

HISC Reluctant Hearing On McCarran Act Title II

"Is it true, Miss Friedlander?" demanded Congressman Ichord, sitting high on the dais as chairman of the House Internal Security Committee hearings on the Bill to repeal the McCarran Act Title II. In stern accusation he quoted Mr. Yeagley, head of Justice Department Internal Security Division, who stated that the booklet "Concentration Camps—USA" by Charles R. Allen, commissioned in '66 and distributed by the Citizens Committee for Constitutional Liberties, is mainly responsible for the widespread stories and rumors about camps in our country.

"Mr. Congressman," replied Miriam Friedlander, Executive Secretary of COCL "we are very happy to accept responsibility for having made the country conscious of the concentration camp law and the designated camps we and the hundreds and thousands who are calling for repeal of this shameful law."

Congressman Ichord retorted that the Justice Department held the book to be "replete with inaccuracies" and that there are no concentration camps in the U.S. "The inaccuracies" replied Miriam Friedlander, "turned out to be a direct quote from J. Edgar Hoover are the FBI 1950 lists of 550,000 'hard core' members and sympathizers of the Communist Party prepared for pick-up and detention." Despite the Justice Department's claim of "phasing out" the 6 camps in 1957, Merle Alexander, Director of U.S. Prisons, wrote to Mr. Allen in 1966 that the order establishing the camps was to be "subsumed" yearly—without renewal.

Regardless of the present usage of the original camp sites (given in the eye-witness account by Charles Allen), the police-state law is on the books "and you can ask our Japanese-American compatriots how little time it took to whip up unimaginably miserable sites for thousands of men, women and children. You can call them what you will—internment camps, relocation centers or what they are—concentration camps."

The hearings before HISC were being held on a Repeal Bill unanimously passed by the Senate the day before Christmas, '69. In her opening statement, (3/26/70) Miriam Friedlander noted that other witnesses had made an excellent case for the unconstitutionality, past errors and embarrassment of having such a law on the books "therefore I will deal with the current relevancy and impact of this law." (Complete statement, page 2)

Within the last two years a number of official voices have threatened to use the McCarran Act camps to intern activists: HUAC, predecessor of HISC, recommended it for black militants in their "Guerrilla Warfare" report. Assistant Attorney General Kleindienst, according to Elizabeth Drew in the Atlantic Monthly, recommended interning student activists. And the Dept. of Justice is still fighting to throw out the court case (of 16 activist leaders) challenging the constitutionality of the McCarran Act Title II. All of this has the 'chilling effect' on silencing dissenters who might fear future internment for past opposition.

Congressman Ichord protested that the law cannot be used unless there is a declaration of war by Congress, an invasion or activity in support of the enemy . . . at which time the President could declare an Internal Security emergency. "The law could be put into effect any time" M. F. answered "since only the most academic interpretation could say we are not at war. President Nixon acts as though we were at war, former Secy. of State Katzenbach interpreted the Tonkin Resolution as a Congressional OK for the Vietnam War, the draft board operates as though we were at war. Is the Department of Justice the only Government division unaware of the fact that we are at war?" She pointed out that the present

Atty General, whom even some young Republicans accuse of using his position for political repression, would be responsible for incarcerating, without due process, those who in his opinion might "probably" conspire to commit treason against the government.

Congressman Ichord noted that Mr. Kleindienst's letter to Sen. Eastland, Chmn. of Sen. Judiciary Committee, recommending repeal, assisted passage of the Senate Repeal Bill. "But there has been no such letter to this committee" said M. F. "Perhaps," said the Congressman, "they have changed their minds" . . . and he went on to suggest that maybe, what the country really needed was only a more "constitutional" McCarran Act.

It was shocking to hear the previous witness from the Liberty Lobby use the tragic mistake of President Roosevelt's and the Supreme Court's submission to the military demand for the Japanese-American camps as an argument for a law "like the McCarran Act" to keep a President in line. Obviously it was the same hysterical

PREVENTIVE DETENTION



"EVERY THING IS UNDER CONTROL!"

political and color prejudice which created the World War II camps, that led to the passage of the McCarran Act over the Truman veto. Today the same prejudices permit the creation of "Operation Drag-net" under which FBI paid informers are establishing for pick-up and detention lists from thousands of community, ethnic and political groups.

Obviously there is need for another letter from the Dept. of Justice to Congressman Ichord asking for repeal of Title II. There is urgent need for a mass renewal of immediate action by concerned citizens and Congressmen to get the House Repeal Bill out of the House Internal Security Committee on to the floor for total repeal.

Congressman Conyers (Mich.): "I weep to think of the kind of record we are making. Why do we not simply declare martial law on the District of Columbia and be done with it. I am ashamed . . . that this supposedly deliberative body could diminish the rights of our citizens with such casualness." Congressman Hungate (Mo.) quoted a currently popular hillbilly song:

"If you hang them all, you get the guilty.
If you hang them all, you cannot miss.
If you hang them all, you get the guilty.
There's been lots of problems solved like this.
Let us hope that does not become

Liberty

VOL. VIII—No. 3 CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES

Spring, 1970

Mitchell Sneaks 'Preventive Detention' Into Washington D.C. Crime Omnibus Bill

"A garbage pail of some of the most repressive, nearsighted, intolerant unfair and vindictive legislation the Senate has ever been presented," said Senator Sam Ervin the House Omnibus Crime Bill for the District of Columbia. This Administration package contains the infamous 'preventive detention' proposal along with "no-knock," sweeping wiretap and bugging, mandatory adult trials for 16 year olds charged with violent crimes, and other retrogressive measures.

