

2/18/71

Dear Seantor Ervin,

Thank you for your letter of the 12th and the enclosed (very good) speeches.

In this envelope is a copy of my today's letter to the University of Minnesota about one of the kinds of incidents that interests you. If they respond, I'll send you a copy.

I say "if" because to this very day I have had no response from either Secretary <sup>of</sup> the Army's general counsel.

What makes this silence all the more grevous, and especially in connection with my rights and your interests in everyone's rights, is that in each case I asked to be equipped with what I require, under their regulations, for use of the miscalled "Freedom of Information" law.

I have already enjoyed the in-court experience of having the government claim I had not exhausted what they described as my "available administrative remedies" simply because after five months they had not responded to my appeal as their own regulations require of them.

I hope that at some time you can expand your inquiry to include the official effort to render this law (5 U.S.C. 552) meaningless. I have some of the more informative chapters and verses for you, correspondence from the Department of Justice, court papers, etc. Their record is incredible, even to one who has read his Orwell with care and concern.

Sincerely,

Harold Weisberg

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## United States Senate

COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS  
(PURSUANT TO S. RES. 336, 91ST CONGRESS)

WASHINGTON, D.C. 20510

February 12, 1971

Mr. Harold Weisberg  
Coq d'Or Press  
Route 8  
Frederick, Maryland

Dear Mr. Weisberg:

Thank you for your reply of January 30, 1971 authorizing me to use your letter and information on military surveillance of civilians. I am certain those working in this area will be able to make good use of your knowledge and experiences.

I hope that you will continue your interest and your own efforts to preserve our constitutional rights. Enclosed are some reprints of speeches I have made in the Senate which may be of interest to you.

Thank you again for your cooperation.

With kindest wishes,

Sincerely yours,

*Sam J. Ervin, Jr.*

Sam J. Ervin, Jr.  
Chairman

SJE:jfe  
Encls.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS, SECOND SESSION

Vol. 116

WASHINGTON, WEDNESDAY, DECEMBER 16, 1970

No. 202

## Senate

(Legislative day of Tuesday, December 15, 1970)

### ARMY SURVEILLANCE OF CIVILIANS

Mr. ERVIN. Mr. President, over the course of the past few years, the Constitutional Rights Subcommittee has been engaged in a study of computers, data banks, and the impact that Government data gathering has on the Bill of Rights and our legacy of individual liberty and privacy.

These investigations have developed one new revelation after another, some with explosive public impact, and others, equally serious but perhaps of lesser notoriety. Put together, the subcommittee's studies have developed an awesome and threatening picture of increased Government data on thousands of American citizens—a picture which may some day soon amount to what some have called a "dossier society." In this "dossier society," Government would know all about the individual citizen, his habits, his livelihood, his thoughts, his aspirations, his hopes, and his fears. Such a society will not be free.

One of the more ominous revelations of recent months has been the disclosure that the military, primarily the Army, had instituted an organized system of political surveillance of the activities of Americans here in the United States. The story was first revealed by Mr. Christopher Pyle earlier this year. His discoveries were shocking in the extreme. They raised the specter in many minds of unrestrained armed forces interfering with the domestic political life of our country. Such a role has always been anathema to our constitutional system. It is made little less palatable by the suggestion that the civilian leaders of the military were unaware of this activity, or unable to control it if they were aware.

Over the course of time since the Pyle story, there have been many revelations of what this military activity was all about. It has been alleged, for example, that the military was at the conventions in 1968 both in Miami and Chicago. What they did, why they were there, by what authority and by whose order—these are questions as yet unanswered. There have been other allegations of military involvement in domestic affairs which, if true, are no less disturbing.

Now, I regret to inform the Senate that I have received new information which, if true, gives yet more details of the military intelligence activities that have been directed at the American people. I certainly hope that the information I have received is not true, for it suggests that many of the worst fears about the extent of the military surveillance on Americans are borne out.

It also suggests that the motivations behind this surveillance were directly counter to the principle that the Army is controlled by civilian constitutional authority—that it does not have a direct mandate to act independent of the appointed and elected civilian leaders of the country.

As I say, I hope that the information I have received is not true, but I confess that it very well may be true. And it is certainly substantial enough to demand a full explanation from the Army and from the responsible civilian leadership.

