CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNAL SECURITY
WASHINGTON, D.C. 20515

March 5, 1970

Professor Dorothy Thomas
118 South Van Pelt Street
Philadelphia, Pennsylvania

Dear Professor Thomas:

I am writing to invite you to testify and to give the Committee the assistance of your views and judgment with respect to bills pending before the Committee to repeal the Emergency Detention Act of 1950, also cited as Title II of the Internal Security Act of 1950.

Sixteen bills to repeal the Act, sponsored by not less than 133 Members of the House have been referred to this Committee, together with a Senate bill, S. 1872, sponsored by 21 Members of the Senate which was reported on December 22, 1969, without hearings by the Senate Committee on the Judiciary and passed on that day without debate or recorded vote in the Senate. For your reference, I enclose a copy of the Emergency Detention Act of 1950, together with a copy of a bill introduced in the House, H. R. 11825, and a copy of the Senate-passed bill, S. 1872, which are representative of the bills before the Committee.

As will appear from my remarks in the House on February 10, 1970, a copy of which is likewise enclosed for your information, I regard these bills as raising very serious issues which will require the development of a record on the basis of which reasoned action can be taken. In light of your participation in the monumental study of the University of California on the subject of detention of Japanese-Americans during World War II, we believe that your views would be particularly helpful in elucidating the problems at issue.

We would be much obliged to have your advice as to whether you can appear to give testimony before the Committee on

Thursday, March 19, 1970, at 10:00 a.m. or on Tuesday, March 24, 1970, at 10:00 a.m.

With many thanks for your attention to this matter, I am

Sincerely yours,

Richard H. Ichord
Chairman

RHI:amn
Enclosures

cc: Professor Dorothy Thomas
Professor of Sociology
University of Pennsylvania
Philadelphia, Pennsylvania

XXXXXXXXXXXXXXX
4025 Chestnut St.

March 10, 1970

Honorable Richard H. Ichord
Congress of the United States
House of Representatives
Committee on Internal Security
Washington, D.C., 20515

Dear Mr. Ichord:

In reply to your letter of March 5, 1970, I shall be happy to appear to give testimony before the Committee on Internal Security of the House of Representatives on Tuesday, March 24, at 10:00 a.m. I shall read a short prepared statement and submit a longer document for the use of your Committee.

Inasmuch as I shall be driving to Washington that morning with 2 or 3 of my graduate students, I should appreciate it if someone on your staff would inform us as to the exact location of the room and building in which the Hearings will be held and also give us information about parking facilities.

Sincerely yours,

Dorothy S. Thomas
Research Professor of Sociology
and Co-Director of Population
Studies Center

DST:amb

Ichord

Remarks of Congressman Richard H. Ichord (D-Mo.)
Chairman, House Committee on Internal Security
In The House of Representatives
February 10, 1970

HEARINGS ON BILLS TO REPEAL THE EMERGENCY DETENTION ACT OF 1950

Mr. Speaker,

Sixteen bills to repeal the Emergency Detention Act of 1950, sponsored by not less than 133 Members of the House, have been introduced in the first session of this Congress and have been referred to the House Committee on Internal Security. Ten bills--while not expressly repealing the act, but which are drafted to that effect as an amendment to Title 18, United States Code, sponsored by 22 Members of the House, some of whom have likewise joined in the foregoing bills referred to the Committee on Internal Security--have been referred to the Committee on the Judiciary. Likewise, a Senate bill, S. 1872, sponsored by 21 Members of the Senate, reported on December 22, 1969, without hearings by the Senate Committee on the Judiciary, and passed on that day without debate or recorded vote in the Senate, has been transmitted to the House and referred to the House Committee on Internal Security.

The committee which I chair has received numerous inquiries with respect to the disposition of these bills. In view of the interest on this subject, both within and without the House, I want to advise the Members, and others concerned, that it is my intention to hold hearings on such bills commencing on this March 16, 1970. Indeed, I also want to take this opportunity to urge the Members of the House and other persons who have an opinion on the important questions raised by these bills to appear and to give the committee the assistance of their views.

