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AMERICA'S DECLINING INTERNAL SECURITY

INTRODUCTION

One of the most nettlesome problems faced by Americans throughout much of this century has been how best to cope with the threat posed by the world Communist movement to what Mr. Justice Felix Frankfurter once called "the effective, free functioning of our national institutions." /Communist Party of the United States of America v. Subversive Activities Control Board, 367 U.S. 1, 97 (1961)./ One of the most oft-used devices has, of course, been Congressional inquiry for legislative and investigative purposes; it is also perhaps not surprising that this device has been fraught with controversy, although it must be observed that critics of this procedure have seldom evidenced any real grasp of the actual accomplishments of such work.

There can be no doubt that Congress possesses the power to conduct wide-ranging inquiry into the origins, leadership, and activities of subversive movements; to argue otherwise would be to contend that our elected representatives must legislate in a vacuum. Judge E. Barrett Prettyman, in one of the primary cases in the internal security field, stated that "To remain uninformed upon a subject thus represented would be a failure in Congressional responsibility." /Barsky v. United States, 167 F. 2d 241, 247 (1948), cert. denied, 334 U.S. 843, petition for rehearing denied, 339 U.S. 971./ In the same decision, Judge Prettyman further declared:

> We think that inquiry into threats to the existing form of government by extra-constitutional processes of change is a power of Congress under its prime obligation to protect for the people that machinery of

> which it is a part, and inquiry into the desirability vel non of other forms of government is a power of Congress under its mandate to initiate amendments if such become advisable. /Ibid., 246./

Such inquiry has been conducted by legislative committees at the national and state levels since the earliest days of the Communist movement in this country. In 1919 and 1920, for example, a subcommittee of the United States Senate Judiciary Committee and a joint committee of the New York State legislature, respectively, conducted significant investigations into the activities of the early Communist movement -- including particularly the activities of Soviet agents -- in the United States. Since that time, a succession of Congressional and state committees have investigated virtually every aspect of subversion and its effects on American life and government. Of these, the most prominent and controversial was undoubtedly the House Committee on Un-American Activities, later renamed the House Committee on Internal Security, the history of which bears recounting.

House Committee on Un-American Activities

The House Committee on Un-American Activities (popularly, if erroneously, known simply as "HUAC") was created by the House of Representatives in 1938 as the Special Committee on Un-American Activities under the chairmanship of the late Martin Dies of Texas. The committee's mandate was renewed by vote of the House in each succeeding Congress until 1945 when one of the committee's members successfully moved to amend the House rules to provide for a standing Committee on Un-American Activities. This move, born of a recognition of the need for continuing inquiry into revolutionary activities directed against our form of government, assured the existence of the committee as a permanent instrumentality of the House capable of investigating subversive activities with the expertise needed in such a highly specialized and constitutionally delicate area. Supporters of the committee over the years have recognized that it is vital, when one considers the essentially esoteric and conspiratorial nature of the subject matter involved, that there be continuing inquiry, buttressed by appropriate power of subpoena, to develop what is often called "hard" information admittedly not readily

accessible to the legislative branch of government.[1]

House Committee on Internal Security and its Abolition

The standing Committee on Un-American Activities existed until February 1969 when, pursuant to a resolution introduced by Congressman Richard H. Ichord of Missouri, who had succeeded to the chairmanship of the committee at the beginning of the 91st Congress, it was reconstituted as the Committee on Internal Security with a somewhat revised mandate. The committee existed in this new form until January 14, 1975, when the House voted to adopt revised rules for the 94th Congress which provided for the abolition of the committee and the transfer of its jurisdiction, files, and certain of its staff to the House Committee on the Judiciary. It is significant that this procedure, advanced by the "Bolling Committee" as part of its overall committee reform package for the House, avoided a vote on the merits of the committee as a separate entity, the sort of vote that the committee had invariably won throughout the entire period of its existence. Thus, by means of what committee supporters have called a parliamentary sleight-of-hand maneuver, the committee was effectively abolished.