The original "preventive detention" Bills (S2600 - HR12806) have been stalled in the Senate Constitutional Rights and House Sub-Judiciary Committees. Supposedly a crime-control measure, it proposes pre-trial jailing through a denial of bail for 60 days . . . if a judge

feels that the accused will 'probably' be a "danger to the community." Most constitutionalists, civil liberties organizations and major editorial opinions oppose this proposal on grounds that it denies presumption of innocence, right to reasonable bail, a fair and speedy trial.

The spirit of the debate in the House prior to passage of the D.C. Crime Bill was characterized by the theme song of the 91st Congress.

A valiant band of Congressmen, led by Brock Adams (Wash.), stood against the constant recital of grizzly stories and statistics, arguing for Amendments to delete "preventive detention" and other hair raising sections of the bill.

Emanuel Celler (N.Y.), Chairman of House Judicial Committee, called it "imprisonment without trial"; Brock Adams (Wash.) said: "since that very repressive (omnibus crime) bill was passed in 1967 the crime rate has gone up almost vertically. There is only one thing that will prevent crime . . . restore the judicial system which . . . has been allowed to fall into a state of neglect." Richard Ottinger (N.Y.): "Preventive Detention advocates rest their case on the clairvoyance of judges as to who may or may not commit crime while free on bail, and such unsupported powers cannot be allowed."

Charles Wiggins (Cal.) "Originally, I co-sponsored legislation seeking to authorize pretrial detention, but after many hours of testimony and soul searching on my part I have come to doubt the wisdom of the procedure". Andrew Jacobs (Ind.) "I intend to see crime fought in D.C. and intend to see it fought effectively. But I do not want to see it fought

unconstitutionally." Abner Mikva (Ill.) protested that although he had been assured of being heard before the House DC Committee to present Amendments . . . he has never been called.

In his final remarks before the vote, Jonathan Bingham (NY) said: "Four distinguished members of the committee (on D.C.), . . . Mr. Adams (Wash.), . . . Mr. Jacobs (Ind.), . . . Mr. Fraser (Minn.), . . . Mr. Diggs (Mich.), . . . commented in their minority views that far too many of the bill's provisions are repressive and dangerous in their thrust. . . . In its actions on this bill the majority of the DC Committee and of this House have shown a deplorable lack of awareness that "eternal vigilance is the price of liberty."

Every Amendment to delete flagrantly unconstitutional and repressive measures was overwhelmingly defeated. The final vote on the bill was: yes, 294—no, 47, absent 88. The majority of the designated conferees to meet with the Senate Committee reflect this vote. They are McMillan (SC), Abernethy (MISS), Dowdy (Tex), Cabell (Tex), Nelsen (Minn), Haesha (Ohio) Broyhill (NC) and Hogan (Md).

There is no doubt that many fair-minded Congressmen were affected by the atmosphere of fear and Administration pressure. This is the type of crisis point that permitted passage of the McCarran Act open door to McCarthyism and the Tonkin resolution rationale for the continuing Vietnam War. If the fair-minded voters are discouraged and fail to stay in touch with their Representatives, the nation could be browbeaten by the Right into another political disaster.

Senate Rejects House D.C. Bill

On March 24, 1970, the Senate refused to accept the House D.C. Omnibus Crime Bill, with its parade of Administration pressed constitutional nightmares—"Preventive Detention," "no-knock," mandatory sentences, etc. The Senate accepted the Senator Tydings (Md) amendment, which in effect reinstated the original Senate Bill S2601 and did not contain these questionable proposals.

In the debate the House bill was characterized by Senator Ervin as "full of unconstitutional provisions, unjust provisions and unwise provisions as a mangy hound dog is with fleas." Senator Cooper (Ky) supported this position saying "I think we want better law enforcement in D.C. . . . (but) many of these bills have contained provisions which the courts have never sustained . . . and increasingly encroach on the rights of individuals." Senator Hart (Mich): "Senator Senator from N.C. (Ervin) has voiced eloquently my own concerns with respect to the bill (House presented to us."

The Tydings Amendment to reinstate the Senate Omnibus Crime Bill was passed. Now both House and Senate Bill go to the Conference Committee for resolution into one bill. Appointed as Senate conferees were Senators Tydings (Md), Eagleton (Mo), Goodell (NY), Mathias (Md), Biele (Nev) and Spong (Va). Since the Senate Bill S2601 was passed unanimously, they take with them the mandate to stand by the original bill and not allow 'preventive detention' to be sneaked in by the D.C. door.

ACTION BOX

Tell it to your Congressman!
"Out with the old concentration camp law. Move McCarran Act Title II Repeal Bill onto the House floor for vote NOW!"

Tell it to your Senator!

"Stand firm against any 'preventive detention' section in the D.C. Omnibus Crime Bill. EVER!"