That the bills raise questions not free from difficulty may perhaps be inferred from the fact that while, as early as June 10, 1969, I had requested the views of the Department of Justice on bills introduced to that date which would repeal this act, it was not until last December, toward the close of the first session, that these views were obtained through the Department's Deputy Attorney General, Richard G. Kleindienst. Noting that "various groups, of which our Japanese-American citizens are most prominent, look upon the legislation as permitting a reoccurrence of the roundups which resulted in the detention of Americans of Japanese ancestry during World War II", he replied that "The repeal of this legislation will allay the fears and suspicions --unfounded as they may be--of many of our citizens." Since in the opinion of the Department, the allaying of these fears would outweigh "any potential advantage" which the Act may provide in a time of emergency, the Department therefore recommended its repeal.

The Emergency Detention Act of 1950 is an independent act which constitutes title II of the Internal Security Act of 1950. It is a wartime measure which would, in short, authorize the detention of persons whom there is a reasonable ground to believe would probably engage in acts of espionage or sabotage during a period of proclaimed national emergency in the event of: First, an invasion of the United States; second, declaration of war by Congress; or third, insurrection within the United States in aid of a foreign enemy. In the years following the adoption of the act, the event for its application has not occurred. The act has therefore never been applied, nor has it been judicially construed.

The Emergency Detention Act of 1950 was legislation enacted in 1950 on the recommendation of a number of Senators whose expertise in the area of subversion and sincere concern for constitutional considerations and individual liberties, are entitled to great weight. The act, in fact, incorporates the provisions of the bill S. 4130, introduced in the 81st Congress, which was drafted and sponsored by Senators Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton. There are few who would dispute the civil libertarian credentials of a majority of these sponsors. Although initially offered by them as a substitute for title I of the Internal Security Act of 1950, and originally opposed by Senator McCarran on alleged grounds of "unconstitutionality," the Emergency Detention Act was subsequently amended to meet his objections

and, as thus amended, was finally enacted as title II of the Internal Security Act of 1950 upon the basis of the cogent argumentation advanced by its sponsors.

In drafting the Emergency Detention Act of 1950, the Senators who sponsored the legislation were fully aware of the unfortunate occurrence during World War II. That the provisions of the title were not directed towards persons of a particular national origin, race, or religion, is made manifest in its legislative history. The act was directed to the inner "hard core" of the Communist Party organization. Senator Douglas, who was a principal proponent of the act, made this clear when, in the course of debate on the act, he said:

> I would say that apparently, according to Mr. Hoover, what we have in [sic] an inner Communist Party organization, which has an inner "hard core" of determined revolutionaries. Then, within the Communist Party, there is a wrapper, so to speak, of those who are Communists, but who probably are not potential saboteurs. There would then be various other ramifying circles.
>
> What I am trying to say is that the real danger to the United States is with the "inner hard core." If what we want to do is to punish the outer extremities, let Senators go ahead and do that. But I think the real danger to the United States is from this inner "hard core," who are potential saboteurs and spies. Mr. Hoover says there are 12,000 of them. In my judgment, if we had a period of national emergency--and I think it is pretty close to being a period of national emergency now--the best thing the country could do would be to "put them on ice," so to speak, treating them nicely, but to take them out of circulation so that they could not commit acts of sabotage or spying.

The particular fear evoked among our Japanese-American citizens seems to rest on the assumption that the act authorizes the establishing of the same "detention centers," "concentration camps," or "relocation centers" with which they were afflicted in World War II. At that time, about 112,000 Japanese residents of Western States, approximately two-thirds of whom were natural-born citizens of the United States, were removed from their homes and placed first in temporary camps and later in ten "relocation centers" situated in several Western States.

However, "relocation centers" which had been established during World War II were not established pursuant to the provisions of the Emergency Detention Act of 1950, which was not of course then in existence. Moreover, such action would not be authorized by this act against either Japanese nationals or American nationals of Japanese ancestry. While it is true that an earlier act, the act of April 16, 1918--50 U.S.C. 21-- would expressly authorize the President to apprehend, restrain, or remove, during war or invasion, alien enemies resident in the United States, which could have been applied to resident Japanese nationals during World War II, that statute would have been inapplicable to citizens of the United States who, although of Japanese ancestry, were relocated during the war.

Relocation centers established during World War II were in fact established pursuant to an Executive order of President Roosevelt, Executive Order 9066, February 29, 1942, 7 Federal Register 1407. Issued about 2 months after the attack on Pearl Harbor, at a time when fear that a Japanese invasion of the west coast was imminent, the order was promulgated by the President, as expressly set forth in its terms, by virtue of the constitutional authority vested in him as President of the United States and as Commander in Chief of the Army and Navy.

