



CONUS Revisited: The Army Covers Up

by Christopher H. Pyle

The Army still watches civilian politics. Despite over 50 Congressional inquiries, the threat of House and Senate hearings, and a lawsuit by the American Civil Liberties Union, more than 1,000 plainclothes soldier-agents continue to monitor the political activities of law-abiding citizens.

Some reforms have occurred since this blanket surveillance was first revealed in the January issue of this magazine. The Army has admitted that its CONUS (Continental U.S.) intelligence program exceeded its needs in preparing for riots and has agreed to cut it back. It has also promised to destroy two widely circulated "blacklists" on dissenters and to scrap its computerized data banks containing records on the membership, ideology, programs, and practices of vir-

tually every activist political group in the country, from the violence-prone Weathermen to the non-violent Urban League. Important as these reforms are, however, they are deceptive.

The First Plausible Denials

When *The Washington Monthly* reached the newsstands on January 9, the Army high command dove for cover. The Pentagon's office of Public Information refused to comment. Reporters were told to submit their questions in writing. From its headquarters at Fort Holabird in Baltimore, the Army Intelligence Command flashed orders to each of its intelligence groups limiting the collection of domestic intelligence to only the most "essential elements of information." Agents were forbidden to discuss any aspect of the program with newsmen and were warned that any who did

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Illustration: New Thing

would be prosecuted for breach of national security. From his office on the second floor of the Pentagon, Robert E. Jordan III, Army General Counsel and Special Assistant to the Secretary for Civil Functions, suspended all replies to Congressional inquiries. In violation of its own regulations, the Army even refused to acknowledge receipt of them.

By the end of the month, however, the rising tide of criticism could not be ignored. Recognizing this, the Army issued, on January 26, the first in a series of partial admissions. In the jargon of the spy trade, such admissions are known as "plausible denials," because they are invested with just enough truth to mask an essential falsehood. Thus the Army confirmed the existence of the nationwide intelligence apparatus (true), but said that it collected political intelligence only "in connection with Army civil disturbance responsibilities" (false). "Civil disturbance incident reports are transmitted over [an] . . . automatic voice network teletype system to the U.S. Army Intelligence Command headquarters" (true) and "information on incidents by types and geographical location is placed in the data bank from key-punched cards" (also true). But: "This is incident information only and does not include individual biographies or personality data" (false).

The statement also acknowledged that the Army "does publish an identification list, sometimes with photos, of persons who have been active in past civil disturbance activity" (true), but failed to mention that the list (actually a booklet) also contained detailed descriptions of persons and organizations never involved in civil disturbances.

Finally, the Army admitted in a backhanded way that its agents had infiltrated civilian political groups: "For some time there has been a special prohibition against military persons undertaking such activities as undercover operations in the civilian community." Of course, it did not say when the order was issued, or whether it was being obeyed. (It is not.)

The "plausible denials" satisfied no one. Inquiries directed to the Secretary of the Army, Stanley R. Resor, poured forth from both Houses of Congress. Legislators of such diverse persuasions as Senators Williams of Delaware, Hart of Michigan, Dole of Kansas, Brooke of Massachusetts, Percy of Illinois, Fulbright of Arkansas, and Cook of Kentucky demanded to know if the charges were true and, if so, by what authority and for what purpose the Army was spying on law-abiding citizens.

Congressman Cornelius E. Gallagher (D-N.J.), Chairman of the House Invasion of Privacy Subcommittee, and Senator Sam J. Ervin, Jr. (D-N.C.), Chairman of the Senate Subcommittee on Constitutional Rights, led the attack. Gallagher wrote to Secretary Resor on January 26: "I am deeply concerned about the implications of collecting dossiers on Americans who are pursuing constitutionally protected activities, especially when they are to be imbedded in immediately available form in a computerized data system."

Senator Ervin, a member of the Armed Services Committee and a former judge, was more outspoken. "The Army," he said in a Senate speech on February 2, "has no business operating data banks for the surveillance of private citizens; nor do they have any business in domestic politics."

