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Justice Aide Criticized on Hill

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Assistant Attorney General Robert C. Mardian was caught in a crossfire yesterday when he told a House subcommittee that maintaining internal security requires a delicate balance between society's right to a stable government and individual rights guaranteed by the constitution.

Mardian said that since he became chief of the Justice Department's internal security division last November he had not encountered any signifi-

cant Communist front, action or infiltrated groups that should be referred to the Subversive Activities Control Board for official designation as subversive.

Rep. John Ashbrook (R-Ohio) said he didn't agree that there weren't any groups that deserved the attention of SACB.

Based on congressional testimony of FBI Director J. Edgar Hoover alone, Ashbrook said, there is evidence that Communist-affiliated groups exist. Ashbrook said Hoover's testi-

mony reflected a "yearning that somebody needs to do something."

Mardian said the FBI's responsibility was an on-going investigation of subversive activities, but that he had to make judgments on the significance of the facts. He said during his tenure he had denied two requests to petition SACB about allegedly subversive groups.

"I don't believe in make-work," said Mardian. "Until there are significant groups that fall within the Act, I

for Not Utilizing SACB

don't intend to send any" to SACB.

Appearing before a unit of the House Internal Security Committee, Mardian said the Nixon administration does not favor a legislative broadening of the Subversive Activities Control Act of 1950, which has been severely narrowed by court decisions to disclosures of Communist front, action or infiltrated groups under Russian control.

But he said President Nixon's July 2 executive order making SACB a hearing board

to update the Attorney General's list of subversive organizations would be a step toward improving the federal civilian employee loyalty and security program. The order calls for listing a wide variety of allegedly subversive groups, including New Left and other violence-prone organizations.

Mardian had proposed adding about 25 groups to the list and deleting about 200. Membership in a group on the list, which hasn't been updated since 1955, could bar a person from federal employment.

While Mardian was criticized by conservative members for not utilizing SACB enough against Communist groups, he asserted that federal security had to be beefed up "... in meeting the challenge presented by the efforts of revolutionary terrorists and other subversives to enter federal employment."

This brought him under fire from Rep. Robert F. Drinan (D-Mass.), who said that no one in the Justice Department had been dismissed as a security risk since 1955.