

BULLETIN!

WASHINGTON, D C - April 28, 1972

H I S C Reports Out Bill to Salvage the S A C B

(for text - see other side)

A divided House Internal Security Committee (HISC) on April 25, 1972, voted 5 to 1, with Rep Robert F Drinan dissenting & Rep Richardson Preyer voting simply "Present," to report out the long pending and highly controversial H R 9669, authored by HISC's ranking Republican member Ashbrook.

Ichord Amendment Added: Although strongly opposed to the Ashbrook measure and a co-author with Rep Preyer of H R 11120 - a counter proposal to create a totally new, comprehensive Federal loyalty - security program, HISC Chairman Ichord joined in reporting out the Ashbrook bill with an amendment of his own.

Content of H R 9669, as amended: The purpose of the legislation is to save the Subversive Activities Control Act of 1950 (initially authored by then HUAC member Richard Nixon) from extinction, and to give its 5-man Board something to do for their \$36,000 per year pay! The original Act was passed over President Truman's veto; but his charge that the law put the U S Government into the "thought control business" was vindicated by a series of U S Supreme Court constitutional rulings, which reduced the SACB's accomplishments and functions to zero. Following futile efforts by President Johnson and the late Senate Minority Leader Dirksen, in concert with the former HUAC, to revive the Act and keep its Board employed, Congress has become increasingly reluctant to appropriate funds for the do-nothing SACB.

On July 2, 1971, just when it was assumed that the Congress would cut off its funds, if not repeal the Act outright, President Nixon issued his Executive Order 11605 (authored by then Justice Department Counsel William Rehnquist), assigning an entirely new function to the Board: updating the McCarthy era "Attorney General's list" of proscribed organizations to serve as a political blacklist, and barring associations with such to present or future employees of the executive branch. Both Republican and Democratic Congressmen were so critical of Nixon's action to legislate by executive fiat that a move by Senator Ervin to cut off all implementing funds failed by the narrow margin of 46 to 44.

While Executive Order 11605 succeeded in maintaining the 5-man SACB on the payroll, the limited authority the President was able to extend them has resulted in another do-nothing year, and, it is recognized that the President's recommendation to increase their annual appropriation from \$405,000.00 to \$706,000.00 for 1972-72, faces severe Congressional challenge.

It is in this context that HISC has reported out the amended H R 9669, the purport of which is: (1) to sanitize the discredited name of the Subversive Activities Control Board (SACB) into the "Federal Internal Security Act" (FISB); and (2) to authorize the renamed Board to issue subpoenas, punish for contempt, grant immunity to witnesses to prevent their claim to the Fifth Amendment privilege, etc., in carrying out their witch-hunting hearings to update the defunct "Attorney General's list" of proscribed organizations.

Recommendations for Action - & - Ammunition for Same: Every Member of the House of Representatives and every U S Senator should be informed of these developments by their constituents, and called upon: 1 - to ABOLISH the SACB, by whatever name; & 2 - Cut off its funds!

Resource Materials & Sources:

- Dissenting Opinion on H R 9669 by Rep. Robert F Drinan: Ask your Congressman
- AMERICAN SERVICEMEN v MITCHELL - ACLU's legal challenge of Nixon's E O 11605
- "New Venom for an Old Board" - An analysis of Nixon's E O 11605 by Vern Countryman, Professor of Law - Harvard University; and, N C A R L 's Vice-Chairman for New England Region: Contact N C A R L Regional or Area Office nearest to you

In Pursuit of First Amendment Principle to Abolish Inquisitorial Committees and Oppose Repressive Laws

NATIONAL COMMITTEE AGAINST REPRESSIVE LEGISLATION

formerly National Committee to Abolish HUAC/HISC (House Committee on Internal Security)

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Congressional Report**Control Board**

In other congressional activity, the House Internal Security Committee voted to give the President statutory authority to expand the powers of the Subversive Activities Control Board.

The bill, sponsored chiefly by Rep. John M. Ashbrook (R-Ohio), would enable SACB to become a hearing board on radical groups that the Attorney General believes should be officially designated as subversive.

Under the committee bill, adopted 5 to 1 with Rep. Robert F. Drinan (D-Mass.) opposed, President Nixon's executive order of last year broadening SACB'S power would be written into law.

Critics of the executive order claimed it would lead to a new administration attack on peace and civil rights

Abolish the witch-hunters' jobs

The Subversive Activities Control Board is a toothless, useless anachronism, a relic of the Red-baiting, witch-hunting era for which this country still is doing penance. The board has held two weeks of hearings in the past year and a half, and has accomplished nothing. It should be abolished.

The board is never quite allowed to laze its way out of business, however, despite its high cost per-man hour of what passes for work. President Johnson revived interest in the board with a controversial patronage appointment. Congress, at the urging of the Nixon administration, last year expanded the board's powers, giving it the right to investigate campus radicals. Now, President Nixon has nominated a Boston attorney, an old friend, for one of the five \$36,000-a-year posts on the board.

The danger in all this is not that the board is kept alive as a patronage sinecure. The danger is that the board might at some point be given strong new witch-hunting powers just because it is there, with a staff, prepared to hunt witches.

For example, the new nominee, Timothy Murphy, believes there is a role the board could play. In an interview with the St. Louis Post-Dispatch, he suggested that accused conspirators, such as the Chicago 7, or the Berrigans, might be exposed by the board, rather than face trial.

In our opinion, the lack of due process inherent in such a scheme is infinitely frightening, and is just further evidence that the board is a creature of fear and must be abolished. The job will have to be done by Congress. The question is whether it has the courage,

92D CONGRESS
1ST SESSION**H. R. 9669**

By Mr. ASHBROOK

JULY 8, 1971

A BILL

To amend the Subversive Activities Control Act of 1950, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 (11) of the Subversive Activities Control Act of 1950 is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board".

(b) Section 12 (a) of the Subversive Activities Control Act is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(c) The caption to section 12 of the Subversive Activities Control Act of 1950 is amended to read "Federal Internal Security Board".

SEC. 2. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to section 12 of Executive Order 10450, as amended.

A M E N D M E N T to H R 9 6 6 9

- Offered by Mr. Ichord - April 20, 1972 -

On page 2, strike out lines 3 through 7 and insert in lieu thereof the following:

"Sec. 2. Under such regulations as he may prescribe, the President is authorized to delegate to the aforesaid Federal Internal Security Board the function of conducting hearings and making findings, upon petition of the Attorney General or such other persons as the President may empower, with respect to the character of relevant organizations to be designated in furtherance of programs established to ascertain the suitability of individuals on loyalty and security grounds for admission to or retention in the civil service in the executive branch. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted by the Federal Internal Security Board pursuant to the delegation authorized by this section."