I have received information from a former Army intelligence agent that during the course of its surveillance of domestic political activities, the Army was not merely concerned with actions of fringe groups which have demonstrated a predilection for violence or illegal conduct. Nor were they concerned solely with nonestablishment political activities which they thought might develop into or be allied with violent actions. It now appears that the intelligence net was far wider than even this. It appears that Army intelligence, at least since 1968, but probably earlier as well, and up to June of this year at least, was actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made.

The individuals who were "targeted" for surveillance—spying, in common parlance—include a Member of this body, the junior Senator from Illinois, Mr. STEVENSON; the former Governor of Illinois, now Judge Otto Kerner; a Member of the other body, Congressman ABNER MIKVA; State and local officials; plus well-known political contributors of both parties, newspaper reporters, religious figures, lawyers, and local and national political figures. These are only a few

of the reportedly 800 individuals who were targets of the military intelligence system in only one State, Illinois. The activities were conducted by the 113th Military Intelligence Group which has jurisdiction in what is called region I—the midwest section of the country.

As reported to me, the reason for this surveillance was that the Army could determine the political proclivities of the individuals involved, and forecast their reactions to certain situations. The information was used to predict political behavior, voting patterns, political alliances, and political activities of men who are part of the normal, regular, constitutional, "established" political system of our country. The Army investigated these men during their campaigns for office and while they were in office. It was enough that they opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the administration, or that they were in contact with or sympathetic to people with such views. Apparently, anyone who in the Army's definition was "left of center" was a prospective candidate for political surveillance.

I believe it is necessary that the Army now disclose to the American people the full details of what they were doing and what they continue to do. It is not enough for them to say that they made a mistake, were bad boys, and will not do it again. They must disclose in full what happened and why it happened and what has been done to insure that it will never happen again. Only by making a full disclosure will the American people be assured that the military will not at some time in the future assume again for itself the role of "defender of the Constitution." That is a military role played all too often in other countries where the democratic traditions are weak and the principle that the military stays out of domestic politics is nonexistent. It is intolerable in the United States.

I hope, Mr. President, that by the time the Constitutional Rights Subcommittee conducts its hearings next February on computers, data banks, and the Bill of Rights, the Army will have finally disclosed all that it has done, and that it

can assure us that it is no longer nappening at any level, whether it be Fort Holabird, the Pentagon, or at some local commander's unrestrained discretion. I hope that the Army will answer to the subcommittee: First, whether local, State, or National political figures, appointed or elected, were indeed ever targets of military surveillance; second, who they were by name; third, why they were investigated; fourth, what kinds of information were gathered, for what purpose, and to what use it was put; fifth, what has become of the information since it was gathered; and sixth, who is the subject of military surveillance now.

Thus far, the explanations I have received from the Army do not disclose the extent to which this activity was conducted, nor the fact that it apparently included American citizens of such standing. I will discuss the recent correspondence I have had with the Army in the next few days. I expect by then to have heard whether or not the activities I have described today did in fact go on. If so, the Army may wish to supplement its recent communications and explain the inconsistencies between these allegations and the statements they have made so far.

Mr. President, the whole sorry story of this military information gathering and intelligence surveillance, serious as it is, should not be allowed to distract our concern from other, more subtle dangers to individual liberty and privacy that arise from less notorious data gathering by the Government. While much public attention is centered on these dramatic examples, there is still the steady increase in what may be characterized as "benign" information gathering and computerization. The end result of a "dossier society" is no less inimical to individual liberty if it comes from uncontrolled and unrestrained computerization of our citizens for benevolent ends such as traffic safety, welfare, improved criminal justice, and other socially beneficial programs. We may rely on an outraged citizenry to end unauthorized military activities, but the more difficult job is to put the new technology of computers under human, legal controls so we do not lose our freedom in the name of greater efficiency. I see an ever-increasing need for a set of legislative principles governing official data banks and the creation of an agency designed to control governmental information programs in the light of the overriding principle of privacy and individual freedom.

Mr. President, no Member of this body has greater admiration for the Army than does the senior Senator from North Carolina. No Member of this body has supported to a higher degree the efforts of the Army to keep itself ready to defend this Nation against any threat from abroad. But the Senator from North Carolina is constrained to say that spying upon the civilian population is not a proper function of the Army of the United States. It cannot be condoned. It cannot be tolerated.

