

File #:

62-116464

Serial Scope:

203 - KBF

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9/30/75

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10/15/75, items
5+6

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UNITED STATES

DEPARTMENT OF JUSTICE

Memorandum

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. A. H. Belmont

DATE: December 11, 1963

FROM : Mr. W. C. Sullivan

SUBJECT: SECURITY INDEX

1 - Mr. Belmont
1 - Mr. Sullivan
1 - Mr. Gale
1 - Mr. Branigan
1 - Mr. Bland
1 - Mr. Smith
1 - Mr. Baumgardner
1 - Mr. Wannall
1 - Mr. Rushing

The essential question for determination as to whether a subject's name should be included in the Security Index is "Does this individual represent a potential danger to the national security of the United States in time of a national emergency?" The present Security Index criteria, established in 1955, reviewed and concurred in by the Department as falling within the basic terms of the Presidential Proclamation that would trigger the Emergency Detention Program calling for the arrest of Security Index subjects, are utilized as guidelines in arriving at an answer to the essential question quoted above.

We have found that the Security Index criteria afford practicable and workable assistance in arriving at a conclusion and are sufficiently elastic so that when applied with the necessary judgment the complex questions which arise can be resolved. These criteria are well devised for this purpose. They were not intended to be nor can they or any other criteria be rigid rules since the ultimate point to be determined is not whether a case fits a particular rule but whether the subject of the case represents a danger. The breadth of these criteria is demonstrated by Criterion (D) which reads: "Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency." A copy of the Security Index criteria is attached as Exhibit A.

What we really need is a broadening of the factors which must be considered in evaluating an individual's dangerousness. In evaluating a security case for the purpose of determining whether the subject thereof falls within the Security Index criteria, Section 87D of the Manual of Instructions contains 17 specific factors that must be taken into consideration in arriving at a determination as to whether a subject represents a potential threat, including such factors

Encs.

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Memorandum to Mr. Belmont
RE: SECURITY INDEX
100-358086

as "constant support of the Soviet Union in acts and utterances" and "violations of penal laws arising out of activities as a subversive." The Manual specifically points out that the above factors are not all inclusive and will vary with each case in some degree. We propose to enlarge upon the specific factors that must be taken into consideration by the addition of 6 other factors relating primarily to Soviet-satellite internal security matters and including a factor dealing with individuals who have defected, revoked or sought revocation of their United States citizenship in favor of the Sino-Soviet-bloc countries who have returned to the United States and who have taken no positive steps to counteract such action. These new factors as well as those already listed will not automatically result in individuals engaging in such activity being included on the Security Index but our listing of them in the Manual will make it mandatory that anyone engaging in such activity be considered for the Security Index and that activities in these categories will be evaluated in connection with the individual's over-all sympathies and actions in deciding whether he should be included in the Security Index. The Manual will still point out that the factors enumerated are still not all inclusive; however, as has been indicated, the proposed additions will afford field personnel as well as supervisory personnel at the Seat of Government a more detailed guideline for consideration in arriving at a determination as to whether subject represents a potential danger in time of an emergency and thus should be included in the Security Index. The additional 6 factors are attached as Exhibit B.

ACTION:

Submitted in accordance with the Director's request. A proposed SAC Letter and appropriate manual changes are being forwarded under separate cover.

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for
Feb
St

WES
Q

Heagill
Oh but the original criteria would have included Oswald if the minimum of common sense interpretation had been applied.
H

CRITERIA FOR PLACING AND RETAINING
NAMES IN THE SECURITY INDEX

- (A) Subject has had membership or participation in the activities of a basic revolutionary organization within the last 5 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- (B) Subject has had membership or participation in the affairs of one or more front organizations, which adhere to the policies and doctrines of a revolutionary group, in a leadership capacity or by active substantial participation in the furtherance of the aims or purposes of the front organizations within the last 3 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- (C) Investigation has developed information that an individual, though not a member or a participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants, or individuals.
- (D) Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency.

100-358086-326
EXHIBIT A

ENCLOSURE

ADDITIONAL FACTORS TO BE TAKEN INTO
CONSIDERATION IN ARRIVING AT A DETERMINATION
AS TO WHETHER A SUBJECT REPRESENTS A
POTENTIAL THREAT TO THE INTERNAL SECURITY
IN TIME OF AN EMERGENCY

1. | Contacts with Sino-Soviet-bloc establishments (including Cuba) where purpose of contact cannot be determined or contact indicates communist sympathies.
2. | Contacts with Sino-Soviet-bloc, Cuban or Yugoslav intelligence agents where purpose of contact cannot be determined or contact indicates communist sympathies.
3. | Individuals who have defected, revoked or sought revocation of their United States citizenship in favor of a Sino-Soviet-bloc country, who have returned to the United States, and who have taken no positive steps to counteract such action.
4. | Statements or activities on a subject's part establishing reasonable grounds to believe that his loyalty would lie with communist nations in the event of armed conflict between the United States and communist nations.
5. | Training and/or participation in espionage, sabotage, or intelligence activities.
6. | A history of emotional instability or irrational behavior on the part of an individual with a subversive background whose prior acts depict a propensity for violence and hatred against organized government.

100-358086 3265
EXHIBIT B
ENCLOSURE

PERSONAL AND CONFIDENTIAL

The Attorney General

March 8, 1946

John Edgar Hoover - Director, Federal Bureau of Investigation

As a result of recent developments internationally and in the Canadian and other Russian espionage cases, the FBI has found it necessary to intensify its investigation of Communist Party activities and Soviet espionage cases.

The Bureau is now taking steps to list all members of the Communist Party and any others who would be dangerous or potentially dangerous in the event of a break in diplomatic relations with the Soviet Union, or other serious crisis, involving the United States and the U.S.S.R. I wanted you to know this so that you can advise me whether such action meets with your approval.

Very few of the members of the Communist Party are aliens, and of the small number who are aliens not all are of Russian nationality. Very nearly all of the members are citizens, either naturalized or native born. Since most, if not all, of the members of the Communist Party would undoubtedly adhere to the Soviet Union and would constitute a very serious threat to the security and interests of this country in the event of a crisis, a situation may conceivably arise wherein it will be necessary to the existence and safety of this country to immediately detain a large number of American citizens.

In view of this situation, you may desire to initiate a study to determine what legislation is available or should be sought to authorize effective action of a general and precautionary nature in the event of a serious emergency.

ENCLOSURE

RECORDED

INDEXED

3/11/46

Personally handed
to a g. Clark.
sh.

100-3560-2-X
1326

THE ATTORNEY GENERAL

August 5, 1946

Director, FBI

100-356062-X
66-6200
PERSONAL AND CONFIDENTIAL
BY SPECIAL MESSENGER

DEFENTION OF COMMUNISTS IN THE
EVENT OF SUDDEN DIFFICULTY WITH RUSSIA

Reference is made to your memorandum of July 18, 1946, which forwarded a memorandum to you dated July 11, 1946, from Mr. Theron L. Caudle, Assistant Attorney General, Criminal Division.

Mr. Caudle's memorandum was a reply to my memorandum to you of March 8, 1946, in which it was pointed out that very nearly all of the members of the Communist Party in this country are citizens of the United States, either naturalized or native-born, and that most, if not all, of those individuals would undoubtedly adhere to the Soviet Union in the event of a serious crisis involving the United States and that country.

It was suggested that you might desire to initiate a study to determine what legislation is available or should be sought to authorize effective action of a general and precautionary nature in the event of a serious emergency.

With regard to the adequacy of legislation, with which Mr. Caudle's memorandum is primarily concerned, it is noted that except for the possibility of a declaration of martial law which might have to extend over the entire United States, there is no existing legislation which could be invoked with the exception of a possible application of 18 U. S. Code, Section 97a or the suspension of the writ of habeas corpus.

It would, of course, be dangerous to the security of this country should we have to wait until paratroop divisions were landing in our industrial areas or until armed rebellion of Communist elements occurred before we could take action under any suspension of the writ. Acts of sabotage by Communists must be prevented by prompt measures against them in an emergency. We cannot afford to wait until their acts of sabotage are carried out before proceeding against them.

With regard to the application of Section 97a in its present form, it would be necessary in order to take action against Communist Party members to declare the greater part of the United States a military area and to set up a relocation procedure under Executive Order.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

LH:alo'd

3 1946

BY

As Mr. Caudle pointed out in his memorandum, nothing could be done at the time of its writing looking toward new legislation until 1947 although he points out that if sudden trouble develops during the adjournment of Congress, Section 97a could be utilized until a special session of Congress could be convened.

I agree with Mr. Caudle that the next war will dwarf all previous conflicts and bring into utilization new weapons and bombing techniques.

The lack of effective legislation under which Federal authorities and particularly the Federal Bureau of Investigation could swing into action against adherents of the Soviet Union in all parts of the United States at a moment's notice might seriously jeopardize this country's recovery from the first offensive blow launched by the Soviet Union which logically and militarily might be directed at the Seat of Government in Washington.

The confusion and disruption caused by bomb or rocket attack upon Washington with the possible attendant casualties among the administrative heads of the Government seems to point to the necessity for a definite pre-arranged program of procedure throughout the United States.

I strongly recommend, first, that you consider the issuance of definite and specific instructions as to procedure which shall be followed in the event of an emergency involving the United States and the Soviet Union and that those individuals responsible for the carrying out of such procedure be appropriately instructed without delay. Secondly, I strongly recommend that appropriate legislation to correct the present lack of statutory backing for detention of persons dangerous to the security of the United States be immediately prepared for submission either to a special session of Congress which might be called in the event of such an emergency or to the next regular session which will convene in January, 1947.

Mr. Caudle's memorandum is returned herewith.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. J. EDGAR HOOVER
 FROM : DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
 PEYTON FORD
 THE ASSISTANT TO THE ATTORNEY GENERAL
 SUBJECT:

DATE: September 13, 1949

PERSONAL AND CONFIDENTIAL

Will you please indicate for the information of the Attorney General the standards upon which decisions are based to incorporate names in the ⁰ security index list or to remove them therefrom.

-GENERALPERSONAL AND CONFIDENTIAL

Delivered personally
 by Col. W. U. Maramore
 of the Dept. at 4⁵⁰ pm
 9-13-49. FJB.

RECORDED - 78

100-258086-241
 66-6-30-1-1056

SEP 28 1949

Memo Ref
 9-15-49 HT

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SEP 28 1949

Mr. Peyton Ford
The Assistant to The Attorney General

September 16, 1949

~~66-6700-100-1056X3~~
Director, FBI

PERSONAL AND CONFIDENTIAL

~~100-358086-20X1~~
SECURITY INDEX

RECORDED - 78

Reference is made to your personal and confidential communication dated September 13, 1949, wherein you desired information for the benefit of the Attorney General as to the standards upon which individuals are included in the security index.

The basic qualification required for inclusion of an individual in the security index is that such an individual is potentially dangerous or would be dangerous in the event of an emergency to the internal security of this country. The elements going into measuring an individual's potential dangerousness or dangerousness in the event of an emergency consist of two broad elements: (1) membership, affiliation or activity indicating sympathy with the principal tenets of the Communist Party or similar ideological groups and the Nationalist Party of Puerto Rico; and, (2) a showing of one or more of the following:

- a. activity in the organization, promoting its aims and purposes;
- b. training in the organization, indicating a knowledge of its ultimate aims and purposes;
- c. a position in a mass organization of some kind where his affiliation or sympathy as set forth in element one will determine the destiny of the mass organization;
- d. employment or connection with an industry or facility vital to the national defense health and welfare;
- e. possessing a potential for committing espionage or sabotage.

No individual is included in the security index until such an individual has been investigated by this Bureau.

For your information, copies of reports of investigations of all individuals included in the security index have been furnished to the Department.

Deletions from the list are, of course, made when an individual no longer fits the standards for inclusion, as set forth above.

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

HT:ed

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director, Federal Bureau of Investigation

DATE: June 1, 1951

FROM : Peyton Ford, Deputy Attorney General

SUBJECT: Program for apprehension and detention of persons considered potentially dangerous to the national defense and public safety of the United States.

CONFIDENTIAL

Mr. Tolson

Mr. Ladd

Mr. Clegg

Mr. Glavin

Mr. Nichols

Mr. Rosen

Mr. Tracy

Mr. Harbo

Mr. Alden

Mr. Belmont

Mr. Laughlin

Mr. Mohr

Tele. Room

Mr. Nease

Miss Gandy

Reference is made to your memorandum of May 11, 1951, entitled as above, wherein you requested a definite expression of the Department's opinion with respect to the standards, set out in your memoranda of September 16, 1949 and July 27, 1950, applied by the Bureau in determining those individuals whose past or present activities, or training, showed them to be a potential danger to this country in time of emergency so as to warrant their inclusion on the Security Index.

As has been indicated in previous memoranda from the Department and pointed out at conferences between Department representatives and those of the Bureau, the Department feels it is advisable that, insofar as possible, the provisions of the detention program should parallel the provisions of the Emergency Detention Act of 1950. Accordingly, it has revised the Security Index standards so as to conform more closely to those of the Act and in so doing has to good extent utilized the language of the statute. Enclosed are copies of the standards as so revised. You will note that in result the scope of the Bureau's standards is not appreciably altered.

Inasmuch as the Department is now prepared to go forward with the review of the Security Index, it will appreciate receiving your views with respect to the revised standards at your earliest convenience. In accordance with your request, you will be advised in advance as to the attorneys who will be engaged in this work and will also be advised as to the results of such review in each individual case as such reviews are completed. With the exception of particular cases as to which you request special notification, as illustrated by your memorandum of May 24, 1951, you are advised that the Department presently contemplates first reviewing the files on Federal Government employees, including Atomic Energy personnel, who are included on the Security Index.

Under date of May 22, 1951, a memorandum was addressed to you in original response to your memorandum of May 11, 1951. It has been pointed out that the language there employed is susceptible to far broader interpretation than was intended. Accordingly, you are advised that the Department's memorandum of May 22, 1951, may be disregarded.

Enclosures

RECORDED - 55

COPIES DESTROYED

In this general connection, however, you are again reminded, as was pointed out in my memorandum of December 27, 1950, that in the event of occurrence of an emergency which requires the use of the detention program, all of the persons now or hereafter included by the Bureau on the Security Index should be considered subjects for immediate apprehension, thus resolving any possible doubtful cases in favor of the Government in the interests of the national security.

CONFIDENTIAL

SECRET

proved by Mr. Ford
May 31, 1951)

STANDARDS

The test to be applied is whether there is reasonable ground to believe that the person (subject) probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage.

In deciding the question of the existence of reasonable ground to believe a person probably will engage in, or conspire with others to engage in, espionage or sabotage, each attorney is authorized to consider evidence of the following:

- TSBUC
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1. Whether such person has knowledge of, or has given or received instruction or assignment in, espionage, counter-espionage or sabotage, except where such knowledge was obtained for lawful purposes.
 2. Participation in any past act of espionage or sabotage or conspiracy so to do.
 3. Activity at any time in the espionage or sabotage operations of the Communist Party or the world communist movement, unless such activity has been offset by subsequent cooperation with the United States Government.
 4. Membership in the Communist Party after January 1, 1949.
 5. Membership in the Communist Party at any time prior to 1949, which membership is not shown to have been discontinued, AND
 - (a) Activity or receipt of training in the organization, thereby acquiring knowledge of its ultimate aims or purposes; or
 - (b) A present position of importance in, or a substantial contribution to, any organization which is or can be used for Communist purposes; or
 - (c) Present employment in or connection with a government or an industry or facility vital to the national defense, health and welfare; or
 - (d) Despite the lack of present organizational ties, support and sympathy with the aims of the world communist movement.

100-356062-795

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NW 55305 DocId:32989697 Page 16

SECRET ENCLOSURE

6. Action and influential membership subsequent to January 1, 1949 in two or more Communist dominated or infiltrated organizations and conduct therein indicative of substantial adherence to the objectives of the Communist Party.

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan ☒
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan

DATE: April 30, 1968

FROM : C. D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES (DETPRO) - *Glantz*

SECURITY INVESTIGATIONS OF INDIVIDUALS

SYNOPSIS: This is to recommend obtaining Departmental approval for amended criteria for individuals on Security Index (SI) and to set up Priority Apprehension Program based on dangerousness of individuals on SI. Present criteria for SI include individuals in basic revolutionary groups, front groups, anarchists, and those with anarchistic tendencies. Department has recently amended definition of a dangerous person in new Presidential Emergency Action Document 6, broadening it to include terrorists or person; who would interfere with Government operation and defense effort.

