

JUL 26 1971

Subversion **NYTimes**

There are many ways to subvert free government—the violence of the saboteur, the espionage techniques of the spy, the propaganda of the totalitarian. But it can also be subverted by those chosen to be its guardians in the White House and the Congress. By waste and cynicism, by contempt for public opinion, and by emulation of totalitarian methods, they can subvert the confidence of ordinary citizens in their own institutions of government.

When Congress passed the Internal Security Act of 1950, there was widespread anxiety about the American Communist party and its relationship to the political and espionage activities of the Soviet Union. As its critics foresaw, the law was a clumsy, heavy-handed attempt to establish formal bureaucratic procedures for dealing with a problem which would have been better handled flexibly by informal police intelligence practices.

The Supreme Court has declared most of the law unconstitutional, but Congress has refused to adopt the straightforward course of repealing it. Surviving amidst the legal wreckage are the five members of the Subversive Activities Control Board and the ten members of the board's staff. The S.A.C.B. has for years been a standing joke in Washington. It has no work to do and rarely meets. At a salary of \$36,000 a year, each board member enjoys a flagrant sinecure.

The other day Senator Proxmire of Wisconsin quite sensibly offered an amendment to eliminate this money but the Senate voted 47 to 40 to keep the fraud going another year.

All that can be said for the Senate is that at least it did block the crafty attempt of the Administration to invent some new and probably unconstitutional tasks to keep the board busy, such as having the S.A.C.B.—instead of the Attorney General—determine which organizations are subversive under the Government's personnel security program.

Another surviving section of the 1950 law permits the Federal Government to incarcerate any person which it has "reasonable ground" to believe "will conspire or probably will conspire to engage in espionage and sabotage during war, invasion or civil insurrection." The President can activate this section any time he proclaims that an internal security emergency exists.

This provision has never been invoked but the dragnet arrest of thousands of May Day demonstrators proves that this is dangerous power to lodge in the hands of the executive. Its mere existence is a threat to the liberties of all citizens.

Representative Matsunaga of Hawaii has introduced a bill to repeal this section of the 1950 law. His bill would also provide that no person may be detained by the Federal Government except pursuant to a specific act of Congress. This would prevent a repetition of the tragic injustice of 1942 when by Executive order 110,000 Americans of Japanese ancestry were taken from their homes and businesses and confined in "relocation centers." The Matsunaga bill deserves approval.