I wish to read to the Senate, with the signature deleted, a letter I have received on this subject. The letter is dated December 7, 1970, and it is addressed to SAM J. ERVIN, U.S. Senator, and reads as follows:

DECEMBER 7, 1970.

SAM J. ERVIN,  
U.S. Senator.

DEAR SIR: Last evening, I had dinner with an associate who is presently on active duty with the United States Army. During dinner, my associate, who is a military intelligence officer, asked me if I had ever considered re-entering the Army and making federal service in the Army my career. Since June, 1970, when my military service terminated, I have often contemplated that very question. However, last evening was the first time I found that I had to answer. My answer was as follows: If the present structure of certain elements of the Army, particularly the Military Intelligence Corps, were to be torn down and re-structured, with an emphasis placed upon the supporting of the military community as a whole, as opposed to the present emphasis of those certain elements, I would consider re-entering the Army as an intelligence officer.

For almost five years, August 1965 until June 1970, I was on active duty with the United States Army. From July 1966 until June 1970, I was a military intelligence agent. During that period of time, I took part in and observed a radical change of priorities on the part of the activities of military intelligence.

From 1966 until early 1968, my duties involving the collection of information of an intelligence nature pertaining primarily to targets of a military nature. However, in early 1968, a portion of my duties involved the collection of intelligence information pertaining to individuals and organizations not related to the activities of the military. Until finally in June 1969, my entire effort as a military intelligence agent was directed against individuals and organizations not associated with any military activities. The justification of collecting information of an intelligence nature concerning non-military individuals and organizations was as follows: Certain elements of our society have resorted to illegal methods in order to attain political recognition and eventually their own political goals. These elements have resorted, in many instances, to the use of violence and the infiltration of non-political elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well-being of the citizens of the United States. Therefore, all attempts were made to monitor the activities of such elements. Military intelligence was provided with a "blank check" and was allowed to investigate, penetrate, and disrupt

such elements with little or no control, other than that exercised at the local military level.

Beginning in June 1969, approximately 50% of all collection activities targeted against civilian targets were initiated at the local military level. The remaining 50% of such activities were levied upon the local military intelligence commands from the command center at Fort Holabird, Maryland. At one point in October 1969, our collection team in the Chicago area, was collecting information on every individual and organization in the state of Illinois who espoused discontent with the military involvement in Southeast Asia or who openly opposed the Nixon administration's controversial domestic policies, to include elected public officials at the local and federal levels of government. The information was obtained using various means, to include the use of undercover agents, the attendance by military intelligence agents at all public gatherings considered to be of a radical nature, and the direct penetration of organizations opposed to the U.S. Military involvement in Southeast Asia. Once information considered of an intelligence nature was collected, that information was placed in classified military files, with a copy of the information being sent to various other federal agencies and to the command center at Fort Holabird.

In January 1970, I began to openly question the collection of intelligence information by the Army, when that information pertained to non-military organizations and individuals. My superiors justified the collection of such information to me by stating that it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals. My Group operations officer once informed me that civilian agencies such as the FBI and Secret Service did not have the availability of personnel as did the Army; and therefore the Army was better staffed to conduct large scale collection operations targeted against the civilian population. In response to my question of what value the information concerning civilians would have to the mission of the Army, my team chief stated, "What does it matter, the information all ends up at the same place."

Senator, I find that I am living in an atmosphere of mistrust. From my experience with the intelligence corps and other governmental investigative agencies I believe that if I were to make a public appearance and espouse my views concerning the US Military involvement in Southeast Asia, or the need for change on the part of the government's stand on campus unrest, my name would find its way to the classified files in some military intelligence office in the United States, and, that the word "radical" would be opposite my name in that file.

It is my understanding that you are presently involved in an investigation of the activities of military intelligence within the confines of the United States. If I may be of any service to your investigation, please feel free to call upon me.

With regard,

(Signature deleted).