The results of this transfer were as predicted by those knowledgeable in domestic security matters: the Judiciary Committee did nothing in the area of internal security despite the rather

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[1]There has always been a great flaw in the argument of those who contend that it is sufficient to rely on the resources of the Federal Bureau of Investigation in dealing with subversion. Many of these people fail to appreciate the restrictions within which the FBI operates. The fact, of course, is that the Bureau functions primarily as the investigative arm of the Department of Justice, a role which is far different from that of a Congressional committee. It is true that certain data developed by the Bureau have been made available to Congress, principally during testimony before the House and Senate Committees on Appropriations, but the Bureau does not exist to develop information as the basis for remedial legislation to cope with subversive activity. This can be accomplished only by a duly authorized committee of the House or Senate armed with the power of subpoena. Furthermore, since the Bureau must by definition be subject to the will of the Attorney General, who may or may not recognize the need for the gathering of domestic intelligence data on subversive groups and individuals, it is absolutely essential that Congress possess its own independent capability in this area.

naive hope in some quarters that something might be accomplished. In the Internal Security Committee's last annual report, submitted to the House on January 29, 1974, Chairman Ichord had written:

> In my appearance before the Select Committee on Committees, commonly known as the "Bolling Committee," I stressed that it was not important what committee of the House of Representatives does the work in the field of internal security, but what is important is that the work is done. I pointed out the impracticality of adding to the work of an already overburdened Juciciary Committee. Yet the proposal in the working draft of the select committee's report provides for a substantial increase in the jurisdiction and workload of the Committee on the Judiciary.
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> To put it bluntly, I do not think the matter of the internal security of the United States will receive any significant attention if the proposed transfer of jurisdiction of the Committee on Internal Security to the Judiciary Committee is accomplished.

House Judiciary committee's Record of Inaction

While it is possible to take issue with Mr. Ichord's assertion that it does not matter which committee does the work, especially if one assumes that an expert committee and staff are preferable to those whose expertise is spread too thinly among many subject areas, one cannot quarrel with the accuracy of his prediction about the disposition of the work. Any illusions on this score have long since vanished. The fact is that during the past two and one half years, the House Judiciary Committee has done precisely nothing in furtherance of its expanded mandate over "Communist and other subversive activities affecting the internal security of the United States." Consider the following:

> * The Judiciary Committee has investigated neither the extent of subversive activity in the United States nor the advisability of any remedial legislation to deal with it. Instead, to all appearances, it has been content to engage in running harassment of the Federal Bureau of Investigation with an eye to restricting still further the ability of the Bureau to engage in electronic surveillance or other meaningful domestic security work.
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> * The Internal Security Committee's professional staff personnel have been systematically dismissed with the exception of a token handful. The true intent of the Judiciary Committee's leadership is easily seen when one realizes that those dismissed included, in many cases,

people with the deepest knowledge of, and longest experience with, the Internal Security Committee's work. Of the committee's former minority staff, all of whom participated actively in some of the committee's most significant investigative efforts despite being small in numbers, all were dismissed.

* Though the House rules as adopted in January 1975 provided that all of the Internal Security Committee's "property and records" should be transferred to the Judiciary Committee, to "be available for use by the latter committee to the same extent as if such property and records were originally that of the Committee on the Judiciary," the leadership of the Judiciary Committee has interpreted this language as a mandate to eliminate the Internal Security Committee's files as a source of information to the House, a goal long sought by the professional enemies of Congressional committees investigating subversion. The massive files on revolutionary groups and individuals accumulated by the Un-American Activities and Internal Security Committees between 1938 and 1975 -- and, it should be noted, regularly consulted as a basic reference source by representatives of appropriate executive branch agencies, including the FBI -- were reviewed, packaged, and consigned to storage, thereby effectively rendering them unavailable as a practical matter.

* The prevailing mentality among the Judiciary Committee's leadership is further indicated by the fact that legislation designed to deal with terrorist violence as a specifically Federal offense has, despite the descernible proliferation of terrorist groups within the United States in recent years, occasioned not so much as one day of hearings. This legislation, introduced by Congressman John M. Ashbrook of Ohio, himself a member of the Judiciary Committee, has been pending before the committee for two and one half years without anything whatever being done to assess the need for it. Introduced by Mr. Ashbrook as H.R. 1577 on January 17, 1975, it was again introduced by him as H.R. 152 on January 4, 1977, and is the only such legislation before the House -- a fact which is, in itself, indicative of a steady deterioration in Congressional awareness of the nation's internal security needs.