With Director's approval, conference was held with Departmental representatives and in view of amended definition of a dangerous person referred to above, a corresponding amendment to Item D of SI criteria was agreed upon. (Set out in details, page 7, and page 1 of memorandum to Mr. Yeagley) In addition, our study of the entire Emergency Detention Program suggests desirability of alterations to set up priorities for apprehension based on dangerousness of individual. Priorities would include:

1) Priority I. Top national and state leadership of basic subversive organizations, leaders of anarchistic groups, individuals who have shown greatest propensity for violence, as well as those who have special training in sabotage, espionage, guerrilla warfare, etc. Subversives in key defense facilities to be included. Present individuals designated Key Figures would, if appropriate, be in this category. Key Figure Program discontinued. Residences and employments will be verified each 3 months and reports submitted semiannually. *101*

REC 6

2) Priority II. Second level leadership and individuals who present significant threat but are in less influential positions than Priority I. Verification of residences and employments each 6 months with submission of annual reports as now required on majority of subjects.

Enclosure *sent 5-1-68*

1 - Mr. DeLoach
1 - Mr. Sullivan

1 - Mr. C. D. Brennan
1 - Mr. Enlow

PFE:LM (5)
NW 55305 DocId:32969697 Page 20

CONTINUED - OVER

Memo for Mr. W. C. Sullivan
RE: DETPRO

3) Priority III. All other individuals on SI. Made up mainly of rank and file members. Verification of residences and employments to remain at 6 months with submission of reports each 2 years.

4) Each priority will be broken down into nationalistic tendencies and organizational affiliations so that apprehensions can be made in each category on a selected basis.

5) Changes will not alter total number of individuals on SI and not materially affect SI.

OBSERVATIONS:

Implementation of program will continue to require authorization of Attorney General for any apprehensions. Priority lists will streamline effectiveness of Program to allow us to "zero in" on most dangerous and influential individuals and will permit us to "lop off" top level immediately if Program implemented. This should result in paralyzing organizations, and subjects with lesser priorities would lose top leadership and could be apprehended at later time, if necessary. Since SI made up principally of rank and file, we will save approximately 3,500 reports per year while at same time we will intensify coverage of those considered most dangerous. This presents logical and workable program while cutting back substantially on desirable but unnecessary paper work and is in line with our continuing analysis to streamline by cutting out unnecessary requirements and retaining only that which is absolutely essential.

RECOMMENDATION:

That attached letter to Department setting forth above proposals be forwarded. Upon Department's approval, appropriate instructions and manual changes will be sent to the field.

✓ JH LS
DETAILS - CONTINUED OVER

Memo for Mr. W. C. Sullivan
RE: DETPRO

DETAILS:

The responsibilities of the FBI with respect to investigations in the internal security field have been established by Presidential Directives.

The primary purpose of the investigation of subversive individuals is to determine their identities and activities and/or whether they present a serious threat to the internal security of the country. If investigation develops positive evidence indicating that an individual presents a threat or potential threat to the internal security, his name is included in the Security Index.

The Security Index contains names of individuals who should be considered for immediate apprehension and detention in the event of a national emergency in order to safeguard the internal security of the United States by preventing sabotage, espionage, and insurrection. The list now consists of over 10,000 names. Additions and deletions are made when it is determined that the individual either represents a threat or no longer represents a threat.

A plan of action has been prepared to implement the apprehension and detention of individuals listed in the Security Index and for the seizure of specified contraband. This plan is formally known as the "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States." Details concerning this plan are contained in the Attorney General's Portfolio, copies of which were originally furnished to this Bureau on August 3, 1948. The proposed actions have been subject to continuous study, and revisions have been made as needed. The proposed actions under this plan will be implemented by Presidential Proclamation through Presidential Emergency Action Documents (PEAD). The PEADs provide for the arrest and detention of all persons, citizens as well as aliens, who are considered dangerous to the national defense and public safety and for the seizure of property which there is a reason to believe may be used to the detriment of national defense and public safety.

The results of our investigations are provided to the Department of Justice on a continuing basis for its concurrence and approval of the persons listed for apprehension.

Memo for Mr. W. C. Sullivan
RE: DETPRO

Detailed instructions are in the hands of all of our field offices for the handling of this matter in the event we are called upon to effect apprehensions of SI subjects. Plans are also in existence in seven field offices for the handling of detainees on a temporary basis by the Army, and close coordination is maintained between our offices and the military. Departmental instructions from the Attorney General to United States Attorneys, who will be the administrators of the program following implementation, and to U. S. Marshals have been furnished our offices at the Department's request for delivery to these officials: The Immigration and Naturalization Service is responsible for the detention of alien enemies, and on a quarterly basis, through the Department, the number of all aliens included on the SI is furnished to them. This list is broken down by field office and by sex.

The criteria for placing and retaining individuals was approved by the Department on April 11, 1955. They are as follows:

- A. Membership or participation in the activities of a basic revolutionary organization within the last 5 years as shown by overt acts or statements established through reliable sources, informants or individuals.
- B. Membership or participation in the affairs of one or more front organizations, which adhere to the policies and doctrines of a revolutionary group, in a leadership capacity or by active substantial participation in the furtherance of the aims or purposes of the front organizations within the last 3 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- C. Investigation has developed information that an individual, though not a member or a participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants, or individuals.

Memo for Mr. W. C. Sullivan
RE: DETPRO

- D. Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency.

In November, 1967, the President ordered a comprehensive review of the Presidential Emergency Action Documents as to the desirability of modifying or deleting certain standby orders. The Attorney General served as the chairman of the committee reviewing the documents. After extensive review, in which the FBI participated, a proposal was submitted to the President that certain documents be revised. It was proposed that the Emergency Detention Program be revised to agree with the provisions of the Emergency Detention Act.

The Internal Security Division (ISD) of the Department has raised questions as to the ability to discharge the responsibilities of the Attorney General under the Emergency Detention Act of 1950. By letter dated 2/26/68 the Department requested a conference with the FBI for the purpose of reviewing the implementation of the Emergency Detention Program. The Director approved memorandum C. D. Brennan to Mr. W. C. Sullivan dated 3/1/68, captioned "Presidential Emergency Action Documents," designating Section Chief C. D. Brennan and SA Philip F. Enlow, Internal Security Section, Domestic Intelligence Division, to attend discussions with ISD.

One of the changes in PEAD pertains to the definition of a "dangerous individual." The document, which has been approved by the President, now states "The Attorney General, acting through such officers and agents as he may designate for the purpose, shall apprehend, and by order detain, pursuant to the provisions of the Emergency Detention Act, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage and sabotage, including acts of terrorism or assassination and any interference with or threat to the survival and effective operation of the national, state, and local governments and of the national defense effort. As used in this section, the term 'person' shall mean any citizen or national of the United States, or any citizen, subject or national of any foreign nation, or any stateless person."

Memo to Mr. W. C. Sullivan
RE: DETPRO

The above is an all encompassing definition of a "dangerous person." This will extend the criteria for the Security Index.

During the conference of 4/22/68 with ISD, the definition of a dangerous individual was discussed, and it was decided that Item D of the SI criteria should be expanded to include the definition as stated in the new PEAD 6. It was also determined that prior to implementing the EDP under the EDA additional planning and prepositioning of necessary forms and documents must be completed by the Department.

We are continually examining our procedures and policies to eliminate everything except absolute essentials. We have made a study of the Priority Apprehension Program procedures to insure that they are both current and meaningful. We also are taking a hard look at the individuals on the SI to justify their retention.

With the emergence of the New Left and the intensification of activities by the racial militants and black nationalists, who are not affiliated with basic revolutionary organizations but because of their anarchist tendencies do present a threat to the internal security of the United States, it has become apparent that these individuals warrant inclusion on the SI.

Many individuals on the SI, because of their violent tendencies and their representation of the top leadership of subversive organizations, are scheduled for priority apprehension. The administrative procedures developed to make these apprehensions are referred to as the Detcom Program. In an all-out emergency, all subjects whose names are in the SI will be considered for immediate apprehension.

Our study indicates the necessity for establishing new priority apprehension procedures which will continue to be based on potential dangerousness of the individual. Accordingly, the following suggestions are being made:

1. That the Priority Apprehension Program be continued under the code name Detcom; that the program be divided into 3 priority levels and be named separately.
2. That the first priority apprehension list be entitled Priority I. This list should consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have

Memo for Mr. W. C. Sullivan
RE: DETPRO

indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. It is believed that if these individuals are apprehended as scheduled this will completely disrupt the subversive organizations and should diminish possible actions by the remaining membership. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.

3. That a secondary priority list be entitled Priority II. This group should consist of the second level leadership of basic revolutionary organizations and other subversive organizations or other individuals who present a significant threat but are in less influential positions than those in Priority I. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
4. That a third priority list be entitled Priority III. This list will consist of all other individuals who are on the SI. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the SI. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
5. That Item D under the SI criteria be expanded to read:

"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort." (Amendment is portion underscored.)

Memo for Mr. W. C. Sullivan
RE: DETPRO

6. That certain individuals in the time of international or national crisis, because of their nationalistic tendencies, organizational affiliation, and/or anarchist tendencies, will be apprehended on a selected basis. All individuals on the SI are tabbed as to their nationalistic tendencies or organizational affiliations.
7. That the residences and employments of individuals on the Priority I list be verified every 3 months instead of every 6 months; that reports be submitted every 6 months.
8. That the verification of residences and employments of individuals on the Priority II list remain at 6 months; that reports be submitted on an annual basis.
9. That the verification of residences and employments of individuals on the Priority III list remain at 6 months; that reports be submitted every 2 years.
10. That the category "Key Figure" be deleted, since it will fit into Priority I; that the category "Top Functionary" be continued.

Each individual case will continue to stand on its own, and the decision to consider an individual for Priority apprehension will be based on his subversive activities and revolutionary tendencies.

It is believed that the above suggestions will strengthen our procedures in making priority apprehensions as well as conserve agent time without damaging the caliber of security investigations of individuals. These changes will not alter total number of individuals on the SI and will not materially affect it.

The establishment of priority lists will lend itself to accomplishing the purpose of the SI. We will be in a better position to "zero in" on the most dangerous individuals, and this will permit intensification of investigations on them, should it be necessary. This will also set them up as prime targets for immediate apprehension in a practical working vein. This will enable us to "lop off" leadership of the subversive and dangerous groups immediately. Group activity will be paralyzed by depriving them of leadership. This will also tend to nullify the total influence and activity of this type of organization.

Memo to Mr. W. C. Sullivan
RE: DETPRO

The more strict procedure of verification of residences and employments of every 3 months instead of 6 months for Priority I list will greatly assist in maintaining knowledge of the whereabouts of these individuals, which is as it should be.

The size of each Priority list cannot be determined until a review of the SI has been completed. It is estimated that Priority I will be approximately 750-1000, Priority II 2,500, and Priority III, 7,000.

The SI is made up principally of rank and file members; therefore, the greatest effect on our work will result from the proposal for Priority III.

The adoption of the proposals will result in the saving of agent and clerical time both at SOG and in the field in preparation and handling of approximately 3,500 reports a year.

The field will promptly report any unusual or important changes concerning a subject.

This will also release agent investigative time to concentrate on those individuals deemed more dangerous and at the same time not lose control over lesser subjects.

The field will continue to be required to know the current whereabouts of all subjects.

It is believed that this program is logical and workable and is in line with our continuing analysis to streamline our work. We are substantially cutting back on desirable but unnecessary paper work by cutting out unnecessary requirements. It is believed these proposals will greatly improve the efficiency of our work.

SECRET

Mr. J. Walter Yeagley
Assistant Attorney General

May 1, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. Enlow

PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

Reference is made to your letter of April 11, 1955, captioned as above, which approved the criteria for inclusion of individuals on the Security Index. Reference is also made to my letter dated March 4, 1968, captioned "Presidential Emergency Action Documents," which designated representatives to discuss the implementation of the Emergency Detention Program.

This is to confirm the results of a conference between Mr. Clifford J. Nelson and Mr. Joseph M. Wyszomerski of your Internal Security Division and Section Chief Charles D. Brennan and Special Agent Philip F. Enlow of this Bureau on April 22, 1968, relative to the definition of a dangerous person. In view of this conference, the following amendment to Item D of the Security Index criteria is being submitted to conform with the language as stated in the new Presidential Emergency Action Document 6: (The amendment is that portion which is underscored.)

REC 5 100-256062-2779
"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort."

In addition to the foregoing, this Bureau has also made a study of the priority arrest procedures relating to the Emergency Detention Program. In this connection, it is felt

100-356062
PFE:LM (7)

SECRET

See note, page three

GROUP 1
Excluded from automatic
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declassification

62 MAY 6 1968
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SECRET

Mr. J. Walter Yeagley

that the following proposals establishing a new Priority Apprehension Program will streamline the effectiveness of the Emergency Detention Program:

1. That the Priority Apprehension Program be divided into three priority levels.
2. The first priority apprehension list will be entitled Priority I. This list will consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. Reports pertaining to individuals in Priority I will be submitted on a six-month basis.
3. The second priority list will be entitled Priority II. This list will consist of second level leadership of basic revolutionary organizations and other subversive organizations and individuals who present a significant threat but are in less influential positions than those in Priority I. Reports pertaining to individuals in Priority II will be submitted on an annual basis.
4. The third priority list will be entitled Priority III. This list will consist of all other individuals on the Security Index. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the Security Index.
5. Each Priority list will be broken down into nationalistic tendencies and/or organizational affiliations so that apprehensions can be made in each category on a selected basis.

SECRET

SECRET

Mr. J. Walter Yeagley

6. Individuals in each Priority will be apprehended only upon the Attorney General's authorization that their immobilization is in the best interests of the national defense of the United States.

The above proposals are submitted for your consideration, and it is requested that you advise whether or not they meet with your approval.

NOTE: Classified SECRET as pertains to Emergency Detention Program, component parts of which are so classified by the Department. See memorandum C. D. Brennan to W. C. Sullivan dated 4/30/68, captioned as above, PFE/LM.

SECRET

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W.C. Sullivan

FROM : Mr. C.D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

SYNOPSIS:

The purpose of this memorandum is to recommend that the Department be consulted regarding the removal of Priority III subjects from the Security Index (SI). This would in no way mean a lessening of investigative attention regarding individuals carried as Priority III SI subjects but would mean concentrating our attention in areas most essential to the internal security of the country.

These Priorities were established during the latter part of April, 1968, as it was the Department's feeling that all individuals on the SI would not be apprehended in the event of a national emergency. Only those who are top leaders of the various groups (Priority I) would currently be considered for apprehension in the event of a national emergency with follow-up consideration being given to individuals in a secondary leadership capacity (Priority II). Apprehension of rank and file SI subjects (Priority III) is extremely remote. Of the 10,786 individuals on the SI, 8,125 are in Priority III. These security subjects could be maintained on a subversive index by the Bureau and in the event of an extreme national emergency, this list would be available for whatever action is deemed necessary by the President and the Attorney General. The criteria for this subversive index would remain exactly the same as for existing Priority III SI subjects. After the initial investigation in this category, necessary information could be submitted by letterhead memorandum making the preparation of investigative reports unnecessary. This could result in considerable savings to the Bureau since routine investigation would not be required after the initial investigation. In addition, the list is, in effect, already in existence and would require no work to set up and much less to maintain than the SI.

The moratorium on security work has caused an increase in the total number on the SI since we are not currently

Enclosure

TPR:bcw

NOV 13 1969

DocId:32943699 Page 32

- 1 - Mr. C.D. DeLoach
- 1 - Mr. J.P. Mohr
- 1 - Mr. J.J. Casper

DATE: October 28, 1969

- 1 - Mr. W.M. Felt
- 1 - Mr. W.C. Sullivan
- 1 - Mr. C.D. Brennan
- 1 - Mr. T.P. Rosack

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REC 25

EX-105

OCT 30 1969

SYNOPSIS CONTINUED - OVER

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

reviewing cases to consider deletion. The removal of Priority III subjects from the SI will alleviate this situation considerably. The total number of individuals on the SI has increased 4.9 per cent since March, 1969, and is expected to increase by an additional 5 per cent before March, 1970, since very few names are being removed due to lack of periodic review. If Priority III subjects were removed from the SI, we would have a remaining SI of 2,661 individuals. This would greatly assist in making the EDP effective and workable in the event its utilization is required.

