

AGENCY ASKS END OF DETENTION ACT

Justice Aide Urges Repeal
of 1950 Law at Hearing

By RICHARD HALLORAN

Special to The New York Times

WASHINGTON, March 18 —

A House Judiciary subcommittee heard testimony today urging the repeal of the Emergency Detention Act that was enacted during the McCarthy era 21 years ago.

The act authorizes the Attorney General, without recourse to court action, to put into detention camps any person who is considered a potential spy or saboteur after the President has declared an internal security emergency.

Witnesses asserted today that the act could be used to intimidate or to incarcerate members of dissident groups in violation of their constitutional rights.

Robert Mardian, the Assistant Attorney General in charge of internal security, said "the Department of Justice is unequivocally in favor of repealing" the detention act.

He said that Congress appropriated \$775,000 in 1952 to set up such camps. Six were established — at Tule Lake, Calif.; Wickenburg and Florence, Ariz.; El Reno, Oklahoma; Avon Park, Florida, and Allenwood.

The seven members of the subcommittee present at the hearing, which was chaired by Representative Robert W. Kastenmeier, Democrat of Wisconsin, appeared to be unanimous in favor of repeal. The chairman said that 156 members of the House had co-sponsored the bill.

Legislation to amend the act was considered by the Internal Security Committee of the House in the last Congress but died in the Rules Committee. Mr. Kastenmeier said that Representative Richard H. Ichord, Democrat of Missouri, who is chairman of the Internal Security Committee, had declined an invitation to testify because of a disagreement over which committee had jurisdiction over the bill.

Mr. Ichord, in response to an inquiry, confirmed that. He said that his committee would act soon on bills to amend the act and asserted that amendments, rather than repeal, would provide better safeguards against abuses.

Camps Abandoned

Mr. Mardian said, however, that by 1957 the camps had been abandoned by the Federal Government. Some properties were turned over to local or state governments or sold to private owners. One was kept as a Federal prison camp, another as grazing land for cattle kept by the Bureau of Prisons.

Representative Spark M. Matsunaga, the Hawaii Democrat who is leading the fight for repeal, recalled the "relocation" camps into which 100,000 Americans of Japanese ancestry were herded in World War II. But he said "the main thrust of the proposed legislation is not based on pure emotional appeal."

"Fundamentally," he testified, "the legislation before this subcommittee would prohibit the establishment of concentration camps as part of the Federal penal and correctional system."

He contended that "the elementary safeguards guaranteed by our Federal and state constitutions and our judicial practices to the most hardened of criminals and the most dangerous of traitors are denied to the most innocent of our suspected citizens" under the detention act.

Mr. Matsunaga submitted a long list of political, civic, labor, religious and social organizations that have endorsed repeal of the detention act. Many are in California and Hawaii, both of which have large numbers of American citizens of Japanese descent.

Holifield Backs Plea

Representative Chet Holifield, the California Democrat who is chairman of the Government Operations Committee, supported Mr. Matsunaga. He said that the act "was passed during a time of great national hysteria and uncertainty."

Mr. Holifield, arguing that the act is unconstitutional, said that Congress "should not leave patently unconstitutional laws upon the books awaiting action by the judicial branch."

"To do so," he said, "is to lend credence to charges of Congressional irresponsibility and indifference."

Representative John B. Anderson of Illinois, the third-ranking Republican in the House, said that the evacuation of Japanese-Americans to relocation centers in World War II "was one of the darkest hours in the history of our Republic."

"We like to tell ourselves that it could never happen again," he said. "But the fact is that it could if we do not take special care to safeguard our constitutional liberties and make special resolve to prevent the recurrence of such an incident."

The only opposition to the repeal today was a statement from the Liberty Lobby that was not read but was inserted into the record. The lobby is generally considered to be extremely right wing and hard-line anti-Communist.