"Keep Faith With Our Heritage"

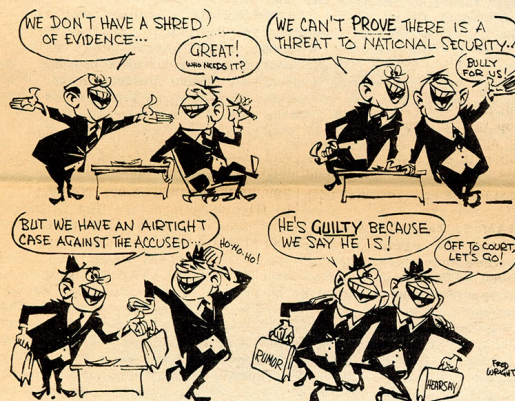
STATEMENT on BILL to REPEAL McCARRAN INTERNAL SECURITY ACT TITLE II before the HOUSE INTERNAL SECURITY COMMITTEE—Mar. 26, 1970—by Miriam Friedlander, Executive Secretary, COCL

Since 1961, the Citizens Committee for Constitutional Liberties has initiated campaign after campaign across the land for the nullification and repeal of the McCarran Internal Security Act. In 1966 we shattered the shameful silence surrounding the existence of Title II of the McCarran Act and the concentration camps established under it. COCL commissioned Charles R. Allen, Jr. to research the status of the camps and write his eye-witness account "Concentration Camps—USA." All democratically-minded people shuddered at this frightening expose—particularly in the Black community and among those in active opposition to Government policies. A court case was initiated in 1968 by 16 national leaders of dissenting movements, challenging the constitutionality of Title II. Following this, the Japanese-American citizens, World War II victims of America's concentration camps, initiated a campaign to win Congressional support for repeal of the McCarran Act Title II.

Since its passage in days of political hysteria in 1950, the grossly unconstitutional McCarran Act has been the rationale for Government harassment, prosecutions and threatened internment without due process. Under Title II, in event of a declared Internal Security Emergency, the Federal Attorney General has the right to "pick up and detain" those he believes will "probably" commit sabotage. Six camps were provided for this purpose in 1952, and the order is still in effect, according to Myrle Alexander, former Director of Prisons. If, as described in Mr. Allen's book, the sites have temporarily been used for other purposes, the law and authorization are still in effect . . . and you can ask our Japanese-American compatriots how little time it took to whip up unimaginably miserable sites for thousands of men and women and children.

Preparing for seizure and internment under this law, the FBI, through its paid informers, is establishing lists of hundreds and thousands of participants in issue-oriented groups. This is known as "Operation Dragnet" and would be directed against those whom the Attorney General feels would "probably" "conspire" against the Government. The very existence of the law has a chilling effect on many who would be out-spoken, since they may face incarceration without trial, appeal or due process.

The House Un-American Activities Committee, in its report on "Guerrilla Warfare" proposed internment black militants in McCarran



Act camps. Ass. Attorney General Richard Kleindienst was reported by Elizabeth Drew, in the Atlantic Monthly, as having said: "If people demonstrated in a manner to interfere with others, they should be rounded up and put in a detention camp. Vice-President Agnew has proposed we 'separate out the rotten apples.'" And these are the voices of Government officials advising extreme repressive measures.

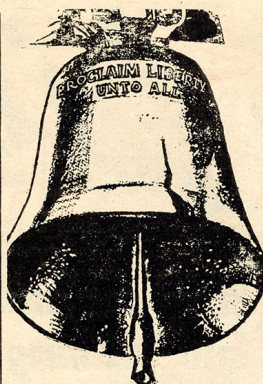
But even more frightening to the growing vocal and silent opposition to the Administration war, poverty and integration policies—was the Government's adamant opposition to nullifying the concentration camp law in the courts or repealing it in Congress. It was particularly alarming since implementation of this internment law lies with a current Attorney General, who, in the eyes of many constitutionalists is using the Department of Justice to work for politically repressive legislation and indictments.

It was with great relief that we welcomed Assistant Attorney General Kleindienst's letter to Senator Eastland in Dec. 1969, which diffidently but definitely called for the repeal of McCarran Internal Security Act Title II: "In the judgement of this Department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the act may provide in time of internal security emergency." This message, a response to nationwide demands, helped carry the Repeal Bill through the Senate.

I hope that Attorney General Mitchell is listening to the popular winds and will again send such a letter to Chairman Ichord of the House Internal Security Committee, asking that they recommend to the House unanimous passage of the repeal of Title II. This the nation will applaud.

Recently some Congressional leaders have attempted to rationalize the continued acceptance of the horrifying concentration camp law on the grounds may be needed to incarcerate minority group activists and political independents. In this day and age this could only be construed as reviving the witchhunt yardstick to be used against the popular movements for peace, new national priority and minority rights. It could only revive the bitter memories of a nation politically bludgeoned into an era of fear and silence.

The Concentration Camp Law stands exposed. Finally, millions know that it exists, and more tragically, that it might well be used in the USA. We must get out of harness with nazi Germany and apartheid South Africa and repeal this police state law. Only immediate and total repeal of the McCarran Act Title II will keep faith with our democratic heritage.



TALKING REPEAL

The Senate unanimously passed Repeal Bill S1872 Dec. 23, 1969.

The House Internal Security Comm (HISC)-Chmn Ichord, is holding hearings on Repeal Bill H.R. L1825. Among those who have already testified for the Bill are: Arthur Goldberg, Philip M. Glick, (former Atty for WWII Japanese-American Relocation Centers), Clarence Mitchell (NAACP), Lawrence Speiser (ACLU), Miriam Friedlander (COCL), and Amer. Friends Service Comm. Also Senators Innouye (HI), Reps. Matsunaga (HI), Mink (NY), Adams (Wash), Chisholm (NY), Gubser (Cal), Hanson (Id).

