

SACB

Post 8/2/71

28 Senators Write Letter Opposing Funds for SACB

Twenty-eight senators have notified Senate Democratic leaders that they will try to block approval of appropriations for the Subversive Activities Control Board when the legislation returns from a joint conference committee.

The conference committee has stripped the bill of a Senate amendment which would have forbidden any expenditure to implement a controversial executive order issued by President Nixon on July 2.

The executive order would confer new responsibilities on the board. Issued with little fanfare, it irked a number of senators — including Sen. Sam Ervin (D-N.C.) — who claim it redefines the board's duties beyond the terms of the enabling statute.

In a letter drafted by Ervin's staff and forwarded Friday to the office of Senate Majority Leader Mike Mansfield, the 28 senators say the executive order "is to us an outrageous assertion of unauthorized presidential power."

"It is made even more outrageous," the letter continues, "by the fact that the order was not even issued until after the House had passed the appropriation and was not published until two days after the Senate hearings."

"Congress cannot allow itself to be put in a position of approving in advance and in ignorance an executive usurpation of authority which the Constitution gives to Congress and denies to the executive branch."

When the Subversive Activities Control Board (SACB) appropriation came before the Senate on July 19, a move by Sen. William Proxmire (D-Wis.) to kill the board by eliminating its \$450,000 appropriation failed by seven votes.

This left the SACB still in existence, with its five members being paid \$36,000 each. But the board's duties were in doubt. Court decisions have so circumscribed the functions of the SACB that SACB Chairman John Mahan recently testified that he and his staff could find little to keep themselves occupied.

The President's executive order would empower SACB to revitalize the Attorney General's list of subversive organizations. It would transfer to the board the responsibility for updating the list, using new and wider standards for determining what constitutes subversive organizations, thereby establishing a basis for the dismissal of government employees.

The SACB, when it was created in 1950, was directed by

statute to scour a far more limited horizon for subversion. By law, the SACB is to identify and publicize communist action, communist front groups and organizations under the influence of the Soviet Union.

The letter to Mansfield was signed by 22 Democrats and five Republicans. A sixth Republican senator sent a letter of endorsement under separate cover.

"In view of our concern," the senators wrote Mansfield, "we hope you will make no unanimous consent agreement regarding the disposition of the conference report . . . We feel we have no alternative but to support Sam Ervin's declared intention to oppose the report and return the bill to conference with instruction to insist upon its (the Ervin amendment) inclusion in the final report."