Need for Full-Time Internal Security Committee

The above few facts should serve to demonstrate that the House Judiciary Committee -- or at least the leadership of that committee -- has not the slightest intention of fulfilling the expanded mandate conferred upon it in 1975. It should be clear to any reasonably objective person that if meaningful investigative and legislative effort is to be undertaken within the House of Representatives to aid in our government's attempts to move against threats to our form of government posed by revolutionary groups and individuals, it will certainly not be forthcoming from the present Judiciary Committee. It should be equally clear that, given the already heavy jurisdictional loads of existing House committees, the best -- indeed, realistically, the only -- means to this end is revival of the House Committee on Internal Security with sufficient funds, adequate staff, and the power of subpoena to enable it to conduct in-depth continuing investigations to assist the House in determining the need for remedial legislation and also, in discharging the related Congressional oversight responsibility, to determine the desirability of additional action by appropriate agencies within the executive branch.

Committee Investigations

In order to appreciate more fully the dismal record of the Judiciary Committee in discharging that portion of its revised mandate that pertains to internal security oversight and investigation, one must try to gain an understanding of the accomplishments of the House Committees on Un-American Activities and Internal Security during the better than 35 years of their continuous existence. So much concentrated effort has been expended in recent times on impugning the record of the committees, as well as on impugning the motives and methods of domestic security-related agencies in general, that people seem unaware, in all too many instances, of the positive side of the question. As indicated earlier, the critics of the committee very often seemed not to have any firm grasp of what the committee was about.

Nazi and Fascist Organizations

From the outset in 1938, the committee was concerned with all varieties of subversive activity in the United States. It is not generally appreciated that the first hearings conducted by the Dies Committee in 1938 dealt with the German-American Bund, not with the Communist movement. The Bund, an obvious extension of Hitlerite influence within the United States, remained a major focus of committee effort until the Bund passed from view;

however, similar activities continued to occupy the committee throughout its existence.

The committee held extensive hearings on Fascist and Ku Klux Klan organizations, demonstrating, in many cases, a disquieting interlocking relationship on matters directly involved with activity which was, by any reasonable standard, a threat to the country's security interests. The committee documented a considerable degree of collaboration between leaders of several domestic Fascist-oriented groups and activities clearly designed to advance the interests of the Nazi movement, including direct collaboration with the German-American Bund itself. The hearings, appendix volumes, and reports of the Dies Committee are, even today, an invaluable compendium of primary information on the Nazi and Fascist movement in the United States during a particularly precarious period in American history.

During the 1950s and 1960s, the standing Committee on Un-American Activities continued to develop such information for the use of the Congress to meet its need to assess the impact of revolutionary and other subversive movements. In 1954, for example, the committee issued a Preliminary Report on Neo-Fascist and Hate Groups which dealt with the activities of the National Renaissance Party, an avowedly Fascist group, and Common Sense, a racist and aggressively anti-Semitic hate sheet.

Ku Klux Klan Organizations

In 1965, the committee again undertook exhaustive hearings on the activities of Ku Klux Klan organizations in the United States. The record of this inquiry, which filled five volumes of testimony and exhibits and a special report, is quite probably the best available body of primary source material on the Klans in recent times. The committee's investigation resulted in hearings during 1966 on legislation specifically aimed at terrorist activities, as well as in a letter of appreciation for the quality of the investigation from no less than the late Emanuel Celler, chairman of the House Judiciary Committee and certainly not a man who could have been charged with any pro-HUAC bias. Celler's letter, as entered into the record of the 1966 hearings, reads in pertinent part as follows:

> I followed most carefully this Committee's investigation of the Ku Klux Klan. I did so because many had expressed to me the /sic/ misgivings about the purposes of the Committee on Un-American Activities and had questioned its objectivity. Indeed, many had asked me as Chairman of the Committee on the Judiciary to undertake these investigations because of their misgivings of the Committee on Un-American Activities.

