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Military Surveillance of Civilians in America

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The national intelligence establishment of the United States is now composed of a score of agencies, has a staff over 150,000, and an annual budget of at least $6 billion [Fallows, 1973]. In 1898 when the United States entered the Spanish-Cuban War there were six officers in the Army's Military Information Bureau and a few Secret Service agents whose job was to chase counterfeiters. The Military Information Bureau's expenses in 1898 totaled $45.00 — "secret service" funds used to pay two detectives to shadow suspected Spanish spies in Tampa, Florida.

Surveillance, the watching of individuals and organizations by agents of the national government, is primarily a twentieth-century phenomenon in the United States. The practice of surveillance has evolved slowly over the past seventy-five years as an adjunct to the expanding law enforcement

FBI and their indictment in 1950 for conspiracy to violate the Espionage Act in wartime (by giving American military secrets to the U.S.S.R.) was the tip of activities that extended through every level of government, and soon ranged citizen against citizen.

Hoover exhorted the public to help the FBI by reporting on neighborhood subversives. Private intelligence organizations were formed by groups like the Veterans of Foreign Wars to investigate neighbors and to index persons suspected of disloyalty [Jensen 1968]. Other groups organized to profit from corporations' desire for loyalty investigations of employees. The American Security Council, for example, collected information from private investigators and former FBI men to assemble "subversive" files and provide internal security reports to corporate subscribers. It had speakers who alerted their audiences to the red menace, and sponsored speaking tours of generals and admirals who warned of the dangers of communism within [Jensen 1968]. Scores of smaller groups like the Christian Anti-Communist Crusade vied with the American Security Council for military men to ride their anticommunist circuits. The Christian Anti-Communist Crusade named MacArthur's old intelligence chief, Willoughby, as its "intelligence aide." The use of Army intelligence records for political purposes and the campaigning of former intelligence officers did much to cultivate Americans' fear of subversion and to provide the basis for the growing power of the military at home [Coffin 1964].

During 1951, Army intelligence set up a central records facility at Fort Holabird, Maryland, where it began to catalog domestic and worldwide investigations. The FBI sent copies of its reports to the center and in 1952, when Van Deman died, a large portion of his vast files with information on 125,000 individuals were taken over by the Army. Army intelligence also received information from counterintelligence groups within the National Guard [Johansen 1971]. The Department of Defense developed no general policy or guidelines for Army departments in the area of civil defense and domestic emergencies during the Korean War, yet a 1956 directive suggested that the Department of the Army had some continuous peacetime responsibility for collecting information on subversive groups [Johansen 1971].

Postwar Military Surveillance

The following year, that lack of policy became a concern to the administration, when President Dwight Eisenhower mobilized units of the Arkansas National Guard and dispatched federal forces to Little Rock under the command of Major General Edwin A. Walker to enforce racial desegregation. Members of the Army's CIC went to Little Rock two weeks ahead of the federal troops to watch the school and report on local press coverage. General Walker brought twenty-two more agents to establish an intelligence command. The G-2 used the CIC of the Fourth Army, intelligence staff officers from the Airborne Division, and FBI agents indiscriminately in the hectic days that followed. Counterintelligence personnel had charge of the nine black youths enrolled at Central High School, and of monitoring the Ku Klux Klan and other potential troublemakers. Surveillance continued on the orders of the secretary of the army after the regular Army troops had been replaced by federalized National Guard [Johansen 1971]. The next year, a Strategic Capabilities Plan restricted the use of intelligence personnel in monitoring civil disturbances until the president judged deployment of troops "imminent" [Johansen 1971].

During the Montgomery, Alabama crisis of 1961 when whites rioted over biracial "Freedom Riders," the attorney general dispatched federal marshals to restore order, the governor of Alabama declared martial law, and the Army worked out further civil disturbance plans. These plans assumed that the Army was expected to conduct civilian investigations in domestic emergencies arising from civil disturbances but that the Army was not to employ agents to collect information on civilians until the use of federal troops was "probable" [Johansen 1971]. Army agents were ordered to operate within the investigative jurisdiction of civil authorities only with specific authority from the president as commander in chief.