CLARENCE MITCHELL
Director Washington Bureau
NAACP

"Any wholesale round up of citizens in a time of emotion inevitably results in the unconstitutional arrest and imprisonment of innocent persons. This is what happened in the detention of the Americans of Japanese ancestry and we have seen similar occurrences during some of the civil disorders which have occurred in more recent times. . . . The mere existence of a place for large scale imprisonment for citizens, who have not been charged with any offense . . . invites hasty actions on the part of officials who may use such places for the purpose of taking advocates of unpopular causes out of circulation. . . . 'The repeal of the Emergency Detention (McCarran) Act would undoubtedly contribute greatly to the peace of mind of those who believe that there is a master plan to imprison Americans who are not white.'" (3/19/70)

STATEMENT OF NSRAO
Nat'l Jewish Community Relations
Advisory Council

"The member agencies of NCRAO, comprised of nine national and 82 local community relations organizations commend Pres. Nixon for calling upon Congress . . . to remove the emergency detention provisions from the . . . McCarran Act. . . . The Act has generally been regarded as authorizing the establishment and use of concentration camps . . . the very concept of preventive detention and concentration camps is thoroughly repugnant to American tradition."

"Amer. Jewish Comm., Amer. Jewish Congress, B'nai B'rith Anti-Defamation League, Jewish Labor Comm, Jewish War Veterans of US, Nat'l Council of Jewish Women, Union of Amer. Hebrew Congregations, Union of Orthodox Jewish Congregations of Amer."

LAWRENCE SPEISER
Dir. Washington Off. ACLU

"Title II gives virtually unlimited powers to the executive branch of this government to round up dissidents and place them in concentration camps for unlimited periods of time—all without any due process and in the absence of any meaningful judicial review." . . . "It violates the constitutional guarantees of freedom of speech . . . press . . . assembly . . . association . . . right to petition government for redress of grievances . . . all guaranteed by the First Amendment. . . . The dragnet sweep of

THE NEW YORK TIMES, SUNDAY, MARCH 8, 1970

"IT IS AN EVIL LAW"

SENATOR SAM J. ERVIN, Jr.
Chairman, Constitutional Rights
Committee Testifying on "Pre-
ventive Detention" Bill

THE odious and un-American concept of "probable guilt" was written into the 1950 McCarran Act Title II—concentration camp law—some 20 years ago with the special help of Congressman Richard Nixon.

TODAY, as the original police-state law lies in disrepute, a new, 1970 "probable guilt" bill—"Preventive Detention" is on the docket. This time it is sponsored by President Richard Nixon.

THE McCarran Internal Security Act, product of the Cold War—generator of America's first peace-time detention camps, has so shocked a vast portion of the American people that even the Justice Department has been embarrassed into supporting its repeal. The Senate has passed such a repeal bill. The House has yet to act.

NOW, riding the crest of "law and order" hysteria and disguised as "crime control", a new police-state law is championed by the Administration. The "Preventive Detention" Bills (S2600-HR12806-HR14334) empower a judge to intern for 60 days, through denial of bail, those accused he alone deems a "danger to the community". This is a denial of the most basic constitutional guarantees—presumption of innocence, reasonable bail, due process, a fair and speedy trial.

WHITNEY YOUNG, Executive Director of the National Urban League, said "Preventive Detention" leads to "perversion of civil liberties."

The 1950 McCarran Act was a curtain raiser to McCarthyism. The 1970 "Preventive Detention" Bills are the overture to neo-McCarthyism, with the aim of suppressing all dissent—Peace, Poverty, Youth, Black, White, Indian, Puerto Rican, Chicano—ALL

THE repugnant McCarran Act Title II must be repealed. It must not be replaced by a Nixon-Agnew-Mitchell version of political repression. Join the majority of Bar Associations, constitutionalists, civil rights and civil liberties leaders and distinguished newspapers across the land protesting this assault on the Bill of Rights.

TOM WICKER wrote in the N.Y. TIMES:
"any American could become a defendant any minute."

ACT NOW OR TOMORROW YOU MAY FACE "PROBABLE" GUILT.

- WRITE your Congressman — asking that House Internal Security Committee vote repeal of the infamous McCarran Act Title II.
- WRITE your Senator and Congressman — protesting "Preventive Detention" Bills S2600 — HR12806 and HR14334 (in House Comm. on D.C.).
- SUPPORT THE CITIZENS COMMITTEE for CONSTITUTIONAL LIBERTIES which — through education and action campaigns—has led a 10 year struggle against legalized repression.

CO-Chairmen Paul L. Ross, Esq. Dr. Willard Uphaus
Miriam Friedlander, Exec. Secy Bernard Weller, Treasurer

Citizens Committee for Constitutional Liberties
22 East 17 St. Room 1525 New York, N.Y. 10003

Enclosed is my contribution \$_____ to help fight police-state laws.

Name _____

Address _____

City _____

State _____

Zip _____

Please send me booklet "Concentration Camps—USA" and other literature

the provisions creates a chilling effect on the exercise of them. The Act violates the Fifth Amendment by authorizing deprivation of liberty not for commission of a crime, but only on suspicion that one "probably will engage in" criminal conduct . . . imprisonment solely because of membership in a political party or other association."

SHIRLEY CHISHOLM
Representative, NY

" . . . its (Title II) mere presence on the books is an offense, especially to Americans of color . . . it was not the Italians and Germans who were rounded up, but the

Japanese-Americans who were easily identifiable because of their skin. . . . Today it is not the Ku Klux Klan or the syndicate whose doors are being kicked in, it is the Black Panthers . . . Skin, skin, skin color is the criteria . . . makes us special targets."

