

## Pentagon Steps Up Intelligence Efforts Inside U.S. Borders

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On March 19, 2005, about 200 mainly middle-aged peace marchers made their way through the streets of this city, stopping outside a Marine Corps recruiting center and a Federal Bureau of Investigation office to listen to speeches against the Iraq war. Close behind, police in unmarked cars followed them -- acting on a tip from the Pentagon.

For weeks prior to the demonstration, analysts at the Army's 902nd Military Intelligence Group in Fort Meade, Md., were downloading information from activist Web sites, intercepting emails and cross-referencing this with information in police databases.

The Army's conclusion, contained in an alert to Akron police: "Even though these demonstrations are advertised as 'peaceful,' they are assessed to present a potential force protection threat."

The Akron protest and seven others monitored by the Army that month turned out to be nonviolent. Pentagon officials later issued an apology, admitting that some of the information in military databases shouldn't have been there. But they called that a minor slip in a critical program to protect Americans.

The government's monitoring of the protests is one example of how the 9/11 terror attacks have sparked a broad effort by the Pentagon to gather intelligence within U.S. borders. Its goals are both to protect military facilities and keep an eye out for any threat on American soil.

After 9/11, the Bush administration declared the continental U.S. a theater of military operations for the first time since the Civil War, creating a demand to better research potential threats to American forces at home. Now several parts of the vast Pentagon bureaucracy are building large databases of information from sources including local police, military personnel and the Internet. In doing so, the military is edging toward a sensitive area that has been off-limits to it since the 1970s: domestic surveillance and law enforcement.

One widely reported part of the new information battle is the National Security Agency's wiretapping of calls without a warrant between people in the U.S. and suspected terrorists overseas. The agency is part of the Defense Department. That practice is just one piece of a larger, less-discussed effort.

The military justifies the gathering of domestic intelligence in part by relying on a key distinction between "receiving" information and "collecting" it. Military regulations over the past few decades have generally barred using soldiers to gather information on American citizens. Officials have interpreted the rules to mean that receiving information from the police or federal agencies is acceptable.

"We are receiving information lawfully gathered by other agencies and then following up on it to make an assessment," says Cmdr. Greg Hicks, a Pentagon spokesman.

Further, the military says it doesn't order civilian law-enforcement officials such as the police or the FBI to do anything. Military officials say they may point out items of concern such as the Akron march but it's up to police whether to listen.

The broad Pentagon effort comes amid a surge of popular support after the 9/11 attacks for more vigilant efforts to prevent terrorism. Polls continue to show backing for aggressive moves. In a March [Wall Street Journal/NBC News poll](#), 52% of those surveyed said they supported the NSA wiretaps without a warrant, while 46% said they were opposed.

The military moves nonetheless face both political and practical objections. Civil libertarians fear a return to the Vietnam era, when military personnel collected information on more than 100,000 Americans, infiltrated church youth groups and posed as reporters to interview activists, according to a 1975 Senate investigation. Critics say the receiving-versus-collecting distinction makes little sense if the Pentagon is taking in huge amounts of data, organizing it, analyzing it and using it to influence law enforcement.

"Today military spies can compile more information about antiwar protesters by 'receiving' it off the Web than its gumshoes used to collect by watching demonstrations," says Christopher Pyle, a former Army intelligence officer who disclosed the military's surveillance of civilian politics in the 1960s to Congress and worked to end it. Mr. Pyle is now a professor of politics at Mt. Holyoke College in Massachusetts.

Because of the secrecy surrounding the programs, the results of the Pentagon's efforts -- including any possible successes in preventing terrorism -- are unknown. President Bush and other officials have said that Americans often don't see such successes because revealing them would help terrorists. Mr. Bush's critics, aside from their civil-liberties concerns, say monitoring antiwar activities may turn out to be a waste of resources by diverting attention from known terrorists.

According to documents seen by The Wall Street Journal, the Pentagon has monitored more than 20 antiwar groups' activities around the country over the past three years. It has reviewed photographs and records of vehicles and protesters at marches to see if different activities were being organized by the same instigators. Cmdr. Hicks says the point of this monitoring is to keep military personnel away from places where they might provoke demonstrators, not to interfere with anyone's right to protest.