By the terms of the order, the Secretary of War was authorized and directed to prescribe military areas "from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate military commander may impose in his discretion." This order, indeed, was in effect "ratified" by the Congress in the act of March 21, 1942--56 Stat. 173 --by which it was made a misdemeanor knowingly to enter, remain in, or leave prescribed military areas contrary to the orders of the Secretary of War or the commanding officer of the area.

The authority of the President to issue this order, when questioned, was generally upheld. However, its application to particular circumstances was in part circumscribed by decisions of the Supreme Court. In order to prevent espionage and sabotage, it was held in Hirabayashi v. United States, 320 U.S. 81 (1943), that the freedom of movement of such persons embraced within the order could be restrained by a curfew; and it was held in Korematsu v. United States, 323 U.S. 214 (1944) that such persons could be excluded from a defined area. However, in Ex parte Endo, 323 U.S. 283 (1944) it was held that a citizen of Japanese ancestry, whose loyalty was conceded by the Government, could not be detained against her will in a relocation camp.

Thus the President, unguided and unrestrained by Congress, took the course he did to detain many loyal American citizens of Japanese ancestry, an action which, in my opinion, may be regarded as a dark day in our history. On repeal of the Emergency Detention Act of 1950, and in the absence of any legislation on this subject, we are restored to the position in which we found ourselves at the commencement of World War II. It is surely a serious question, requiring further exploration, whether we wish to leave the door open to similarly ill-advised and hasty action in the future. Therefore, it is my opinion that the vital interests which the sponsors of the bills seek to protect can be best served only by the development of a record on the basis of which reasoned action can be taken.

That such should be our course is further reinforced by the consideration that the circumstances giving rise to the enactment of the Emergency Detention Act remain very much in existence today. The Internal Security Act of 1950, containing two titles at the time of its adoption: Title I cited separately as the Subversive Activities Control Act of 1950, and title II cited separately as the Emergency Detention Act of 1950, was enacted in September of 1950 shortly following the invasion of South Korea by Communist forces. These titles were an expression of congressional concern in the face of accumulating evidence of a threat posed by a foreign directed and controlled Communist apparatus within the United States.

The nature of this threat with which the Congress sought to deal is expressed in the act by detailed legislative findings based upon extensive evidence adduced before various congressional committees. The first of these findings, expressed in title I of the act, and reiterated in identical language in the prefatory findings of title II, was as follows:

> There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

Further findings, expressed in both titles, determine that the direction and control of the "world Communist movement" is vested in and exercised by the Communist dictatorship of a foreign country and that in furthering the purposes of the world Communist movement, set forth above, that country has established and utilizes in various countries "action organizations," organized on a secret, conspiratorial basis, which operate to a substantial extent through "Communist-front" organizations so as to conceal their true character and purpose.

These findings, Mr. Justice Frankfurter observed, were the product of extensive investigation by committees of Congress over more than a decade and a half. They cannot, he said, be dismissed "as unfounded or irrational imaginings," Communist Party v. Subversive Activities Control Board, 367 U.S. 1, 95 (1961). Indeed, in that case, which was the first test of the act, the Court upheld the determination of the Board that the Communist Party, U.S.A., was a Communist-action organization operating within the United States under Soviet Union control for the purpose of installing a Soviet-style dictatorship in this country. This determination remains undisturbed to this day, although the Communist Party has the opportunity under section 13(b) of the Internal Security Act to have this question redetermined on petition to the Board.

It can hardly be expected that the Party would seek to disturb this conclusion in light of its long and continuous record of obeisance to the Soviet Union. As recently as June 1969, Gus Hall, general secretary of the Communist Party, U.S.A., led a delegation of the party to the international conference of Communist parties in Moscow, at which he and his associates pledged continuing support to the leadership of the Communist Party of the Soviet Union. At the conference, Henry Winston, Chairman of the Communist Party, U.S.A., proudly stated that they had affixed their signatures to the decisions of the conference. Likewise attending the February 1968 preliminary consultative meeting of 79 Communist parties convened in Budapest, Hungary, Gus Hall declared that the fight against "U.S. imperialism" was the central issue uniting them. In May 1969 at New York, 245 delegates in attendance at the national convention of the Communist Party, U.S.A., pledged overwhelming support to his leadership.