Today . . . and tomorrow

Our works is to educate and activate against repressive legislation at our job, today. If, among your other good works, you provide for the Citizens Committee for Constitutional Liberties in your will, it will enable us to keep up the fight, tomorrow.

Gratefully, COOL

In Our Opinion . . .

With the Government-initiated "Conspiracy" and Panther trials—with its driving pressure for "Preventive Detention" law—the Nixon Administration has given notice that it will prosecute spoken dissent as political heresy and organized dissent as a conspiracy to riot. The Nixon appointments to the Supreme Court and the vindictive actions of Judge Hoffman illuminate the shocking impact of this policy on the supposedly objective Judiciary. The defense attorneys and news-media are being ordered to accept this dictat or face 'contempt' and incarceration. Repression is the Executive order of the day.

The latest move to silence dissent is the Administration Executive Order giving the long discredited Subversive Activities Control Board (SACB) the right to certify as 'subversive' any organization they deem radical as advocating "violent overthrow" of the Government. The SACB, established under the McCarran Internal Security Act 1950, to deal with so-called communist conspiracy has had most of its work nullified by the Courts on constitutional grounds. Now, retreating before public revulsion and opposition the Department of Justice is supporting repeal of the McCarran Act Title II—concentration camp law.

President Nixon, Vice-President Agnew and Attorney General Mitchell are using the "Law and Order" theme to heighten fears and tensions as a prelude to demanding surrender of free speech, press and assembly, due process and fair trials; to imposing censorship and subservience to government policies; to war, poverty and racism; to unleashing the free-wheeling use of wire-tap, subpoena, injunction, indictment and INTERNMENT. Senator Stennis has publicly proposed abolition of trials for blacks and dissidents.

Key legislation for repression and internment is the "Preventive Detention" Plan—touted as 'crime-control'—but really aimed at endless pretrial jailing of dissidents. The Bill would allow a judge to jail—without bail for 60 days—any defendant he considers "dangerous to the community." Major opposition has stalled this dangerous Bill S-2600—HR12806 in the Senate and House Judiciary Sub-Committee—but Attorney General Mitchell is trying to sneak it through the House Committee on the District of Columbia—HR 14334.

In the '50's Congressional witchhunting was used to induce the shameful McCarthy era of fear and silence. Today, the Cabinet, Congressional and Judicial incantations of "danger to the community," "violent overthrow" and "conspiracy to riot" are used to destroy and intern courageous political independents, demonstrators for peace, valiant fighters against prejudice and poverty and militant unionists and students.

Today, the Government policies for repression of dissent are truly subverting the democratic rights of the majority of Americans. CCCL calls for an end to all repressive legislation, indictments and trials of blacks and dissidents as "conspirators." The courts must not be used as instruments of repression.

CCCL urges that Congress give serious consideration to impeachment proceedings under the Federal Constitution, Article II, Sect. 3, against the Attorney General, Federal Judges and all other civil officers of the U.S. who may have committed high crimes and misdemeanors by their flagrant invasion of the rights, guarantees and protections afforded by the Constitution to the people.

Co-Chairmen Paul L. Ross—Willard Uphaus

Presented to Chicago Nat'l Emergency Conference, Mar 7-8, 1970 by Rev. Lee H. Ball, Advisory Committee Member of CCCL.

NIGHT LETTER TO ALL MEMBERS OF HOUSE OF REPRESENTATIVES:

H.R. 16196, House District crime bill contains preventive detention section which in the opinion of eminent jurists, legal scholars and attorneys is wholly unconstitutional. The National Committee Against Preventive Detention, headed by former Supreme Court Justice Arthur J. Goldberg, is strongly opposed to the preventive detention section of H.R. 16196. Committee members include Judge Bernard Botwin of New York; Judge Charles Desmond of Albany, former head of N.Y. State Court of Appeals; Adrian Fisher and Clinton Bamberger, Deans of Georgetown and Catholic University Law Schools, respectively; Albert E. Jenner of Chicago, former chairman of ABA Committee on Judicial Selection and Tenure; Queens (N.Y.) District Attorney Thomas Mackell.

As society seeks easy solution to difficult problem of crime in the street, there is danger that in passion of the moment basic constitutional guarantees will be sacrificed. Urge that you move to strike preventive detention provisions from H.R. 16196.

John de J. Pemberton, Jr.
Exec. Dir., Amer. Civil Liberties Union

JUSTICE ARTHUR J. GOLDBERG

From Statement—Nat'l Comm. Against Prev. Det. (3/18/70)

"Proposals for preventive detention turn our system of justice upside down, risk the imprisonment of innocent men and invite abuse at the hands of the law during a period of social strain when law must prevail by its steady fairness and even-handed objectivity. It is alien to the American concept of law-enforcement and our tradition to punish persons for actions which may take place in the future . . . by placing those still innocent in pointless danger of punishment which should be reserved for those found guilty after fair trial."

No Preventive Detention!

SENATOR SAM J. ERVIN, JR.

Chmn Constitutional Rights Comm.

"This bill, now dubbed the D.C. Omnibus Crime Bill . . . is literally a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented. It contains . . . the Dept. of Justice's unconstitutional, unworkable and unjustified preventive detention bill . . . in its zeal for ever more power, whatever the cost to our constitutional principles, (Justice Dept.) has indeed tried to put a fast one over on the Senate and American people. . . . the (Justice) Dept. is moving so frantically to enact its preventive legislation at this point . . . The reason quite obviously is that the Nat'l Bureau of Standards Law Enforcement Asst. Administration study, which is to be completed March 31, will refute much of the frantic rhetoric the Dept. has issued about the need for preventive detention."

