

F.B.I. Is Said to Retain File Of Most on Detention List

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WASHINGTON, Oct. 24—Despite recent statements to the contrary by its director, the Federal Bureau of Investigation has preserved most of the 15,000 names of individuals who from 1939 to 1971 were targeted for detention if a national emergency should be declared, sources familiar with the internal workings of the F.B.I. said today.

Their disclosure that many of the file cards that once made up the F.B.I.'s so-called "security index" had not been destroyed followed by two days director Clarence M. Kelley's assurance to Representative Robert W. Kastenmeier that the defunct index could not be "reconstructed" by the bureau.

Mr. Kelley's statement was contained in a memorandum, made public by Mr. Kastenmeier on Wednesday, that had been provided to him in response to a request for information about published reports that such a list had existed at one time. Among other items, Mr. Kastenmeier asked the Justice Department for all of the names that had appeared on the list "since its inception."

An F.B.I. spokesman, asked about the disclosure, replied that the bureau was "unable to comment, inasmuch as this matter is under study by Congressional committees."

The sources said, however, "that they understood that the existence of the index file cards, which contained such information as background histories of the individuals in question and their "nationalistic tendencies," had been dis-

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covered only within the last several days.

The F.B.I., these sources said, has for some months been attempting to reconstruct much of its history and previous operations at the request of a number of committees on Capitol Hill, including the House Judiciary subcommittee headed by Mr. Kastenmeier.

That task, they said, had been hampered to some extent by the recent retirement of several high executives of the bureau who were familiar with such matters as the security

index.

Told of the disclosure that the list was still in existence, Mr. Kastenmeier, a Wisconsin Democrat, said that that report "would appear to differ from the information that we have" from the F.B.I. He indicated that his subcommittee would renew its request to the Justice Department for all 15,000 names.

His intention, Mr. Kastenmeier said, is not to make the names public, but rather to determine the "criteria" employed by the F.B.I. in the nineteen-forties and fifties in singling out American residents for arrest and detention in an emergency situation.

According to F.B.I. documents given to Mr. Kastenmeier on Wednesday, the security index was initiated in 1939 as a "custodial detention" list of individuals possessing "Communist, Fascist, Nazi or other nationalistic background" who were deemed a threat to the national security.

Some Clergymen Listed

The list, renamed the security index in 1943, was maintained following World War II, even in the absence of Federal legislation authorizing the detention of such individuals on an emergency basis. Such a statute was not enacted by Congress until 1950 with the passage of the Internal Security Act.

According to individuals familiar with its history, the index at one point contained the names of virtually every known member of the American Communist party, about a dozen Protestant clergymen and, eventually, extremist organizations such as the Ku Klux Klan that had no known connections with a hostile foreign power.

According to Mr. Kelley's memorandum to Mr. Kastenmeier, the security index was "discontinued," as were "all plans for the apprehension of those listed" on it, when Congress repealed the emergency detention provision of the Internal Security Act in September, 1971.

The F.B.I., Mr. Kelley wrote, then asked for and received from the Justice Department approval to institute, under considerably tightened criteria, a new index of suspected subversives. This was to be used by the bureau as an "administrative aid" in keeping an especially close watch on such troublemakers in an emergency, "pending legal steps by the President to take further action."

The new index, Mr. Kelley said, contained the names of 1,537 individuals as of last Jan. 15, and of 1,294 persons as of two months ago. Sources who have seen the index said,

however, that it now contained close to 1,600 names.

Other sources said today that at the time the security index was terminated, in October 1971, many of the file cards it contained were put into the new "administrative" index. As these names gradually were "weedout out" over the years, they said, the inactive cards were placed in another file within the bureau, where they rested until their recent discovery.

Mr. Kastenmeier's subcommittee, an aide indicated today, will attempt to discover why the old index cards, which in some cases bear the names of individuals who are deceased, were kept after the expiration of the F.B.I.'s detention authority, how and where they were maintained, and under whose instructions.