The peace activists don't like being watched. About 300 activists gathered at Akron's public library this February to complain to elected representatives at a public hearing. They had watched an NBC News report in December that said the Pentagon included peace group activities in a database of potential terrorist threats. Documents viewed by The Wall Street Journal show that, as the activists suspected, their Quaker-organized rally

in March 2005 was on the Pentagon's watch list. Those documents show a broader effort to gather information for databases and analyze it.

### **'Eerie Feeling'**

Pat Carano, a veteran of Ohio peace marches since the Vietnam War, told the meeting of the "eerie feeling" of being watched when he saw the unmarked police cars. "It's ridiculous," said Donna Schapps, a grandmother of four from Stow, Ohio. "Quakers are not terrorists. We believe in peace."

Strict limits on soldiers doing the work of police date back to the Posse Comitatus Act of 1878, enacted in response to a public backlash against troops maintaining civil order in the South during Reconstruction. The act generally prohibits the military from domestic law-enforcement activities.

The military's secret monitoring of dissidents during the Vietnam War led to a slew of laws, regulations and executive orders that pushed the military out of domestic spying and created walls between domestic and foreign intelligence.

After Sept. 11, 2001, those walls came in for criticism from a broad range of experts. The bipartisan 9/11 Commission concluded that U.S. intelligence agencies needed to do a better job of coordinating and connecting leads. The Pentagon itself believed it might have prevented the attacks if its ability to operate within the U.S. were less circumscribed, and decided to take a fresh look at the post-Vietnam rules.

On Nov. 5, 2001, Lt. Gen. Robert W. Noonan Jr., then the Army's deputy chief of staff for intelligence, sent a memo to Army commanders titled, "Collecting Information on U.S. Persons."

"Contrary to popular belief, there is no absolute ban on intelligence components collecting U.S. person information," it said. Gen. Noonan noted that while the military was normally barred from using its own assets to collect information about people living in the U.S., military intelligence "may receive information from anyone, anytime...if only to determine its intelligence value.

"Remember," the memo stressed, "merely receiving information does not constitute 'collection' " under Army regulations.

Michael Varhola, an official in the Army inspector general's office, repeated the message in a January 2002 article in the quarterly Military Intelligence Professional Bulletin. Even though many types of information gathering were perfectly legal, Mr. Varhola wrote, "unfortunately some individuals find it easier or safer to avoid the issue altogether by simply not collecting the data on citizens they may need to do their complete jobs."

As such views spread, several parts of the Pentagon empire soon swung into action to formalize information-gathering efforts, though they weren't all necessarily acting in

concert. In February 2002, Paul Wolfowitz, then the deputy defense secretary, formed a unit at Pentagon headquarters to manage all military counterintelligence programs. Its name was Counter Intelligence Field Activity. CIFA, whose exact size and budget remain secret, has grown to include nine directorates. Its main focus is on protecting defense facilities and personnel from terrorist attacks.

Some of the raw data feeding into CIFA headquarters comes from a reporting process called Talon (short for "Threat and Local Observation Notice"). Talon started out as an Air Force reporting form that airmen could fill out and hand in if they noticed anything unusual around the base. In May 2003, the Pentagon made Talon the standard method for service members in all the armed forces to report "nonvalidated" information about possible terrorist activity. Talon reports can now be filled out online.

### **Connecting the Dots**

Pentagon officials compare the process to a neighborhood-watch program. Cmdr. Hicks says Talon is the place where the Department of Defense "initially stores the 'dots' of information, which, if validated, might later be connected before an attack occurs."

To connect the dots, the Pentagon has turned to data mining, the science of extracting patterns from large volumes of raw information. In theory, reports of unusual incidents such as those collected by Talon could be added to electronic records of business transactions, Internet usage and police activity to deduce where terrorists are gearing up for an attack.

A December 2002 report issued by Sen. Richard Shelby, then vice chairman of the Senate Intelligence Committee, said CIFA was working with the Justice Department to develop "deep access data-mining techniques" to discover potential threats to the U.S. from terrorists.