When the Army continued to avoid inquiries during the month of February, however, members of Congress expressed annoyance at being ignored. Congressman Gallagher, usually a staunch friend of the military, was especially fed up. After waiting over two weeks for the Army to acknowledge his letter, he threatened to hold hearings.

Still the Army stalled for time. It had good reason. Like Congress and the public, its civilian hierarchy first learned of the Intelligence Command's unbridled curiosity from the press. Unable to learn more from the Assistant Chief of Staff for Intelligence, who greatly downplayed the CONUS system's capabilities, the civilians resolved to conduct their own in-

quiry. This reached a point of revelation sometime in mid-February when Army General Counsel Jordan went to Fort Holabird and watched as the computer bank on dissidents disgorged a lengthy print-out on Mrs. Martin Luther King, Jr.

On February 25, Jordan dispatched the Army's first reply to more than 30 Congressional critics. Each received the same letter, regardless of the questions he had asked. It opened with a lengthy defense of the Intelligence Command's library of security clearance dossiers—never at issue—and closed with a brief confession: "There have been some activities which have been undertaken in the civil disturbance field which, on review, have been determined to be beyond the Army's mission requirements."

"For example, the Intelligence Command published . . . an identification list which included the names and descriptions of individuals who might become involved in civil disturbance situations." And: "The Intelligence Command has operated a computer data bank . . . which included information about potential incidents and individuals involved in potential civil disturbance incidents."

Jordan assured members of Congress that both the identification list and the data bank had been ordered destroyed. "Thus," he concluded, "the Army does not currently maintain the identification list referred to above. No computer data bank of civil disturbance information is being maintained . . ."

Again, the denials were both plausible and deceptive. Jordan's seemingly candid letter failed to mention that in addition to the Fort Holabird computer (an IBM 1401) and the Intelligence Command's identification list (published in over 330 copies), the Army also maintained:

1) over 375 copies of a two-volume, loose-leaf encyclopedia on dissent entitled "Counterintelligence Research Project: Cities and Organizations of Interest and Individuals of Interest" but popularly known as "the Compendium." Compiled by the domestic intelligence section of the Counterintelligence Analy-

sis Division (CIAD), a Pentagon-based unit responsible for briefing high Army officials like Jordan on protest politics, the Compendium contained descriptions of hundreds of organizations and individuals, including the John Birch Society, the Urban League, the Fifth Avenue Peace Parade Committee, Negro playwright LeRoi Jones, and the late Rev. Martin Luther King, Jr.

2) a computer-indexed, microfilm archive of intelligence reports, newspaper clippings, and other records of political protests and civil disturbances at CIAD headquarters in Alexandria, Virginia. The index to this data bank is a computer print-out, 50 lines to a page, a foot-and-a-half thick. It catalogues microfilmed documents relating to such groups as Young Americans for Freedom, the Southern Christian Leadership Conference, and the Center for the Study of Democratic Institutions. Individuals listed include Rear Admiral Arnold E. True and Brigadier General Hugh B. Hester (war critics), Georgia State Representative Julian Bond, and folk singers Joan Baez, Phil Ochs, and Arlo Guthrie.

3) a computerized data bank on civil disturbances, political protests, and "resistance in the Army (RITA)" at the Continental Army Command headquarters, Fort Monroe, Virginia. The civil disturbance-political protest side of this data bank was developed because the Continental Army Command hoped to recapture supervision of its riot control troops from the Pentagon's special 180-man Directorate for Civil Disturbance Planning and Operations.

4) non-computerized regional data banks at each stateside Army command and at many military installations. In addition to the usual agent reports, incident reports, and newspaper clippings, these records include booklet-size "CONUS intelligence summaries" published each month by the 1st, 3rd, 4th, 5th, and 6th Armies, and the Military District of Washington.

5) non-computerized files at most of the Intelligence Command's 300 state-

side intelligence group offices. These records on local political groups and individuals are similar to, but more detailed than, the records at Fort Holabird which the Army promised to destroy. The political files of the 108th Military Intelligence Group's Manhattan offices, for example, take up five four-drawer file cabinets and require a full-time custodian.