EVANSTON, ILL.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS, SECOND SESSION

Vol. 116

WASHINGTON, TUESDAY, DECEMBER 29, 1970

No. 209

## Senate

### MORE ON ARMY POLITICAL SURVEILLANCE

Mr. ERVIN, Mr. President, on December 16, I related to the Senate the substance of allegations made by Mr. John O'Brien, a former agent of military intelligence, concerning Army surveillance of Federal, State, and local officials and other citizens not holding public office. These allegations have created an uproar in the country and caused a considerable amount of legitimate concern. Details of Mr. O'Brien's allegations are contained in a number of news stories by Jared Stout of the Newhouse News Service. Of course, the full story remains to be discovered. In order that the Senate have as much information as can now be made available, I ask unanimous consent that copies of these news stories be printed in the Record at the conclusion of my remarks. I also ask unanimous consent that copies of the official statements issued by the Army in response to these allegations be included in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN, Mr. President, the sensational nature of these charges and refutations ought not distract us from the main issue; that is: Did the Army, whether purposefully or accidentally, become engaged in the collection of information relating to legitimate political activities of American citizens, whether public officials or not? How did this happen, and why was it allowed to happen? What can be done to insure that it does not happen again?

As I stated a few days ago, this controversy is only part of the larger, more complicated and more serious problem of the impact of official data gathering upon the individual rights of American citizens. Most of this data collection is done for legitimate and socially beneficial purposes. Yet the fact remains that it is being undertaken with little or no protection for the individual citizen and insufficient reflection on the long-term consequences to American freedom. The Constitutional Rights Subcommittee hearings in February will probe deeply into this Army affair. But we will not be concerned solely with that issue. The Army political surveillance must be viewed against the background of the entire panoply of Government information gathering and the progressive computerization of the American citizen.

(EXHIBIT 1.)

[From the Evening Star, Dec. 16, 1970]

EX-GI TELLS OF CIVILIAN FILE: ARMY SPYED ON POLITICIANS

(By Jared Stout)

A former Army undercover agent says top-ranking Federal and state officials in Illinois, including Sen. Adlai E. Stevenson III, D-Ill., were secretly watched by Army intelligence operatives.

Former agent John M. O'Brien, who said, "I was a domestic spy for the Army," also named Rep. Abner Mikva, D-Ill., and U.S. Circuit Court Judge Otto Kerner, the former governor and chairman of President Johnson's Commission on Violence, as targets of military surveillance.

"The Army wanted to determine the political views so that in certain situations we would know how they would react; whether they would condone violence or be for non-violence," O'Brien said in an interview.

The surveillance was part of an Illinois-wide effort to get the names and background on anyone who opposed Vietnam war policy or "who openly opposed the Nixon administration's controversial domestic policies," the former agent said.

O'Brien, a former staff sergeant, said the spying was done by the Region 1 office of the 113th Military Intelligence Group (MIG) in Chicago and was paralleled by other Army intelligence units across the country.

O'Brien said that from June 1969, "until his honorable discharge as a staff sergeant on June 8, 1970:

"My entire effort as a military intelligence agent was directed toward the offensive activities conducted by the Army involving collection of information pertaining to individuals and organizations deemed by the Army to be subversive in nature."

According to O'Brien, the officials he named were among 800 persons on whom the 113th Military Intelligence Group kept dossiers. He said the records were called "the subversives file."

O'Brien said the file comprised 120-foot of Manila folders in four file drawers and was kept at Region 1 headquarters at 2231 W. Howard St. in Chicago. O'Brien said he worked there as an agent from June 1969, until his discharge.

The Chicago area native had been assigned to intelligence duties in Germany for his four previous years of Army service. He said he joined the service in August 1965 after his funds ran out during his junior year at Loyola University.

O'Brien said his own spy work involved antiwar protest groups and that he participated in direct surveillance of meetings held by Students for a Democratic Society and the Chicago Peace Council, among others.

In his position, he said he had frequent access to the 113th file and it was from his recollection of those files that he told his story. He had no physical evidence of the files or the reports that filled them.

O'Brien said in his first indoctrination briefing at the 113th, he was told that "we would be targeted against civilians." He said his superiors justified the activity this way:

"Certain elements of our society have resorted to illegal methods to attain political recognition and eventually their own political goals.

"These elements have resorted, in many instances, to use of violence and the indoctrination of nonpolitical elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well being of our society."

"Therefore, all attempts were made to monitor the activities of such elements," O'Brien said, adding that they ranged from the Daughters of the American Revolution to Alabama Gov. George C. Wallace and Bobby Seale of the Panthers.

"My superiors told me it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals," O'Brien said.

When he suggested this was a job for civilian agencies, O'Brien said he was told the FBI and Secret Service were short of men and "did not have the availability of personnel as did the Army."

