

Federal Computers Amass Files on Suspect Citizens

Many Among Hundreds of Thousands Listed Have No Criminal Records— Critics See Invasion of Privacy

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Special to The New York Times

WASHINGTON, June 27 — The police, security and military intelligence agencies of the Federal Government are quietly compiling a mass of computerized and microfilmed files here on hundreds of thousands of law abiding yet suspect Americans.

With the justification that a revolutionary age of assassination, violent political dissent and civil disorder requires it, the Government is building an array of instantly retrievable information on "persons of interest."

The phrase is an agent's term for those citizens, many with no criminal records, whom the Government wants to keep track of in an effort to avert subversion, rioting and violence or harm to the nation's leaders.

Critics of this surveillance, so far few in number, believe that the collection and dissemination of such information on noncriminals — for whatever purpose — is unauthorized by law and raises the most serious constitutional questions.

The foremost among them,

Senator Sam J. Ervin, Jr., Democrat of North Carolina, has said that computerized files already in existence here are leading the country toward a "police state."

Discussions with officials, an examination of some known data files and information supplied by the Senator show that the files often contain seemingly localized and mundane information reflecting events that today are virtually commonplace.

The leader of a Negro protest against welfare regulations in St. Louis, for example, is the subject of a teletyped "spot report" to Washington shared by as many as half a dozen Government intelligence gathering groups.

The name of a college professor who finds himself unwittingly, even innocently, arrested for disorderly conduct in a police roundup at a peace rally in San Francisco goes into the data file.

A student fight in an Ala-

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bama high school is recorded — if it is interracial.

Government officials insist that the information is needed and is handled discretely to protect the innocent, the minor offender and the repentant.

The critics — including the Washington chapter of the American Civil Liberties Union and Representative Cornelius E. Gallagher, Democrat of New Jersey — charge that the system is an invasion of privacy and a potential infringement of First Amendment rights to free speech and assembly.

Mass Surveillance Systems

Senator Ervin, a conserva-

tive, a student of the Constitution, a former judge of the North Carolina Superior Court, and the chairman of the Senate Subcommittee on Constitutional Rights, says that the advent of computer technology in Government file keeping is pushing the country toward "a mass surveillance system unprecedented in American history."

In a recent series of Senate speeches, Mr. Ervin said that the danger was being masked by a failure of Americans to understand "the computer mystique" and by the undoubted sincerity and desire for "efficiency" of the data bank operators and planners.

The Government is gathering information on its citizens in the following reservoirs of facts:

• A Secret Service computer, one of the newest and most sophisticated in Government. In its memory the names and dossiers of activists, "malcontents," persistent seekers of redress, and those who would "embarrass" the President or other Government leaders are filed with those of potential assassins and persons convicted of "threats against the President."

• A data bank compiled by the Justice Department's civil disturbance group. It produces a weekly printout of national tension points on racial, class and political issues and the individuals and groups involved in them. Intelligence on peace rallies, welfare protests, and the like provide the "data base" against which the computer measures the mood of the nation and the militancy of its citizens. Judgments are made; subjects are listed as "radical" or "moderate."

• A huge file of microfilmed intelligence reports, clippings and other materials on civilian activity maintained by the Army's Counterintelligence Analysis Division in Alexandria, Va. Its purpose is to help prepare deployment estimates for troop commands on alert to respond to civil disturbances in 25 American cities. Army intelligence was ordered earlier this year to destroy a larger data bank and to stop assigning agents to "penetrate" peace groups and civil rights organizations. But complaints persist that both are being continued. Civilian officials of the Army say they "assume" they are not.

• Computer files intended to catch criminal suspects — the oldest and most advanced type with the longest success rec-

ord — maintained by the Federal Bureau of Investigation's National Crime Information Center and recently installed by the Customs Bureau. The crime information center's computer provides 40,000 instant, automatic teletype printouts each day on wanted persons and stolen property to 49 states and Canada and it also "talks" to 24 other computers operated by state and local police departments for themselves and a total of 2,500 police jurisdictions. The center says its information is all "from the public record," based on local and Federal warrants and complaints, but the sum product is available only to the police.

• A growing number of data banks on other kinds of human behavior, including, for example, a cumulative computer file on 300,000 children of migrant farm workers kept by the Department of Health, Education and Welfare. The object is to speed the distribution of their scholastic records, including such teacher judgments as "negative attitude," to school districts with large itinerant student enrollments. There is no statutory control over distribution of the data by its local recipients — to prospective employers, for example.