Congressional reactions to Jordan's admissions, omissions, and denials were mixed. Congressman Gallagher—although fully aware of the omissions—seemed pleased. Without withdrawing his threat of hearings, he announced to the press that the Army would no longer keep tabs on peaceful demonstrations or publish a list of individuals who might be involved in a riot. His announcement, repeated in interviews over the weekend, became the basis of widespread and erroneous newspaper reports. *The New York Times* of February 27 was typical: "Army Ends Watch on Civil Protests." Gallagher got the credit for the apparent victory.

Other members of Congress were slower to react and before they did Morton Kondracke of *The Chicago Sun-Times* reported on February 28: "The Army acknowledged yesterday that it maintains files on the political activities of civilians other than the computerized political data bank it told Congressmen it was closing down." Kondracke, a thorough reporter, listed them all.

The following Monday, Senator Ervin expressed his dissatisfaction with Jordan's letter. In a letter to the Secretary of the Army he reiterated his demand for a complete report to Congress, and in a Senate floor speech denounced the surveillance as a "usurpation of authority." "The business of the Army in [civil disturbance] . . . situations is to know about the conditions of highways, bridges, and facilities. It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising first amendment freedoms."

"If there ever were a case of military

overkill," he added, "this is it . . . I suggest the Army regroup and define its strategic objectives, lower its sights, and reidentify its enemy. Under our Constitution that enemy is not the American citizen."

The Army Regroups

Within the Army, much regrouping was already going on. A letter received by Congressman Gallagher from sources close to the 116th Military Intelligence Group at Fort McNair in Washington, D.C., described what was happening at the lower echelons:

On the morning after news reports about the dismantling of the CONUS system first appeared in the Washington papers . . . members of the 116th were . . . informed that their unit and its operations would be unaffected . . . They were told that the only major effect of the Congressional and press criticism would be destruction of the national data bank and related files that were kept at Fort Holabird. Files kept by the regional M.I. Groups (which were the basis for the Fort Holabird file and contained more information) would remain intact, and members of the M.I. Groups would continue their operations of surveillance, infiltration, and reporting as previously.

In addition, all files and operations of the 116th were to be classified to prevent the release of any information about them; disclosure of such information would subject people who released that information to court-martial or prosecution in civilian court for violation of national security.

At the present time, the files of the 116th M.I. Group consist of a 5x7 card file on several thousand persons in the Washington area. On these cards are a picture of each person, his name and address, occupation, background, a record of political groups with which he has been affiliated, notes on political meetings, rallies, and demonstrations which he has attended, and summaries of his views on political issues.

To gather such information, the 116th routinely assigns some 20 of its men as full-time undercover agents to infiltrate

political groups and observe politically active persons Some of these officers have grown beards and long hair to pass as students on local college campuses. In addition, other members pose as members of the working press to obtain pictures of those involved in political activities; concealed tape recorders are also commonly used to record speeches and conversations at political events. Until very recently the 116th's standard equipment also included a full TV video-tape camera and sound truck labeled "Mid-West News," which was used to record major demonstrations.

Higher up the chain of command, officials at Fort Holabird also balked at carrying out the new policy. Questioned by Joseph Hanlon of *Computerworld* on March 10, an Intelligence Command spokesman refused to say whether the

computer tapes there had actually been erased or merely placed in storage. He admitted, however, that the "input" to the data bank (presumably the key-punch cards) had not been destroyed.

Higher still, the civilians supposedly in charge of the Army struggled to find out what their military subordinates were doing. Robert Jordan, surprised by the *Washington Monthly* article and by his pilgrimage to the Fort Holabird computer, was taken aback once more on February 27 during a conference with Congressman Gallagher. Asked why his letter made no mention of the microfilm archives at CIAD, he replied: "I'll have to check into that."

To help Jordan out, Secretary Resor wrote to the Army Chief of Staff, General William C. Westmoreland, on March 5: "I would appreciate your asking all commanders in CONUS, Alaska, and Hawaii down to the installation level to report whether their command has any form of computerized data bank relating to civilians or civilian activities, other than data banks dealing with routine administrative matters"



The Under Secretary Tries His Hand

The results of this canvass have not been made known, but on March 20 Under Secretary of the Army Thaddeus R. Beal wrote long letters to both Ervin and Gallagher. He claimed: "The only other 'intelligence files' concerning civilians maintained by the Army consist of the files maintained by the Counterintelligence Analysis Division."