RECOMMENDATION:

That the attached letter to the Assistant Attorney General, Internal Security Division, be approved.

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Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

DETAILS:

We constantly review our operations in the internal security field in an effort to effect streamlining measures, where possible, in order that the most effective use can be made of the available manpower. Under the existing moratorium pertaining to routine Security Matter - Communist cases, as well as investigations of Priority II and Priority III SI subjects, we are not at this time conducting our normal periodic investigation of Priority III SI subjects.

In an effort to further streamline security investigations and to effectively utilize the manpower available, it is believed that we should at this time consult the Department regarding the necessity to continue Priority III designations on the SI. Priorities were established during the latter part of April, 1968, as a result of conferences with the Department. The establishment of these Priorities was confirmed by letter to Assistant Attorney General J. Walter Yeagley dated May 1, 1968. The establishment of Priority listings for SI subjects was brought about by the fact that there were at that time over 10,000 individuals on the SI, and it was the feeling of the Department that all individuals on the SI should not be apprehended for detention in the event of a national emergency requiring the implementation of the Emergency Detention Program. The Priorities were established on the basis of leadership capacity within the various organizations and groups. Priority I was made up of all hard core national and state basic revolutionary organization leaders and leaders of other subversive organizations and unorganized groups and individuals who indicated a propensity for violence and/or had received specialized training in sabotage, espionage, and/or guerrilla warfare. Priority II was based on second level leadership and Priority III was made up of all others on the SI, mainly rank and file members of the various organizations and groups.

It has been the feeling of the Department that in the event of a national emergency the Bureau will be authorized to apprehend and detain only certain individuals in Priority I. There are currently 712 individuals in Priority I of the SI.

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
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SAFETY OF THE UNITED STATES

We could conceivably apprehend as little as 10 individuals in this group or as many as the entire list of 712. The Department has indicated that individuals included in Priority II of the SI may possibly be considered for apprehension and detention, but this would be secondary and would follow by at least a short period of time any apprehension of individuals in Priority I. It is doubtful that instructions would be issued for the Bureau to apprehend anyone in Priority III of the SI. This is based on the theory, which appears to be sound, that the immediate removal of leaders would effectively paralyze the various organizations and thereby remove considerable potential for acts inimical to the best interests of the nation.

It is, therefore, believed that we can delete Priority III from the actual SI without in any way seriously affecting the Emergency Detention Program. This, by no means, indicates a lessening of our vigilance pertaining to security matters and the responsibility of this Bureau to take necessary steps to safeguard the internal security of this country. Although these individuals would no longer be carried on the actual SI, we would maintain their names on a subversive index which would contain the same information as does the SI. Investigations would be initiated on individuals concerning whom we receive information of a subversive nature and an initial report would be submitted much as we now do recommending that this individual be included on this subversive index or that no further investigation be conducted based on the results of the investigation. If the individual meets the criteria for being included on this subversive index, subsequent information could be submitted to the Bureau by letterhead memorandum rather than an investigative report which is the current practice regarding Priority III SI subjects. This would result in considerable savings to the Bureau in investigative, Agent and stenographic time if and when the current moratorium regarding certain phases of security investigations is lifted.

As you are aware, the moratorium which was placed into effect during March, 1969, affected investigations and submission of reports regarding Priority II and Priority III SI subjects and in addition, suspended routine Security Matter - Communist investigations. We are, therefore, in effect not currently investigating these Priority III SI subjects nor are reports being submitted concerning them based on the moratorium. The removal of the Priority III subjects from

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

the SI will cause little or no effect on the current workload at the Seat of Government or the field. It will greatly assist the field once the moratorium is removed since the field will be able to immediately initiate investigations in the security field without having to bring up to date the 8,077 Priority III cases.

This step is also deemed necessary since the moratorium on security investigations has actually resulted in an increase in the total SI of over 500 cases. The total listing on the SI as of March 1, 1969, was 10,208, approximately 7,826 of whom were included in Priority III. The total SI as of October 15, 1969, was 10,786, approximately 8,125 of whom were Priority III. A portion of this increase is directly attributable to the moratorium since existing cases are not being periodically reviewed for removal from the SI. A study has been made and the increase in the over-all SI during the first six months of the moratorium was 4.9 per cent. Since the moratorium has been continued we can anticipate that the over-all SI will increase by approximately an additional 5 per cent before March, 1970.

The rate of increase in the SI for a similar period prior to the moratorium was at a rate of 0.72 per cent. This level was maintained since we were constantly reviewing existing SI cases for deletion.

The deletion of Priority III subjects from the SI will result in an efficiently organized SI that will be completely workable, especially under emergency conditions.

It is noted that as of October 15, 1969, there were 8,125 individuals included in Priority III of the SI. If these 8,125 individuals were, in effect, removed from the SI, we would have a remaining SI totaling 2,661.

We will continue to maintain Priority designation on the SI and the standards for the Priority designation will not be lessened to permit any widespread redesignation of Priorities. With the maintenance of the individuals currently listed as Priority III SI subjects on the subversive index a complete list would be available in the event the national emergency deteriorated to such an extent as to warrant the apprehension and detention of all individuals considered to be subversive.

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
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The criteria for this subversive index would remain exactly the same as for existing Priority III SI subjects. This subversive index is, in effect, already set up and would require little or no work to establish and would require much less work to maintain.

It is believed that this proposal to remove all Priority III subjects from the SI should be presented to the Department for its views, comments and approval. We will indicate to the Department in submitting this proposal that this does not mean a lessening in our investigations in the security field but merely means that rank and file members will not be included on the actual SI.

There is attached an appropriate letter to Assistant Attorney General J. Walter Yeagley proposing the above and requesting the Department's views and comments.

SECRET

1 - Mr. C.D. DeLoach
1 - Mr. J.P. Mohr

Assistant Attorney General
Internal Security Division

October 29, 1969

Director, FBI

1 - Mr. J.J. Casper
1 - Mr. W.M. Felt
1 - Mr. W.C. Sullivan
1 - Mr. C.D. Brennan
1 - Mr. T.P. Rosack

PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

As a result of conferences held during April, 1968, with representatives of the Internal Security Division, Security Index (SI) subjects were categorized by Priorities based on their potential dangerousness and leadership positions. This was confirmed by letter to you dated May 1, 1968. All SI subjects have since been given a Priority designation.

The basic reason for establishing these Priorities was to provide a way to give immediate consideration to apprehending for detention only those individuals deemed most dangerous in the event of a national emergency requiring implementation of the EDP. This is limited to SI subjects designated as Priority I. Individuals in Priority II were to be given secondary consideration. It was believed that individuals designated as Priority III on the SI would not be apprehended except under extreme conditions and only if the situation deteriorated to such a point as to make this move necessary.

Under the present circumstances it is believed that consideration should be given to removing Priority III subjects from the SI. The SI would include only those individuals designated as Priority I and Priority II. This would in no way mean a lessening of investigative attention regarding individuals currently carried as Priority III SI subjects. A listing of these individuals would still be maintained by this Bureau and would be available in the event a situation arose requiring its use. Copies of investigative reports and/or memoranda concerning such individuals would be sent to the Department.

TPR:bcw

(10) bcw

SECRET

GROUP 1

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SEE NOTE PAGE TWO

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OCT 31 1969

SECRET

Assistant Attorney General
Internal Security Division

The removal of Priority III subjects from the SI would reduce the total number on the SI by approximately 8,125. This would greatly assist in making the EDP effective and workable in the event its utilization is required.

Your comments in this regard are requested.

NOTE:

See memorandum Mr. C.D. Brennan to Mr. W.C. Sullivan dated October 28, 1969, captioned as above, prepared by TPR:bcw.

Classified "Secret" as this letter pertains to the Emergency Detention Program, component parts of which are so classified by the Department.

- 2 -

SECRET

UNITED STATES GOVERNMENT

SECRET

DEPARTMENT OF JUSTICE

Memorandum

TO : J. Edgar Hoover, Director
Federal Bureau of Investigation

DATE: November 19, 1969

FROM : *JW*
J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CON-
SIDERED POTENTIALLY
DANGEROUS TO THE NATIONAL
DEFENSE AND PUBLIC SAFETY OF
THE UNITED STATES

GENERAL

Reference is made to your letter of October 29, last proposing removal of subjects in the Priority III designation from the Security Index (SI). In this regard you advise, however, that though removed from the SI such subjects will continue to receive investigative attention and a listing of such subjects will be maintained in your Bureau for possible use in the event of a national emergency.

The Department is in agreement with this proposal. Accordingly, it is understood that hereafter the SI will only consist of those individuals designated in Priority I and II. As in the past, the Department will continue to review the individual SI cases.

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EX-106

REC-30

100-356062-2929

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INT. SEC.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. J. J. Casper

DATE: December 12, 1969

1 - Mr. W. M. Felt
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. T. P. Rosack

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The Department by letter dated November 19, 1969, approved our proposal that Priority III Security Index (SI) subjects be removed from the SI. The Department also agreed that a listing of these Priority III subjects should be maintained by the Bureau for possible action in the event of a national emergency. The Department issued no instructions as to how this listing would be maintained. It will, therefore, be maintained for administrative purposes as a part of the regular SI but these Priority III subjects will be handled strictly within the Bureau. The Department will continue to make all decisions regarding Priorities I and II of the SI.

This method of handling Priority III subjects was brought about by the Department's feeling that Priority III subjects would not be apprehended in the event of a national emergency. The Department feels that only those individuals in Priority I and possibly Priority II of the SI would be apprehended for detention in the event of a national emergency. Individuals in Priority I and Priority II total 2,679. There are 8,170 individuals in Priority III. The total SI numbers 10,849.

A letter to all Special Agents in Charge has been prepared advising that henceforth Priority III subjects will be handled completely within the Bureau. The criteria for including individuals in Priority III remains the same, basically, that such individuals must be rank and file members of an organization considered subversive. All Special Agents in Charge are being advised that this should not mean a lessening of our investigative attention regarding individuals in this category but is actually a concentration of our efforts in areas most essential to the internal security of the country.

Enclosure - attached
100-356062
1 - 100-358086
TPR:djb

SENT DIRECTOR
FOR APPROVAL
12-16-69

CONTINUED - OVER

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES

Cases on Priority III subjects will be reviewed on an annual basis and verification of residence and employment will be made at that time as is the current practice. The Bureau need be advised only in the event changes are necessary. Such information may be submitted by letterhead memoranda with regular submission of reports being discontinued.

With the establishment of this means of handling Priority III subjects, the maintenance of Reserve Index A (RI-A) will be discontinued at the Bureau. The RI-A will be maintained strictly by each field division. RI-A is made up of individuals who do not meet the criteria for the SI but have had previous connections with subversive groups and are in a position to influence others.

Since the Department has not specifically instructed the Bureau on the method of maintaining this listing of Priority III subjects, it is not necessary to advise the Department. The administrative handling of Priority III subjects is up to the Bureau and can most logically be maintained administratively as a portion of the SI with an inactive status.

This method of handling Priority III subjects is in line with Mr. Tolson's desire to retain such individuals on the SI but in an inactive status.

RECOMMENDATION:

That the attached letter to all Special Agents in Charge be approved.

[Handwritten signatures and initials: JWP, WCL, C.R., J.S., T.M., Vign, R.S.]

UNITED STATES

MENT

Memorandum

TO : Mr. W. C. Sullivan

FROM : C.D. Brennan

SUBJECT: SECURITY INDEX (SI)
AGITATOR INDEX

1 - Mr. DeLoach

1 - Mr. Mohr

DATE: February 26, 1969

1 - Mr. Casper

1 - Mr. Felt

1 - Mr. Sullivan

1 - Mr. C.D. Brennan

1 - Mr. Rosack

1 - Mr. G.C. Moore

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The report and verification requirements regarding SI subjects have been changed with the approval of the Director and an SAC Letter has been prepared in order to advise each field division.

The SI consists of three priorities. Reports pertaining to individuals designated as Priority I of the SI will henceforth be submitted on an annual basis. Such reports were previously submitted on a semiannual basis. Verification of their residence and employment will continue to be conducted every three months. The verification of residence and employment of individuals designated as Priority II and Priority III of the SI will henceforth be verified on an annual basis. Such verification was previously handled on a semiannual basis. No other changes are being made regarding SI. Verification of residence and employment regarding subjects on Agitator Index is also being changed to a yearly basis. This was previously done on a semiannual basis.

The field is being instructed that the reduction in the frequency of reports for Priority I subjects and verification of residence and employment of Priority II and Priority III subjects should not be interpreted as meaning that security investigations should be curtailed in any fashion. In addition, the field is being reminded of its responsibility, as well as the Bureau's responsibility, to be aware of the location of SI subjects so that in the event a national emergency arises requiring the implementation of the Emergency Detention Program (EDP), SI subjects can be located for apprehension and detention. Each division is being instructed that appropriate sources should be established to alert the Bureau in the event an SI subject changes his residence and/or employment. The establishment of such sources is vital in order that the Bureau's responsibilities under the EDP can be fulfilled in the manner expected.

ACTION:

That the attached letter to all Special Agents in Charge be approved. Appropriate manual changes are being prepared.

Enclosure

100-358086

TPR:jaf/sfw

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Page 44

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SECURITY INDEX

The Security Index is designed for the purpose of maintaining a list of individuals who should be apprehended and incarcerated in the event of a national emergency, such as an attack from abroad or internal revolt. Such individuals must be proven to be a definite threat to the national security. All additions to and deletions from the Security Index are approved in each field division by the Special Agent in Charge or his designated representative; are completely reviewed by Bureau supervisors who approve or reject the field recommendation; and final approval is given by the Department. The Security Index is based upon Title 2 of the Internal Security Act of 1950 and is a part of the over-all Emergency Detention Program.

In June, 1968, we thoroughly revised investigative procedures of individuals on the Security Index by setting up priorities.

9 reports since a year
Individuals designated Priority I are hard core national and state leaders of basic revolutionary groups or other subversive organizations who have indicated propensity for violence. Verification of their residence and employment is conducted every three months and a report submitted every six months. Reports concerning such individuals were previously submitted on a quarterly basis. There were 647 individuals in Priority I as of February 14, 1969.

1 interest only
Individuals designated Priority II fall in the second level leadership of such basic revolutionary organizations or groups who have indicated a propensity for violence. Verification of their residence and employment is conducted every six months with a report submitted on an annual basis. There were 1,738 individuals in Priority II as of February 14, 1969.

1 change to 2 in 2 in 2 in
2 years
Priority III is made up of all other individuals on the Security Index. Their residence and employment is verified every six months with a report being submitted every two years. Reports were previously submitted on an annual basis. As of February 14, 1969, there were 7,816 individuals in Priority III.

2 years
for 2 months
The Security Index is constantly changing through penetrative review by the field, Bureau supervisors and the Department. We have been making anywhere up to 38 changes a week in this list since July, 1968.

6-5
memo C.D. Brown - To W. C. Sullivan

SECRET

Assistant Attorney General
Internal Security Division

May 16, 1969

Director, FBI

REC-128

100-352062-288

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Sullivan
- 1 - Mr. A. W. Gray
- 1 - Mr. D. J. Dalbey
- 1 - Administrative Review Unit
- 1 - Mr. C. D. Brennan
- 1 - Mr. Rosack

S. 1872

91st CONGRESS, 1st SESSION -

A BILL TO REPEAL THE EMERGENCY

DETENTION ACT OF 1950 (TITLE II OF

THE INTERNAL SECURITY ACT OF 1950)

LEGISLATIVE MATTERS

This is in response to your request dated May 13, 1969, for the views of this Bureau on S. 1872, a bill to repeal the Emergency Detention Act of 1950. It is felt that this bill should not be adopted.

The Emergency Detention Act of 1950 serves as a basis for the Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States and the Security Index, both of which are operated by this Bureau under the direction of the Department. The repeal of this Act would remove the basis for these programs which could seriously hamper the internal security of this nation in the event of an extreme national emergency. The law, as it stands, contains necessary safeguards for the rights of the individual and limits action of the U. S. Government since the detention of each person under the law must be fully justified, and no mass arrests could be made merely due to an individual's nationality or race. The protection of this nation from potential saboteurs and espionage agents is provided by this law, and it should certainly be continued. Under the provisions of the Emergency Detention Act, individuals who have been trained by foreign powers to carry out acts of sabotage, espionage and guerrilla warfare would be detained prior to the commission of any act detrimental to the internal security of the nation, thus preventing additional strife.