Title I of the act, designated the Subversive Activities Control Act of 1950, contains provisions designed to control certain aspects of the threat posed by the world Communist movement, by establishing a system for the public disclosure and identification of Communist-action and Communist-front organizations operating within the United States. This title had its genesis in the Mundt-Nixon bill--H.R. 5852--of the 80th Congress. The provisions of this bill were further elaborated in S. 2311, introduced by Mr. Mundt in the 81st Congress following his election to the Senate, together with Senators Ferguson and Johnston of South Carolina. Not limited as a wartime statute, but applicable in time of peace, its essential disclosure concept has been sustained by the Supreme Court. Communist Party v. SACB, supra.

On the other hand, title II, the Emergency Detention Act of 1950, presently in issue, was intended to cope with other aspects of this threat. It is designed as a wartime statute to cope specifically with the activities of espionage and sabotage. It was directed to certain hard-core activists seeking to effect the objective of the world Communist movement or of other movements or organizations having as a purpose the destruction of the Government of the United States and to substitute therefor a totalitarian dictatorship controlled by a foreign government. To achieve its objective the act authorizes the detention of such persons during the period of emergency, while according such persons detailed hearings and judicial review. This title has its origin, as previously indicated, in the bill--S. 4130--introduced in the 81st Congress by Senators Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton.

The necessity for the detention measure was expressed by them in the findings--section 101 of title II--as follows:

> (10) The experience of many countries in World War II and thereafter with so-called "fifth column" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.
>
> (11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.
>
> (12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of member or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

That the provisions of the title were not directed toward persons of a particular national origin, race, or religion, is thus manifested not only in its legislative history, but is likewise clear in the actual provisions of the title. In deciding the issue of the existence of reasonable ground to believe that a person will probably engage in or conspire with others to engage in espionage or sabotage, section 109(h) of the title provided that the Attorney General and reviewing authorities are authorized to consider evidence of the following:

(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or whether such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

It was undoubtedly based upon these considerations, that the Department of Justice, in its expression of views, adverted to the fact that the apprehensions of a number of our citizens as to the application of the statute to "various groups," of which our Japanese-American citizens are most prominent, was "unfounded." Nevertheless, it appears both from the statements of sponsors of legislation to repeal the title, and from the rather extensive mail we are receiving emanating from nationality and racial groups, that these apprehensions do exist.

In light of the experience in World War II, it is understandable that some of our citizens, particularly those of Japanese ancestry, and some of other racial or religious groups as well, might be disquieted by rumors of the existence of "concentration camps." These rumors were given some further plausible credence when, during the Korean war, pursuant to the provisions of title II, then enacted, and in readiness for its possible enforcement in the event of a full-scale and declared war, certain facilities to meet the requirements of the title were held in readiness for a few years with funds authorized by Congress. These facilities were located at Tule Lake, Calif.; Wickenburg and Florence, Ariz.; El Reno, Okla.; Allenwood, Pa.; and Avon Park, Fla. However, these facilities were never used for the purposes of title II, since the events that might call them into use had not been determined to have occurred. About 1957, the project was discontinued. No facilities have been maintained since that time, and no funds have been appropriated, for that purpose.

Nevertheless, rumors of the existence of "concentration camps" have continued to persist. The history of this controversy has been summarized in a letter of the Assistant Attorney General to a Member of Congress, then a member of the House Committee on Un-American Activities, dated May 9, 1968, a copy of which is appended to my statement. Indeed, in the prior administration, the Department of Justice, responding to numerous inquiries with regard to the alleged existence of "concentration camps," took the position that such "disquieting rumors" were stimulated, and started spreading in 1966, "probably" as the result of allegations contained in an article captioned "Concentration Camps, U.S.A.," written by a Mr. Charles R. Allen, Jr., at the request of the so-called Citizens Committee for Constitutional Liberties and widely disseminated by it. This pamphlet, reviewed by the Internal Security Division of the Department of Justice, was found to be "replete with inaccuracies."

The controversy which appears to have been generated by the dissemination of the Allen pamphlet appears likewise to have inspired articles on the subject in newspapers and magazines of national circulation, which had the result of giving further currency to the rumors. This was particularly the case during the high period of riots in the cities. The Washington Post, for example, on March 3, 1968, carried an article titled "Negro Detention Camps: Debunking of a Myth," which reported an inquiry made of J. Walter Yeagley, Assistant Attorney General, whether title II "of the McCarran Act" could be "legally applied against a nameless mass of Negroes who happened to be in a street where a riot was taking place." Mr. Yeagley is quoted as replying that--

> I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute. It would be absolutely unconstitutional for what Rap Brown accuses us of doing.