"I believe the Department has dealt Congress and the American people a 'fast shuffle' by hiding preventive detention in the middle of a bill where it does not belong, and by avoiding open and free debate on its merits."

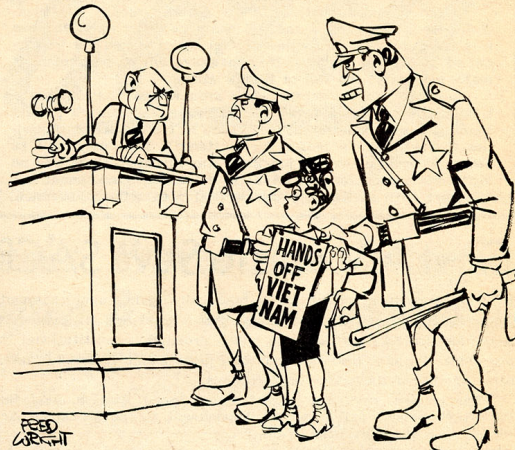
EMANUEL CELLER (NY)
Chmn House Judiciary Comm.

"I want to address myself to . . . 'preventive detention', which is, in a sort of way, 'imprisonment without trial'."

" . . . 'preventive detention', in my opinion, like Swiss cheese, is full of constitutional holes; It destroys a time-honored and time-hallowed presumption of innocence. It affects trial by jury, due process, the prohibition against excessive bail, and involves possible double jeopardy and the right to a speedy trial . . . Our boast as a nation of individual freedoms and individual liberties will sound as hollow as an egg-shell if we have 'preventive detention' embodied in our statutes."

BROCK ADAMS (Wash)

" . . . the preventive detention section . . . will not use rule of evidence . . . Under this bill you will hold a man for 60 days, be certain that he does not have a job anymore, that he has broken



"SHE WAS DISTURBING THE WAR!"

ploughed the fields of white back-

lash and racial and economic anim-

osities . . ."

DAVID W. DENNIS (Ind)

" . . . the committing magistrate must determine after a hearing that the accused is probably guilty of the offense charged; . . . it would have an effect on the jury if it came to their attention that the court sitting on the bench, had already prejudged the case for them."

ABNER J. MICKVA (Ill)

" . . . we ought to get our criminal trials started in 60 days instead of locking people up for 60 days on preventive detention . . . My proposal will protect the community against dangerous people, but won't throw away our Constitution, wisdom and judgement just because we are concerned with crime."

WILLIAM F. RYAN (NY)

"Ignoring the conditions that cause crime, poverty, ignorance, discrimination, urban decay and the despair and anger these engender—the report concentrates on heavy-handed techniques . . . This legislation is a bellweather; failure to correct its invidious features will signal an assault on civil

LEONARD FARSTEIN (NY)

"There is a lack of standards and the inability . . . to determine who should be detained and who can be released . . . overcrowded detention centers which are worse crime factories than our penitentiaries . . . The detained prisoner cannot hold a job . . . support a family . . . earn a lawyers fee . . . if convicted makes a poor probation risk."

"Objectives . . . can be achieved without infringing on the defendants if sufficient judges and court rooms were to be provided . . . (to) receive speedy trial . . ."

CORNELIUS GALLAGHER (NJ)

"I believe that certain provisions are so obnoxious to our traditions and constitutional heritage to reduce all people—criminals and law-abiding individuals—from free men to frightened men . . . The fifth Amendment to the Constitution guarantees due process; the eighth . . . reasonable bail; the sixth . . . access to counsel. All are jeopardized by . . . providing for detention trial prior to the actual trial."

NEWSMEN WRITE . . .

"Making Ideals a Fraud"

—Tom Wicker, NY TIMES

Is 'Preventive Detention' Latest Concentration Camp Move?

The Afro American

EDITORIALS

Punishment before crime

THE NEW REPUBLIC

Jail Before Trial

by Abraham S. Goldstein

Central procedure in the United States has only recently begun to narrow the gap between widely stated ideals and an unsatisfactory reality. Safeguards as to

MAR 10, FEBRUARY 15, 1969

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THE NEW YORK TIMES

In The Nation: Playing With Fire in D.C.

BY TOM WICKER

WASHINGTON (AP)—A "pre-

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away from his family, then put him back out on the streets . . . a defendant (now) waits 8 to 12 months for a felony trial . . ."

EDWARD I. KOCH (NY)

" . . . the Nixon Administration 'preventive detention' statute is another snare and delusion in this Administration's efforts on behalf of 'law and order' . . . Statistically, somewhere between 5% and 7% of persons charged with offenses commit crimes while on bail . . . The problem, frankly, has been blown out of all proportion by the Administration's politically motivated fear-mongering. It has

liberties throughout the country. . . . Preventive detention is only a subterfuge—it evaded the real problems. . . ."

ANDREW JACOBS (Ind)

" . . . with reference to the determination of the danger of the individual to the community. At the preventive detention hearings the rules of evidence would not apply. As those who remember . . . the stories of the witchhunts will recall, witchism determinations were made on the basis of hearsay evidence. That is precisely what would be admissible to detain a person for 60 days under this provision."

"Not since corrosive notions of 'national security' came to prevail in the fifties, bearing with them loyalty oaths, witch-hunts, and Joe McCarthy, has there been anything like the hysterical spree (by) Democrats and Republicans alike, with approving nods from the Nixon Administration . . ."

