

DEC 26 1970

Mr. Laird's Flawed Reply

The announcement by Defense Secretary Laird that he intends to bring domestic military intelligence operations under tight civilian control "consistent with constitutional rights" is another unconvincing chapter in a by now familiar script.

The pattern usually starts with congressional or press disclosures of spying by military investigators on a wide range of civilian and political activities. These are followed by instantaneous official denials. Then, as evidence piles up, a high-ranking Administration spokesman pledges that there will positively be no recurrence of what only the day before was said never to have happened. In line with that dreary scenario, Mr. Laird has now dutifully come forth with a promise that civilian control will be strengthened.

That assurance is far from sufficient. The issue is not whether the proceeds of military snooping will eventually be under the control of a civilian Secretary; rather the issue is whether the armed forces, under anyone's control, ought be allowed to usurp investigatory powers over the personal or political activities of the nation's citizens and institutions.

Such usurpation was first revealed last April, when the American Civil Liberties Union brought court action against an Army-operated political intelligence network and the storage of information thus obtained in a computerized data bank. Now it is plain that the Pentagon's momentary embarrassment over being caught in the constitutional cookie jar failed to prevent the military from subsequently engaging in secret surveillance of political candidates, public officials, student protesters and even academic courses. Disclosure of such excesses raises the question how much of any citizen's private life and activities remain safe from similar intrusions.

A memorandum of governmental reorganization is not an adequate answer. The remedy is not in a shake-up but in the elimination of an abuse that subverts the Constitution by giving to the military a range of powers unprecedented in American history.

The dangers implicit in such an extension and perversion of military power are compounded by the fact that the modern information storage and retrieval technology makes it almost impossible to destroy the improperly gathered data. Indeed, the A.C.L.U. is still engaged in court action to insure not only the abandonment of the political data bank but also the elimination of duplicate data and microfilms.

Secretary Laird can best allay the nation's rising fears

of military thought-control and possible political blackmail by addressing himself not to bureaucratic procedures but to stouter defenses for the principles of a free society.