TPR:jaf

(13)

SECRET
GROUP 1

Excluded from automatic
downgrading and
declassification

MAILED 5

MAY 13 1969

COMM-FBI

See note, page two

MAY 19 1969

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MAIL ROOM TELETYPE UNIT

NW 55305 DocId:32989697 Page 46

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SECRET

**Assistant Attorney General
Internal Security Section**

Individuals have been scheduled for detention who have, by their acts and statements, indicated they desire the overthrow of this Government through force and violence, and their activities are certainly not in the best interests of the nation. The number of persons actually detained would be far less than is generally believed. Opponents of this law envision mass arrests totaling anywhere from 10,000 to 500,000 individuals. If invoked, the Emergency Detention Program, under current practice, could result in the detention of only up to 671 individuals and probably less. This has resulted from the establishment of three Priorities under the detention program.

In view of the above, it is felt that the Emergency Detention Act of 1950 is a vital and necessary part of the law of the land and should not be repealed unless some provision is insured under which the internal security of this nation can be protected from the enemies who may attempt to destroy it from within.

In accordance with your request, the copy of S. 1872 furnished with your request is being returned.

Enclosure

**1 - Legislative Section
Office of the Deputy Attorney General**

1 - Department File (158-01)

NOTE:

See memorandum C. D. Brennan to W. C. Sullivan dated 5/15/69, same caption, TPR:jaf.

Classified "Secret" as it pertains to the Emergency Detention Program and the Security Index, component parts of which are so classified by the Department.

SECRET

- 2 -

62-116464-203

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41

11/11/75
KAM:en 124-118

The Attorney General
Dept. of Justice

U. S. HOUSE SELECT
COMMITTEE ON
INTELLIGENCE ACTIVITIES
(HSC)

Ref is made to HSC let dtd 9/30/75, requesting delivery & access to certain documents & info pertaining to the Administrative Index (ADEX) & its precedent, the Security Index (SI). Ref is also made to HSC let dtd 10/15/75, requesting items 5 & 6, for more info. Enclosed for ur approval & forwarding is the original of memo. A copy of memo is being furnished for ur records.

167-10391

HSC

9/30/75

4

10/15/75 items 5 & 6

Retain

SECRET

1 - Mr. Rosen
1 - Mr. Mohr
1 - Mr. Callahan (Mr. Row)

The Attorney General

February 10, 1972

Director, FBI

1 - Mr. Dalbey
1 - Mr. E. S. Miller
1 - Mr. T. J. Smith
1 - Mr. Dix

SECURITY INVESTIGATIONS OF INDIVIDUALS

Reference is made to your letter dated October 22, 1971, which was entitled "Emergency Detention Program."

For the completion of your records the following instructions are now outstanding with our field offices relative to the security investigations of individuals.

"The Department has advised that the authority of the Bureau to investigate violations of the espionage, sabotage, Smith Act, Atomic Energy Act and related statutes, as well as subversive activities and related matters in accordance with Bureau statutory responsibilities and Presidential Directives, remains unaffected by the repeal of the Emergency Detention Act. The Department further advised that the repeal of the Act does not prohibit Bureau use of an administrative index compiled and maintained to assist in making readily retrievable and available the results of Bureau investigations into subversive activities and related matters.

"In connection with the security investigations of individuals, the Bureau is initiating for control purposes an administrative index which will be referred to as the ADEX and will consist of four categories:

"Each person who is the subject of a security investigation should be considered for one of the four categories. The criteria for inclusion in the categories are as follows:

"Category I:

"(1) All national leaders of revolutionary organizations whose aims and purposes include the overthrow and destruction of the Government by force and violence or other unconstitutional means, and individuals affiliated therewith who have demonstrated propensity for violence against the person rather than property or have received special training in sabotage, espionage, or guerrilla warfare or have engaged in underground-type operations.

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downgrading and
declassification

SEE NOTE PAGE 3

MAIL ROOM TELETYPE UNIT

DocId: 32989492 Page 50

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Eveland _____
Fider _____
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Kart _____
Lars _____
Loom _____
Moses _____
Nally _____

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The Attorney General

"(2) Revolutionaries, though unaffiliated with any specific organization, who have demonstrated by acts or statements a propensity for violence, including acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of national, state, and local Governments and of the defense efforts.

"(3) National leaders of extremist organizations.

"(4) Any individual who qualifies for the ADEX should be included in Category I if he is employed in or has access to a key facility.

"Category II:

"(1) Secondary leadership of revolutionary and extremist organizations. Secondary leadership would comprise, for example, regional, state and local leaders who are involved in policy making in fulfilling anti-U. S. objectives of their respective revolutionary organizations and whose activities do not justify their inclusion in Category I.

"(2) Active participants in furthering the aims and purposes of the revolutionary or extremist organizations with which affiliated.

"(3) Other unaffiliated revolutionaries or extremists who have demonstrated by acts or statements a propensity for violence against property rather than persons.

"Category III:

"(1) Rank-and-file membership in, or participation in activities of, revolutionary organizations within the last five years as evidenced by overt acts or statements established through reliable sources, informants, or individuals.

"(2) Leadership or activist position in affiliated fronts of revolutionary organizations within the last three years as shown by overt acts or statements established through reliable sources, informants, or individuals.

SECRET

- 2 -

SECRET

The Attorney General

"(3) An individual who, although not a member of or participant in activities of revolutionary organizations or considered an activist in affiliated fronts, has exhibited a revolutionary ideology and is likely to seize upon the opportunity presented by national emergency to commit acts of espionage or sabotage, including acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of national, state, and local Governments and of the defense efforts.

"Category IV:

"(1) Individuals whose activities do not meet criteria of Categories I, II, or III but who are in a position to influence others to engage in acts inimical to the national defense or are likely to furnish financial aid or other assistance to revolutionary or extremist elements because of their sympathy, associations, or ideology."

As you requested, this Bureau will not furnish the Department a list of such individuals but will on a monthly basis furnish the Internal Security Division a list of Government employees who have demonstrated a propensity to commit acts inimical to our national security.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

See memorandum T. J. Smith to Mr. E. S. Miller, dated 2/9/72, captioned as above, and prepared by WPD:glw.

This letter is classified "Secret" as the referenced communication was so classified.

SECRET

- 3 -

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller

FROM : T. J. Smith TJS/ELR

SUBJECT: ADMINISTRATIVE INDEX
STREAMLINING MEASURES
#190-43

- 1 - Mr. Felt
- 1 - Mr. Dalbey
- 1 - Mr. Callahan
- 1 - Mr. Soyars (Mr. Row)

DATE: 8/29/72

- 1 - Mr. Miller
- 1 - Mr. Branigan
- 1 - Mr. R. D. Cotter
- 1 - Mr. A. W. Gray
- 1 - Mr. G. C. Moore
- 1 - Mr. R. L. Shackelford
- 1 - Mr. J. M. Sizoo
- 1 - Mr. T. J. Smith
- 1 - Inspector

Felt _____
Baker _____
Bates _____
Bishop _____
Callahan _____
Cleveland _____
Conrad _____
Dalbey _____
Jenkins _____
Marshall _____
Miller, E.S. ☒
Ponder _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

Security Index - General

T. J. Smith to Mr. E. S. Miller memorandum dated 8/11/72, captioned "Fiscal Year 1974 Budget Policy Guidance," referred to the fact that we have been conducting a seven-month's analysis of the Bureau's Administrative Index (ADEX) and that it appears that by implementing certain streamlining measures and altering requirements for reporting and periodic verification of information, some manpower might be available for reassignment to one of the other critical areas of our work. In this connection the same memorandum pointed out that the Domestic Intelligence Division has an urgent need for in excess of 500 Special Agents to handle several areas of national security work which are not receiving attention deserved.

BACKGROUND

By way of background, the ADEX is an outgrowth of the old Security Index program which in itself was an integral part of the Emergency Detention Program. The Emergency Detention Program in latter years derived its authority from Title II of the Internal Security Act of 1950 (better known as the Emergency Detention Act). In the Fall of 1971 the Emergency Detention Act was repealed by Congress and we, of course, immediately discontinued the Emergency Detention Program. Since the Security Index was in actuality an extension of an integral part of the Emergency Detention Program, it was believed that the Security Index as it was structured should also be discontinued.

From an administrative standpoint, however, it was believed that the Bureau should be able to immediately identify individuals who constitute a threat to the national security, particularly during time of national emergency. The Security Index enabled us to retrieve information pinpointing such individuals. Representatives of the Department, during a meeting following repeal of the Emergency Detention Act, pointed out that even though Congress has now prohibited a program for emergency apprehension and detention, circumstances might someday be such

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TJS:mkf

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CONTINUED- OVER

Inspector's addendum page 8

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

that the Government might have to defend itself from attack and that it would be necessary at such time to quickly identify persons who were a threat to the national security so that investigation could be intensified and if necessary the President could go to a joint session of Congress and ask for emergency legislation permitting apprehension and detention of persons who threaten existence of the Government.

The Department advised after consultation that the FBI's authority to investigate individuals engaged in subversive activity had not been eroded by repeal of the Emergency Detention Act, and that further repeal of this Act did not in any way prohibit the FBI from maintaining an administrative index of individuals who were under investigation for subversive activity. Accordingly, we devised the Administrative Index for the purpose of being able to quickly identify persons representing a threat to the national security. Since we already had the identities of such persons contained in the Security Index, we used the Security Index as a basis for setting up the Administrative Index. The major difference, of course, was that whereas persons listed in Security Index had been listed with a view of possible apprehension and detention, the persons being listed in ADEX would not be subject to detention, but would be listed for ready identification purposes.

Since persons listed in ADEX would not be subject to apprehension and detention, the requirement for Departmental concurrence in listing no longer existed. Also, since the detention factor was no longer a major issue, persons could be listed irrespective of degree of threat they may represent to the national security.

Criteria for listing in ADEX were broken down into four categories. Each category, beginning with Category I, contained a listing of persons and Category I listed those considered most dangerous to the national security, while Category IV listed those least dangerous. As of July 15, 1972, there were 15,259 individuals listed in ADEX. Of this total 1,334 were Category I; 3,452 were Category II; 8,560 were Category III; and 1,913 were Category IV.

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

ASSESSMENT OF ADEX

ADEX has now been in operation about 8 months and we have had a chance to evaluate its operation and effectiveness. Based on discussions with field personnel as well as our own observations, we believe that several major changes should be made at this time.

(1) While ADEX has not been intended as an investigative program, it is somewhat of an extension of Security Index which was an integral part of an investigative program, and there are vestiges of the investigative program apparent in our operation of ADEX. ADEX must be clearly separated from investigative criteria and policy so that it represents a mere by-product or administrative supplement to our investigations and not as a guideline or controlling factor in the investigation itself. The very nature of the criteria for inclusion of individuals in ADEX are such to generate investigative activity which may not be necessary were it not for ADEX. Reporting procedures for a great bulk of our security cases are based on the category of ADEX or the fact that the subject is listed in ADEX. A great deal of investigative activity is created because of the requirement of periodic verification of residence and employment addresses. In other words, existence of ADEX creates investigative and reporting activity which might not be necessary otherwise.

(2) It is believed that ADEX is needlessly complex, particularly from the standpoint of criteria for inclusion of an individual in the ADEX, and is administratively cumbersome.

(3) Most important, it is believed that in light of the conditions existing today, particularly with respect to emphasis on invasion of privacy and other First and Fourth Amendment rights, the current criteria for designating individuals for ADEX are too broad and all-encompassing. As a result, there are some individuals now included in ADEX even though they do not realistically pose a threat to the national security. For example, present ADEX guidelines cover individuals who are not members of subversive or revolutionary groups but who have "exhibited a revolutionary ideology" and are likely to seize upon the opportunity presented by a national emergency to commit acts of espionage," etc. No time factor is included and, as can be seen, the language is subject to considerable interpretation. It is

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

believed that such broad terminology would leave us in a vulnerable position if our guidelines were to be scrutinized by interested Congressional committees, which has been threatened.

PROPOSED NEW ADEX CRITERIA

If for no other reason but practicality, it is believed that ADEX should be a list of individuals who realistically represent an immediate threat to the national security, as opposed to individuals who might theoretically pose a threat in the future under a given set of circumstances. We recognize that anyone who has embraced a philosophy that includes an overthrow of the American form of government is a potential enemy of the Government. However, in many such instances, an individual may believe in some other form of government but would be unwilling to engage in activity more violent than philosophical discussions.

On the other side of the coin is an individual who not only embraces the philosophy of overthrow of the Government, but is actually engaged in some form of activity designed to bring about that overthrow by force or violence or other unconstitutional means. It is this latter individual who would seize upon any type of national emergency to exploit a weakness in Governmental functions in an effort to wrest control, or who would commit violent acts such as bombings of public buildings which are symbolic of our national institutions; ambush killings of police officers who are the visible symbol of our democratic system; attack water supplies, power systems, or transportation facilities in an effort to create a chaotic void into which a revolutionary force might be able to supplant the Government. This is the type of individual who should be listed in the ADEX.

It is therefore proposed that the existing ADEX with four categories representing an unrealistic concept of individuals constituting a threat to the national security be revised so that it will include only one category. This would be a list of individuals who represent an actual danger now to the national security. It is believed that such a list would embrace most of the individuals currently listed in Categories I and II of ADEX, or a total as of 7/15/72 of 4,786 individuals.

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

To do this the criteria would be changed to read as follows:

"ADEX should be limited to those individuals whose actions or statements have clearly established that they represent a current threat to the national security.

"Included are individuals, whether affiliated with organized groups or not, who have shown a willingness and capability for engaging in treason, rebellion or insurrection, seditious conspiracy, sabotage, espionage, terrorism, guerrilla warfare, assassination of Government officials or leaders, or other such acts which would result in interference with or a threat to the survival and effective operation of national, state, or local government.

"The foregoing would include leaders of organizations whose aims include the overthrow or destruction of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means. Individuals affiliated with such organizations who have demonstrated a willingness and capability of activity set forth under criteria set forth above would be included, but mere membership in such organization is not sufficient to justify inclusion in ADEX.

"Individuals should be considered a 'current threat' to the national security when reliable information has been developed that they have engaged in activity falling within the above-described criteria during the past two years and there is no indication that they have given up or ceased to engage in such activity."

Adoption of these new criteria will probably result in deletion from ADEX of numerous individuals who are connected with subversive organizations. For example, there were 4501 Communists in Categories III and IV of ADEX as of 7/15/72. Additionally there are members of Socialist Workers Party, Progressive Labor Party, etc. who will not meet the revised criteria of being dangerous now. It is believed that the Bureau should maintain a list of such individuals aside from ADEX in the event we had to quickly identify known subversives throughout the country. We will therefore submit a separate proposal to establish a "Communist Index" which will require a modicum of effort on the part of the field and Bureau Headquarters.

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

Such a list would also be advantageous in quickly identifying extremists, who though not posing a threat to the national security, do seek to deny constitutional rights of others, or are white or black chauvinists or nationalists who thrive on race hatreds and ethnic discord. We will also propose that a counterpart to the "Communist Index" be established to be known as the "Extremist Index." Neither of these indexes will constitute a program but will merely be a listing which will be computerized for ready retrieval at any time we need to quickly identify persons of this type who were involved in activity inimical to the national interest. Details concerning these indexes will be included in the separate proposal.

MANPOWER SAVINGS

It is difficult if not impossible to estimate a manpower savings as result of redefining ADEX and streamlining its operation. However, based on the premise that the revised ADEX would contain primarily what is now Categories I & II, this would mean that about 10,473 individuals would be dropped. If these remained on ADEX, this many cases would be opened during a twelve-month period due to necessity to verify employment and residence addresses and to report any pertinent data developed to date. These cases would be in a closed status in the field and would be reopened on a regular staggered basis.