" . . . A House subcommittee on D.C. matters approved a proposal that would permit Washington judges to jail 'dangerous' criminal suspects for up to sixty days before trial. This measure, which suspends the presumption of in-

(Continued on Page 4)

SACB vs. BILL OF RIGHTS

N.Y. Post

After extended analysis of an adverse ruling, the Dept. of Justice is appealing to the U.S. Supreme Court to show cause why the Subversive Activities Control Board should not be permitted to stay in business. No exhaustive bill of particulars is really necessary; the Bill of Rights will do.

According to the government's argument, a decision by the U.S. Court of Appeals last Dec. 12 limiting the agency's powers would result in "substantial frustration of the Subversive Activities Control Board's reason for existence." That may well be accurate; even before the judgment was rendered, there was no legitimate reason for the SACB to exist. The government has far more than sufficient power to deal with actual subversion.

Govt Appeals to Save SACB

The Department of Justice is practically giving mouth-to-mouth resuscitation to keep alive McCarran Act Title I and its Subversive Activities Control Board decision which declared unconstitutional the procedure of SACB hearings and subsequent public listing of "members" of alleged subversive organizations.

The opinion, written by Chief Judge David Bazelon, said that the SACB decision under the '68 Amendment to the McCarran Act, did not show the individuals, them-

selves, to be engaged in illegal activities. The Administration had pressed Congress to pass this Amendment in an attempt to bypass the Supreme Court ruling that self-registration and penalties of the original membership section was unconstitutional.

The Justice Department appeal is an attempt by Atty. Gen. Mitchell to revive the SACB, whose cold-war rubber stamp has been useless for almost 2 years. The decision was made on 3 of the 15 new cases and the government has agreed to suspend hearings on the others pending the Supreme Court decision.

Twenty years of court procedures, conducted in the main by attorneys John Abt and Joseph Forer, and supported by a wide

range of political thought, has succeeded in nullifying most aspects of Title I—self-registration as subversive, denial of jobs, passport and membership in a political organization. Almost all of these decisions were made in the Warren and Baselon led Courts, which probably accounts for the Administration's desperate attempt to change the character of the Supreme Court personnel and drastic reorganization of the US Court of Appeals in the DC Omnibus Crime Bill.

There is also a new try at reinstating the denial of job to so-called subversives in alleged sensitive (defense) industries, which was thrown out in the McCarran Act Robel case. This Bill has passed the House and awaits Senate action.

happen here" with a detailed discussion of the Japanese-American camps, and the court cases.

"PREVENTIVE DETENTION IN AMERICAN CONCENTRATION CAMPS" by Paul L. Ross has been written just in time to answer the Administration drive to pass the new internet proposals "preventive detention" bills. He hits the statement "it can't



Paul L. Ross

Preventive Detention in American Concentration Camps by Paul L. Ross

reprinted from Guild Practitioner Winter 1965

Check List

- CONCENTRATION CAMPS-USA
by Charles R. Allen, Jr. at 70c. \$
- PREVENTIVE DETENTION in America's
Concentration Camps by Paul L. Ross at 15c \$
- MCCARRAN INTERNAL SECURITY ACT '50 #7
& '68 Amendment—full texts at 50c. \$
- AMERICA'S CONCENTRATION CAMPS
by Wm Hedgepeth (LOOK reprint) at 15c. \$
- LIBERTY GREETING CARDS \$
- 8 diff. cards, artists, sayings, in color,
for every use, Reg. \$1. now 50c per set \$
- MEDITATION, Etching
by Jack Bilander — Reg. \$15—now \$10 \$
- CONTRIBUTION \$
- Enclosed find TOTAL \$

Name

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One of the Liberty Greeting Cards

Prev. Detention

(Continued from Page 3)

nocense, was patterned on the Nixon Administration's "preventive detention" bill and was limited to the voiceless, helpless District of Columbia only because the broader measure is stalled in the House and Senate Judiciary committees."

"D.C. Injustice Bill"

NY TIMES Editorial (3/30/70)

"The District of Columbia omnibus crime bill is a stalking horse for similar legislation on a national level . . . if permitted to go through a House-Senate conference with its repressive features untouched . . .

"The D.C. crime bill is political legislation with a vengeance. It would inspire new disrespect for the law and seriously interfere with the major function of the courts. . . ."

Comment

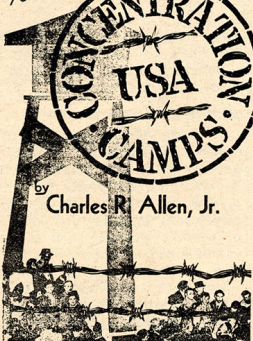
THE WALL STREET JOURNAL

"If expanding the preventive detention concept to some lesser crimes in D.C. seems a small step, it involves a major principle . . . The fact that some judges routinely violate the tradition by setting unsanctioned high bail is hardly an argument for writing the violated tradition into law . . ."

"Mitchell Tests the Constitution" by Joseph R. Lundy — THE NATION

... Donald E. Santarelli, a Justice Department representative . . . explained that the White House was urging measures such a "preventive detention" for the District . . . to see if they can withstand constitutional challenge and prove their usefulness . . . Inasmuch as this Administration campaigned with the code phrase "law and order," which appealed to hidden . . . racial fears, Washington with its 71% black population is a logical place to launch an attack on that "barbed wire of legalisms," the Bill of Rights."