No reference was made in either letter to: 1) the Continental Army Command's computer files at Fort Monroe, about which Gallagher had made specific inquiries; 2) the regional data banks kept by most of the 300 offices of the Army Intelligence Command; or 3) similar records maintained by the G-2s (intelligence officers) of each stateside Army command and of many Army posts.

The microfilm archives at CIAD, Beal

went on to say, contain only "limited files concerning political activity" in keeping with that unit's responsibility "for identifying factors which affect civil disturbance potential . . ." He did not mention that these files take up over 200 rolls of microfilm, at 500 frames a roll. Nor did he acknowledge that the unit's domestic intelligence section, which is larger than any of its foreign intelligence sections, had charged its "left wing," "right wing," and "racial" desks with maintaining detailed card files on dissident individuals and groups. These files are in addition to mounds of current FBI and Army reports and newspaper clippings which are coded on key-punch cards (for the computerized index) and recorded on microfilm.

The Under Secretary's claim that the archive was used only in connection with civil disturbance planning was similarly misleading. According to former CIAD employees, one of the principal uses of this file—if not the main reason for its existence—has been to satisfy the curiosity of the Pentagon's brass. A not unusual assignment carried out by one domestic intelligence expert was to write an unclassified report on SDS for a general to send to his daughter at an exclusive Eastern women's college.

In addition to these "plausible denials," Beal also admitted that CIAD had compiled "an identification list . . . on individuals and organizations associated with civil disturbances." "This list," he contended, "was last updated in late 1969 [true] and is available to a limited number of Department of the Army organizations with civil disturbance responsibilities [false]." According to persons who helped compile it, the Compendium went out to over 150 Army intelligence and troop units, plus the FBI, the Justice Department, Naval and Air Force Intelligence, the CIA, and U.S. embassies in West Germany and Canada.

More important, Beal conceded that "the lists are now out of date, are not considered necessary. . . , [and] are being . . . destroyed . . ." In addition he promised that the Army would: 1)

henceforth limit its curiosity to "incidents where there is a high potential for violence or disorder growing beyond the capability of state and local police and the National Guard to control;" and 2) destroy all existing *computerized* data banks on civilian politics.

No new computerized data banks, he said, would be established without the approval of both the Secretary of the Army and the Chief of Staff after "consultations with concerned committees of Congress."

The concessions were substantial. To Congressman Gallagher, they were sufficient. "In view of the Army's commendable action in reversing its former policy," he announced, "I see no further need for a Congressional hearing at this time."

To Senator Ervin, on the other hand, Beal's assurances were plainly inadequate. Only the press of other matters, such as preventative detention, bail reform, and the Government Employees' Privacy Bill kept him from calling his subcommittee into session for a full-scale review of all government political data systems, starting with the Army's.

The ACLU Goes to Court

While Congressmen and Senators struggled with the Army's evasions and deceptions, the civilian intelligence program was being attacked in the courts. On February 17 the American Civil Liberties Union filed suit in Federal District Court in Washington, D.C., against the Secretary of Defense, the Secretary of the Army, the Army Chief of Staff, and the Commanding General of the Intelligence Command. The suit charged that the surveillance, data banks, and blacklists violated the Bill of Rights by reason of the chilling effect which knowledge of their existence can have upon the willingness of citizens to exercise their freedoms of speech, press, and association and their right to petition the government for redress of grievances.

The plaintiffs were 13 individuals and

organizations whose non-violent, lawful politics had been the subject of widely distributed Army reports. The first was Arlo Tatum, executive director of the Quaker-sponsored Central Committee for Conscientious Objectors in Philadelphia. An IBM card prepared for his computer file at Fort Holabird showed only that he had once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors. Other plaintiffs included Women's Strike for Peace, Veterans for Peace, Conrad Lynn, and the Reverend Albert Cleage, Jr.