Subsequently, on May 6, 1968, the House Committee on Un-American Activities issued its report--House Report No. 1351, 90th Congress, second session --titled "Guerrilla Warfare Advocates in the United States," in which it was suggested, among other things, that, in the event of guerrilla warfare, guerrillas engaging in acts of overt violence should forfeit their rights as in wartime, and that various detention centers to be operated under title II "might well be utilized for the temporary imprisonment of warring guerrillas." The release of this report precipitated other articles, among which was that appearing in the May 6, 1968, issue of the Washington Post, followed by a May 28, 1968, article in Look magazine. To the careless observer it was made to appear that the United States was maintaining concentration camps for the internment of Negro militants and other dissenters.

Indeed, this controversy became a matter of international interest following, as might well have been anticipated, a TASS--Moscow--international

broadcast, in English, on May 7, 1968. The text of the broadcast is as follows:

> Washington.--Frightened by the growth of the Negro movement in the country, U.S. authorities are planning the severest measures to suppress the movement. The House UnAmerican Activities Committee, which has acquired the reputation of an oppressor of anything progressive in America, has published a report proposing mass roundups and arrests in Negro ghettos and the throwing of active civil rights fighters into concentration camps.

The hue and cry thus generated, agitating many loyal citizens, was taken up by other revolutionary organizations, including the Black Panthers, which appears to be a black Maoist group. An article contained in the July 12, 1969 issue of its publication, the Black Panther, titled "Concentration Camps," a copy of which is appended to my remarks, is illustrative of the alarming character of the mass of misinformation purveyed on this subject.

In addition, metropolitan newspapers and magazines, including some in the Washington area, have carried articles conveying the erroneous conclusion that the power of detention was presently possessed by the executive. Apparently the articles were written by persons who had not read title II. A cursory examination of the title will reveal that the President does not now and never has had such power, for the conditions precedent which would bring such power into being have never occurred. In the light of such widespread misinformation, it is no wonder that, in both administrations, the efforts of the Department of Justice to dispel the erroneous impression that "concentration camps" were maintained in the United States was not wholly successful.

It is, of course, my hope and intent that, in the consideration of bills to repeal title II, we shall be able to divorce ourselves from such emotional considerations, which can throw more heat than light upon the issues. I do not think it relevant to the consideration of these bills that the controversy, or even some of it, may have been inspired by unfounded rumor instigated by alleged subversive individuals or organizations. The basic issues presented by these bills are questions of the act's necessity, its constitutional propriety, and the relevancy of the measure to the objectives sought to be attained. The title must ultimately stand or fall on these basic issues. I do not think that, under the circumstances, any useful purpose can be served by an inquiry into the origin of the controversy. Nor shall I tolerate any suggestion or implication that the effort to repeal the act is purely a subversive conspiracy.

It is my hope that in the disposition of these bills we shall make some contribution to the Nation's security consistently with other national interests and a due respect for constitutional liberties. This will involve a thorough inquiry into the provisions of the title, as well as the necessity for appropriate remedial alternatives. In dealing with these complex issues, as I have said, the committee will need the assistance of interested Members of the House and other public-spirited citizens who will share with us their knowledge, research, and judgment, to the end that we shall accomplish a result which is best for the Nation as a whole. I would ask that all Members interested in the questions raised by the bills give the committee the benefit of their thought and judgment.

The material referred to follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 9, 1968.

Hon. John C. Culver,
House of Representatives,
Washington, D. C.

Dear Mr. Congressman:

Considerable public attention has recently been focused on the subject of "emergency detention" and "concentration camps or detention centers" allegedly maintained by the United States under the provisions of the Internal Security Act of 1950, otherwise referred to as the McCarran Act.

Rumors about the existence of "concentration camps" in the United States started spreading in 1966, probably as the result of allegations contained in an article captioned "Concentration Camps USA" written by Mr. Charles R. Allen, Jr., at the request of the Citizens Committee for Constitutional Liberties. This pamphlet has been reviewed by this Division and found to be replete with inaccuracies. You may wish to refer to the reports of the hearings before the House Committee on Un-American Activities for background information on the Citizens Committee for Constitutional Liberties which commissioned Mr. Allen to write his article.