70*



by Charles R. Allen, Jr.

LIBERTY issued by:**CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES**

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Liberty Notes

THE ADMINISTRATION constitution—defying bills, indictments and trials—direct hits against the leadership of dissenting movements—are meeting direct resistance. But, like all modern warfare, the impact is designed to release ever-broadening anti-personal, fear missiles to destroy resistance, morale and even the will to live. Some people, already affected by the illusion of an overpowering Establishment, are whimpering "a wasted life-time . . . too tired . . . can't make changes in this system . . ." For those people, the soft sounds of despair drown out the ever-louder and sharper marching tunes: "we won't go . . . we won't starve . . . we won't kneel."

Will this valiant generation be turned off—as were the courageous anti-fascists in the McCarthy era. The danger is great . . . and this is the time to dig for some answers, and hopefully, actions. There is and was, no dearth of heroes among the political minorities, anti-war, civil rights, trade union, community, professional, ethnic and other socially concerned groups. Those who fought back suffered many losses, but won respect, support and finally vindication. But the Extreme Right was able to convince the main body of the people that political independents were a "danger" to the American way of life. It took too long to re-establish working concepts of democracy—to dump the repressors and welcome back the independents and radicals as basic to the American way of life.

Today, the opposition to the Right-oriented Administration policies is even greater—draft resisters and GIs, national and liberation groups, poverty-stricken and middle-class, independents and radicals. Will the Government forces succeed in isolating them by creating an aura of fear and conspiracy about them . . . place on them the responsibility for economic and social ills . . . legislate and indict them as a "DANGER" to our society. Can we save our country from a "bad trip" this time? Perhaps, if we can expose the lies, distortions and false promises with facts, figures and creative programs. Perhaps, if we can replace prejudice, fear and apathy with respect, confidence and acts of good faith. Perhaps, one way is to dust off an old copy of the Bills of Rights, still fresh with its original struggle and purpose against the monied power . . . make it everyone's property . . . to live and work for us, the people, against the repressors.

THE SCHOOL SCENE has definitely shifted into high gear. The current concerns are reflected by requests from instructors, students and libraries at Western Conn. State, Mount Hermon, Mass., Northeastern Ill. State, Univ. of Chicago, Ill. State U. (Normal Midwestern (Iowa), New School Social Research, Uni. of Nevada, Princeton Seminary, Univ. of Texas, State Univ. of N.Y. (Farmington and Binghamton), San Francisco State, Purdue, McGill (Canada), etc. "Put me on the mailing list" and send material for sociology courses, Black Studies, papers, campus groups, libraries and individual concern. "I have spoken on this issue at my school's history club" wrote a NY High School student. On orange scalloped paper came: "I am working on a special project at my H.S. in Chicago. . . . My paper has to do with the right to freedom."

AFTER SCHOOL . . . "We need materials like this in our work with GIs that are opposed to the repression which has become a 'household word.'" (Wash. D.C.). Reprint from Servicemen's Newspaper, quoting Mahatma Gandhi "Don't be a moral coward, do what you think is right" (Salt Lake City, Utah). From a Peace Corps worker in South America: "Unfortunately I cannot send a contribution. . . . I have nothing but pesos—but please know that you have my spiritual support . . . much luck to you people in what you are trying to do."

THE CCCL NY TIMES AD, March 8, 1970, spurred many requests for information and literature from many cities and towns in almost every state in the union . . . often accompanied by most welcome contributions. Now the ripples are widening into urgent messages to Congressmen. Having talked to some of them recently in Washington, I know how sensitive they are to these messages from home.

RING THE LIBERTY BELL . . . for the splendid Japanese-American Citizens League campaign that won so much Congressional support for the repeal of McCarran Act Title II. . . . For the new Director of NRCLC, Edith Tiger and the recent issues of RIGHTS, edited by James Aronson. . . . For the hard-hitting speech on "Preventive Detention" by Paul Ross at the Amer. Assoc. to Combat Fascism, Racism and Anti-Semitism Conference. . . . For COUNT-DOWN USA, (2 v. study of trends towards fascism in USA) by Morris Kominsky (400 E. Franklin St., Elsinore, Cal.) Vol. I is available at pre-publication rate—\$10. . . . For contributions from a Bx and Bklyn Cultural Club . . . for generous contribution that made possible the NY TIMES AD . . . and specially for those who write "sorry I can't give more, but keep up the good work."

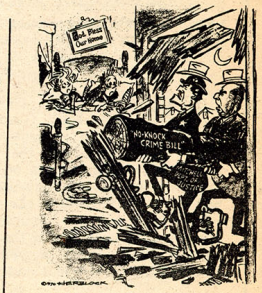
Best, Miriam Friedlander

CCCL Calendar

Apr. 18-19 LIBERTY BAZAAR.
Sat. Sun - 10 a.m.-9 p.m., Church
Community Hall - 9th Ave. at 28th
Street

Apr. 22 THEATRE PARTY
"Inquest" Rosenberg Story with
Ann Jackson, Larry Blyden

May 2 RALLY "Against Ultra-
Right, Racism and Anti-Semitism"
Sat. 2 p.m. Hotel Diplomat - 108
W. 43 St. Speakers: Prof. Arthur
Kinoy, Rev. Milton Galamison,
Rabbi A. Bruce Goldman, Miriam
Friedlander. Ausp: Amer. Ass. to
Combat Fascism, Racism & Anti-
Semitism



"Relax, Folks—We're Wearing White Hats"