

Introduction to *Army Surveillance of Civilians: A Documentary Analysis*. 92nd Congress, second session. Washington, D.C.: U.S. Government Printing Office, 1972.

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Prompted by Capt. [Christopher Pyle's](#) 1970 revelations of U.S. Army surveillance, the *Tatum v Laird* case, which petitioned “the courts to enjoin the army from the collection, distribution, storage of information on lawful political activities of persons unassociated with the armed forces,” and Morton Kondrache’s 1972 *Chicago Sun–Times* reporting, the Senate Subcommittee on Constitutional Rights 1 released *U.S. Army Surveillance of Civilians: A Documentary Analysis* (1972, 92d Congress, 2d session).

The Subcommittee (1972:44) credits Kondrache with breaking the story regarding the Continental Army Command’s ([CONARC 1955–1973](#)) “computerized and non-computerized files” in which the Subcommittee (1974: v) discovered “enormity in data collection” in the surveillance of professors, students, housewives, civil rights workers, anti-war and political activists. 2 In its *Documentary Analysis*, the Subcommittee wrote

The absence of *civilian* control over this surveillance prior to 1970 has already been established. This report proves an absence of central *military* control as well. Each major data bank developed independent of others in a milieu which showed little concern for the values of privacy, freedom, efficiency, or economy (1972:97).

In addition to the Subcommittee’s (1972:44, 97) unearthing of an extensive, decades-long intelligence collection and information sharing program conducted by CONARC and its “subordinate continental armies and their constituent elements,” most remarkable are the revelations of the Army’s perceptions of their domestic mission and “vacuum cleaner” approach to intelligence gathering and surveillance:

...drew a false analogy between foreign counterintelligence and counterinsurgency operations and the Army’s role in civil disturbances...[D]emonstrators and rioters were not regarded as American citizens with possibly legitimate grievances, but as “dissident forces” deployed against the established order (1972: v).

Reflect an unfortunate tendency within the government to react to the problem of civil disturbances by conducting widespread and indiscriminate and duplicative surveillance. The result is a great collection of information that gives an illusion of knowledge, but which hampers the ability of responsible officials to make intelligent decisions. Unfortunately, it appears that Army intelligence, uncertain of its stateside-mission, took refuge in surveillance and dossier-building, and thereby deluded itself into thinking it was “doing something.” In fact, it was merely wasting

time, money, and manpower, and infringing on the rights of the citizens it was supposed to be safeguarding (1972:97). 3

[T]he major impression from our long study of these files is their utter uselessness. The collection of this information, and its attendant infringement on the constitutional rights and privacy of American citizens, has sometimes been justified on the grounds of necessity, chiefly that of public safety. Yet it appears that the vacuum-cleaner approach of collecting all possible information resulted in great masses of data on individuals which was valuable for no legitimate (or even illegitimate) military purpose... (1972: 97)

Although available in most federal depository libraries in paper format as a public document, placing the *Documentary Analysis* on the Web liberates history from the stacks. The Subcommittee's report offers researchers, FOIA requesters, and citizens alike the opportunity to investigate recordkeeping systems such as the *CONARC Incident Files*, the Counterintelligence Analysis Branch (CIAB) *Compendium*, and the *Counterintelligence Records Information System* (CRIS) as well as the labyrinthian military-intelligence surveillance bureaucracy, which Joan Jensen (1991:246) characterizes as a situation where

...antiwar protesters seldom attacked military surveillance. In part this silence occurred because protesters did not know which department agents represented. Most protesters knew little about either the civilian or military bureaucracies they battled in opposing war policies. Sometimes they lumped all agents together as government agents.

Researchers may also extend their investigative activities beyond the Department of the Army, for as the Subcommittee (1972: 20) discovered, many military surveillance files were shared with the CIA, FBI, NASA, Secret Service, and State Department, as well as "eight defense attaches in foreign countries, including the Soviet Union."

When reading the *Documentary Analysis*, one is reminded of more recent disclosures of domestic (warrantless) surveillance with its justifications in national security. But there's more that meets the eye: the Subcommittee's (1972: 86) chilling remarks that "*what separates military intelligence in the United States from its counterparts in totalitarian states, then is not its capabilities, but its intentions,*" demands the public debate of those still-unresolved questions regarding the scope and boundaries of national security and free speech, expression, privacy, transparency, and agency oversight.

Highlights of the report:

p. 8: Is "[Individuals Active in Civil Disturbances](#)," (State of Alabama, Department of Public Safety, Investigative and Identification Division), the same document mentioned as Volume 3 of the Fort Holabird Army Intelligence Command Blacklist, or "mug book"?

p. 51: Volumes 2–6 of the "Personalities edition" contain 2,269 pages of detailed summaries of the political beliefs and activities of nearly 5,000 people, in addition to a 99–page index to persons listed.

p. 72: Details the Fort Hood "computerized storage system for civil disturbance and intelligence."

p. 86: The Defense Central Index of Investigations is "...25 million index cards representing files on individuals and 760,000 cards representing files on organizations and incidents. "

Pre–NORTHCOM, information on the domestic activities of the United States Strike Command (USSTRICOM), "established in 1961 to furnish deployable, combat–ready forces as in an emergency situation anywhere within the United States or overseas. A two service command (Army and Air Force), USSTRICOM is headquartered at McDill Air Force Base and is commanded by an Army general. It has two major components, the U.S. Army Forces Strikes Command (ARSTRIKE) and the U.S. Air Force Strike Command (AFSTRIKE), are headquartered in close proximity."