Having spoken to you prior to the commencement of these hearings, I had no hesitancy in advising those with whom I spoke of my conviction that the hearings would be thorough, productive, and objective. I am more than pleased to be able to say that my conviction was completely justified. When the record is printed, this country will be supplied with authoritative information on the who and what and how of the Ku Klux Klan, and with this record no individual can absolve himself by saying he did not know of the Klan's terroristic activities and the degree of hatred and violence for which it stands.

The sincerity of this Committee and its wish to reach at this evil are now firmly established.

TERRORISM

The phenomenon of terrorist violence was of particular concern to the Internal Security Committee until the very end of its existence. During 1974, which was its last full year of operation, the committee embarked upon a major investigation of the terrorist threat in an attempt to assess the desirability of new legislative or executive branch remedies. In addition to the many other terrorist groups considered, many of them overtly Communist in orientation, the Nation of Islam, known as the Black Muslims, was given significant attention in the testimony of two intelligence specialists from the San Francisco, California, police department. The testimony and documents provided for the record by these two expert witnesses form irrefutable proof of the true nature of the NOI as opposed to the popular misconception, fostered by the media, of the NOI as an essentially religious organization. Perusal of the committee's documented record shows to any interested reader that the Nation of Islam is in fact steeped in the rhetoric of violence and particularly virulent race hatred. It is of further interest that this record was developed almost three years before the Hanafi Muslim takeover of certain public buildings in the nation's capital.

The extent to which the committee concerned itself with racist, Fascist, and Nazi organizations and their activities over the years has been, as stated earlier, generally unappreciated; nevertheless, it was a major focus of committee inquiry and certainly reflected a determination by the committee and its professional staff to maintain scrutiny of subversive activities emanating from both extremes of the political spectrum. It is, however, demonstrably true, as so many have observed, that the primary focus of the committee's efforts was upon the threat to our institutions posed by the world Communist movement and the various exemplars of revolutionary Communism in the United States. This

was not, however, because harrassment of Communists provided committee members with the juiciest headlines, as professional enemies of the committee have often contended; rather, it was because Communist groups have demonstrated far more staying power and have shown an unequalled ability to infiltrate virtually every segment of our society and achieve near respectability at several key junctures in recent American history, all the while pursuing goals which are obviously antithetical to the commonly held values that underlie Western civilization in general and the United States in particular.

Communism

There have been innumerable studies by academic and other authorities on the nature of Communism in the United States, but there are none that provide the reader with a better or more comprehensive overview of the subject than those issued by the committee over the years. At various points during its existence, the Un-American Activities Committee issued basic studies of, for example, the advocacy by the Communist Party of force and violence, the role of the Communist Party as an agent of the Soviet Union, and the relationship of the Communist Party to the worldwide Communist International. Other studies included informative reports on such subjects as Communist atomic espionage, the role of Soviet agents within the American government, attempts by the Communist Party to subvert the American Negro, and the role of Communists within the labor movement. All these reports were based on careful investigative and research effort and were reflective of the expertise developed by the committee and its professional staff. One may ask whether such expertise would have been developed had this work been relegated to an already overburdened committee with more generalized jurisdiction; it seems logical to answer that it probably would not. That the committee's expertise on the subject of Communist subversion was probably unmatched is indicated by the consistent ferocity with which the Communist Party opposed the committee's work throughout its existence.

Communist Infiltration of Motion Picture Industry

The hearings conducted by the Un-American Activities Committee were, of course, marked by constant controversy, but they were far more carefully prepared and decorously conducted than most people realize. The truth of the matter is that even the most sensational of the committee's hearings, including the massively publicized investigations of Communist penetration of Hollywood and government, were justified by legitimate concern over the extent of Communist subversion in key segments of American life. It was entirely proper, for example, that the committee, in

trying to apprise itself and the House of the methods which Communists used in advancing their revolutionary aims, should inquire into the manner in which Communists operate through front groups and other instrumentalities to raise huge sums of money ostensibly for worthy purposes while, in fact, the money was destined for the support of subversive activities. This was certainly the case in the Hollywood hearings, which demonstrated the extent to which the Party had tapped the unusually high salaries of major film figures for subversive, as against genuinely humanitarian, purposes. This was far from being the only accomplishment of the hearings, but it was a most significant contribution to the fund of knowledge on Communist deception available to Congress in meeting its legislative responsibilities in the internal security area.

