

### "CONCENTRATION CAMPS U.S.A."

On 5/6/68 Edwin E. Willis, D-La., Chairman of HUAC, issued a 65 page report entitled Guerrilla Warfare Advocates in the United States which caused a good deal of controversy. The Washington Post of the same day carried an article about it under the caption "HUAC Would Intern Negro 'Guerrilla'." Locally the San Francisco Chronicle, also on the same day, carried a similar article under the caption "Probers Suggest Detention Camps." The press release of the report itself stated "that mixed Communist and Black nationalist elements are today planning and organizing paramilitary operations and that it is their intent to instigate additional riots which will pave the way for a general revolutionary uprising fought along guerrilla warfare lines." The avowed aim of this 65-page report was to alert and inform Congress and the American people of this imminent danger to internal security.

The most crucial feature of this report lies in its recommendation for the usage of "detention centers." In case of a national emergency, presumably when guerrilla violence has reached uncontrollable proportions, the report states: "The McCarran Act provides for various detention centers to be operated throughout the country and these might well be utilized for the temporary imprisonment of warring guerrillas." The McCarran Act (also known as the Internal Security Act) of 1950, as amended, actually does have provisions to detain people under Title II which is called "Emergency Detention." Under this Title (Sec. 102(a)) a state of "Internal Security Emergency" can be declared by the President in the event of any one of the following: 1) invasion of the territory of the United States or its possession; 2) declaration of war by Congress; or 3) insurrection within the United States in aid of a foreign enemy. The report of the HUAC, in asserting that this Act provides for detention centers, of course has the third and last emergency in mind.

Title II (Sec. 103(a)) goes on: "Whenever there shall be in existence such an emergency the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage." Upon 48 hours after arrest procedures are established in this Title whereby a person is granted the right to a preliminary hearing. But the procedures themselves are in clear violation of "due process" because the arrested person "may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge." And so "if from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this title, such hearing officer shall forthwith issue an order for the detention of such person ...."

After the press release of this 65-page report was issued, fears of detention centers were heightened, and understandably the report received considerable public attention. Prior to 5/6/68 Attorney General Ramsey Clark, on NBC's "Meet the Press" on 4/7/68, is reported to have denied the existence of concentration camps, for



rumors of one kind or another about them were widespread even before this report was issued. "Rumors, and fear that arises from rumors," he stated, "are a great threat to us. Fear itself is a great threat and people who spread false rumors about concentration camps are either ignorant of the facts or have a motive of dividing the country." Later on 5/12/68, after the issuance of the report, on ABC's "Issues and Answers," he repeated his view: "There are no concentration camps in this country. There are no plans to prepare any concentration camps in this country. No concentration camps are needed in this country. We have not had a situation in all of the difficulties that we have faced from the standpoint of riots and disturbances throughout our history, which has indicated a need for any mass detention facilities for American citizens, and I see no such need now."

J. Walter Yeagley, Assistant Attorney General, who heads the Internal Security Division of the Department of Justice and who hence would be directly responsible for administering Title II, has echoed Attorney General Ramsey Clark's statements. He has categorically denied the existence of any concentration camps as well as any government intent to detain anyone under the provisions of Title II. He has admitted, however, that 6 detention facilities were maintained up until around 1957 in accordance with its provisions. These 6 facilities were as follows: Tule Lake, California; Wickenburg and Florence, Arizona; El Reno, Oklahoma; Allenwood, Pennsylvania; and Avon Park, Florida. Though these facilities were maintained up to about 1957, according to Yeagley, they were never used to detain anyone under Title II, and have been abandoned since or are used for other purposes. He cites two basic reasons why the McCarran Act can not be invoked. First, "the act requires that each 'detained' person be arrested on a warrant specifying his name and stating the Government's belief that he may engage or conspire to engage in sabotage or espionage." Second, "even if the rioting were formally declared an 'insurrection', there is no evidence to date that it is or may be fomented 'in aid of a foreign enemy' as required before Title II could be applied." Concluding, Yeagley stated: "I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute."

So much for Willis' HUAC report and the government response to it. It is true that the government under the provisions of Title II is required to name each person to be arrested and ultimately detained. But this requirement by no means would hinder the government from taking action, for we would be naive not to believe that it does not have a list of militants, black and white, as well as of others who have dissented strongly against the Viet Nam war and racism. In addition, even though the government has to state its belief that the arrested person is about to engage in, or conspires with others to commit, acts of sabotage or espionage, as we have already seen, it is under no final obligation to produce the source of its evidence for its belief. For the provisions of Title II in fact places the burden of innocence upon the suspected person, judging him as guilty unless he himself can prove otherwise, with the government itself under the obligation of stating only its probable belief and no more.

That there are no detention camps at present, as the Attorney General's office states, is beside the point. The important point is that the McCarran Act provides for detention centers and that, if arrests are made under its Title II provisions, then they could be built with relative ease. Japanese-Americans were first assembled in horse stables, and then "relocated" to detention centers which were built within a month. The definition as to when there is a state of emergency, particularly the



third and last one which states in the event of "insurrection within the United States in aid of a foreign enemy," thus becomes of paramount importance. How is "in aid of a foreign enemy" to be interpreted? The HUAC report mentions groups such as the Revolutionary Action Movement (RAM) and the Progressive Labor Party and such individuals as Stokely Carmichael and Thomas Hayden. Now, depending upon the interpretation, any number of other groups and individuals besides these specifically mentioned could be included. Does it include the Black Panther Party here in Oakland which has become affiliated with SNCC, and hence with Stokely Carmichael? In this connection it should be remembered that even Reverend Abernathy has been accused of being a Communist and that Japanese-Americans were alleged to be aiding a foreign enemy which allegation became one of the ostensible reasons for their "evacuation."

Thus the key issue is not whether or not Title II of the McCarran Act can be invoked or not. It is rather the very existence of the Act itself which provides for detention centers and which therefore permits some one like Willis to suggest their usage. Some say that the McCarran Act is a product of the McCarthy era, dismissing it at that. We of the Asian-American Political Alliance believe, as long as it is in effect, that it can be, and for that matter will be, invoked against Black militants as well as white radicals. Moreover, given the current assumptions of American foreign policy, we see the clear possibility of a major war with Communist China; and if such should come to pass, then we do not preclude the possibility of Chinese-Americans being placed into detention camps in the same way Japanese-Americans were during World War II. And so we of the Asian-American Political Alliance demand that all politicians take an unequivocal stand on this issue. Are they in favor for the repeal of the McCarran Act or not? Rumors about detention camps will not disappear by simply stating arguments that it will not or can not be invoked. Instead they will increase, especially when one considers that a new Internal Security Act of 1968 is now being proposed which will in effect make acts of dissent equivalent to treason (See S. 2988 introduced by Senator Eastland of Mississippi on 2/19/68). Only with its actual repeal will the legal justification for political prisoners disappear, and the Asian-American Political Alliance demands that it be.

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We, the undersigned demand that the following measures be taken to repeal the McCarran Act of 1950, as amended (also known as the Internal Security Act of 1950), which authorizes the government to detain unconstitutionally American citizens under its Title II provisions.

Sponsored by the Asian-American Political Alliance

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