

F. B. I. LISTS 1,200 AS SECURITY RISKS

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They Would Be Subjects of Close Investigation in a National Emergency

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WASHINGTON, Oct. 22—The Federal Bureau of Investigation has singled out more than 1,200 residents of the United States as special targets for investigation on the ground that they pose a potential threat to the national security, according to Justice Department documents made public today.

The documents were declassified and given to Representative Robert W. Kastenmeier, Democrat of Wisconsin, who heads a House civil liberties subcommittee, after he asked Attorney General Edward H. Levi to elaborate on published reports that the F.B.I. had at one time maintained a list of individuals targeted for detention in a national emergency.

Among the items Mr. Kastenmeier made available today were a 1939 memorandum from J. Edgar Hoover, the late F.B.I. director, setting up the detention program, and an assurance from Clarence M. Kelley, the current director, that the detention list, called a "security index," had been discontinued in September of 1971.

It was in that month that Congress repealed the emergency detention provisions of the Internal Security Act of 1950, under which a President could order the apprehension of individuals that the F.B.I. and Justice Department considered threats to the national security.

Mr. Kastenmeier said in an accompanying statement that although the executive branch no longer claimed the authority "to suspend the Bill of Rights and incarcerate Americans at its discretion" in time of emergency, he was concerned that the F.B.I. "continues to actively maintain a list which had its genesis" in such a plan.

F.B.I. sources have said that it is a virtual certainty that some of the names in the defunct security index were included in the new one, which was set up in 1971.

American Communists Listed

According to Mr. Kelley's memorandums to Mr. Kastenmeier, the current index, which was reduced from 1,537 names last January to 1,294 in August, was used by the F.B.I. as "a record of individuals who would merit close investigative attention pending legal steps by the President to take further action" if a national emergency ensued.

The New York Times reported last August that, according to two sources with direct knowledge of the defunct security index, it had contained about 15,000 names at its peak, and at one point had included virtually all known members of the American Communist Party, an assertion borne out by the documents made public today.

In one of the documents, a memorandum dated Oct. 22, 1971, John N. Mitchell, then the Attorney General, told Mr. Hoover that the repeal of the detention statute did "not alter or limit" the authority of the F.B.I. to "record, file and index" information, and that the continued maintenance of an index of purportedly subversive individuals was "not prohibited" by the repeal.

Mr. Mitchell also noted that "sealed envelopes in each of the bureau's field offices," which officials today said had contained instructions to be followed by the F.B.I. and Justice Department lawyers in a declared emergency, "were prepared on the basis of authority other than" the emergency detention provisions.

Variety of Criteria

According to the memorandum, the Justice Department undertook to study whether the sealed instructions could be left in force under other existing statutes, but Justice officials said today that the order, to destroy them was passed to the F.B.I. in February, 1972, some five months after the detention statute was repealed.

Mr. Kelley said in his memo to Mr. Kastenmeier that like the old security index, the current "administrative" index was printed on five-by-eight inch cards that contained names, background information, file numbers and the "type of activity in which the individual is engaged."

The index, he said, was "reviewed continuously" and updated each month, with some names being added and others deleted. Individuals were not included in the index, Mr. Kelley said, solely on the basis of their stated opposition to Government policies or their membership in allegedly subversive organizations, but had to meet a variety of other criteria.

Those placed on the index, the director said, must have "exhibited a willingness or capability of engaging in treason, rebellion, sedition, sabotage, espionage, assassination of Government officials, terrorism, guerrilla warfare," or other acts which threatened to disrupt the operation of Government.

Mr. Kelley declined to disclose to Mr. Kastenmeier the names of those on the current index "for reasons of privacy."