As Mr. Wolfowitz was starting up CIFA, researchers at a separate Pentagon unit, the Defense Advanced Research Projects Agency, began work on a massive data-capturing program known as Total Information Awareness. This program, too, envisioned mining government databases and personal records of individuals for patterns that would predict a terrorist attack. A huge public outcry over the project led Congress to cancel it in October 2003 -- but Congress created a specific exemption for tools that might aid "counterterrorism foreign intelligence."

Many computer programs and techniques developed during the Total Information Awareness project quietly survived. Some were taken up by the Army's 902nd Military Intelligence Group. The 902nd, established during World War II and known as the "Deuce," is part of the Army command structure and separate from CIFA at Pentagon headquarters. Nonetheless, the 902nd plays an important military-wide role because it is the military's largest counterintelligence unit and has hundreds of soldiers stationed around the country.

Charles Harlan, who heads the 902nd's analysis center, published an article in the Military Intelligence Professional Bulletin in January 2005 describing how his unit processed information to help the Pentagon predict attacks against the military in the U.S. He described three data-mining and artificial-intelligence programs as key to the effort -- all three of which were components of the defunct Total Information Awareness project.

The 902nd has access to Talon, but it also makes extensive use of another information system created after 9/11. This system, called the Joint Regional Information Exchange System, gathers information collected by civilian law enforcement agencies around the country. The Pentagon and local authorities including the New York Police Department and California's justice department set it up in December 2002. The idea was to give military personnel access to terror-related information on U.S. residents without violating any prohibitions on the military collecting domestic intelligence.

The Pentagon's regional information-exchange system got a boost when the Department of Homeland Security took it over and expanded it to include information from all 50 states and major urban areas.

The system doesn't just serve military personnel. A police department in one place can put a query out to other cities or states seeking information on, say, license plates or phone numbers of terrorist suspects. Many police departments purchase commercially available information about individuals, such as credit data and online viewing habits, as part of investigations. They can post this information on the exchange system.

Military members can also issue a query seeking information on any topic they like, but they can't command any civilian participant to do anything. In theory they could ask for personal data on individuals via the exchange system, but it isn't clear whether they do so and if so under what circumstances.

All of these strands came together to prompt the police's shadowing of peace protesters in the spring of 2005. Defense Secretary Donald Rumsfeld told the Senate last month that the Department of Homeland Security was the source of information in Pentagon databases about at least three antiwar protests at military recruiting centers -- two in Vermont and one in Washington, D.C.

A number of leads also came from the Talon reports. The two-page alert from the 902nd Military Intelligence Group that prompted the Akron police to follow the Quaker-organized rally attaches a nine-digit Army Talon number to that protest. It also gives separate numbers for each of seven other protests organized for the second anniversary of the Iraq war. The memo says officials at the 902nd had used some of their data-analysis techniques to look for signs of hidden coordination between the protests.

Analysts at the 902nd's headquarters in Ft. Meade also scrutinized antiwar Web sites looking for threats, including the possibility that protesters might attack military personnel.

The alert memo, signed by Army official Claude G. Benner Jr., portrayed the imminent demonstrations as "threats." It gave a detailed description of activists' Web sites, noting that some featured a "help desk" where would-be protesters could get tips on organizing a demonstration. The memo also raised the possibility that military supporters might assault the protesters. Mr. Benner warned that "the potential for a spontaneous, unprovoked attack against either the demonstrators or pro-US Military persons is assessed as HIGH."

In the end the Akron march was peaceful. A report compiled by the Army and presented last May to the U.S. Northern Command, which is in charge of joint military operations in the continental United States, threw cold water on the idea that hidden provocateurs might be organizing multiple protests around the country. "We have not noted a significant connection between incidents (i.e. reoccurring instigators at protests, vehicle descriptions)," said the report.

Cmdr. Hicks at the Pentagon says the assessment that the Akron protest posed a threat "was based on the best information available at the time, which was lawfully received from another federal agency." He declines to name the agency. Cmdr. Hicks adds: "The fact that the marches proceeded peacefully is irrelevant to leveling criticisms against the Army in this instance. Hindsight is always 20/20."