

Subversive Groups List Is Abolished

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By William Claiborne
Washington Post Staff Writer

With little fanfare and no evidence of nostalgia, the Nixon administration yesterday abolished the 27-year-old Subversive Organizations List.

Attorney General William B. Saxbe called it a "vestigial tail" of the government's security programs.

The list, written in the post-war trauma in the late 1940s primarily as a defense against Communist front organizations, contains the names of 300 organizations that various attorneys general have designated as subversive.

All but about 30 have been out of business for five years or more and some of those are so loosely organized that they are barely existent, a Justice Department official said.

Moreover, constitutional challenges have eroded the list's usefulness to the point where only one agency—the Defense Department—still uses it regularly in screening prospective employees.

In 1951, the Supreme Court ruled that no organization
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could be added to the list without being granted a hearing. Twenty years later, President Nixon delegated the Subversive Activities Control Board to determine which groups should be on the list, but the board no longer exists.

No new names have been added to the list since 1955, and several have been removed as the result of lawsuits.

"It is now very apparent it [the list] serves no useful purpose," Saxbe said.

The Attorney General said the most serious failing of the 1947 executive order by President Truman establishing the list is that [it] permitted the Department of Justice to assemble it without the considerations for due process that were later ordered by the Supreme Court.

"If the list serves no other purpose now, it should continue to be a reminder that whatever we do must be fair and in full accord with the law and the protections it affords to all," the Attorney General said.

Mr. Nixon's order revoking the list specifies that it will not be used, published or circulated by any government agency for any purpose. The Justice Department said existing copies will be destroyed.

The most widely known organizations on the list include the Communist Party U.S.A., the Socialist Workers Party and the Ku Klux Klans of America.

It also includes groups that have long since disbanded, including the German American Bund, the Black Dragon Society and the North American Committee to Aid Spanish Democracy.

Also included are the Rising Sun Flag Society (a group of Japanese war veterans); the Lictor Society (Italian Black Shirts); the Croatian Benevolent Fraternity, and the Sakura Kai (Russo-Japanese War veterans).

The Families of the Baltimore Smith Act Victims and the Maurice Braverman Defense Committee are groups that supported a Baltimore lawyer, Maurice Braverman, who was convicted, disbarred and imprisoned in 1952 for violating the anti-subversive Smith Act.

Braverman recently was

reinstated to the Maryland bar after a long legal struggle.

Those who have obtained court orders removing them from the list include the Independent Socialist League, the Association of Lithuanian Workers and the Abraham Lincoln Brigade, whose members were Americans who fought for the Spanish republic against Gen. Francisco Franco.

Deputy Assistant Attorney General Kevin T. Maroney said that of the government agencies surveyed in a recent study, only the Defense Department responded that the list "did have some utility." Defense officials, Maroney said, used it as an "investigative device in background checks."

Asked whether the abolition of the list was motivated by constitutional considerations or is lack of practical usefulness, Maroney said, "If there had been no constitutional problems, we probably would have deferred to the Defense Department."

However, Maroney pointed out that since last year the loyalty section of the standard government employment application has been revised to be more precise about the "quality" of an applicant's membership in a subversive group at the time he belonged.

The form now inquires whether the applicant was ever a member of the Communist Party or any other group "which during the period of your membership you knew was advocating . . . that the government should be overthrown or overturned by force, violence or any unlawful means."

Use of the question in that form will continue, even though government agencies will not be permitted to refer to the Subversives List, Maroney said.

Moreover, he said, the FBI still has 52 organizations actively under investigation and it will continue its surveillance of them.

Saxbe said that personnel security programs will "naturally" be continued in all federal agencies.

The study that led to yesterday's presidential order was begun last year by then-Attorney General Elliot L. Richardson, but was not yet completed when Richardson resigned last October.