

Back to Subversion

Post 1/23/71

The resuscitation of the Justice Department's Internal Security Division has some ominous overtones reverberating out of its past—and out of the past of President Richard M. Nixon. The Internal Security Division was created in those frenetic years of the 1950s when the McCarthy Committee and the McCarran Committee and the Jenner Committee in the Senate and the Un-American Activities Committee in the House were all vying with each other to uncover seditious conspiracies, and the Justice Department felt it incumbent upon itself to get into the act with a little search for subversion on its own. Mr. Nixon first won national attention for himself as a member of the Un-American Activities Committee. It was not the most glorious period in American history.

Through most of the 1960s, as the self-confidence of the American people was restored, the division was relegated to more or less ceremonial duties. But now, with the appointment of a new Assistant Attorney General, Robert C. Mardian, Justice Department officials say that Internal Security is ready to embark on a new drive against radical and conspiratorial elements throughout the country. Already, it is reported, a great number of draft resister cases and a dozen major subversion prosecutions have been transferred from the Criminal Division to the Internal Security Division.

Undoubtedly, organizations like the Black Panthers or the Weathermen which openly proclaim and espouse a program of violence to tear down governmental institutions present a threat of a sort to the country's internal security. It may be that if they plot the murder of someone suspected of serving as a police informer (as several Black Panthers are currently on trial for allegedly having done in New Haven) or if they place a bomb in a

laboratory (as some Weathermen are suspected of having done at the University of Wisconsin), the investigation and prosecution of such offenses calls for special techniques and expertise.

All the same, the offenses themselves are crimes hardly distinguishable from the crimes (if they were committed in a federal jurisdiction) which the FBI investigates and the Criminal Division prosecutes every day. The FBI appears by now to have infiltrated almost every organization from the Brownies to the Epworth League and to consider itself pretty expert on subversion; but perhaps the Department needs a special cadre of lawyers to press special charges it proposes to bring against threats to internal security.

There are, we think, a couple of things to be on guard against in this matter of jousting against threats to internal security. Groups like the Weathermen and the Black Panthers are very fond of representing themselves as the victims of political persecution and of referring to the prosecutions brought against them for such peccadillos as murder or bombing as political trials. It would be foolish to abet them in such efforts by having the government seem to go after them because they are Weathermen or Panthers.

More serious still, is the danger of blowing up the subversion menace out of all proportion to its reality as was done in the 1950s. It would be tragic to return to an atmosphere in which every criticism of the government, every expression of dissent from official policy was looked upon as evidence of a threat to internal security. The lesson of the past is that this can indeed happen here. The refurbished Internal Security Division will be judged by the sobriety and restraint with which it proceeds in endeavors which can become even more dangerous than the evils at which they are directed.