

ACLU Files Suit Attacking New SACB Powers

By Sanford J. Ungar
Washington Post Staff Writer

The American Civil Liberties Union filed a lawsuit in U.S. District Court here yesterday, attacking President Nixon's order granting new power to the nearly functionless Subversive Activities Control Board.

The President's order, issued July 2, gave the SACB authority to conduct hearings on organizations it feels should be added to the Attorney General's subversive list, which has not been updated since 1955.

Still the subject of controversy in Congress, the executive order specifies that the Board should determine whether a group may be described as "totalitarian," "Fascist," "Communist" or "subversive."

Assigned to federal District Judge Gerhard A. Gesell, the ACLU suit contends that Mr. Nixon's expansion of SACB authority violates the First Amendment guarantee of free speech.

Nine organizations were listed as individual plaintiffs in the suit, including three already on the Attorney General's list, the Communist Party of the United States, the Industrial Workers of the World (IWW) and the Socialist Workers Party.

The others, including two groups that conducted massive antiwar demonstrations in Washington last spring, fear that they will be pursued by the SACB with its expanded power.

They acknowledge in the

cause of their political beliefs and associations."

The suit also attacks the Attorney General's list itself as violating almost the entire Bill of Rights and other provisions of the Constitution.

Instituted in 1947, the Attorney General's list has often been used to determine who should be excluded from employment by federal, state and local governments. Until President Nixon's order, organizations could be designated for the list only by the Attorney General.

Sen. Sam J. Ervin Jr. (D-N.C.), an ardent opponent of the Nixon order expanding the SACB's role, has vowed a new Senate fight against the appropriation to carry it out when Congress returns from vacation after Labor Day.

At least 28 senators have sworn to join that fight against what they call "an outrageous assertion of unauthorized presidential power."

The Senate has approved an amendment forbidding use of appropriated funds to carry out the order once already, but that amendment was stricken by a House-Senate conference committee, whose report must still be voted upon by both houses of Congress.

Previous congressional and court decisions have so limited the functions of SACB that its chairman, John Mahan, recently testified that he and the other four members—who are paid \$36,000 each annually—have little to keep themselves occupied.

Under the law that created it in 1950, the SACB was to identify and publicize Communist action, alleged Communist front groups and organizations under the influence of the Soviet Union.

The ACLU's lawsuit asked Judge Gesell to cut back the Board's functions even further, with a permanent injunction against holding hearings or otherwise implementing Mr. Nixon's executive order.

legal complaint that they sometimes advocate points of view classified as "subversive" in terms of the presidential order, but stress that it is their constitutional right to do so.

Once subject to SACB proceedings, they contend, members of the organizations "will be punished, penalized, burdened, deprived of government employment and suffer irreparable injury solely be-