Even before filing suit, the ACLU was aware that a cover-up might be attempted at the lower, as well as higher, echelons of the Army. This suspicion was confirmed by the letter describing the activities of the 116th M.I. Group and by former intelligence agents who warned that many units would hide copies of blacklists and personality files, regardless of what their civilian superiors told them to do.

In an effort to prevent this, the ACLU asked the District Court on March 12 for a preliminary injunction ordering the Army to cease its destruction of the records and to deliver them (along with inventories, receipts, and certificates of destruction) to the court for safekeeping, pending the outcome of the suit. Then, if the plaintiffs were successful, the court would be in a position to assure complete destruction of the records.

A hearing on this request, and an opposing motion by the Army which asked that the entire suit be thrown out for failure to show that the program violated anyone's constitutional rights, was convened in Washington on April 22 before U.S. District Court Judge George L. Hart, Jr.

Judge Hart, a graduate of Virginia Military Institute and a battlefield colonel during World War II, was openly hostile to the ACLU's contentions. He began the proceedings with an announcement that he would not hear testimony.

In effect, this announcement meant that Hart had prejudged the ACLU's

claims. Few, if any, judges would consider issuing an injunction against the government on the basis of affidavits (written statements by persons not present to testify). To do so, of course, would deny the government the opportunity to cross-examine the witnesses against it and would be regarded quite properly as an abuse of judicial discretion.

Hart's reasons became clearer as the hearing progressed. For example, when Frank Askin, the ACLU's chief counsel at the hearing, argued that it would be all right for members of Army intelligence to follow accounts of protest politics in the newspapers, but that they should not be permitted to maintain computerized files on the political activities of specific individuals, the judge scoffed: "It's all right if they remember it, but they can't take note of it . . . Isn't that ridiculous?"

Nor could he understand why citizens should fear the military's surveillance any more than they should fear reporting of political activities by the news services. "Newspapers don't have guns and don't have jails," Askin responded. ". . . nobody is afraid that one of these days the newsmen are all going to sweep into town and come to arrest the troublemakers."

But the judge was unimpressed: "There is no threat that the Army is going to come in and arrest you . . ." "If it does," he added: "We still sit here with the writ of habeas corpus."

"But, your Honor, then why are they keeping these lists of people, that's the issue at stake . . . They have no need for this . . ."

"It may help them know what persons are likely to cause trouble [in civil disturbances] and thereby keep an eye on them," Hart replied, apparently forgetting that the Army had agreed to withdraw the lists precisely because they were not needed for that, or any other, purpose.

The ACLU's other contentions—that the surveillance had exceeded the Army's civil disturbance responsibilities,

that riot control troops do not need blacklists to enforce curfews or clear streets, that the CONUS intelligence operations encroached upon the authority of civilian law enforcement agencies—were also rejected. Even Askin's offer to present a former intelligence agent who had infiltrated a coalition of church groups was brushed aside with the question: "Did they have a sign saying 'No Military Personnel Are Admitted'?"

"What . . . the plaintiffs are complaining of here," Hart decided, "is that the Army is keeping the type of information that is available to the news media in this country and which is in the morgues of the newspapers . . . and magazines They show no unconstitutional action on the part of the Army; they show no threat to their rights." Accordingly, he refused to confiscate the records. Instead, he dismissed the suit.*

* At a press conference following the hearing, the ACLU's attorneys introduced several witnesses whose testimony Judge Hart refused to hear. One was Oliver Peirce, 25, a former agent assigned to the 5th Military Intelligence Detachment at Fort Carson, Colorado, during the summer and fall of 1969.

One of Peirce's assignments was to infiltrate a group called the Young Adults Project (YAP), which was established by a coalition of local church groups, the Young Democrats, and a ski club to operate a recreation center for emotionally disturbed young people. Although the project was entirely non-political, Peirce said, he and a soldier-informant were directed to make detailed reports on its meetings because one of the group's founders had attended anti-war demonstrations outside the fort and had once been a member of SDS.

