

Justice Cranks Up War on Subversion

By Ken W. Clawson
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The first step in the rejuvenation of the Justice Department's Internal Security Division was taken last week when six antiwar Catholic activists were indicted for allegedly plotting to kidnap presidential aide Henry Kissinger and to blow up the federal heating system in Washington.

The long-dormant Internal Security Division, which made its reputation hunting Com-

munists during the 1950s, prepared for the move for two months by being upgraded and strengthened under new Assistant Attorney General Robert C. Mardian.

Justice officials say that once its reorganization is completed, internal security will be the government's spear point in dealing with subversion and sabotage by radical elements.

Already, a dozen major cases and scores of subversion "matters" have been transferred to Mardian's unit from Justice's Criminal Division. The cases include current prosecution of Jewish Defense League members in New York for destroying Russian property.

Another is the Aug. 24 terrorist bombing of the University of Wisconsin physics building which killed one person and caused \$2 million damage. The four persons charged in the bombing have not been apprehended.

The conspiracy case involving Weatherman fugitives Mark Rudd and Bernadine Dohrn, who are accused of trying to build a nationwide terrorist network, also is assigned to Internal Security.

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ROBERT C. MARDIAN
... heads security unit

Will Wilson, chief of Justice's Criminal Division.

Wilson was to determine whether the crime had racial overtones, political or subversive elements or was simply a straight criminal act. He would then assign the case to the Civil Rights Division, Internal Security or his own shop.

In the event of a dispute over Wilson's decision, Kleindienst is the arbitrator.

One of the first things Wilson did was to assign 4,000 draft-resister cases to Internal Security. In northern California alone, there are 500 draft investigations taking place.

To meet its increased duties Internal Security is beefing up its staff of lawyers. It has gained seven professionals, to 49, since Mardian's arrival Nov. 13, and transfer of 10 more lawyers from other divisions is expected in the next few weeks, and Justice sources said more staff will be sought in the next budget.

Internal Security had a peak strength of 94 lawyers in 1956. The division had dwindled in size and activity in recent years as the Supreme Court has overturned key provisions of Cold War antisubversive laws.

But the recent spate of bombings and other terrorist activity has prompted Congress to pass additional legislation that Internal Security will use as its role increases.

Despite an increase in emphasis on Internal Security, high Justice officials said yesterday there are no plans to ask Congress for new antisubversive legislation this year.

This is in contrast to statements by Attorney General John N. Mitchell on the day Mardian was sworn in.

At that time, Mitchell indicated he was considering endorsing some antisubversive bills that were pending in the last Congress.

One of them, sponsored by Sen. James O. Eastland (D-

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Some former Criminal Division "matters" referred to Mardian's division involve the October, 1969, "Days of Rage" indictments in Chicago.

About a dozen persons were charged with various offenses arising out of the demonstrations, a criminal division official said, but another 50 or 60 persons were involved. Inter-

nal security is investigating these other persons, he said.

Directly related to the buildup of the Internal Security Division is a decision made by Deputy Attorney General Richard G. Kleindienst last Oct. 23, about three weeks before Mardian was sworn in as an assistant attorney general.

Kleindienst directed that all bombings and other terrorist activity cases be referred to

Miss.), chairman of the Senate Judiciary Committee and its Internal Security Subcommittee, contains 36 measure and its probably the toughest of all.

It includes making it a crime to give aid and comfort to the Viet Cong, toughening the law against advocating the overthrow of the government and creating a central agency to investigate security risks in government.

Eastland, it was learned, was consulted by Mitchell before Justice's Internal Security buildup and gave it his blessing.

"The increased emphasis being placed by Justice on Internal Security will be a great service to the American people," Eastland said yesterday from his home in Mississippi.

Another high Justice official said no new legislation is needed to bolster the Internal Security Division.

"The one difference will be the dynamic quality of Mardian," he said. "Walter Yeagley was a nice man, but you used to see him only every week or so. Mardian will be in the thick of things."

Yeagley headed the Internal Security Division for 11 years before he was nominated to the District of Columbia Court of Appeals late last year. His nomination was rejected by the Senate District Committee on Dec. 2, but President Nixon gave him a recess appointment and he will serve for at least one year.

Mardian, 47, moved to Jus-

tice from a post as chairman of the Nixon administration's desegregation committee. He had joined the administration in 1969 as general counsel at the Department of Health, Education and Welfare.

He is a California lawyer who is friendly with President Nixon, plays golf with Attorney General Mitchell and is a close friend of Kleindienst, with whom he rides to work daily from suburban McLean, Va.