The Army was not called into Montgomery in 1961, instead the FBI developed counterintelli-

gence plans to extend surveillance to radical groups interested in integration problems in the South. During early 1962, as black southerners fought to obtain their civil rights, violence escalated in the South but the Justice Department under the Kennedy administration moved slowly lest white southern Democrats be alienated from the party. When the courts ordered admission of James H. Meredith to the all-white University of Mississippi in September 1962, administration plans at first called for the FBI and federal marshals to handle the crisis. Then on September 13, Governor Ross Barnett invoked the doctrine of state interposition, urging jail for himself and other officials rather than submission to court orders.

Five days later, twenty agents from the 111th Intelligence Corps group arrived at Oxford, Mississippi, to conduct covert investigations of civilians, apparently in violation of their directive that called for specific authorization from the president. During the next two weeks Army intelligence agents probed student activities at the University of Mississippi, the plans of "extremist" groups, the reaction of civilians to troop movements. They investigated "agitators" and compiled "black, white and gray lists." Agents proved so interested in probing civilian activities that they neglected their legitimate task of assembling tactical intelligence. As a result, adequate reconnaissance information was lacking on the evening of September 30, when an angry mob occupied the campus and threatened the United States marshal, and Army and Mississippi National Guard units were called in to disperse crowds near the campus and in Oxford [Schieps 1965]. Incoming troops had to conduct their own reconnaissance.

After the Mississippi intervention, the Army became even more active at home. Third Army headquarters at Fort McPherson, Georgia, expanded its "black, white, and gray lists" to include all political activists and racial extremists in its seven-state area of operations. In May 1963, General Creighton V. Abrams wrote that hard intelligence was indispensable in making the decisions necessary during civil rights operations, that the informal and patchwork arrangement for the collection of intelligence with no provision for collation and evaluation was wholly inadequate. He urged expansion of Army's surveillance of civilians in a "major intelligence project" to identify black and white personalities, to analyze civil rights situations in which they became involved, and to establish a civil rights intelligence center to operate on a continuing basis to keep abreast of the current situation throughout the United States [Johansen 1971]. Approval for Abram's vast domestic intelligence project was never given but neither was surveillance curtailed.

In October 1963, a new Continental Army Command plan left surveillance of civilians in the hands of the FBI but specifically authorized the military to file spot reports "as required" on events that might develop prior to the implementation of the plan. This became known as the Civil Disturbance Early Warning System. Ordinarily civil disturbance information was to be collected mainly through liaison with civilian authorities and through news media reports but an Army commander, if he felt the situation warranted it, could order covert operations in coordination with the FBI. This plan removed surveillance from central control. Such decentralization had in the past led to serious invasions of the rights of civilians [Johansen 1971].

During 1963, President John Kennedy had ordered a secret report on the total number of government employees engaged in intelligence and their annual expenditures. That report is still secret but one analyst of the intelligence establishment affirmed that an estimate of 60,000 people and $2.5 billion was on the low side. Much of the intelligence was foreign, particularly in Vietnam, but there was a parallel expansion of domestic intelligence during the Kennedy administration. His growing reliance on force abroad was accompanied by growing reliance on force at home [Alsop & Braden 1964].

The Vietnam War at Home

Under President Lyndon Johnson, the United States assumed increasing responsibility in protecting the Vietnamese from the Vietcong. At home, Army intelligence increased its activities as the war in Vietnam broadened. By 1965, the

Counterintelligence Analysis Division at the Pentagon had established a "North American" desk and assigned a Women's Army Corps captain to organize reference books and collect information on right-wing and racial groups in the United States [U.S., Subcommittee on Constitutional Rights 1973].

The same year a new Intelligence Command was created at Fort Holabird, Maryland, to coordinate the work of the counterintelligence agents assigned to G-2 offices of the major stateside armies. The function of the Intelligence Command was not to collect intelligence but to protect the Army from espionage, sabotage, and subversion. Its main job was to investigate persons being considered for security clearances and to conduct security inspections of military installations [U.S. Subcommittee on Constitutional Rights 1973].

When the new Intelligence Command was set up, the early warning system for civil disturbances was transferred from the Continental Army Command to it. For nine months the Intelligence Command prepared daily civil disturbance situation reports. During this time, field intelligence agents began their first photographing and reporting on small groups of antiwar dissidents. Surveillance was still sporadic, however, until the administration began bombing North Vietnam and increasing the number of ground troops in South Vietnam. Young white activists were soon directing their attacks at the war and, while the monitoring of right-wing and racial activists continued, opposition to the war soon became the major concern of the Army [Pyle 1974].