p. 89: Directorate for Civil Disturbance Planning and Operations was created in April 1968 when the Army anticipated that it might have to deploy 10,000 troops in each 25 cities simultaneously.

p. 95: "The secrecy which surrounds all military intelligence operations has also hampered both Executive Branch and Congressional inquiries. The time it has taken to comprehend the structure and *modus operandi* of the Army's intelligence units has cut into our capacity to uncover and examine various files. Similarly, much time has been lost in discussions with Defense Department officials concerning what items may and may not be declassified."

p.95–96: "ONI (now NIS) and OSI reports were also stored in data banks substantially maintained by the Army, *but it is unlikely that we will ever see their contents*" [emphasis added].

p. 96: The size of the records centers such as the Fourth Army (Fort Sam Houston) "reported the equivalent of 120,000 file cards on 'personalities of interest.' It seems likely the subversive file at Fort Holabird contained even more."

The Counterintelligence Analysis Branch (CIAB) “reported that the computerized index to its microfilm archive contained 113,250 references to organizations and 152,000 references to individuals.”

Army intelligence “had reasonably current files on the political activities of at least 100,000 civilians unassociated with the Armed Forces.”

p.97: “The size of the files confirms other reports that the surveillance dates back not to the Newark and Detroit riots of 1967, but to the reestablishment of Army counterintelligence on the eve of the Second World War.”

The full text of the Senate Committee on the Judiciary, Subcommittee on Constitutional Rights, [*Military Surveillance. Hearings*](#) (93rd Congress, second session, on S. 2318. April 9 and 10, 1974) is available via Boston Public Library at the Internet Archive. The Hearings partner with the *Documentary Analysis* to give an uncomfortable view into the Army’s indiscriminate surveillance enterprise.

Notes

1. The Subcommittee on Constitutional Rights, now known as the [Subcommittee on the Constitution](#), was a subcommittee of the [Senate Committee on the Judiciary](#). Records of the Committee on the Judiciary and Related Committees, 1816–1968 are fascinating. (Scroll to 13.119, [the Subcommittee on Constitutional Rights](#) and 13.121 for the Subcommittee’s history). The Subcommittee was established in 1955 to “to survey the ‘extent to which the Constitutional rights of the people of the United States were being respected and enforced.’” Of significance is NARA’s note at 13.120 the Subcommittee “consequently, as the subcommittee’s activities became known, it received thousands of complaints, inquiries, and requests for information and assistance from a variety of sources.”

In addition to investigating military surveillance in its *Documentary Analysis*, the Subcommittee on Constitutional Rights, chaired by Senator Sam Ervin of North Carolina from 1961–1974, undertook several other significant investigations into infringements of constitutional rights. Of note, the Subcommittee conducted hearings on *Wiretapping and Eavesdropping Legislation* (Eighty-Seventh Congress, first session, on May 9–12, 1961), *Constitutional Rights of the American Indian* (Eighty-Seventh Congress, first session, on Aug. 29–31, Sept. 1, 1961 and Nov. 25, 29, Dec. 1, 1961), *Withholding of information from the Congress* (86th Congress, 2d session, 1961), the “*Equal Rights*” Amendment (May 5, 6, and 7, 1970), and *Federal Data Banks and Constitutional Rights: A Study of Data Systems on Individuals Maintained by Agencies of the United States Government* (Ninety-third Congress, second session, 1974).

2. For supplementary material on the history of U.S. military and intelligence agency surveillance and recordkeeping systems, see Morton Halperin et al, [*The Lawless State: The Crimes of the U.S. Intelligence Agencies*](#) (Penguin Books, 1976); Joan M. Jensen's [*Army Surveillance in America, 1775-1980*](#) (Yale University Press, 1991); Morton Kondrache's *Chicago Sun-Times* stories, "Civilian Data Banks Continue, Despite Army Disavowal," (February 27, 1970:22), "Army Has Closed Political Computer But Justice Dept. Maintains Bigger One" (March 9, 1970: 26), and "Army Continuing its Political Intelligence Operation" (March 15, 1970: 8); and Alan LeMond and Ron Fry's [*No Place to Hide*](#) (New York: St. Martin's Press, 1975).

Check with local libraries for the Lexis Nexis microfilm collection [*U.S. Army Surveillance of Dissidents 1965-1972: Records of the U.S. Army's ACSI Task Force*](#); also check NARA's web version of the [*Guide to Federal Records in the National Archives of the United States*](#) for specific record groups (RG) of federal agencies. Many libraries own microfilm of the collection.

3. From a legal stance, It isn't clear that military surveillance violates the Posse Comitatus Act (18 U.S.C. § 1385); see Jennifer Elsea, "The Posse Comitatus Act and Related Matters: A Sketch," *CRS Report for Congress* June 6, 2005, RS20590 <http://fas.org/sgp/crs/natsec/RS20590.pdf> and Eric V. Larson, John E. Peters *Preparing the U.S. Army for Homeland Security: Concepts, Issues, and Options*, Appendix D. "Overview of the Posse Comitatus Act," at http://www.rand.org/pubs/monograph_reports/MR1251/index.html

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