Warning by Ervin

Senator Ervin has warned: "Regardless of the purpose, regardless of the confidentiality, regardless of the harm to any one individual [that might occur if there were no computer files], the very existence of Government files on how people exercise First Amendment rights, how they think, speak, assemble and act in lawful pursuits, is a form of official psychological coercion to keep silent and to refrain from acting."

But despite his sounding of such alarms, Senator Ervin has noted that there is "unusual public and Congressional complacency." When he speaks on the Senate floor of "techniques for monitoring our opinions" and of "grave threats to our freedoms," the chamber is more often than not nearly empty. He has gained little Congressional support and scant attention outside the Congress.

Meanwhile, various official and high-level pressures on Government agencies to acquire computers and to advance their surveillance are producing results.

The pressures include a stern recommendation for the broadest possible surveillance of "malcontents" and potential as-

sassins by the Warren Commission, which investigated the assassination of President Kennedy. The commission's mandate is widely cited in the Government as the authority for citizen surveillance.

The commission, headed by former Chief Justice Earl Warren, disapproved as too narrow, the criteria for persons to be brought under "protective" surveillance proposed in 1964 by the Secret Service. The guidelines were "unduly restrictive," the commission declared, because they required evidence of "some manifestation of animus" by disgruntled and activist citizens before those persons could be brought under Secret Service surveillance as potential "threats to the President."

'Every Available Resource'

"It will require every available resource of the Government to devise a practical system which has any reasonable possibility of revealing such malcontents," the commission said.

The guideline was broadened. A computer was installed by the Secret Service last January. The commission's edict became a surveillance bench mark.

For surveillance of persons who may be involved in civil disturbances, the riots of 1967 and 1968 served the same purpose.

"The Warren Commission and the riots legitimized procedures which, I grant you, would have been unthinkable and, frankly, unattainable from Congress in a different climate," one official said. "There are obvious questions and dangers in what we are doing but, I think events have shown it is legitimate," the official declined to be quoted by name.

Senator Ervin contends that in the "total recall," the permanence, the speed and the interconnection of Government data files there "rests a potential for control and intimidation that is alien to our form of Government and foreign to a society of free men." The integration of data banks, mixing criminal with noncriminal files, is already underway, according to his subcommittee.

Integration of Files

The subcommittee has been advised by the Department of Housing and Urban Development, for example, that its data systems planners have proposed to integrate on computer tape files concerning the following: the identities of 325,000 Federal Housing Adminis-



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Senator Sam J. Ervin Jr., Democrat of North Carolina

tration loan applicants; the agency's own "adverse information file;" the Justice Department's organized crime and rackets file, and F.B.I. computer data on "investigations of housing matters." The object, the Department said, is a unified data bank listing persons who may be ineligible to do business with H.U.D.

As another example of how computer data proliferates, the subcommittee cites a report it received from the Internal Revenue Service.

The I.R.S., with millions of tax returns to process, was one of the earliest agencies to computerize. It has also had a reputation as a bastion of discretion. The privacy of individual tax returns has been widely regarded as inviolate, to be overcome only by order of the President.

But the subcommittee has been told that the I.R.S. has "for many years" been selling to state tax departments—for \$75 a reel—copies of magnetic tapes containing encoded personal income tax information. It is used to catch non-filers and evaders of state taxes.

The District of Columbia and

30 states bought copies of the I.R.S. computer reels covering returns from their jurisdictions in 1969, the service has told the subcommittee. Each local jurisdiction was merely "requested" to alert its employes that the unauthorized disclosure of Federal tax data was punishable by a \$1,000 fine.

Firearms Data for Sale

The I.R.S. also sells at cost—apparently to anyone who asks—the copies of its data files of registrants under the various Federal firearms laws it enforces.

The Secret Service computer file is capable of instant, highly sophisticated sorting and retrieval of individuals by name, alias, locale, method of operation, affiliation, and even by physical appearance.

The agency's Honeywell 2200, with random access capability, makes it possible to detect, investigate and detain in advance "persons of interest" who might intend—or officials concede "they might not but we don't take chances"—to harass, harm or "embarrass" officials under its protection.

Unknown to most Americans, the names, movements, organizations and "characteristics" of tens of thousands of them—criminals and noncriminals—are being encoded in the Secret Service data center here.

The names of other thousands have been inserted in less specialized computers operated by the Justice Department and the F.B.I. Although the agencies insist that they do not, the computers can—and Senator Ervin stresses that no law says they may not—"talk" to each other, trading and comparing in seconds data that may then spread further across the nation.

The Secret Service can now query its computer and quickly be forewarned that, say, three of the 100 invited guests at a Presidential gathering in the White House Rose Garden are "persons of protective interest."