Rechanneling of the country's efforts into foreign war bred disillusionment among urban blacks as well. Riots ripped the ghettoes at Watts and other urban areas in the summer and fall of 1965. The Army feared it might be fighting a home front war with dissident blacks, angry civil-rights activists, and a resurgent left-wing movement that was basing its opposition to the government not only on the war, but also on a wider critique of American institutions [U.S., Subcommittee on Constitutional Rights 1973].

Local police also were urged to develop broader intelligence by the 1968 Kerner report on civil disorders [U.S. Report of the National Advisory Commission on Civil Disorders 1968]. The Army interpreted this support as an opportunity for expansion of its intelligence operations as well. In February 1966, the Army secretly revised its civil contingency plans again. These plans, coded as "Steep-Hill," gave the Intelligence Command a far broader role in civilian surveillance and definitely relegated the FBI to a minor role in domestic intelligence. All restraints were removed from direct agent observations of demonstrations and other political activities. Specific civilian groups were mentioned as needing surveillance. Subordinate commands were allowed to employ "appropriate resources" in intelligence collecting prior to any "Steep-Hill" operations. Such activities might include liaison with federal and local agencies but were no longer limited to such liaison. In addition, the Continental Army surveillance system, which the new Intelligence Command was to have replaced, continued in violation of regulations and without the knowledge of senior Army commanders. The Army now had two networks conducting civilian surveillance, one legal according to their directives, the other not [U.S., Subcommittee on Constitutional Rights 1971, pt. 1].

In Vietnam, pacification or counterinsurgency had become a major ingredient in United States strategy by spring 1967, when General Creighton Abrams replaced General William C. Westmoreland as the commander at the front. Under President Johnson's special assistant on nonmilitary activities in Vietnam, Robert W. Komer, computers and data processing were used, a national census taken, and with FBI help, a program to register everyone over fifteen years of age inaugurated.

The war at home continued to escalate as well. Military intelligence agents were already being trained in counterintelligence and being assigned to posts in the United States. They were given a badge, a civilian car, money to buy civilian clothes, and assigned to cities. Most of their early work was in investigations for security clearances and inspection of military installations [U.S., Subcommittee on Constitutional Rights 1971, pt. 2]. There was little public knowledge or concern about Army surveillance. In March 1967, revelations that the CIA was giving secret financial assis-

tance to educational and cultural organizations, labor unions, and private foundations provoked enough criticism for President Johnson to halt that practice but not enough to provoke a congressional investigation of domestic surveillance.[34]

Riots in Watts, Newark, and Detroit during the summer of 1967 provided a rationale for intelligence officers to expand their counterinsurgency techniques at home. When federal troops were called out, officers at the Intelligence Command believed they needed counterinsurgency information on black communities similar to that collected on Vietnamese guerilla organizations. The Army's chief intelligence officer at that time, Major General William P. Yarborough, a long-time counterintelligence and psychological warfare specialist, considered rioters "insurgents" manipulated by the communists. During the Detroit raids he told his staff: "Men, get out your counterinsurgency manuals. We have an insurgency on our hands" [U.S., Subcommittee on Constitutional Rights 1971, pt. 2, p. 1686].

From that time on, Continental United States Intelligence (CONUS Intel) grew. Yarborough set up a communications network known as "Operations IV" at Fort Holabird with a nationwide teletype network to feed it information. Large amounts of information came from FBI programs established to disrupt and harass black militants and white supremacist organizations, from antired squads within local police intelligence units, and an increasing amount came from military intelligence agents. Over 1,000 plainclothes Army agents were soon operating out of 300 posts spread across the United States to gather personal and political information on civilians [U.S., Subcommittee on Constitutional Rights 1973].

