

The Army's Political File

The Federal Court of Appeals in the District of Columbia is now considering a request for an expedited appeal, if not summary reversal, of a case that concerns the civil rights of many people engaged in lawful dissent. It involves the Army's practice of collecting information and keeping secret files on the political activities of civilians and organizations.

The Army won the first round in Federal District Court in Washington. A judicial ruling gave a go-ahead for military intelligence to expand its existing dossiers on dissenters and protesters who expressed their opinions in speech, writing, or by association and assembly.

In dismissing a suit brought by the American Civil Liberties Union on behalf of various peace groups, black ministers and attorneys and even the Memphis sanitationmen's union, Judge George L. Hart Jr. refused to hear the testimony of two former military intelligence agents. They had planned to present evidence that a computerized data bank was maintained by the Army at Fort Holabird, Md., on thousands of civilian "dissenters." Their disclosures, supplementing an article in "The Washington Monthly," were later made out of court.

Judge Hart drew an analogy from the bench between the right of the Army to gather and store intelligence and a newspaper "morgue" that keeps names and data on organizations on file. This comparison, as the A.C.L.U. pointed out, failed to recognize that a newspaper is not a military organization, has no power of arrest and—so far as we know—maintains no arsenal of weapons.

But even without this flawed reasoning, the fundamental question concerns the right of the Army to set up a domestic secret service. We were under the impression that the F.B.I. was already engaged in this activity as provided by law. The implications are ominous in a country where the military is supposed to be subservient to civilian authority.