More recently, an article in the May 6, 1968 issue of "The Washington Post" captioned "HUAC Would Intern Any Negro 'Guerrillas'" attributes to the HUAC a suggestion that "guerrilla warfare" advocated by militant black nationalists might be countered by "detention centers" among other devices. According to this article Committee Chairman Willis declared that "mixed Communist and black nationalist elements across the Nation are planning and organizing guerrilla-type operations against the United States. In the event of such violence the Committee contended that "the guerrillas would be declaring a state of war within the country and therefore would forfeit their rights as in wartime." According to the HUAC report "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."

A review of emergency detention provisions of the Internal Security Act of 1950 will reveal that there is no support therein for the establishment of detention centers for the purposes set forth in the HUAC report. That Act provides that in the event of (1) invasion of the territory of the United States or its possessions, or (2) declaration of war by Congress, or (3) insurrection within the United States in aid of a foreign enemy, the President is authorized to proclaim the existence of an internal security emergency and during such emergency, acting through the Attorney General, to apprehend, and by order, detain persons as to whom there is reasonable grounds to believe that such persons will engage in or conspire with others to engage in, acts of espionage or sabotage.

In keeping with the provisions, facilities were maintained for a few years with funds appropriately authorized by the Congress for this purpose. These facilities were located at Tule Lake, California; Wickenburg and Florence, Arizona; El Reno, Oklahoma; Allenwood, Pennsylvania; and Avon Park, Florida. These facilities were never used for the foregoing purposes. About 1957, the project was discontinued, the camps abandoned and since that time no such camps have been maintained and no funds have been appropriated for this purpose.

The installations at Allenwood and Florence are now used as regular Federal Prison camps where minimum security inmates charged with a variety of offenses are confined. The site at El Reno is used as grazing land for cattle kept by the Farm operated by the nearby Federal Reformatory in which youthful offenders are confined. The Avon Park installation was taken over by the State of Florida as the Avon Park Correctional Institution. The Wickenburg site, which had been leased from the City of Wickenburg was turned back to the City in 1956. The Tule Lake site, which formerly belonged to the Department of Interior, was returned to the Bureau of Reclamation, Department of the Interior in 1956.

Attorney General Ramsey Clark stated, during his appearance on April 7, 1968, on NBC's "Meet The Press," that there are no concentration camps in this country and there will be no concentration camps in this country. He added that "Rumors, and fear that arises from rumors, 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 this country."

The following appeared in an article in the March 3, 1968 issue of "The Washington Post," captioned "Negro Detention Camps: Debunking of a Myth":

Assistant Attorney General J. Walter Yeagley, whose Internal Security Division of the Justice Department would administer Title II of the McCarran Act if it were invoked, says there are two basic reasons why the Act could not be legally applied against a nameless mass of Negroes who happen to be in a

street where a riot is taking place:

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.

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.

"I know of no contingency plan for mass Federal detention of Negroes under Title II or any other statute," says Yeagley. "It would be absolutely unconstitutional for us to do what Rap Brown accuses us of doing."

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

[From The Black Panther, July 12, 1969]

CONCENTRATION CAMPS

In a recent article I've written about the extermination of our Black population. Well, now if you are still not convinced here comes the where's.

Let's deal with the names and locations before going any further:

Tule Lake--California.
Wickenburg--Arizona.
Florence--Arizona.
Safford--Arizona.
Tucson--Arizona.
El Reno--Oklahoma.
Montgomery--Alabama.
Greenville--South Carolina.
Mill Point--West Virginia.
Allenwood--Pennsylvania.
Avon Park--Florida.
Elmendorf--Alaska.

Well these are the known areas for detention. This may be your home tomorrow or it may be your place of burial the day after. I stated "Maybe", because I don't know if you are armed or not and I don't know if you are brainwashed and, or narrow-minded or not and I don't if you exercise the wisdom of being prepared just in case the Black Panther Party is right or not. I don't know if you value your life enough to fight for it. So I'll stick to "Maybe."

Three of these detention centers are now in operational use in a slightly different guise, the rest (as far as I know) are ready and available with a minimum of preparation--and all that is needed to fill these camps with thousands of Black, whites, browns, is a high ranking pig--(probably one you voted in) to launch "operation Dragnet."

The warrants already exist. The concentration camps are mostly ready and waiting. Only the time to fill them has not yet arrived. Operation Dragnet is the manifestation of Title II of the Beastly McCarran Act, a law which when put into force can slap at least 12,000 suspected subversives behind barbed wire within 24 hours.