Communist Infiltration of Government

In like manner, the committee's investigations into Communist penetration of government were of incalculable value to the country. Through many years of painstaking effort, the Committee on Un-American Activities developed a record which documented in meticulous detail the pattern of Communist espionage against our government. The best-known such investigation, by all accounts, was the case of Alger Hiss, convicted of perjury in a trial that probably would never have been conducted had it not been for the dedication with which the committee and its staff pursued the facts of the case through a maze of deception and dissembling by Hiss, to say nothing of the obstructionism forthcoming from the executive branch in the initial stages of the investigation. One reads the transcript of the Hiss-Chambers hearings and is struck by the precision of much of the questioning, a phenomenon which is in stark contrast to the often-advanced view of the committee members and staff as mere mindless Red baiters, unconcerned with facts and obsessed with headline hunting. It is fair to say that had it not been for the Committee on Un-American Activities, Alger Hiss would never have been brought to justice.

Committee Legislative and Oversight Functions

The committee's efforts were not, as has so often been contended, conducted without regard to legislative aims. The principal legislation in the internal security field, the Internal Security Act of 1950, was based directly on the accumulated weight of the evidence developed over the years by the committee. There were also numerous other bills referred to the committee, some of which were enacted into law and some of which were not; they all, however, fell solidly within the committee's mandated jurisdiction and could not have been handled nearly as expertly by any

other committee of the House -- including the Judiciary Committee. (Again, one must come to grips with the question of full-time, as opposed to merely part-time, expertise in an area that is admittedly esoteric and constitutionally delicate, the law, both legislative and case, that has developed in the internal security field being highly specialized in nature.)

But investigative effort was and is necessary to any informed understanding of the problem of subversion in our time. As stated earlier, to contend that investigation of subversion is not a proper function of Congress is to contend that Congress must be expected to legislate in a vacuum. This would, of course, be dangerous in the extreme. As a practical matter, Congress cannot reach an intelligent position on the need for legislation to deal with subversive activity unless it has first acted to inform itself, in the most precise detail possible, as to the exact nature of the threat at hand. It is a classic irony that the surest way to bring about unwise and repressive legislation against revolutionary threats to our institutions -- assuming, of course, that legislation is ever desired at all -- would be not to have a functioning committee to inform the House of the facts on which wise legislation ought to be based.

This need was never more apparent than during the 1969-1974 period when the committee was reconstituted as the House Committee on Internal Security. During this period, the committee examined the phenomenon of revolutionary violence in great detail. Major investigations were conducted into the activities of such violence-prone organizations as Students for a Democratic Society and the Black Panther Party, and reports were published which summarized the documented facts for Congress and the American people. A 1973 study of political kidnapings was used by the Agency for International Development in helping foreign public safety officials meet the growing threat of terrorist violence, and a 1974 staff study of terrorism remains perhaps the most comprehensive public source of information on the background and activities of the principal terrorist organizations operating in recent times. This latter document is of special value because of its international emphasis, there being clear links between foreign terrorist apparats and what most people seem to regard as purely domestic terrorism.

During the 1969-1972 period, the committee compiled a documented record showing the extent to which the principal anti-Vietnam war coalitions were dominated or controlled by Communists dedicated, not to the achievement of peace, but to the bringing about of a Communist military victory in Southeast Asia. Legislation was proposed which was designed to restrict travel to hostile areas in time of undeclared war. These hearings were a significant revelation of the realities of Communist activity against the United States during an especially crucial period in our

history, and they provided Congress and the American people with an excellent case study in the methods by which Communists operate to advance the interests of foreign totalitarian governments against the legitimate security interests of our country.

Other areas explored by the committee as the basis for possible legislation or oversight of the executive branch included attempts by Communist groups to subvert our military, the operation of the Communist Party within the trade union movement, the emasculation of the Federal civilian employee loyalty-security program, and the conduct of domestic intelligence operations for internal security purposes. This last hearing, one of the committee's final efforts prior to abolition, represented a serious effort to examine the problems faced by our government in acting properly against subversion while maintaining essential procedural safeguards to protect the rights of individuals, and it is to be regretted that the effort could not continue as originally planned, especially when one notes the obvious anti-domestic security bias of most such investigations during the past several years. Instead of reasoned effort in this field based upon expertise, there has been a steady, sustained wrecking operation obviously aimed at crippling our domestic security capability.