Popular spy stories gave young intelligence officers a feeling of importance as they probed the political activities of their fellow citizens. Investigations of civilians, away from Army discipline and danger, gave them an incentive. Boredom with security clearance investigations led them deeper into activities of political dissenters, especially dissenters against the war in Vietnam and particularly college students. At the University of Notre Dame, for example, agents claimed students were applying for positions of "trust and responsibility with the United States government" to gain information from college officials, professors, friends, neighbors, and local police.[35] At New York University, a black agent reported on black studies courses [*New York Post* Dec. 22, 1970, p. 1]. Agents posed as reporters and television newsmen on other campuses. They taped rallies and meetings. Mass demonstrations such as that of October 1967 at the Pentagon were well infiltrated by military intelligence agents. [U.S., Subcommittee on Constitutional Rights 1973]. By early 1968, CONUS Intel was distributing "compendiums" on possible fomenters of violence to commanding generals. Soon after, the Army began computerizing its spot reports on civilians [U.S., Subcommittee on Constitutional Rights 1972].

Those who have looked most closely at this expansion find little sinister in it as far as the motives of the men involved are concerned. Rather they find boredom, curiosity, lack of training in constitutional law and civil liberties, and the tendency of bureaucracies to increase as the main sources of the expansion [U.S., Subcommittee on Constitutional Rights 1971, pt. 1]. But they also find those at the top, who should have been able to counter these causes, unwilling or unable to monitor their own bureaucracies. Neither Congress, nor the president, nor even high military authorities established the program of civilian surveillance. The expansion dealt with short-range needs of the bureaucracy without any comprehensive analysis of the Army's domestic intelligence needs and authority, or its role in civilian law enforcement. Secretary of Defense Robert McNamara was aware of the Army's civil disturbance plan, but apparently he knew little of the straying from tactical intelligence to political intelligence. The secretary of the army also knew little of the network below him. Because reports were sanitized, censored to omit the source of the information, even the under secretary of the army who received regular counterintelligence reports believed that most of the material came from civilian sources [U.S., Subcommittee on Constitutional Rights 1971, pt. 1].

The assassination of Martin Luther King, Jr. in April 1968 was followed by riots in 100 cities.

The Joint Chiefs of Staff estimated that 270,000 troops were needed to be ready to quell civil disorders [*New York Times*, June 22, 1971, p. 15]. Subsequently, the FBI began a new program against New Left organizations and Army agents ranged ever more widely along the home front, enlarging their blacklists of "potential troublemakers" [U.S., Subcommittee on Constitutional Rights 1971, pt. 1]. A directorate for Civil Disturbance Planning and Operations was set up in what came to be known as the "domestic war room" constructed under the Pentagon's mall parking lot and paid for out of contingency funds. After Senator Robert Kennedy was assassinated in June 1968, Congress passed a resolution allowing the Army to protect national political candidates and incumbants. The way was now open for unrestrained civilian surveillance.

At the July 1968 Republican nominating convention, the Army sent several dozen agents, dog handlers, and bomb-disposal specialists to protect candidates and delegates. The following month at the Chicago Democratic convention, military agents were on the floor while other agents posed outside the convention hall as cameramen to videotape demonstrators. (Congressional investigations showed that neither Republican nor Democratic officials knew of the Army presence nor did the secretary of defense, or the secretary of the army) [U.S., Subcommittee on Constitutional Rights 1971, pt. 2]. An Army intelligence agent later infiltrated a dissenter's commune in Washington where the "candidate" of the counterinaugural, Pigasus the Pig, was being kept. Agents knew how many protesters would show up at the counterinaugural and all their plans [U.S., Subcommittee on Constitutional Rights 1971, pt. 1]. By February 1969, even ROTC members were receiving orders to gather information on campus about New Left movements.[38]

Major General Joseph A. McChristian, former head of the military intelligence in Vietnam who replaced General Yarborough as the Army's chief intelligence officer in August 1968, was one of the first to suggest that civilian surveillance be cut back because it was taking time away from other military intelligence tasks [U.S., Subcommittee on Constitutional Rights 1973]. The Pentagon, however, insisted that domestic war intelligence continue [U.S., Subcommittee on Constitutional Rights 1973].

Under Secretary of the Army David E. McGiffert and Army General Counsel Robert E. Jordan III, also began to question military surveillance. They did so after learning of Army intelligence

CONFIDENTIAL

NATIONAL HEADQUARTERS
PERSHING RIFLES
University of Nebraska
Lincoln, Nebraska 68508

P/R-N-2 28 February 1969

SUBJECT: Intelligence Reports

All Regiments

1. National Headquarters requests that prior to 28 March 1969 Regimental S-2's amass intelligence information as to their situation containing:

a. Extent of New Left movement in your respective regimental areas.
b. Affect of New Left movement on the organizations in your area —
   (1) membership
   (2) expansion
   (3) attitude
c. Areas of greatest strength
   (1) organization
   (2) New Left movements

2. National also would like to have from each of your units a similar Intelligence Report to better facilitate our understanding of your situation and the extent of the threat that the New Left poses to this organization.

