

Sen. Sam J. Ervin Jr. (D-N.C.) clashed yesterday with Defense Department officials over the issue of military spying on civilians, saying he did not believe the Army could be trusted to control itself without legislation.

Ervin cited legal cases stemming from alleged U.S. Army surveillance of American civilians in West Germany who supported the 1972 presidential candidacy of Sen. George McGovern (D-S.C.).

At a hearing of Ervin's Judiciary Subcommittee on Constitutional Rights, a senior Defense Department official opposed the senator's legislation as too restrictive and unnecessary in view of a 1971 Defense Department directive designed to restrict the large-scale surveillance of civilians which took place in the late 1960s and early 1970s.

David Cook, assistant secretary of defense for administration, disclosed under questioning that the department had conducted six investigations of civilians since 1971, but only one was still continuing.

Ervin said his panel's investigators had been told by the Defense Department that under the directive allowing undercover infiltrations of civilian organizations, if approved by the Secretary of Defense or his assistants, no more than three in any given year had been authorized since 1971.

Cook declined to discuss the details in public except to say one dealt with a group of Navy men and civilians suspected of trying to sabotage ships. There have been several incidents in recent years.

Cook also said the Defense Department from time to time cooperated with other government agencies in counter-espionage operations.

He said: "There are very important and sensitive matters which I do not wish to spell out in greater detail except to note that the target of such operations is a foreign intelligence operation.

"Surely we do not wish to inhibit, let alone preclude, such vitally important national security investigations."

The Defense Department official said the department's 1971 directive corrected previous excesses examined by earlier congressional investigations in 1970 and 1971 and "these policies are now a secure part of our doctrine."

But Ervin said: "I don't accept your theory that the army has entirely reformed itself."

Referring to the subcommittee's four-month old request for information on the alleged surveillance activities in West Germany, he added: "I have

difficulty accepting the assurances that we can expect the Army surveillance to deal gently with the rights of American citizens."

Cook said the Defense Department decided in November, 1971, not to prohibit surveillance of American civilians abroad because "in overseas areas the idea of investigative activity is intimately connected with and comingled with foreign operations and missions, whereas in the U.S. these two functions are easily separable."

MITCHELL, From A1

tween Harry Sears, a Vesco lawyer, and Casey, then chairman of the SEC, as the result of a meeting with Sears on Feb. 12, 1972. But he denied that he went beyond that.

Q. Did Mr. Sears ask you to do anything other than arrange a meeting with Mr. Casey?

A. Not then or at any other time.

Q. Did you have any knowledge of Vesco's intention to make a contribution?

A. No, sir.

Q. Did you believe or intend, by asking Mr. Casey to

see Mr. Sears that you were impeding, obstructing or delaying the SEC investigation of Mr. Vesco?

A. Quite the contrary. I thought I might further it.

In other questions, Mitchell denied testimony from two earlier prosecution witnesses.

He said he first remembers meeting Vesco in late spring, 1972. Sears, who was indicted with Mitchell, Stans and Vesco but was given immunity to serve as a government witness, said he had introduced Vesco to Mitchell a year before that.

Mitchell said it was conceivable the meeting Sears

described took place but said he had no recollection of it.

He was more specific in denying testimony by G. Bradford Cook, former chairman of the SEC, who told of a meeting in Mitchell's office during which he asked about a telephone call Mitchell had supposedly made to Switzerland on behalf of Vesco.

Fleming asked if Cook had made any such statement.

"The subject was never broached and would never have been under those circumstances," Mitchell replied.