Under current Secret Service

criteria, they may have been regarded by someone as the authors of reportedly angry or threatening or "embarrassing" statements about the President or the Government. The action taken by the Secret Service may range from special observation during "proximity to the President" to withdrawal of the invitation.

What constitutes a computer-worthy "threat" thus becomes important. The Secret Service asserts that it applies relatively easy-going and "sophisticated" standards in deciding who is to be encoded. But the critics point out that the vast capacity of a computer for names and dossiers—unlike that of a paper filing system, which has self-limiting ceiling based on the ability to retrieve—is an encouragement to growth.

The information or "data base" for a Secret Service computer name check flows into the protective intelligence division from many sources—abusive or threatening letters or telephone calls received at the White House, F.B.I. reports, military intelligence, the Central Intelligence Agency, local police departments, the Internal Revenue Service, Federal building guards, individual informants.

Much of it that may be "of

interest" to the Federal monitors of civil disturbance data is screened out, Secret Service spokesmen say, or is merely name-indexed by the computer with a reference to data reproducible elsewhere.

According to guidelines distributed by the Secret Service last August, the types of information solicited for insertion in the computer—broadened at the insistence of the Warren Commission—included items about:

Those who would "physically harm or embarrass" the President or other high Government officials.

Anyone who "insists upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc."

Those who may qualify as "professional gate crashers."

Participants in "anti-American or anti-U. S. Government demonstrations in the United States or overseas."

In an interview, Thomas J. Kelley, assistant director of the Secret Service for protective intelligence, said the computer name insertions already totaled more than 50,000. The Secret Service is extremely careful, he said, both in evaluating the encoded subjects and in checking to determine that those who receive a printout are entitled to it.

But there apparently is no formal guideline or list of criteria for dissemination, as there is for insertion. And direct, automatic, teletype access to the computer from distant Secret Service bureaus—the system used by the airlines and the National Crime Information Center—may be the next step, Mr. Kelley said.

Nothing demonstrates how remote access multiplies the output of a computer better than the crime information center's system, started by the F.B.I. in 1966.

With direct-access teletype terminals in 21 state capitals and large cities, the information center computer here can be queried directly by local police departments on the names, aliases, Social Security numbers, license tag numbers and a broad array of stolen goods (including boats) that come hourly before the police.

An officer in a patrol car tailing a suspicious car can radio his dispatcher, ask for a check of a license number, and be told by teletype and radio in less than a minute that the automobile is stolen and that its occupants may be "armed and dangerous."

With one of the newest and most sophisticated random access computers in Federal service, the Secret Service data center can also perform some wizardry that no other equipment here can master. It can be ordered, for example, to print out a list of all potential trouble makers—"persons of protective interest"—at the site of a forthcoming Presidential visit. The random access scanning can be geographical.

Photographs and descriptions can be assembled for the traveling White House detail. Investigations, even detentions, can be arranged at the site.

"You take a waiter in a hotel dining room where the boss is going to speak," a Secret Service spokesman explained. "Let's say the computer turns up his name and we investigate and decide it would be better for him to be assigned to some other duties. No one has a constitutional right to wait on the President, you know. That's how it works."

Cued by another more elegant electronic program, the same computer can also produce all the information it contains on the "characteristics" of subjects encoded on its tapes—all the short, fat, long-haired, young white campus activists in Knoxville, Tenn., for example. Only the Secret Service computer can do that.

The American Civil Liberties Union office here protested last October that the Constitution protects such acts as an

effor merely to "embarrass" a Government official, the persistence of citizens in seeking redress even of "imaginary" grievances, and their participation in "anti-U.S. Government demonstrations." The Secret Service, however, has declined to withdraw or amend its intelligence reporting guidelines. "They seem satisfactory to us," Mr. Kelley said. "If we weren't getting the information we want, we'd change them."

Under the heading, "Protective Information," the guidelines read as follows:

"A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

"B. Information pertaining to individuals, groups, or organizations who have plotted, attempted, or carried out assassinations of senior officials of domestic or foreign governments.

"C. Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

"D. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

"E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements; (2) irrational statements, and (3) abusive statements.

"F. Information on professional gate crashers.

"G. Information pertaining to 'terrorist' bombings.

"H. Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.

"I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

"J. Information regarding civil disturbances."

Senator Ervin, who is noted for a piquant sense of humor, said in a speech a few months ago: "Although I am not a 'professional gate crasher,' I am a 'malcontent' on many issues.

"I have written the President and other high officials complaining of grievances that some may consider 'imaginary.' And on occasion I may also have 'embarrassed' high Government officials."

Based on the guidelines, the Senator asserted, he himself is qualified for the computer.