A canvass of ten field offices including New York, Newark, Cincinnati, Cleveland, Milwaukee, Minneapolis, San Francisco, Los Angeles, Chicago and Philadelphia resulted in an estimate that roughly 89% of the above-described total of 10,473 cases would be affected. These offices could not give any realistic estimate of manpower involved. However, using purely a caseload average of 40 cases per Agents as a guide; using the 89% estimate of the offices canvassed, there would be 9,311 cases opened over a 12-month period or about 776 cases per month. When revision of ADEX has been approved and the new criteria have been furnished to the field, Domestic Intelligence Division will canvass each Special Agent in Charge to determine specifically, on the basis of the revised criteria, the manpower savings which can be directed to higher priority security work. The Inspection Division, of course, will be in the best position to evaluate the impact of the revisions in their field audits of ADEX.

Memorandum to Mr. E. S. Miller
Re: Administrative Index
Streamlining Measures

It is important to note that there will be no immediate manpower savings realized since it is anticipated that necessary review of ADEX cases will not be completed for at least 12 months. To avoid creating a sudden increase in workload in the field, instructions are being issued to review existing ADEX cases as they would normally come up on tickler during the next 12 months under the old ADEX rules. In this manner all cases now listed in ADEX can be reviewed without creating an undue burden on the field. We will know on a month-to-month basis at Headquarters from computer print-outs as to progress being made.

RECOMMENDATIONS:

(1) Attached for approval are detailed instructions in memorandum for all Special Agents in Charge. Revisions will be made in Manual of Instructions and submitted separately.

(2) If proposed revision is approved, investigative and reporting requirements now interconnected with ADEX or dependent on the existence of ADEX criteria will be revised.

(3) If proposed revision of ADEX is approved, we will furnish details to the Attorney General who has been kept informed regarding our ADEX.

See let to AG
9/18/72 re
"Security
Investigations
of Individuals"

AG/DC

EM

WRW/TSS

GCM

2095

P

RLS

WBS

8/15

ADDENDUM:

INSPECTOR J. H. TRIMBACH:bhg, 8/30/72

During the inspection, the ADEX Program was thoroughly studied and Inspector concurs in this revision and in the recommendation of the Assistant Director.

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BA
34
The Attorney General

September 18, 1972

Acting Director, FBI

1 - Mr. Dalbey
1 - Mr. E. S. Miller
1 - Mr. T. J. Smith
1 - Mr. J. M. Sizoo

SECURITY INVESTIGATIONS OF INDIVIDUALS *General*

Reference is made to letter from this Bureau dated February 10, 1972, with same caption. The referenced letter set forth for your information the instructions issued to our field offices regarding an administrative index known as ADEX, which was initiated for control purposes in connection with the security investigations of individuals. Your letter of October 22, 1971, entitled "Emergency Detention Program," had indicated that the repeal of the Emergency Detention Act did not prohibit this Bureau's use of an administrative index compiled and maintained to assist in making readily retrievable and available the results of Bureau investigations into subversive activities and related matters.

An evaluation has been made of ADEX after more than eight months of operation. Revisions have been made in the ADEX and the following instructions have been furnished to our field offices concerning the criteria to be utilized in connection with the ADEX.

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not
"ADEX has represented a listing of individuals engaged in subversive activity who are considered a potential or actual threat to the national security. As now constituted, it is divided into four categories corresponding to varying degrees of dangerousness. The current ADEX criteria are broadly worded and allow the inclusion of individuals who, although they subscribe to subversive or revolutionary doctrines, do not necessarily represent a danger to the national security at this time."

"After a careful assessment of this matter, it is believed that ADEX criteria should be amended to provide for the inclusion only of individuals who pose a realistic, direct, and current danger to the national security. In other words, it is believed ADEX should list only persons who are regarded as dangerous now."

JMS:glw
(9)

EX-104

SEE NOTE, PAGE 4

18 SEP 19 1972

Felt _____
Baker _____
Bates _____
Bishop _____
Callahan _____
Cleveland _____
Conrad _____
Dalbey _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Ponder _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____

SEP 19 1972
FBI
UNIT ☐

The Attorney General

"In reviewing existing criteria, it is believed that essentially those individuals who are presently in Categories I and II would meet the test of being dangerous now, but that most, if not all, of those in Categories III and IV would not. It is further believed that ADEX should not be broken into separate categories, but should be a single, selective listing. It is also felt that ADEX should be strictly a by-product of our investigative activity and not in and of itself generate any investigation or govern reporting procedures.

"Accordingly, the following revisions with respect to ADEX are being placed in effect immediately:

"Revised Criteria

"Only the following individuals should be included in ADEX:

"Individuals, whether affiliated with organized groups or not, who have shown a willingness and capability of engaging in treason, rebellion or insurrection, seditious conspiracy, sabotage, espionage, terrorism, guerrilla warfare, assassination of Government officials or leaders, or other such acts which would result in interference with or a threat to the survival and effective operation of national, state or local government.

"This would include leaders of organizations whose aims include the overthrow or destruction of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means. Mere membership in such organizations is not sufficient in itself to warrant inclusion in ADEX.

"The term 'leaders' denotes those individuals, irrespective of title, who are in a position to significantly influence the policies or direct the activities of the group.

"Individuals should be considered 'dangerous now' to the national security when reliable information has been received that they have engaged in activity falling within the above-described criteria during the past two years and there is no indication they have given up or ceased to engage in such activity.

The Attorney General

"There may be some instances where retention of an individual in ADEX is justified even though no specific information is available during the prior two years. For example, such retention would be warranted in the case of individuals who have gone into hiding, left the country, have been imprisoned, or similar circumstances and there is no reliable information available indicating that they have renounced activities covered in the above criteria.

"Determination of Eligibility for ADEX Inclusion"

"The Bureau recognizes that anyone who has embraced a philosophy that includes advocacy of the overthrow of our form of government is a potential enemy. However, in many instances an individual may believe in some other form of government or even in the overthrow of our form of government, but without a willingness or capability of engaging in activity other than a philosophical discussion or debate. Such persons subscribe to an alien philosophy, but their activities have not gone beyond an ideological stage. This would include attendance at meeting, taking part in theoretical discussions or other activity which stops short of advocating or engaging in action to overthrow the United States.

"Examples might be members of the Communist Party, USA, or the Socialist Workers Party, or other old-line revolutionary groups which basically advocate an overthrow of our present form of government, but where the subject's activity has been ideological in nature and not oriented towards action. In this connection, however, each case must be reviewed on its individual merits, since the willingness and capability of individuals to engage in action dangerous to the national security is the primary factor in making a determination for the inclusion in ADEX.

"Under normal circumstances members of such hate groups as the Ku Klux Klan would not meet the criteria for inclusion in ADEX. There could be exceptions, however, and each case must be examined individually to determine if it meets the new criteria. These criteria can apply to persons involved with extreme right as well as extreme left organizations, or to individuals who have no affiliation with organized groups but who are anarchists and are engaged in attempts to destroy the United States.

The Attorney General

"The test is whether an individual has shown a willingness and intent coupled with a capability to engage in activity covered in the ADEX criteria and represents a current danger to the national security."

As you requested in your October 22, 1971, letter, this Bureau will not furnish the Department a list of individuals in the ADEX but will, on a monthly basis, continue to furnish the Internal Security Division a list of Government employees who pose a realistic, direct, and current danger to the national security.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

The ADEX program has been revised and instructions regarding the revisions forwarded to the field by Memorandum to All SACs, 21-72(E), dated 9/12/72. We are advising the Department in this letter of the changes in the ADEX program by quoting from segments of above Memorandum to All SACs.

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ADMINISTRATIVE INDEX CARD STATISTICS - BY FIELD OFFICE
BASED ON DATA PROCESSING SECTION RECORDS AS OF SEPTEMBER 15, 1975

| BASED ON DATA PROCESSING SECTION RECORDS AS OF SEPTEMBER 15, 1975 | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------|-------------------------|-----|-----|-----|-----|-----|-----|-----|------|--------|---------------------------|----|----|-------------|-------|-------|-------------------------|-----|-----|-----------------------|----|----|--|
| (1) | (2) | (3) TYPE OF ACTIVITY | | | | | | | | (4) | | (5) CITIZENSHIP STATUS | | | (6) RACE | | | (7)* SPECIAL SECTION | | | (8)* MISCELLANEOUS | | | |
| FIELD OFFICE | TOTAL | BEX | CMC | CMS | CMT | FRN | PRN | REV | HSC | MALE | FEMALE | US | AL | UN | WHITE | BLACK | OTHER | ESP | FGE | GOV | MI | OC | PR | |
| ALBANY | 5 | 1 | | | | | | 4 | | 4 | 1 | 5 | | | 4 | 1 | | | | | | | | |
| ALBUQUERQUE | 2 | | | 1 | | | | 1 | | 2 | | 2 | | | 2 | | | | | | | | 1 | |
| ALEXANDRIA | 7 | | | | | | | 5 | 2 | 7 | | 7 | | | 7 | | | | | | | | | |
| ANCHORAGE | 1 | | 1 | | | | | | | 1 | | 1 | | | 1 | | | | | | | 1 | 4 | |
| ATLANTA | 9 | 4 | 3 | | 2 | | | | | 8 | 1 | 9 | | | 4 | 5 | | | | | | | 1 | |
| BALTIMORE | 54 | 1 | 12 | 12 | 8 | | | 10 | 1 | 41 | 13 | 54 | | | 48 | 6 | | | | 1 | | 1 | | |
| BIRMINGHAM | 7 | | 4 | 3 | | | | | | 5 | 2 | 7 | | | 6 | 1 | | | | | | | | |
| BOSTON | 46 | 5 | 1 | 8 | 5 | 1 | | 26 | | 28 | 18 | 46 | | | 37 | 8 | 1 | | | | | | | |
| BUFFALO | 22 | | 4 | 11 | 5 | | | 2 | | 16 | 6 | 22 | | | 22 | | | | | | | | | |
| BUITE | 1 | | | | | | | 1 | | 1 | | 1 | | | 1 | | | 1 | | | | | 1 | |
| CHARLOTTE | 8 | 5 | | 1 | | | | 1 | 1 | 8 | | 8 | | | 1 | 6 | 1 | | | | | | | |
| CHICAGO | 101 | 10 | 24 | 28 | 9 | | | 26 | 4 | 71 | 30 | 99 | | 2 | 77 | 24 | | | | | | | 1 | |
| CINCINNATI | 9 | 3 | 1 | | | | | 5 | | 8 | 1 | 9 | | | 6 | 3 | | | | | | | 5 | |
| CLEVELAND | 28 | | 3 | 6 | 6 | | | 13 | | 21 | 7 | 28 | | | 26 | 2 | | | | | | 2 | 1 | |
| COLUMBIA | | | | | | | | | | | | | | | | | | | | | | | | |
| DALLAS | 1 | | | | | | | 1 | | 1 | | 1 | | | 1 | | | | | | | | | |
| DENVER | 9 | | | | 2 | | | 5 | 2 | 8 | 1 | 9 | | | 9 | | | | | | | | 1 | |
| DETROIT | 58 | 23 | 10 | 11 | 2 | | | 11 | 1 | 45 | 13 | 58 | | | 26 | 32 | | | | 1 | | 5 | 9 | |
| EL PASO | | | | | | | | | | | | | | | | | | | | | | | | |
| HONOLULU | | | | | | | | | | | | | | | | | | | | | | | | |
| HOUSTON | 13 | 3 | 1 | | 5 | | | 4 | | 11 | 2 | 13 | | | 9 | 4 | | | | | | | | |
| INDIANAPOLIS | 14 | 2 | | 7 | 1 | | | 3 | 1 | 12 | 2 | 14 | | | 9 | 5 | | | | | | | 2 | |
| JACKSON | 6 | 5 | | | | | | | | 6 | | 6 | | | 1 | 5 | | | | | | | 3 | |
| JACKSONVILLE | 2 | 2 | | | | | | | | 2 | | 2 | | | 2 | | | | | | | | 2 | |
| KANSAS CITY | 9 | 2 | | 1 | | | | 4 | 2 | 9 | | 9 | | | 5 | 3 | 1 | | | | | 1 | 2 | |
| KNOXVILLE | | | | | | | | | | | | | | | | | | | | | | | | |
| LAS VEGAS | | | | | | | | | | | | | | | | | | | | | | | | |
| LITTLE ROCK | | | | | | | | | | | | | | | | | | | | | | | | |
| LOS ANGELES | 73 | 8 | 11 | 9 | 28 | | | 9 | 8 | 51 | 22 | 73 | | | 59 | 13 | 1 | | | | | | 5 | |
| LOUISVILLE | 3 | 2 | | 1 | | | | | | 2 | 1 | 3 | | | | 3 | | | | | | | | |
| MEMPHIS | 3 | | | 2 | | | | 1 | | 3 | | 3 | | | 1 | 2 | | | | | | | | |
| MIAMI | 1 | | | 1 | | | | | | 1 | | 1 | | | 1 | 1 | | | | | | | | |
| MILWAUKEE | 26 | | 4 | 9 | 3 | | | 6 | 4 | 19 | 7 | 26 | | | 22 | 3 | 1 | | | | | | | |
| MINNEAPOLIS | 23 | | | 8 | 4 | | | 6 | 5 | 19 | 4 | 22 | 1 | | 16 | | 7 | | | | | | | |
| MOBILE | 3 | | | | | | | | 3 | 3 | | 3 | | | 3 | | | | | | | | | |
| NEWARK | 21 | 8 | 2 | 7 | | | | 2 | 2 | 16 | 5 | 21 | | | 12 | 9 | | | | | | | | |
| NEW HAVEN | 9 | 1 | 2 | 1 | | 1 | | 2 | 2 | 8 | 1 | 9 | | | 8 | 1 | | | | | | | 3 | |
| NEW ORLEANS | 2 | 2 | | | | | | | | 2 | | 2 | | | 2 | | | | | 1 | | | 1 | |
| NEW YORK | 258 | 16 | 8 | 108 | 44 | 4 | 15 | 56 | 7 | 183 | 75 | 244 | 11 | 3 | 210 | 46 | 2 | | | | | | | |
| NORFOLK | 3 | 1 | | | | | | 2 | | 3 | | 3 | | | 2 | 1 | | 3 | | | | 1 | | |
| OKLAHOMA CITY | 6 | | | | | 1 | | 1 | 4 | 6 | | 5 | 1 | | 2 | | 4 | | | | | | | |
| OMAHA | 5 | 2 | | | | | | 1 | 2 | 5 | | 5 | | | 2 | | | | | | | | 1 | |
| PHILADELPHIA | 39 | 3 | 2 | 26 | 1 | | | 4 | 3 | 25 | 14 | 38 | | 1 | 27 | 12 | | | | | | | 1 | |
| PHOENIX | 3 | | | 1 | | | | 1 | 1 | 2 | 1 | 3 | | | 2 | | 1 | | | | | | 1 | |
| PITTSBURGH | 21 | 1 | 1 | 13 | 2 | | | 3 | 1 | 16 | 5 | 21 | | | 15 | 6 | | | | | | | | |
| PORTLAND | 13 | 1 | 1 | 5 | | | | 5 | 1 | 11 | 2 | 13 | | | 12 | 1 | | | | | | | 1 | |
| RICHMOND | 3 | | | | | | | | | | | | | | | | | | | | | | | |
| SACRAMENTO | 3 | | | | | | | 1 | 2 | 3 | | 3 | | | 3 | | | | | | | | | |
| SAINT LOUIS | 11 | 2 | | 6 | 3 | | | | | 8 | 3 | 10 | 1 | | 6 | 5 | | | | | | | 1 | |
| SALT LAKE CITY | 1 | | | 1 | | | | | | 1 | | 1 | | | 1 | | | | | | | | 1 | |
| SAN ANTONIO | 3 | | | 2 | | | | | 1 | 2 | 1 | 3 | | | 3 | | | | | | | | | |
| SAN DIEGO | 16 | 1 | | | 8 | | | 5 | 2 | 12 | 4 | 15 | | | 13 | 1 | 2 | | | | | | | |
| SAN FRANCISCO | 161 | 38 | 31 | 33 | 11 | | | 46 | 2 | 106 | 55 | 157 | 2 | 1 | 110 | 49 | 2 | | | 1 | | 6 | 12 | |
| SAN JUAN | 117 | | | | | | 115 | | 2 | 104 | 13 | 116 | 1 | | 108 | 9 | | | | | 1 | 8 | | |
| SAVANNAH | | | | | | | | | | | | | | | | | | | | | | 2 | | |
| SEATTLE | 11 | | 1 | 3 | 3 | | | 4 | | 7 | 4 | 11 | | | 11 | | | | | | | | | |
| SPRINGFIELD | 4 | 2 | | 1 | | | | 1 | | 3 | 1 | 4 | | | 1 | 3 | | | | | | | 1 | |
| TAMPA | 1 | | | | | | | 1 | | 1 | | 1 | | | 1 | | | | | | | | | |
| WASHINGTON | 21 | 3 | | 5 | 5 | | | 8 | | 18 | 3 | 21 | | | 11 | 10 | | | | 1 | | 1 | 1 | |
| TOTAL | 1,273 | 157 | 127 | 331 | 157 | 7 | 130 | 297 | 67 | 955 | 318 | 1,247 | 17 | 9 | 963 | 286 | 24 | 7 | | 5 | 14 | 40 | 70 | |

*ITEMS DO NOT ADD TO COLUMN 2, BUT ARE INCLUDED IN SECTIONS 3, 4, 5, AND 6.