O'Brien said he never saw any Army directives spelling out this civilian activity. "It just was the understood policy of how we were to operate," he said.

O'Brien said the 113th MIG's judgments on who would be watched was based, in part, on a political standard that put William F. Buckley Jr., a conservative columnist, "just left of center" and Sens. Eugene J. McCarthy, D-Minn., and George McGovern, D-S.D., on the "far left."

The "new left" in Army parlance was "virtually equal to Communism," O'Brien said.

What triggered his disenchantment with his unit's activities, O'Brien said, was the designation of Adlai Stevenson III as a surveillance target in September 1969. At that time Stevenson was Illinois state treasurer and had staged a picnic at his family farm in Libertyville, Ill., that was to prelude his candidacy for the Senate.

Several political powers attended the picnic, including Chicago Mayor Richard J. Daley and Negro leader Jesse Jackson.

Also among the crowd was a military intelligence agent assigned to watch Jackson.

During the course of the picnic, the Army agent took a photograph of Jackson whispering in Stevenson's ear. The picture and an agent report describing the event and "the new relationship" between Jackson and Stevenson was sent through intelligence channels to Ft. Holabird, Md., a collection center for the Army's domestic intelligence.

After that picnic, O'Brien said, "military intelligence agents of the 113th covered every appearance of Stevenson in Chicago, at least up to June 1970," when O'Brien was discharged.

Mikva became a person of interest "because of his outspoken criticism of (Vietnam) war policy and because he aided draft resisters," said O'Brien.

Judge Kerner was not subject to direct surveillance, O'Brien said "as far as he knew." "We just started keeping files on him after the commission report." The report of Kerner's violence commission said there was no evidence of a conspiracy in urban violence.

### MILITARY SPYES AND THE PRESS (By Jared Stout)

WASHINGTON—A \$250,000 contributor to President Nixon's campaign, Chicago insurance executive W. Clement Stone, was watched by army intelligence agents for at least a year, because he once loaned money to a street gang to open a store and restaurant.

At the same time, the army undercover men also kept close watch and detailed files on the activities of two Chicago businessmen, two negro aldermen, and the wife of a millionaire Chicago lawyer who was a prominent backer of Sen. Eugene J. McCarthy.

All of the individuals—Stone, Henry Deutter of the Chicago Daily News, Morton Kondracke of the Chicago Sun-Times, aldermen William Cousins, Jr., and A. (Sammy) Rayner, Jr., and Lucy Montgomery, the lawyer's wife—were tucked away in a massive "subversives file" maintained by the army.

These new disclosures were made Wednesday by former army spy John M. O'Brien in an interview. Earlier, O'Brien revealed military spying on several top-ranked Illinois political figures.

O'Brien said Sen. Adlai E. Stevenson III (D-Ill.), Rep. Abner Mikva (D-Ill.), and U.S. Circuit Court Judge Otto Kerner were targets of his former unit, the region one office of the 113th Military Intelligence Group (MIG) in Chicago.

O'Brien was assigned as an undercover agent for the 113th MIG from June, 1969, until his honorable discharge as a staff sergeant on June 8, 1970. His personal account of political spying during his service with the 113th MIG provoked outrage in Congress Wednesday and demands for a full public disclosure of army activities.

Irate lawmakers wanted to know why political figures and other prominent Chicagoans were watched, and became part of what O'Brien called "a subversives file" for 800 Illinois individuals and organizations.

Chairman George H. Mahon of the House Appropriations Committee promised an investigation of the reported spying, saying "we will do all we can to prevent its recurrence." Mahon, who also heads the Defense Appropriations Subcommittee, that controls military intelligence funds said the acts were "an outrage."

Mikva said of O'Brien's account, "the implications of this for the country are horrifying. The whole concept of civilian control of the military is in jeopardy, and if this thing is not stopped, all the people will have left to do is salute."

Stevenson told a news conference that "as long as this remains a free country the people will judge their elected officials—not the army."

"There is no place in a free society for snooping by the military in the peaceful political affairs of citizens," Stevenson said.

On the Senate floor, Sen. Sam J. Ervin (D-N.C.) said O'Brien would be called to testify before his Subcommittee on Constitutional Rights, which will hold February hearings on military spying and the secret creation of a domestic intelligence network.

