

Data Banks

Secret Files on 'Suspect' Citizens

Washington

The police, security and military intelligence agencies of the federal government are quietly compiling a mass of computerized and microfilmed files in Washington on hundreds of thousands of law abiding yet suspect Americans.

With the justification that an 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.

FEW

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. (Dem-N.C.), has said that computerized files already in existence here are leading the country towards 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

most sophisticated in the government. In its memory the names and dossiers of activists, "malcontents," persistent seekers of redress, and those who would "embarrass" the President or

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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 listing 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 of the dossiers are listed as "radical" or "moderate."

NEED

Government officials insist that the information is needed and is handled discreetly 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 (Dem-N.J.) — charge that the system is an invasion of privacy and potential infringement of First Amendment rights to free speech and assembly.

Erwin, a conservative, a student of the Constitution, a former justice of the North Carolina Superior Court, and chairman of the Senate Subcommittee on Constitutional Rights, says that the arrival of computer technology in government file-keeping is pushing the country toward "a mass surveillance system unprecedented in American history."

DANGER

In a recent series of Senate speeches, Ervin said that the danger of the surveillance system was being masked by a failure among the American people to understand "the computer mystique" and by the indubitable sincerity and desire for "efficiency" of the data bank operators and planners.

The government is gathering information on its citizens at the following places:

A Secret Service computer, one of the newest and

2500 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 farmworkers 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.

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, 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 assassins 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.



SENATOR ERVIN
Lonely critic