16

16

UNITED STATES GOVERNMENT

Memorandum

TO : E. S. Miller

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Dalbey

DATE: 9/21/71

FROM : R. D. Cotter *RD*

SUBJECT: EMERGENCY DETENTION ACT
REPEAL SECURITY INDEX
PROGRAM

1 - Mr. Bishop
1 - Mr. Miller
1 - Mr. Shackelford
1 - Mr. Gray
1 - Mr. Wannall
1 - Mr. G. C. Moore
1 - Mr. Branigan
1 - Mr. Cotter
1 - Mr. Dix

Tolson _____
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R. D. Cotter to Miller, memorandum 9/17/71, captioned as above, reported congressional repeal of Emergency Detention Act (EDA) and indicated a study would be made as to how our Security Index (SI) Program could best be maintained and used without EDA. Director noted "Expedite."

History of Security Index

Essentially, our Security Index is a list of those individuals who have been identified as subversives who represent a potential danger to the national security in time of emergency and who would have been apprehended and detained under the provisions of EDA. As a matter of fact, our SI predates passage of Title II of the Internal Security Act of 1950, the statute containing EDA which has just been repealed. Prior to 1950, SI subjects would have been apprehended and detained under authority derived from Executive Order supported by joint resolution of House and Senate.

The Act repealing EDA, however, would apparently preclude any future use of such executive authority, since it amended Title 18, U.S. Code, to insert the language: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

Need to Continue SI

Although the Government does not currently appear to have any authority to apprehend and detain subjects listed in the SI, we feel that continuance of SI is an administrative necessity to the FBI, if not to the Department also, for the following reasons:

Those listed now or included under existing criteria in the future will continue to represent a potential danger to the national defense. Should this country come under attack from hostile forces, foreign or domestic, there is nothing to preclude the President from going before a joint session of Congress and requesting necessary authority to apprehend and detain those

Enc. *Handwritten*
TJS:mea (13)

EX-101

CONTINUED - OVER OCT 4 1971

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Memorandum for Mr. Miller
RE: EMERGENCY DETENTION ACT REPEAL
SECURITY INDEX PROGRAM

who would constitute a menace to national defense. At this point it would be absolutely essential to have an immediate list, such as the SI, for use in making such apprehensions. The SI, backed by our investigative files, would provide documentation of subversive backgrounds during any hearings which might be required following apprehensions.

The SI constitutes an extremely valuable list of subversives and malcontents who constantly pose a threat to the safety of the President. Secret Service is provided a constant flow of data concerning current whereabouts and backgrounds of individuals on the SI. In addition, the SI would immediately pinpoint for our own use the identities of subversives which would require intensified investigative attention to provide evidence of espionage, sabotage or the like.

Operation of SI

Currently the field makes recommendation for an individual's inclusion in the SI and the Bureau either concurs or disapproves the recommendation. It is believed this procedure should continue. However, when it has appeared that some reason exists for removal of an individual from the SI, we have sought advice in this regard from the Department. Departmental concurrence in our listing of SI subjects was based on the possibility of such subjects being apprehended under EDA. Since apprehension is not currently possible, it is believed that the Bureau should decide whether an individual should be removed or retained in the SI. We will, of course, continue to disseminate our security reports to the Department.

We have furnished the Department a monthly list of subjects on Priority I and Priority II (those subject to probable emergency apprehension) and this list was the basis for a continuing review by the Department of subjects to be retained on SI. For the above-named reasons we believe that the Department should no longer make the decision as to who is retained or removed from SI. However, the Department may desire to continue to receive the monthly list for information purposes.

Quarterly we have furnished Passport Office of State Department a list of those on Priority I (the most potentially dangerous) so that we can be advised of travel abroad by these subjects. The list is not identified in any way as SI and since it is beneficial to us, it is believed we should continue to send it.

Memorandum for Mr. Miller
RE: EMERGENCY DETENTION ACT REPEAL
SECURITY INDEX PROGRAM

Effect of Repeal on Future Investigations

Repeal of EDA raises question of what effect such repeal may have, in a legal sense, for the FBI to conduct investigations of this type. In other words, do we have statutory authority or mandates such as Executive Order as bases for our investigative authority?

A quick perusal of Section 87, Manual of Instructions indicates that EDA, which was Title II of the Internal Security Act of 1950, was only a small part of our overall investigative authority. Title I of the Internal Security Act of 1950, which relates to Subversive Activities Control Board, strengthened by Executive Order 11605 dated 7/2/71, provides investigative authority as do Smith Act of 1940, Communist Control Act of 1954, Fraud Against the Government, Rebellion and Insurrection, Sedition and Seditious Conspiracy, among others. However, it is believed that Office of Legal Counsel should examine this more critically from a legal standpoint.

Observations

It is to be noted that the Department has an entire staff set up to administer emergency apprehension of dangerous subversives. It is believed that in the interest of national security the Department will make some effort or provision to implement an alternative to EDA. It is therefore felt that the Department would have a collateral interest in the FBI's maintaining the Security Index without the provisions of emergency apprehension.

It is believed that in face of the substantial Congressional sentiment which resulted in repeal of EDA, we must exercise care not to subject the Bureau and Director to unwarranted public criticism for unilaterally deciding to maintain the SI, which might appear to be an attempt to evade the will of Congress. For this reason it is believed that although we should continue to maintain the SI on a temporary basis, we

CONTINUED - OVER

Memorandum to Mr. Miller
RE: EMERGENCY DETENTION ACT REPEAL
SECURITY INDEX PROGRAM

should submit the facts enumerated above to the Attorney General and ask for a mandate in writing to continue the SI as it is now constituted.

We should also inquire of the Department as what disposition should be made of the unexecuted warrants outstanding in each Field Office for use in effecting apprehension of EDA.

The Field has already been instructed to continue the SI pending further Bureau instructions.

RECOMMENDATIONS:

(1) That pending advice from the Attorney General, our Security Index be continued on a temporary basis as it is now constituted, except the Bureau will assume responsibility for deciding on retention, deletion or additions thereto.

yes.
[Signature]

✓ per WBS

(2) Upon determining that the President has signed the Act repealing EDA, a letter be directed to the Attorney General, citing the various above-mentioned reasons why the FBI should continue to maintain the SI, without provisions of EDA, in the interest of national security and administrative necessity, and request advice in this regard. Letter will also inquire as to disposition of unexecuted warrants outstanding in each Field Office, as noted above.

yes.
[Signature]

✓ per WBS

CONTINUED - OVER

Memorandum to Mr. Miller
RE: EMERGENCY DETENTION ACT REPEAL
SECURITY INDEX PROGRAM

(3) That Office of Legal Counsel examine legal bases for security investigations of this type to see if repeal of EDA has restricted our legal basis for investigative activity. Other authority is set forth in Section 87, Manual of Instructions.

for *yes* *WAS* *DA* *EM*
V. per WAS

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson

DATE: 9/24/71

FROM : D. J. Dalbey

SUBJECT: EMERGENCY DETENTION ACT REPEAL
SECURITY INDEX PROGRAM

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DeLoach _____
Mohr _____
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Memorandum 9/21/71, of same caption, from Mr. Cotter to Mr. Miller contained recommendation #3, approved by the Director, that Office of Legal Counsel examine legal bases for security investigations of the emergency detention type to determine whether repeal of the Emergency Detention Act (assuming repeal act will be signed by the President) will restrict legal basis for FBI investigation of subversives.

Our conclusion is that repeal of the Emergency Detention Act will in no way interfere with FBI investigation of subversion in its many forms. The effect of the repeal is to outlaw only summary apprehension and detention of persons alleged to be subversive and hence dangerous in a time of national emergency. The FBI did not obtain its basic investigative authority from any provision of the Emergency Detention Act and does not lose that authority by repeal.

Our basic investigative authority for this type of case is in the Presidential directive of September 6, 1939, which still remains in effect, with updatings. In addition to that there is a host of criminal statutes which are particularly applicable to the type of action-oriented subversives with whom we now deal. The principal subversives now carry guns, rob banks to get money, steal arms and ammunition, commit arson, set off bombs, incite riots, and do many other things which violate one or more criminal statutes over which this Bureau has investigative jurisdiction. From a combination of those statutes, plus the original Presidential directive, on internal security, we have wide investigative authority.

- 1 - Mr. Sullivan
- 1 - Mr. Mohr
- 1 - Mr. Dalbey
- 1 - Mr. Bishop
- 1 - Mr. Miller
- 1 - Mr. Shackelford
- 1 - Mr. Gray
- 1 - Mr. Wannall
- 1 - Mr. G. C. Moore
- 1 - Mr. Brahigan
- 1 - Mr. Cotter
- 1 - Mr. Dix

REC-47/100-35600-3014

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RESEARCH SECTION

54 OCT 13 1971 (13)

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Memorandum to Mr. Tolson
Re: EMERGENCY DETENTION ACT REPEAL

It also is our opinion that elimination of the Emergency Detention Act does not prevent this Bureau from carrying in its files an assessment of each principal subversive which would be sufficient to mark him for Government attention should a need arise in a national emergency.

Bearing in mind that the Emergency Detention Act could as easily be put back in force should an emergency convince Congress of its need, this Bureau would then be expected to have on hand the necessary action information pertaining to individuals. Investigations under the Emergency Detention Act call for persons subject to possible summary apprehension and detention to be listed under Priority 1 and Priority 2. In lieu of that standard, we would suggest one called "Estimated Violence Potential (EVP)" which could be further subdivided by the numbers one, two and three. The Estimated Violence Potential would be arrived at from investigation and would be an estimated potential for sabotage; kidnaping or assassination of public officers; destruction, robbery, or theft of Government property; riot; etc. Factors entering into the judgment would be such matters as criminal offenses which the person is known or reasonably believed to have committed or planned; statements of violence planned, intended or advocated against public officials or otherwise; membership in, or affiliation with, organizations advocating forcible overthrow of, or damage to, the Government; travel performed in furtherance of any violent activity or objective; possession of firearms or other weapons of destruction, etc.

In spite of firm belief that the Bureau has adequate investigative leeway remaining to us, we strongly suggest that upon official repeal of the Emergency Detention Act, a letter should be written to the Attorney General in which this Bureau asks for a reassessment of our investigative and record-keeping authority concerning subversive matters. It would be foolish of us to continue investigation without first building a record to show that we have sought the advice of the Department in every important particular. This is good management in general and it will also tend to protect us against the anticipated challenge from some spokesmen of the extreme left in which it is claimed that repeal of the Emergency Detention Act does, in fact, eliminate our investigative authority. Such a claim logically is to be expected and we should at least be in a position to say that this question has been raised to the Department of Justice.

Memorandum to Mr. Tolson
Re: EMERGENCY DETENTION ACT REPEAL

RECOMMENDATION:

That on repeal of the Emergency Detention Act, the Domestic Intelligence Division, with such assistance as is desired from Office of Legal Counsel, prepare a letter to the Attorney General in which the Bureau requests a complete review of our authority to investigate subversive matters and to compile records on allegedly subversive persons.

yes
H.

WPA
WPA

WPA

TEB

✓
WPA

UNITED STATES GOVERNMENT

Memorandum

TO : E. S. Miller *EM*

FROM : R. D. Cotter *ROC/BS*

SUBJECT: *P: 7000-10-1*
EMERGENCY DETENTION ACT REPEAL;
SECURITY INDEX PROGRAM

DATE: 9/29/71

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Dalbey
1 - Mr. Bishop
1 - Mr. Miller
1 - Mr. Shackelford
1 - Mr. Gray
1 - Mr. Wannall
1 - Mr. G.C. Moore
1 - Mr. Branigan
1 - Mr. Cotter
1 - Mr. Dix

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R. D. Cotter to Miller memorandum 9/21/71,* captioned as above, related facts concerning repeal of Emergency Detention Act (EDA) and effect of such repeal on Bureau security investigations.

Memorandum recommended that when Act was signed by President a letter be directed to Attorney General citing reasons why we should continue to maintain Security Index without features of emergency apprehension. Memorandum also requested Legal Counsel to examine legal bases for our security investigations to see if repeal of EDA has restricted our legal basis for investigative activity. Memorandum also recommended continuation of Security Index on a temporary basis pending advice from the Attorney General. The Director approved all these recommendations.

Dalbey to Tolson memorandum 9/24/71,* same caption, voiced opinion that repeal of EDA will in no way interfere with FBI investigation of subversion, but recommended a letter to Attorney General requesting review of our authority to investigate subversive matters and to compile records on allegedly subversive persons.

The Act repealing EDA has been signed by the President and there is attached a letter to the Attorney General requesting advice concerning this legislation.

While there is no question concerning the need to maintain a current list of potentially dangerous persons, such as we have done in our Security Index, prudence dictates the necessity to keep any such records in a manner which would not invite charges by the Bureau's enemies that we are evading the will of Congress. In this connection, it is believed we must also get some written authority from the Attorney General, not only to keep records which, in effect, represent a workable substitute for the Security Index, but also serves as a mandate for our continued investigation of subversive activity and related matters.

Enc. - sent 9-30-71 *STWDRX* REC-47 *attached

OCT 5 1971

17 OCT 4 1971

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Memorandum for Mr. Miller
RE: EMERGENCY DETENTION ACT REPEAL;
SECURITY INDEX PROGRAM

The attached letter requests concurrence of the Attorney General in our opinion that repeal of EDA does not erode FBI authority to investigate subversion and that such repeal does not preclude our keeping administrative records necessary in the conduct of subversive investigations, including a list of individuals who pose a threat to national security. The letter also requests advice as to disposition of material maintained in our field offices relating to EDA.

If the Attorney General concurs in our views concerning the keeping of an administrative index, steps will be taken to implement such index, using data wherever possible which can be salvaged from the discontinued Security Index. A detailed study will be made and criteria established for such index and necessary mechanics will be devised for its operation.

RECOMMENDATIONS:

- (9-30-71)
- (1) That the attached letter to the Attorney General be approved.
 - (2) That Domestic Intelligence Division submit for approval criteria and mechanics for implementation of above-described administrative index, if approved by Attorney General.

✓ OK
JAS 7 WED
DS EM
DS

~~SECRET~~

The Attorney General

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Dalbey
1 - Mr. Bishop

September 30, 1971

Director, FBI

1 - Mr. Miller
1 - Mr. Shackelford
1 - Mr. Gray 1 - Mr. Cotter
1 - Mr. Wannall 1 - Mr. Dix
1 - Mr. G.C. Moore
1 - Mr. Branigan

EMERGENCY DETENTION PROGRAM

In view of the fact the President has signed the Act repealing Title II of the Internal Security Act of 1950, which was commonly referred to as the Emergency Detention Act of 1950, your views are being solicited concerning FBI authority to continue investigations of subversive activity covered, in part, by this Act.

We have discontinued all planning for emergency apprehension and detention of those subjects listed in the Security Index, which is a list of individuals whose histories show they might engage in or conspire to engage in acts of espionage or sabotage during a national emergency. We have likewise discontinued operation of the Security Index, which was an integral part of implementation of emergency apprehension.