In addition to watching YAP, the 5th MID also sent an informant to the 1968 SDS National Convention in Boulder, Colorado, assigned five undercover agents to monitor an anti-war vigil in the chapel of Colorado State College, maintained two full-time infiltrators within the local peace movement, and sent others to observe meetings of the Colorado Springs poverty board.

Operations such as these, Peirce said, were carried out even though they often duplicated political surveillances conducted by the FBI, state and local police, and the Colorado Springs office of the 113th Military Intelligence Group (part of the Army Intelligence Command).

The likelihood that the CONUS intelligence program will be cut back soon is low. The ACLU has asked the Court of Appeals for a prompt hearing and reversal, but that court has yet to act. With summer here, chances of a hearing before fall are dim.

Chances are better that Judge Hart's decision will be overturned on appeal, but even that depends on which members of the relatively liberal Court of Appeals are assigned to review it. The panel could turn out to be as unsympathetic as Judge Hart, in which case the plaintiffs would have to take their appeal to the Supreme Court and suffer still more delays.

Thus, it will be many months at best before the witnesses testify, and perhaps years before a final judgment is rendered. Meanwhile, as the delays multiply and Army security restrictions tighten, the ACLU will find it increasingly difficult to keep its evidence up-to-date.

Odds for Congressional hearings are also poor. Representative Gallagher appears to have left the field, while Senator Ervin and his subcommittee staff are swamped by work on other matters. And although many members of Congress have expressed their personal concern about the surveillance, no other Congressional committees have taken up the fight.

Inside the executive branch, prospects are even worse. The Army's civilian leaders have said nothing since Beal's letters of March 20, while Pentagon press officers continue to evade inquiries with the excuse that to answer them would prejudice the ACLU lawsuit.* Moreover, the Justice Department has reasons of its own to put up a stiff legal battle to keep the Army contributing to the expanded surveillance of dissenters ordered by President Nixon. Were the court to end

* The rules against official comment on pending lawsuits, of course, were designed to protect criminal defendants from prejudicial pre-trial publicity. They do not exist to immunize the government from press inquiries when its officials are accused in civil court of exceeding their authority.

all military domestic intelligence operations, the FBI would have to run the civil disturbance early warning system—a politically risky and tedious task which it does not want—and the FBI and the Secret Service would have to find new alternatives to what has been a free source of supplementary manpower.* In addition, the Justice Department would be deprived of the Army's political wire service, upon which it depends to feed its political computer and to produce, each week, a four-volume guide to coming events on the political circuit.

No matter how discouraging the prospects for reform may seem, however, efforts to curb the CONUS intelligence program must go on. The initiative remains with Congress—particularly with those committees of Congress which have jurisdiction to hold hearings.**

Without the threat of hearings, the Army's civilian leaders are not likely to end their evasions and deceptions, admit the full scope of the program, or reconsider its needs or consequences. They are the crisis managers of their bureaucracy. Threats, not suggestions, determine their agenda.

But while hearings may command

* During the 1968 Democratic National Convention in Chicago, for example, Army agents posed as TV camera crews, a naval intelligence agent tape-recorded speeches in Grant Park, and two plainclothesmen from the staff of the Army Assistant Chief of Staff for Intelligence occupied assigned seats within the convention hall. All of this assistance—and more—was given despite the Counterintelligence Analysis Division's correct prediction that federal troops would not be needed.

** Besides Senator Ervin's Constitutional Rights Subcommittee (of the Judiciary Committee), these include Senator Edward M. Kennedy's Subcommittee on Administrative Practices and Procedures (also of the Judiciary Committee), Senator John Stennis's Armed Services Committee, Senator Abraham Ribicoff's Committee on Executive Reorganization (of the Committee on Government Operations), and Congressman Robert W. Kastenmeier's Subcommittee No. 3 (of the House Judiciary Committee).

their attention, only skillful questioning can move them towards reform. Once the full scope of the program is established, the Army's officials must be pressed to concede what in effect they acknowledged by their promises—that blacklists and dossiers do not contribute to the prediction or control of riots. Having conceded that, they will be hard put to justify the continued pursuit of personality and organizational data in light of its cost, its effect on the willingness of people to participate in politics, and the mischief that could result were the records to fall into the hands of blackmailers, demagogues, or security clearance adjudicators.

