

SACB Takes Over List Of Un-American Groups

By Ken W. Clawson
Washington Post Staff Writer

The Nixon administration is expanding the power of the nearly dormant Subversive Activities Control Board to have it decide whether new, radical groups should be added to the Attorney General's list of un-American organizations.

In the past, Attorneys General simply used their discretion, usually based on investigations by the FBI, to determine whether a group should be added to the subversive list.

Under a July 2 executive order by President Nixon, the Subversive Activities Control Board will have the power to hold hearings, based on Justice Department petitions, to determine what groups should be added or removed from the Attorney General's List.

In laying down SACB's expanded duties, Mr. Nixon pays specific attention to an increasing number of radical groups that engage in violent dissent and advocate the overthrow of the government by unlawful means. Administration sources said the presidential fiat is aimed at groups such as those involved in the recent May Day demonstrations in Washington.

A Senate source said, "You are correct to conclude this is aimed at such groups as the Black Panthers, National Peace Action Coalition, Peo-



SEN. WILLIAM PROXMIRE
... opposes SACB funds

ples Coalition for Peace and Justice and the like."

Even though the Attorney General's subversive list, which names nearly 300 groups, hasn't been updated since 1955, it still is used to some extent by federal agencies in determining standards of employment. Identification as a member of a group officially designated as subversive can preclude employment by federal, state and even some local governments.

The President's directive has aroused alarm in Congress and among civil liberties groups.

See SACB, A13, Col. 1

SACB, From A1

Sen. William Proxmire (D-Wis.) said he will offer a motion this afternoon in a closed meeting of the Senate Appropriations Committee to delete SACB's entire \$450,000 budget request.

Proxmire said he will carry his opposition to the Senate floor, as he did last year and lost, if the committee turns him down today.

The American Civil Liberties Union is expected to announce shortly a suit challenging President Nixon's powers to delegate to the SACB the authority to act as a hearing panel for the Attorney General's subversive list.

Joseph L. Rauh Jr., vice chairman of Americans for Democratic Action, characterized Mr. Nixon's executive order as "a dangerous threat

to civil liberties and a transparent effort to pressure Congress into continuing the do-nothing Subversive Activities Control Board."

It also was learned that Sen. John L. McClellan (D-Ark.) and Sen. Allen J. Ellender (D-La.) sharply questioned Justice Department officials July 6 on the President's powers to expand beyond congressional intent the authority of the SACB.

As a result, Robert Mardian, chief of the Justice Department's Internal Security division, produced a legal brief citing precedents where presidents had expanded the duties of agencies within the Executive Branch and claiming "inherent power" under the Constitution for his action.

Mardian also told McClellan's Appropriations subcommittee the government

would petition to remove from the old Attorney General's list about 200 groups now designated and would seek to designate as subversive about 20 new groups. He did not name any of them.

Mardian did not make reference to several legal challenges to the listing—authorized by President Roosevelt in the early 1940s—that effectively froze the list in the mid-1950. But he said that the Attorney General was charged with the sole responsibility of being prosecutor, fact-finder and lister, and that, in effect, he was "prosecutor and judge."

The SACB, on the other hand, was narrowly confined by Congress to investigating and making public only Communist-action, Communist-front and Communist-infiltrated groups, and even then

only those under control of the Soviet Union. What Congress did not exclude, the nation's courts have excluded, and over the years the SACB has been reduced to little work, five members who earn \$36,000 a year each and a total budget hovering around \$400,000 a year.

Proxmire said in an interview yesterday that the SACB "for 2½ years didn't even hold a single hearing . . . Congress has no business providing any further funds for the board."

But McClellan said yesterday he is convinced of the legality of Mr. Nixon's expansion directive and in favor of continuing the SACB "as long as it has work to do."

While SACB's scope is narrow and limited, the Attorney General's power to identify subversion is broad. Picking up the language of pre-

vious executive orders of Presidents Truman and Eisenhower, the Nixon administration said it is appropriate to determine whether any group is "totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence or deny others their rights ... or which seeks to overthrow the government of the United States or any state or any subdivision thereof by unlawful means."

Within this general language, Mr. Nixon added particulars as to what would constitute an act that could cause a group to be labeled subversive.

Such acts include denying others their constitutional rights, damaging or destroying

property, injuring persons, violating laws pertaining to riots or civil disorders, obstructing "the recruiting and enlistment service of the United States," or "impeding officers of the United States or related crimes or offenses."

The administration already has offered complementary legislation that would give SACB subpoena and contempt powers, change its name to the Federal Internal Security Board, and would continue the due process guarantees already built into SACB.

SACB officials said they can incorporate groups' right to counsel, cross examination and even an appeals procedure into its new duties even if Congress does not pass the administration bill, introduced in the House by Rep. John Ashbrook (R-Ohio).