3. Because of the nature of this report, it should be understood that it is not open for general discussion. All material concerning the New Left movement and our research on them is strictly confidential.

FOR THE COMMANDER:

CONFIDENTIAL

[Signed by]

MONTE R. FELLINGHAM
CPT. P/R
G-2

NATIONAL HEADQUARTERS
PERSHING RIFLES
University of Nebraska
Lincoln, Nebraska 68508

P/R-N-N/C 13 March 1969

SUBJECT: National Headquarters Correspondence

ALL REGIMENTAL HEADQUARTERS

Reference National Headquarters correspondence of 28 February 1969 SUBJECT: Intelligence Reports. Request this correspondence be disregarded and destroyed if possible. Further correspondence of that nature will not be forthcoming.

[Signed by]

WILLIAM J. KRONDAK
MG, P/R
Commanding

reports on labor disputes, prison riots, and a request from the Justice Department for videotaped interviews for use in obtaining indictments of the "Chicago eight" [U.S., Subcommittee on Constitutional Rights 1973]. On February 5, 1969, shortly before McGiffert left office, he ordered an end to covert operations on the basis that such activities would diffuse manpower and were not necessary. He stressed reconnaissance, early warning, and combat intelligence rather than reports on individuals and movements. He tried to restore the military intelligence to the pre-1949 standard of liaison with civilian agencies rather than as investigations. McGiffert asked Jordan to explore ways in which the Justice Department could take over the major responsibility for collecting civil disturbance intelligence and to draw up guidelines to limit covert activities, especially among civilians [U.S., Subcommittee on Constitutional Rights 1973].

McGiffert negotiated with the Justice Department's Deputy Attorney General Richard G. Kleindienst to have the Justice Department take responsibility for supervising the collection of civil disturbance intelligence. An interdivisional unit of the Justice Department was to be the collection center for information prior to dissemination to the White House, the attorney general, and the Defense Department. A specific plan for collection of intelligence was left for the future, however, and in the meantime Hoover kept his counterintelligence programs in force and Army agents stayed in the field watching civilians. On April 1, 1969, the Justice Department and Army intelligence agreed to a plan whereby the Justice Department would supervise intelligence gathering. Army domestic surveillance was not stopped, however, and at the end of April, the Army deferred implementing McGiffert's memorandum. The new civilian chiefs tried to tighten central control of covert investigations and to curb the activities of agents, but they continued surveillance of civilians [U.S., Subcommittee on Constitutional Rights 1973].

Agents continued to infiltrate the peace movement. They made 1,200 spot reports a month during 1969 and any pretense at restraint was abandoned in the October and November antiwar moratoriums during which Army agents took to the streets to report on marches, rallies, and prayer vigils [U.S., Subcommittee on Constitutional Rights 1973].

There were no Pentagon Papers on Army surveillance but there were others who, like Daniel Ellsberg, saw hopes for peace at home vanishing with Richard Nixon's continued use of domestic espionage. In January 1970, after Daniel Ellsberg had sent the Pentagon Papers to the Foreign Affairs Committee of the Senate, but before they had been made public, Christopher Pyle, a former military intelligence officer, published an article entitled "CONUS Intelligence: The Army Watches Civilian Politics" [1970a] in which he sketched the nature and scope of the Army's domestic intelligence effort and made proposals for curbing excesses. His review opened the first fullscale public debate on Army intelligence in the more than seventy years of its existence.

Press coverage brought complaints from civil libertarians, news commentators, and members of Congress. The Army admitted it had 1,000 agents and 300 offices but claimed that covert operations had been prohibited "for some time" [Pyle 1970b]. Its claims were not enough for members of Congress who were beginning to respond to demands from the public for a more active role in policing

S Alsop + Th. Braden. Sub-Rosa: OSS + Army Intelligence 1964 Harcourt, Brace.

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