To question the Army's needs, however, is not enough. The hearings should also define the Army's authority to monitor civilian politics in light of such principles as civilian control of the military, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to the constitutional scheme of separate branches of government sharing policy-making powers.

Finally, whether or not the hearings produce legislation, they should attempt to establish a consensus on what the lines between permissible and impermissible conduct for Army intelligence should be.

This will be the hardest task of all. There is no question that the Army must know about incidents and activities which bear upon the need for federal riot troops and the manner in which they may best be deployed. Similarly, there is no question that it does not need to know anything about the beliefs and actions of individuals and groups that pose no threat to military security or public order. Nor is there any reason to believe that Army agents must conduct undercover operations in order to calculate the size, location, and kind of riot troops may be called upon to quell.

The difficulty will come in determining 1) the extent to which military intelligence units in the field should be permitted to watch controversial politi-

cal figures on the theory that "agitators" cause riots, and 2) the extent to which the Army, through CIAD or similar units, should be expected to analyze the political and social aspects of civil disturbances. There are strong reasons for leaving both of these functions up to civilian authorities. On the other hand, the domestic intelligence section of CIAD has a fairly good record for common sense and has more than once persuaded hard-nosed generals that demon-

strators and rioters are not "the enemy," "insurgents," or part of "the Communist conspiracy."

Wherever the lines around the Army spy program are finally drawn, however, action on them should begin promptly. Incredible though it may seem, the Army has already assembled the apparatus of a police state. That apparatus must be disassembled before it falls into the hands of those who would deliberately or inadvertently misuse it. ■

THE CONUS INTELLIGENCE PROGRAM TODAY

From what various Army spokesmen have said publicly and privately, and from the observations of sources who cannot be identified, it is possible to assemble a description of the CONUS intelligence program today.

1) The blanket surveillance of civilian political activity by the Army, cut back in January, has resumed.

2) This surveillance is a part-time activity for more than 1,000 agents of the Army Intelligence Command, who work out of some 300 offices from coast to coast, and for hundreds of agents and informants associated with troop units and installations of the Continental Army Command.

3) Sources of CONUS intelligence continue to include local and state police, the FBI, newspapers, and Army undercover operations. While most direct surveillances of lawful politics were to have ceased in January, Army plainclothesmen have been spotted recently on the Milwaukee and Madison campuses of the University of Wisconsin and at the University of Oklahoma.

4) Non-computerized regional data banks on dissenters remain at most field, region, and headquarters offices of the Army Intelligence Command and within the G-2 (intelligence) offices of many troop units and installations of the Continental Army Command.

5) One computerized data bank may continue to exist at Continental Army Command headquarters, Fort Monroe, Virginia.

6) The Army has said that it intends to keep domestic political information in its microfilm archive at the Counterintelligence Analysis Division. It has given no

assurances that these records will be purged of information about persons or groups posing no threat to the armed forces or to public order.

7) Both the Intelligence Command's "identification list" and CIAD's "Compendium" have been ordered destroyed. Chances are excellent, however, that copies of both remain in circulation, along with another blacklist published by the Alabama state police and distributed by the Intelligence Command to the headquarters and region offices of each M.I. Group.

8) It is also likely that copies of the magnetic tapes which made up the memory core of the Fort Holabird computer have been hidden away or transferred to other governmental agencies.

9) The Army's intelligence reports continue to go to the FBI and to the Justice Department's interdivisional intelligence unit, where they are stored in a computer larger than the one abandoned at Fort Holabird.

10) The Army's domestic intelligence operations appear to have been cut back because the locus of civil disturbance decision-making has shifted from the Pentagon to the Justice Department. In fact, however, the Army's operations have not decreased; only the spotlight has shifted.

11) Meanwhile, new security measures make public scrutiny of the Intelligence Command more difficult. Aspects of its domestic intelligence effort have been classified (although they can hardly be of interest to foreign spies), the job of collecting political information has been reassigned to career agents wherever possible, and all agents have been threatened with prosecution if they talk.