On September 22, 18 years ago Congress, by a two-thirds vote, made an official public law 831. Now it is known as the Internal Security Act of 1950. Under it, the president is authorized to declare the existence of an "Internal

Security Emergency" caused by war, invasion or civil uprising.

Thus giving the pigs the power to arrest and jail anyone they think will engage in or probably conspire against the government of the United States. You can be snatched off the streets or from your home and never be heard from again. (Remember the beginning outrages against the Jewish population of Germany) Ponar. Without even a hearing, Title II permits the G-men or other arresting officers to jail you for 48 hours--and if in that period of time the Attorney General's office feels that you are any way a threat to National Security, your hearing as well as your whereabouts can be kept secret. Anyone considered as a ghetto dweller can be a threat because the manner of life you are forced to live warrants change, not to mention, revenge.

The Bay Area is full of FBI, CIA (G-Men) or shall we say S.S. I advise you not to take this lightly, because if you are not following the advice and tactics set down for you by the Black Panther Party, then you are virtually defenseless.

For you brothers and sisters who plan to survive here in the Bay Area or anywhere in fascist U.S.A. I say to you "All Power to the People." For the rest I will sadly say, that Tule Lake, Calif., nine miles outside of Newall is waiting for you. From 1942 through March 1946 it held 16,000 Japanese-Americans, when they were released they fled the barbed wire and clapboard GI barracks like the wretched internees they were.

Tule Lake has been on standby since 1952, about the same time that the numerous passification and dividing programs popped up on the scene. The plan is set out in elaborate detail in a government document of the 90 Congress and session called House Report No. 1351 and is dated May 6, 1968. Here is how the Blacks will be dealt with: Identification cards will be issued, and combat areas such as ghettos or riot torn college campuses, will be sealed off, and then--

1. A curfew would be imposed on the enclosed areas. No one would be allowed out of or into, the area after sundown.

2. During the night, authorities will not only patrol the boundary lines, but will also attempt to control the streets and, if necessary send out foot patrols through the entire area. If the guerrillas attempt to either break out of the area or (try) to engage the authorities in combat, they will be readily suppressed.

3. During a guerrilla uprising, most civil liberties will have to be suspended: Search and seizure operations would be instituted during daylight hours. Anyone found armed or without proper identification will be immediately arrested.

Most of the people of the ghetto would not be involved in the guerrilla operations and, under conditions of police and military control, some would help in ferreting out the guerrillas. Their help will be invaluable.

4. If the guerrillas were able to hold out for a period of time then the population of the chetto would be classified through an office for "control and organization of the inhabitants."

This office would distribute census cards which would bear a photograph of the individual, the letter of the district in which he lives, his house and street number and a letter designating his home city. This classification would aid authorities in knowing the exact location of any suspect and who is in control of any given district. Under such a system, movement would be proscribed and the ability of the guerrilla to move freely from place to place would be seriously curtailed.

5. The population within the ghetto would be exhorted to work with authorities and to report both on guerrillas and any suspicious activity they might note.

Police agencies would be in a position to make immediate arrests, without warrants, under suspension of guarantees usually provided by the Constitution.

6. Acts of overt violence by the Guerrillas, would mean that they have declared "a state of war" within the country and, therefore, would forfeit their rights as in wartime.

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.

7. The very nature of guerrilla operations as presently envisioned by certain Communists and black nationalists would be impossible to sustain. According to the most knowledgeable guerrilla warfare experts in the country, the revolutionaries could be isolated and destroyed in a short period of time.

And that's official. That's Uncle Sam's plan. Thousands of human beings are already slated for this degenerate beastly system's secret camps. The odds are one in 200 that you are among them.

How do the names get there? Post office, police records, credit cards, welfare roles, school records, medical records, employment records, credit ratings.

Purpose of concentration camps: "The concentration camp, first used against the people of Germany was one of the fundamental institutions of the Nazi regime. It was a pillar of the system of terror by which the Nazis consolidated their power over Germany. It was a primary weapon in the battle against the Jews, against the Christian Church, against labor, against opposition or nonconformity of any kind.

"The concentration camp involved the systematic use of terror to achieve the cohesion within Germany which was necessary for the execution of the Nazi conspirators plans for aggression. It was the final link in a chain, of terror and repression which involved the S.S. and the gestapo, and which resulted in the apprehension of victims and their confinement without trial, often without charges and generally with no indication of the length of their detention."

Statement of American prosecution of Nuremberg War Crimes Trials 1946--Nazi Conspiracy and Aggression.

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