At the White House, Presidential News Secretary Ronald L. Ziegler said it was "inconceivable" to President Nixon that such activities were going on. He told reporters Defense Secretary Melvin Laird was looking into the situation.

Ziegler said, "We certainly don't condone that activity," and that Laird would put a stop to it, if he found the surveillance effort was still going on.

While Congress pressed for an inquiry, O'Brien revealed these other aspects of the 113th MIG's operations:

Clement Stone, 69, was selected for surveillance because of his \$60,000 loan to the Vice Lords, a Chicago street gang. The money was intended to help the gang open a restaurant and store on Chicago's West Side. But it was enough of a link to a group considered "possibly subversive" by the Army to warrant a file on Stone, O'Brien said.

Stone is president of the Combined Insurance Company of America. By his own claim, he gave more than \$1 million to Republican candidates in 1968, plus \$250,000 to the Nixon-Agnew ticket. Those who know him in Chicago consider him a conservative prone to charitable works.

Stone's book on the power of a positive mental attitude is said to have been a source of inspiration to Nixon. He is known as the "Mr. Big" in the Illinois GOP's money circles.

Lucy Montgomery is the wife of millionaire lawyer Kenneth F. Montgomery who came to public attention in the Chicago area as a contributor and backer of Senator McCarthy's Presidential campaign. She has long been a backer of liberal causes. O'Brien said Mrs. Montgomery's file included "intimate details of her personal life."

Aldermen Cousins and Rayner have been outspoken black members of the Board of Aldermen controlled by Mayor Richard J. Daley. They have voted frequently against the Daley machine position.

Army interest was sparked by Rayner's ties to Chicago street gangs, particularly the Black P-Storms Nation. He has worked to move the gangs into legitimate enterprises.

Cousins came to Army attention as a strong supporter of the Rev. Jesse Jackson, another black Chicago leader prominent in the Southern Christian Leadership Conference. Jackson was also watched by the 118th MIG.

Judge Kerner came to the unit's attention after the National Violence Commission made its finding that riots were not caused by a national conspiracy, a view that O'Brien said differed from the Army's belief a conspiracy did exist. A former Governor of Illinois, Kerner was commission chairman.

The 118th MIG clipped from newspapers all accounts of the Kerner Commission report and called the Illinois State Police and Springfield Ill., police to see if they had any personal information on Kerner. Both agencies supplied some data, O'Brien said.

Newsmen Desutter and Kondracke were interesting to the 118th Mig because of their sometimes critical stories on Vietnam war policy in their coverage of the war protest movement, O'Brien said. Both men's articles were clipped from newspapers. Some personal data on their personal lives also were included in their files.

A third newsmen's writings, James Singer of the Chicago Sun-Times, also were kept. He, too, had covered protest demonstrations.

Desutter is the education writer and Chicago Daily News reporter assigned to coverage of the protest movement in Chicago. Kondracke is assigned to the Sun-Times Washington Bureau. Singer works for the Sun-Times in Chicago.

At the Pentagon, Army General Counsel Robert E. Jordan III did not deny intelligence information on political activity in the Chicago area had been collected.

But Jordan insisted "current Army policy specifically and emphatically prohibits collection of any information of the type referred to in these allegations."

In earlier statements, however, Jordan has conceded the Pentagon's civilian leaders did not know how far Army field commanders may have gone in the domestic intelligence area.

**STATEMENT OF ARMY GENERAL COUNSEL ROBERT E. JORDAN III, DECEMBER 16, 1970**

I have seen a number of allegations that Army intelligence personnel have, in the past, gathered information about political figures in the Chicago area.

The Department of Defense and the Department of the Army are, of course, gravely concerned about these reports. And we are checking into them at this time.

I want to make it very clear that current Army policy specifically and emphatically

prohibits collection of any information of the type referred to in these allegations.

A series of new policies issued over the past two years has strictly confined Army intelligence activities to a very narrow area related to certain tightly-defined Army responsibilities.

Army intelligence is not authorized to gather information on political activities, or on the activities of political leaders. Intelligence personnel are restricted to normal personnel-security activities and to certain activities related to direct threats against Federal property or personnel.

In addition, a former program concerning information related to possible civil disturbances has been dramatically curtailed. No collection, reporting, or storage of information in this area is allowed without prior order from the Army's civilian secretariat.

And such an order would be given only when the employment of Army troops to assist State and local officials in a disorder seems imminent.