EX-102 REC 25 100-356362 3012

In addition to statutory authority provided in the Smith Act of 1940, Title I of the Internal Security Act of 1950, the Communist Control Act of 1954, and statutes relating to espionage, sabotage, rebellion and insurrection, sedition and seditious conspiracy, we feel that authority for the FBI to conduct investigations of subversive activity and related activity is clearly set forth in certain Presidential Directives. For example, on June 26, 1939, the President issued a confidential Directive to the heads of various Government Departments which stated: "It is my desire that the investigation of all espionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice...." On September 6, 1939, the President issued a Directive as follows: "The Attorney General has been requested by me to instruct the Federal Bureau of Investigation of the Department of Justice to take charge of investigative matters relating to espionage, sabotage, subversive activities and violations of neutrality regulations." This Directive also pointed out that "the investigations" (by the FBI) "must be conducted in a comprehensive and effective manner, on a national basis, and all information carefully sifted out and correlated in order to avoid confusion and irresponsibility."

Re: Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
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Soyars
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Gandy

NOTE: See memo Cotter to Miller 9/29/71 re "Emergency Detention Act Repeal; Security Index Program," prepared by TJS:mea.

Classified "Secret" as
Emergency Detention Program

MAIL ROOM TELETYPE UNIT

GROUP 1
Excluded from automatic
downgrading and
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NW 55305 DocId:32289077 Classified by

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The Attorney General

On January 8, 1943, the President issued a Directive reiterating his previous Directive of September 6, 1939, and subsequently on July 24, 1950, the President issued a third Directive, reiterating previous Directives of September 6, 1939, and January 8, 1943, and broadened the scope of investigative activity by the FBI to include "subversive activities and related matters" as well as the specific matters involving espionage and sabotage. On December 15, 1953, the President issued a statement in which he set forth the language contained in the combined Presidential Directives dated September 6, 1939, January 8, 1943, and July 24, 1950, concerning the investigative responsibility of the FBI in matters relating to "espionage, sabotage, subversive activities and related matters." The statement then pointed out the FBI is also charged with investigating all violations of the Atomic Energy Act and requested cooperation of all enforcement officers, as in the previous Directives, in reporting all information relating to violations of the Atomic Energy Act to the nearest representative of the FBI.

Based on interpretation of existing statutes and the language set forth in the various Presidential Directives cited above, we feel that the repeal of the Emergency Detention Act of 1950 has not eroded the FBI's authority and responsibility to conduct investigation of subversive activities and related matters. Likewise, we feel that the repeal of this Act does not limit the FBI's authority and responsibility to keep and maintain administrative records, including various indices, which may be necessary in fulfilling such responsibility and authority.

I strongly feel that irrespective of the repeal of the Emergency Detention Act, the Federal Government must take whatever steps are necessary, within the law, to protect itself from all hostile forces bent on its destruction. We, therefore, feel that it is absolutely incumbent upon the FBI to continue investigations of those who pose a threat to the internal security of the country and to maintain an administrative index of such individuals as an essential part of our investigative responsibility. Such an index not only enables the FBI to pinpoint individuals who have exhibited a propensity to conduct acts inimical to national security, but also serves as an extremely valuable list of individuals who pose a continuing threat to the safety of the President and thereby enables us to provide current data to U. S. Secret Service concerning backgrounds and whereabouts of such individuals.

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The Attorney General

You are therefore requested to advise whether you concur in our opinion that the FBI's authority and responsibility to investigate subversive activities and related matters has not been eroded by repeal of the Emergency Detention Act. You are further requested to advise if you concur in our opinion that the repeal of the Emergency Detention Act does not prohibit or limit the FBI's authority and responsibility to keep and maintain administrative records, including an administrative index of individuals under investigation in connection with subversive activities and related matters, which are necessary in fulfilling our investigative authority and responsibility.

In the past we have furnished the Internal Security Division on a monthly basis a current list of individuals listed on the Security Index. This has been discontinued. However, in the event you approve of our maintaining an administrative index, as described above, please advise whether the Internal Security Division desires a copy of any current list we might prepare in this regard.

You are also requested to advise what disposition should be made of warrants, sealed envelopes captioned "Department of Justice Instructions to United States Attorneys" and "Department of Justice Instructions to United States Marshals" which have been maintained in each of our field offices in connection with the Emergency Detention Program.

In view of the urgency of the matter and the critical need to continue an uninterrupted program of investigating subversive activities and related matters, you are requested to furnish a reply to the foregoing questions at the earliest possible time.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Internal Security Division

SECRET

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

~~SECRET~~

TO : Director
Federal Bureau of Investigation

DATE: October 22, 1971

FROM : The Attorney General

SUBJECT: EMERGENCY DETENTION PROGRAM

This will acknowledge your memorandum of September 30, 1971 regarding the effect that the repeal of Title II of the Internal Security Act of 1950, as amended, has on the FBI's authority "to investigate subversive activities and related matters."

With respect to your initial inquiry, I wish to advise you that the FBI's authority to investigate violations of the espionage, sabotage, Smith Act, Atomic Energy Act and related statutes, as well as subversive activities and related matters in accordance with its statutory responsibilities and the Presidential directives, cited in your memorandum, remains unaffected by the repeal of the Emergency Detention Act.

Furthermore, the repeal of the aforementioned Act does not alter or limit the FBI's authority and responsibility to record, file and index information secured pursuant to its statutory and Presidential authority. An FBI administrative index compiled and maintained to assist the Bureau in making readily retrievable and available the results of its investigations into subversive activities and related matters is not prohibited by the repeal of the Emergency Detention Act.

While the Department does not desire a copy of any lists that you may compile on the basis of such records or indices, the Internal Security Division should be furnished a monthly memorandum reflecting the identity of government employees who by significant acts or membership in subversive organizations, have demonstrated a propensity to commit acts inimical to our national security.

With regard to Department instructions to the United States Attorneys and Marshals and related materials maintained in sealed envelopes in each of the Bureau's field offices, it is noted that such emergency documents were prepared on the basis of authority other than the Emergency Detention Act. A study is being undertaken within the Department as to the disposition to be made of those pre-positioned sealed instructions. When such a review has been completed you will be appropriately advised.

NOV 29 1971

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RESEARCH SECTION

EXP. PROC.

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UNITED STATES GOVERNMENT

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TO : Mr. A. H. Belmont

DATE: December 11, 1963

FROM : Mr. W. C. Sullivan

SUBJECT: SECURITY INDEX

- 1 - Mr. Belmont
- 1 - Mr. Sullivan
- 1 - Mr. Gale
- 1 - Mr. Branigan
- 1 - Mr. Bland
- 1 - Mr. Smith
- 1 - Mr. Baumgardner
- 1 - Mr. Wannall
- 1 - Mr. Rushing

The essential question for determination as to whether a subject's name should be included in the Security Index is "Does this individual represent a potential danger to the national security of the United States in time of a national emergency?" The present Security Index criteria, established in 1955, reviewed and concurred in by the Department as falling within the basic terms of the Presidential Proclamation that would trigger the Emergency Detention Program calling for the arrest of Security Index subjects, are utilized as guidelines in arriving at an answer to the essential question quoted above.

We have found that the Security Index criteria afford practicable and workable assistance in arriving at a conclusion and are sufficiently elastic so that when applied with the necessary judgment the complex questions which arise can be resolved. These criteria are well devised for this purpose. They were not intended to be nor can they or any other criteria be rigid rules since the ultimate point to be determined is not whether a case fits a particular rule but whether the subject of the case represents a danger. The breadth of these criteria is demonstrated by Criterion (D) which reads: "Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency." A copy of the Security Index criteria is attached as Exhibit A.

What we really need is a broadening of the factors which must be considered in evaluating an individual's dangerousness. In evaluating a security case for the purpose of determining whether the subject thereof falls within the Security Index criteria, Section 87D of the Manual of Instructions contains 17 specific factors that must be taken into consideration in arriving at a determination as to whether a subject represents a potential threat, including such factors

Encs.

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Memorandum to Mr. Belmont
RE: SECURITY INDEX
100-358086

as "constant support of the Soviet Union in acts and utterances" and "violations of penal laws arising out of activities as a subversive." The Manual specifically points out that the above factors are not all inclusive and will vary with each case in some degree. We propose to enlarge upon the specific factors that must be taken into consideration by the addition of 6 other factors relating primarily to Soviet-satellite internal security matters and including a factor dealing with individuals who have defected, revoked or sought revocation of their United States citizenship in favor of the Sino-Soviet-bloc countries who have returned to the United States and who have taken no positive steps to counteract such action. These new factors as well as those already listed will not automatically result in individuals engaging in such activity being included on the Security Index but our listing of them in the Manual will make it mandatory that anyone engaging in such activity be considered for the Security Index and that activities in these categories will be evaluated in connection with the individual's over-all sympathies and actions in deciding whether he should be included in the Security Index. The Manual will still point out that the factors enumerated are still not all inclusive; however, as has been indicated, the proposed additions will afford field personnel as well as supervisory personnel at the Seat of Government a more detailed guideline for consideration in arriving at a determination as to whether subject represents a potential danger in time of an emergency and thus should be included in the Security Index. The additional 6 factors are attached as Exhibit B.

ACTION:

Submitted in accordance with the Director's request. A proposed SAC Letter and appropriate manual changes are being forwarded under separate cover.

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for
Feb
fr

WES
Q

Keep
of the original
criteria would have
included as well as
the minimum of
common sense in
interpretation had been
applied.
H

CRITERIA FOR PLACING AND RETAINING
NAMES IN THE SECURITY INDEX

- (A) Subject has had membership or participation in the activities of a basic revolutionary organization within the last 5 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- (B) Subject has had membership or participation in the affairs of one or more front organizations, which adhere to the policies and doctrines of a revolutionary group, in a leadership capacity or by active substantial participation in the furtherance of the aims or purposes of the front organizations within the last 3 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- (C) Investigation has developed information that an individual, though not a member or a participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants, or individuals.
- (D) Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency.

100-358086-386
EXHIBIT A

ENCLOSURE

ADDITIONAL FACTORS TO BE TAKEN INTO
CONSIDERATION IN ARRIVING AT A DETERMINATION
AS TO WHETHER A SUBJECT REPRESENTS A
POTENTIAL THREAT TO THE INTERNAL SECURITY
IN TIME OF AN EMERGENCY

1. | Contacts with Sino-Soviet-bloc establishments (including Cuba) where purpose of contact cannot be determined or contact indicates communist sympathies.
2. | Contacts with Sino-Soviet-bloc, Cuban or Yugoslav intelligence agents where purpose of contact cannot be determined or contact indicates communist sympathies.
3. | Individuals who have defected, revoked or sought revocation of their United States citizenship in favor of a Sino-Soviet-bloc country, who have returned to the United States, and who have taken no positive steps to counteract such action.
4. | Statements or activities on a subject's part establishing reasonable grounds to believe that his loyalty would lie with communist nations in the event of armed conflict between the United States and communist nations.
5. | Training and/or participation in espionage, sabotage, or intelligence activities.
6. | A history of emotional instability or irrational behavior on the part of an individual with a subversive background whose prior acts depict a propensity for violence and hatred against organized government.

100-358086-3265
EXHIBIT B
ENCLOSURE

2c

~~PERSONAL AND CONFIDENTIAL~~

The Attorney General

March 8, 1946

John Edgar Hoover - Director, Federal Bureau of Investigation

As a result of recent developments internationally and in the Canadian and other Russian espionage cases, the FBI has found it necessary to intensify its investigation of Communist Party activities and Soviet espionage cases.

The Bureau is now taking steps to list all members of the Communist Party and any others who would be dangerous or potentially dangerous in the event of a break in diplomatic relations with the Soviet Union, or other serious crisis, involving the United States and the U.S.S.R. I wanted you to know this so that you can advise me whether such action meets with your approval.

Very few of the members of the Communist Party are aliens, and of the small number who are aliens not all are of Russian nationality. Very nearly all of the members are citizens, either naturalized or native born. Since most, if not all, of the members of the Communist Party would undoubtedly adhere to the Soviet Union and would constitute a very serious threat to the security and interests of this country in the event of a crisis, a situation may conceivably arise wherein it will be necessary to the existence and safety of this country to immediately detain a large number of American citizens.

In view of this situation, you may desire to initiate a study to determine what legislation is available or should be sought to authorize effective action of a general and precautionary nature in the event of a serious emergency.

ENCLOSURE

RECORDED

INDEXED

3/11/46

Personally handed
to a g. Clark.
sh.

100-35605-X
1306

THE ATTORNEY GENERAL

August 5, 1946

Director, FBI ~~100-256062-X1~~ ~~PERSONAL AND CONFIDENTIAL~~
~~BY SPECIAL MESSENGER~~

DETENTION OF COMMUNISTS IN THE
EVENT OF SUDDEN DIFFICULTY WITH RUSSIA

Reference is made to your memorandum of July 18, 1946, which forwarded a memorandum to you dated July 11, 1946, from Mr. Theron L. Caudle, Assistant Attorney General, Criminal Division.

Mr. Caudle's memorandum was a reply to my memorandum to you of March 8, 1946, in which it was pointed out that very nearly all of the members of the Communist Party in this country are citizens of the United States, either naturalized or native-born, and that most, if not all, of those individuals would undoubtedly adhere to the Soviet Union in the event of a serious crisis involving the United States and that country.

It was suggested that you might desire to initiate a study to determine what legislation is available or should be sought to authorize effective action of a general and precautionary nature in the event of a serious emergency.

With regard to the adequacy of legislation, with which Mr. Caudle's memorandum is primarily concerned, it is noted that except for the possibility of a declaration of martial law which might have to extend over the entire United States, there is no existing legislation which could be invoked with the exception of a possible application of 18 U. S. Code, Section 97a or the suspension of the writ of habeas corpus.

It would, of course, be dangerous to the security of this country should we have to wait until paratroop divisions were landing in our industrial areas or until armed rebellion of Communist elements occurred before we could take action under any suspension of the writ. Acts of sabotage by Communists must be prevented by prompt measures against them in an emergency. We cannot afford to wait until their acts of sabotage are carried out before proceeding against them.

With regard to the application of Section 97a in its present form, it would be necessary in order to take action against Communist Party members to declare the greater part of the United States a military area and to set up a relocation procedure under Executive Order.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

LF:alo'd

1946-2-2

BY

As Mr. Caudle pointed out in his memorandum, nothing could be done at the time of its writing looking toward new legislation until 1947 although he points out that if sudden trouble develops during the adjournment of Congress, Section 97a could be utilized until a special session of Congress could be convened.

I agree with Mr. Caudle that the next war will dwarf all previous conflicts and bring into utilization new weapons and bombing techniques.

The lack of effective legislation under which Federal authorities and particularly the Federal Bureau of Investigation could swing into action against adherents of the Soviet Union in all parts of the United States at a moment's notice might seriously jeopardize this country's recovery from the first offensive blow launched by the Soviet Union which logically and militarily might be directed at the Seat of Government in Washington.

The confusion and disruption caused by bomb or rocket attack upon Washington with the possible attendant casualties among the administrative heads of the Government seems to point to the necessity for a definite pre-arranged program of procedure throughout the United States.

I strongly recommend, first, that you consider the issuance of definite and specific instructions as to procedure which shall be followed in the event of an emergency involving the United States and the Soviet Union and that those individuals responsible for the carrying out of such procedure be appropriately instructed without delay. Secondly, I strongly recommend that appropriate legislation to correct the present lack of statutory backing for detention of persons dangerous to the security of the United States be immediately prepared for submission either to a special session of Congress which might be called in the event of such an emergency or to the next regular session which will convene in January, 1947.

Mr. Caudle's memorandum is returned herewith.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. J. EDGAR HOOVER
 FROM : DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
 PEYTON FORD
 THE ASSISTANT TO THE ATTORNEY GENERAL
 SUBJECT: *[Handwritten signature]*

DATE: September 13, 1949

PERSONAL AND CONFIDENTIAL

Will you please indicate for the information of the Attorney General the standards upon which decisions are based to incorporate names in the security index list or to remove them therefrom.

*- GENERAL*PERSONAL AND CONFIDENTIAL

*Delivered personally
 by Col. W. W. Varamore
 of the Dept. at 4⁵⁰ pm
 9-13-49. FJB.*

RECORDED - 78

*100-254036-241
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5 SEP 28 1949

*Amos Report
 9-15-49 HJ*

5/18/49

Mr. Peyton Ford
The Assistant to The Attorney General

September 16, 1949

Director, FBI

PERSONAL AND CONFIDENTIAL

100-358886-20X1
SECURITY INDEX

RECORDED - 78

Reference is made to your personal and confidential communication dated September 13, 1949, wherein you desired information for the benefit of the Attorney General as to the standards upon which individuals are included in the security index.