Decline in Government Internal Security Capability

The average American probably has no real conception of the sad pass to which the government's internal security capability has come, but the evidence is all around us:

* The House Committee on Internal Security has been abolished, and no other committee of the House has shown the slightest interest in assuming its functions in any meaningful manner.

* The Senate Internal Security Subcommittee has been abolished and its jurisdiction added to that of the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, where the fate of the work is at best uncertain.

* The Attorney General's list has been abolished, leaving the government without one of the primary tools used over the years in operating the personnel security program -- a program which has also passed largely into disuse in many cases.

* The Subversive Activities Control Board, one of the principal agencies in our government's internal security efforts, has long since ceased

to exist, despite serious attempts to revamp the Board as a major part of an overhauled and reinvigorated personnel security program.

* The domestic security efforts of the Federal Bureau of Investigation have been all but crippled as a result of relentless harassment both in and out of Congress coupled with the effects of what many professionals see as wholly unrealistic investigative quidelines imposed by the Attorney General. Today, the FBI is forced to spend large amounts of its appropriated funds and tie up large numbers of its trained agents in processing freedom of information requests for informant data from Communists and their allies, rather than on domestic security work in defense of our country.

* The domestic intelligence gathering activities of our military services have been crippled despite the need of the military to develop and maintain information on those individuals and groups that pose a potential or actual threat in civil disturbance situations.

* The Internal Security Division of the Department of Justice has been abolished and reduced to a section within the Criminal Division. Prosecutorial activity within the Department in the internal security field has all but ceased to exist.

In addition, there are no longer any functioning legislative committees in the internal security area at the state level. The last such body, the California Senate Fact-Finding Subcommittee on Un-American Activities, issued its final report in 1970. Further, intelligence units of state and local police departments have been driven out of existence through a campaign of harassment by lawsuit carried out by a network of Communist-front and other allied organizations.

Today, there is little if any meaningful internal security capability left either at the national or at the state level. Clearly, something must be done.

Proposals to Revive Internal Security Committee

During the 94th Congress, Congressman John Ashbrook (R-Ohio), once the ranking minority member of the House Internal Security Committee, introduced several identical resolutions to re-establish the committee as a standing committee of the House

with full subpoena power. These resolutions, despite Mr. Ashbrook' concern that the work be maintained, never got beyond the Rules Committee where they died at the expiration of the 94th Congress. Now the effort has been renewed with the introduction by Mr. Ashbrook of House Resolution 15 and with the introduction by Congressman Lawrence P. McDonald (D-Ga.) of House Resolution 48 and several identical resolutions with a total of almost 150 co-sponsors. Mr. Ashbrook has added his endorsement to the McDonald resolution as a co-sponsor, and the resolution has come to be known as the McDonald-Ashbrook resolution.

This resolution provides for the reestablishment of the House Committee on Internal Security as a standing committee of the House with its own professional staff and power of subpoena. It also provides for the transfer to the revived committee of all the former Internal Security Committee files, thereby effectively mandating the preservation of an invaluable collection of information on Communist and other subversive activities in the United States.

It is beyond dispute that terrorism and other forms of revolutionary violence are on the increase. Congressman McDonald has, since the abolition of the Internal Security Committee, managed to publish in the Congressional Record a steady series of documented, accurate accounts of the activities of Moscow-oriented, Trotskyite, Castroite, and Maoist Communist groups within the United States. He has compiled documented exposes of Puerto Rican and other terrorist activities, always concentrating on the need for effective governmental action as against our currently impotent posture. Many people who have become increasingly concerned about the decline in our government's ability to deal effectively and knowledgeably with terrorist violence and other forms of subversion have begun to see in the steady growth of support for the McDonald-Ashbrook proposal, both within the House of Representatives and elsewhere in the United States, a hopeful sign that at least one step toward correcting this dangerous situation may finally be possible.

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