In any active civil disturbance situation the Army would, of course, be working closely with officials of the Department of Justice.

I want to emphasize that the civil disturbance information which had been previously collected was ordered destroyed on June 8th of this year.

The Army's new policies of strict control in this area are contained in documents readily available to the public, to the press and to the Congress. The civil and military leadership of the Department of Defense and the Department of the Army have taken steps to insure that Army intelligence activities are strictly limited to our narrowly defined and limited responsibilities.

We will, of course, be continuing our close attention to this matter.

**STATEMENT BY SECRETARY OF THE ARMY STANLEY R. REASON, DECEMBER 17, 1970**

As was stated yesterday by Army General Counsel, Robert E. Jordan, III, the Department of Defense and the Department of the Army are gravely concerned about the allegations that Army intelligence personnel have gathered information on political figures. It was also stated yesterday that we are checking into these allegations.

A preliminary check has been completed. On the basis of information I have received, I can state that neither Senator Stevenson, Representative Mikva nor former Governor Kerner are or ever have been the subject of military intelligence activities or investigations related to political activities. Allegations to the contrary are without foundation in fact.

I want to emphasize that had any such alleged activities been conducted, they would have been in violation of Army policies.

With regard to Judge Kerner, as is the case with other general officers in the National Guard, there is in the files a copy of a background investigation in connection with his military duties. The last entry was in 1952.

The Department of the Army has reported to Senator Ervin and to others, including the press, the restrictions which have been imposed on the collection and retention of intelligence information. I want to re-affirm the Army's desire to continue its full cooperation with Senator Ervin and other Members of Congress who share my concern that there must be no abuses whatsoever of military intelligence responsibilities.

**DEPARTMENT OF DEFENSE INTELLIGENCE AND COUNTERINTELLIGENCE**

Memorandum for: Secretaries of the Military Departments, Chairman, JCS, and Directors of the Defense Agencies.

**Policy Objectives.** I want to be certain that Department of Defense intelligence and coun-

terintelligence activities are completely consistent with constitutional rights, all other legal provisions, and national security needs. These activities must be conducted in a manner which recognizes and preserves individual human rights. Policy determinations governing such activities must be retained under civilian cognizance and control.

One matter of particular concern to me is the one related to intelligence and counterintelligence activities involving the use of investigative and counterintelligence personnel. Actions have been taken to eliminate some past abuses incident to such activities, but further corrective actions are necessary as a matter of urgent priority.

**Specific Actions.** The remedial actions directed below will take effect at the earliest date practical, but not later than 1 February 1971:

a. Assistant Secretary of Defense Robert F. Froehke, who is my Special Assistant for Intelligence, in consultation with the Secretaries of the Military Departments, will review all policy directives relating to the conduct of investigative and counterintelligence activities and propose changes to insure that Defense policy is clear and consistent with my policy objectives. He will provide for a continuing review of the changes in organizational responsibilities, procedures and practices directed by this memorandum.

b. The Director, Defense Intelligence Agency (DIA) will report directly to the Secretary of Defense in the conduct and performance of his duties. The chain of command shall run from the Secretary of Defense to the Director, DIA. Guidance to the Director, DIA, shall be furnished by the Secretary of Defense and the United States Intelligence Board (USIB). The Director, DIA, will support the intelligence and counterintelligence requirements of the Joint Chiefs of Staff (JCS) as in the past. A separate J-2 organization within the OJCS will not be reestablished.

c. In addition to his presently assigned duties, the Director, DIA, shall implement my policies and be responsible to me for the planning, conduct, and operational control of all direct intelligence collection by human resources and counterintelligence investigative functions throughout the Department of Defense. Pending promulgation of DIA instructions, all activities and resources within these subject areas (including personnel, funds, equipment, and facilities) will be maintained and conducted at the currently approved or approved-for-planning levels. The Director, DIA, is authorized to delegate operational control to the appropriate Service or operating command. This delegation will be accomplished on a function-by-function basis.

**Informing Congress and the Public.** Because of the understandable public interest in this matter, it is my desire that, after plans, policies and procedures necessary to establish DIA control over all human resource activities in the Services as related to intelligence and counterintelligence are completed, my Special Assistant for Intelligence will hold a news briefing to inform the American public about the changes being made from past procedures. Concurrently, appropriate committees of the Congress will be informed of these actions.