The basic qualification required for inclusion of an individual in the security index is that such an individual is potentially dangerous or would be dangerous in the event of an emergency to the internal security of this country. The elements going into measuring an individual's potential dangerousness or dangerousness in the event of an emergency consist of two broad elements: (1) membership, affiliation or activity indicating sympathy with the principal tenets of the Communist Party or similar ideological groups and the Nationalist Party of Puerto Rico; and, (2) a showing of one or more of the following:

- a. activity in the organization, promoting its aims and purposes;
- b. training in the organization, indicating a knowledge of its ultimate aims and purposes;
- c. a position in a mass organization of some kind where his affiliation or sympathy as set forth in element one will determine the destiny of the mass organization;
- d. employment or connection with an industry or facility vital to the national defense health and welfare;
- e. possessing a potential for committing espionage or sabotage.

No individual is included in the security index until such an individual has been investigated by this Bureau.

For your information, copies of reports of investigations of all individuals included in the security index have been furnished to the Department.

Deletions from the list are, of course, made when an individual no longer fits the standards for inclusion, as set forth above.

HT:ed

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director, Federal Bureau of Investigation

DATE: June 1, 1951

FROM : Peyton Ford, Deputy Attorney General

SUBJECT: Program for apprehension and detention of persons considered potentially dangerous to the national defense and public safety of the United States.

CONFIDENTIAL

Mr. Tolson

Mr. Ladd

Mr. Clegg

Mr. Glavin

Mr. Nichols

Mr. Rosen

Mr. Tracy

Mr. Harbo

Mr. Alden

Mr. Belmont

Mr. Laughlin

Mr. Mohr

Tele. Room

Mr. Nease

Miss Gandy

Reference is made to your memorandum of May 11, 1951, entitled as above, wherein you requested a definite expression of the Department's opinion with respect to the standards, set out in your memoranda of September 16, 1949 and July 27, 1950, applied by the Bureau in determining those individuals whose past or present activities, or training, showed them to be a potential danger to this country in time of emergency so as to warrant their inclusion on the Security Index.

As has been indicated in previous memoranda from the Department and pointed out at conferences between Department representatives and those of the Bureau, the Department feels it is advisable that, insofar as possible, the provisions of the detention program should parallel the provisions of the Emergency Detention Act of 1950. Accordingly, it has revised the Security Index standards so as to conform more closely to those of the Act and in so doing has to good extent utilized the language of the statute. Enclosed are copies of the standards as so revised. You will note that in result the scope of the Bureau's standards is not appreciably altered.

Inasmuch as the Department is now prepared to go forward with the review of the Security Index, it will appreciate receiving your views with respect to the revised standards at your earliest convenience. In accordance with your request, you will be advised in advance as to the attorneys who will be engaged in this work and will also be advised as to the results of such review in each individual case as such reviews are completed. With the exception of particular cases as to which you request special notification, as illustrated by your memorandum of May 24, 1951, you are advised that the Department presently contemplates first reviewing the files on Federal Government employees, including Atomic Energy personnel, who are included on the Security Index.

Under date of May 22, 1951, a memorandum was addressed to you in original response to your memorandum of May 11, 1951. It has been pointed out that the language there employed is susceptible to far broader interpretation than was intended. Accordingly, you are advised that the Department's memorandum of May 22, 1951, may be disregarded.

Enclosures

RECORDED - 55

COPIES DESTROYED

In this general connection, however, you are again reminded, as was pointed out in my memorandum of December 27, 1950, that in the event of occurrence of an emergency which requires the use of the detention program, all of the persons now or hereafter included by the Bureau on the Security Index should be considered subjects for immediate apprehension, thus resolving any possible doubtful cases in favor of the Government in the interests of the national security.

CONFIDENTIAL

SECRET

proved by Mr. Ford
May 31, 1951)

S T A N D A R D S

The test to be applied is whether there is reasonable ground to believe that the person (subject) probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage.

In deciding the question of the existence of reasonable ground to believe a person probably will engage in, or conspire with others to engage in, espionage or sabotage, each attorney is authorized to consider evidence of the following:

- TSOU SC
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1.4(12)
1. Whether such person has knowledge of, or has given or received instruction or assignment in, espionage, counter-espionage or sabotage, except where such knowledge was obtained for lawful purposes.
 2. Participation in any past act of espionage or sabotage or conspiracy so to do.
 3. Activity at any time in the espionage or sabotage operations of the Communist Party or the world communist movement, unless such activity has been offset by subsequent cooperation with the United States Government.
 4. Membership in the Communist Party after January 1, 1949.
 5. Membership in the Communist Party at any time prior to 1949, which membership is not shown to have been discontinued, AND
 - (a) Activity or receipt of training in the organization, thereby acquiring knowledge of its ultimate aims or purposes; or
 - (b) A present position of importance in, or a substantial contribution to, any organization which is or can be used for Communist purposes; or
 - (c) Present employment in or connection with a government or an industry or facility vital to the national defense, health and welfare; or
 - (d) Despite the lack of present organizational ties, support and sympathy with the aims of the world communist movement.

100-3-6062-795

6. Action and influential membership subsequent to January 1, 1949 in two or more Communist dominated or infiltrated organizations and conduct therein indicative of substantial adherence to the objectives of the Communist Party.

Processing

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UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan ☒
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan

DATE: April 30, 1968

FROM : C. D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES (DETPRO) - *GLN*

SECURITY INVESTIGATIONS OF INDIVIDUALS

SYNOPSIS: This is to recommend obtaining Departmental approval for amended criteria for individuals on Security Index (SI) and to set up Priority Apprehension Program based on dangerousness of individuals on SI. Present criteria for SI include individuals in basic revolutionary groups, front groups, anarchists, and those with anarchistic tendencies. Department has recently amended definition of a dangerous person in new Presidential Emergency Action Document 6, broadening it to include terrorists or persons who would interfere with Government operation and defense effort.

With Director's approval, conference was held with Departmental representatives and in view of amended definition of a dangerous person referred to above, a corresponding amendment to Item D of SI criteria was agreed upon. (Set out in details, page 7, and page 1 of memorandum to Mr. Yeagley) In addition, our study of the entire Emergency Detention Program suggests desirability of alterations to set up priorities for apprehension based on dangerousness of individual. Priorities would include:

1) Priority I. Top national and state leadership of basic subversive organizations, leaders of anarchistic groups, individuals who have shown greatest propensity for violence, as well as those who have special training in sabotage, espionage, guerrilla warfare, etc. Subversives in key defense facilities to be included. Present individuals designated Key Figures would, if appropriate, be in this category. Key Figure Program discontinued. Residences and employments will be verified each 3 months and reports submitted semiannually. *REC 6 - 356662-2793*

2) Priority II. Second level leadership and individuals who present significant threat but are in less influential positions than Priority I. Verification of residences and employments each 6 months with submission of annual reports as now required on majority of subjects.

Enclosure *5-1-68*

1 - Mr. DeLoach

1 - Mr. C. D. Brennan

1 - Mr. Sullivan

1 - Mr. Enlow

PFE:IM (5)

CONTINUED - OVER

Memo for Mr. W. C. Sullivan
RE: DETPRO

3) Priority III. All other individuals on SI. Made up mainly of rank and file members. Verification of residences and employments to remain at 6 months with submission of reports each 2 years.

4) Each priority will be broken down into nationalistic tendencies and organizational affiliations so that apprehensions can be made in each category on a selected basis.

5) Changes will not alter total number of individuals on SI and not materially affect SI.

OBSERVATIONS:

Implementation of program will continue to require authorization of Attorney General for any apprehensions. Priority lists will streamline effectiveness of Program to allow us to "zero in" on most dangerous and influential individuals and will permit us to "lop off" top level immediately if Program implemented. This should result in paralyzing organizations, and subjects with lesser priorities would lose top leadership and could be apprehended at later time, if necessary. Since SI made up principally of rank and file, we will save approximately 3,500 reports per year while at same time we will intensify coverage of those considered most dangerous. This presents logical and workable program while cutting back substantially on desirable but unnecessary paper work and is in line with our continuing analysis to streamline by cutting out unnecessary requirements and retaining only that which is absolutely essential.

RECOMMENDATION:

That attached letter to Department setting forth above proposals be forwarded. Upon Department's approval, appropriate instructions and manual changes will be sent to the field.

✓ JH LS
DETAILS - CONTINUED OVER

Memo for Mr. W. C. Sullivan
RE: DETPRO

DETAILS:

The responsibilities of the FBI with respect to investigations in the internal security field have been established by Presidential Directives.

The primary purpose of the investigation of subversive individuals is to determine their identities and activities and/or whether they present a serious threat to the internal security of the country. If investigation develops positive evidence indicating that an individual presents a threat or potential threat to the internal security, his name is included in the Security Index.

The Security Index contains names of individuals who should be considered for immediate apprehension and detention in the event of a national emergency in order to safeguard the internal security of the United States by preventing sabotage, espionage, and insurrection. The list now consists of over 10,000 names. Additions and deletions are made when it is determined that the individual either represents a threat or no longer represents a threat.

A plan of action has been prepared to implement the apprehension and detention of individuals listed in the Security Index and for the seizure of specified contraband. This plan is formally known as the "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States." Details concerning this plan are contained in the Attorney General's Portfolio, copies of which were originally furnished to this Bureau on August 3, 1948. The proposed actions have been subject to continuous study, and revisions have been made as needed. The proposed actions under this plan will be implemented by Presidential Proclamation through Presidential Emergency Action Documents (PEAD). The PEADs provide for the arrest and detention of all persons, citizens as well as aliens, who are considered dangerous to the national defense and public safety and for the seizure of property which there is a reason to believe may be used to the detriment of national defense and public safety.

The results of our investigations are provided to the Department of Justice on a continuing basis for its concurrence and approval of the persons listed for apprehension.

Memo for Mr. W. C. Sullivan
RE: DETPRO

Detailed instructions are in the hands of all of our field offices for the handling of this matter in the event we are called upon to effect apprehensions of SI subjects. Plans are also in existence in seven field offices for the handling of detainees on a temporary basis by the Army, and close coordination is maintained between our offices and the military. Departmental instructions from the Attorney General to United States Attorneys, who will be the administrators of the program following implementation, and to U. S. Marshals have been furnished our offices at the Department's request for delivery to these officials. The Immigration and Naturalization Service is responsible for the detention of alien enemies, and on a quarterly basis, through the Department, the number of all aliens included on the SI is furnished to them. This list is broken down by field office and by sex.

The criteria for placing and retaining individuals was approved by the Department on April 11, 1955. They are as follows:

- A. Membership or participation in the activities of a basic revolutionary organization within the last 5 years as shown by overt acts or statements established through reliable sources, informants or individuals.
- B. Membership or participation in the affairs of one or more front organizations, which adhere to the policies and doctrines of a revolutionary group, in a leadership capacity or by active substantial participation in the furtherance of the aims or purposes of the front organizations within the last 3 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- C. Investigation has developed information that an individual, though not a member or a participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants, or individuals.

Memo for Mr. W. C. Sullivan
RE: DETPRO

- D. Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency.

In November, 1967, the President ordered a comprehensive review of the Presidential Emergency Action Documents as to the desirability of modifying or deleting certain standby orders. The Attorney General served as the chairman of the committee reviewing the documents. After extensive review, in which the FBI participated, a proposal was submitted to the President that certain documents be revised. It was proposed that the Emergency Detention Program be revised to agree with the provisions of the Emergency Detention Act.

The Internal Security Division (ISD) of the Department has raised questions as to the ability to discharge the responsibilities of the Attorney General under the Emergency Detention Act of 1950. By letter dated 2/26/68 the Department requested a conference with the FBI for the purpose of reviewing the implementation of the Emergency Detention Program. The Director approved memorandum C. D. Brennan to Mr. W. C. Sullivan dated 3/1/68, captioned "Presidential Emergency Action Documents," designating Section Chief C. D. Brennan and SA Philip F. Enlow, Internal Security Section, Domestic Intelligence Division, to attend discussions with ISD.

One of the changes in PEAD pertains to the definition of a "dangerous individual." The document, which has been approved by the President, now states "The Attorney General, acting through such officers and agents as he may designate for the purpose, shall apprehend, and by order detain, pursuant to the provisions of the Emergency Detention Act, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage and sabotage, including acts of terrorism or assassination and any interference with or threat to the survival and effective operation of the national, state, and local governments and of the national defense effort. As used in this section, the term 'person' shall mean any citizen or national of the United States, or any citizen, subject or national of any foreign nation, or any stateless person."

Memo to Mr. W. C. Sullivan
RE: DETPRO

The above is an all encompassing definition of a "dangerous person." This will extend the criteria for the Security Index.

During the conference of 4/22/68 with ISD, the definition of a dangerous individual was discussed, and it was decided that Item D of the SI criteria should be expanded to include the definition as stated in the new PEAD 6. It was also determined that prior to implementing the EDP under the EDA additional planning and prepositioning of necessary forms and documents must be completed by the Department.

We are continually examining our procedures and policies to eliminate everything except absolute essentials. We have made a study of the Priority Apprehension Program procedures to insure that they are both current and meaningful. We also are taking a hard look at the individuals on the SI to justify their retention.

With the emergence of the New Left and the intensification of activities by the racial militants and black nationalists, who are not affiliated with basic revolutionary organizations but because of their anarchist tendencies do present a threat to the internal security of the United States, it has become apparent that these individuals warrant inclusion on the SI.

Many individuals on the SI, because of their violent tendencies and their representation of the top leadership of subversive organizations, are scheduled for priority apprehension. The administrative procedures developed to make these apprehensions are referred to as the Detcom Program. In an all-out emergency, all subjects whose names are in the SI will be considered for immediate apprehension.

Our study indicates the necessity for establishing new priority apprehension procedures which will continue to be based on potential dangerousness of the individual. Accordingly, the following suggestions are being made:

1. That the Priority Apprehension Program be continued under the code name Detcom; that the program be divided into 3 priority levels and be named separately.
2. That the first priority apprehension list be entitled Priority I. This list should consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have

Memo for Mr. W. C. Sullivan
RE: DETPRO

indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. It is believed that if these individuals are apprehended as scheduled this will completely disrupt the subversive organizations and should diminish possible actions by the remaining membership. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.

3. That a secondary priority list be entitled Priority II. This group should consist of the second level leadership of basic revolutionary organizations and other subversive organizations or other individuals who present a significant threat but are in less influential positions than those in Priority I. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
4. That a third priority list be entitled Priority III. This list will consist of all other individuals who are on the SI. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the SI. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
5. That Item D under the SI criteria be expanded to read:

"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort." (Amendment is portion underscored.)

Memo for Mr. W. C. Sullivan
RE: DETPRO

6. That certain individuals in the time of international or national crisis, because of their nationalistic tendencies, organizational affiliation, and/or anarchist tendencies, will be apprehended on a selected basis. All individuals on the SI are tabbed as to their nationalistic tendencies or organizational affiliations.
7. That the residences and employments of individuals on the Priority I list be verified every 3 months instead of every 6 months; that reports be submitted every 6 months.
8. That the verification of residences and employments of individuals on the Priority II list remain at 6 months; that reports be submitted on an annual basis.
9. That the verification of residences and employments of individuals on the Priority III list remain at 6 months; that reports be submitted every 2 years.
10. That the category "Key Figure" be deleted, since it will fit into Priority I; that the category "Top Functionary" be continued.

Each individual case will continue to stand on its own, and the decision to consider an individual for Priority apprehension will be based on his subversive activities and revolutionary tendencies.

It is believed that the above suggestions will strengthen our procedures in making priority apprehensions as well as conserve agent time without damaging the caliber of security investigations of individuals. These changes will not alter total number of individuals on the SI and will not materially affect it.

The establishment of priority lists will lend itself to accomplishing the purpose of the SI. We will be in a better position to "zero in" on the most dangerous individuals, and this will permit intensification of investigations on them, should it be necessary. This will also set them up as prime targets for immediate apprehension in a practical working vein. This will enable us to "lop off" leadership of the subversive and dangerous groups immediately. Group activity will be paralyzed by depriving them of leadership. This will also tend to nullify the total influence and activity of this type of organization.

Memo to Mr. W. C. Sullivan
RE: DETPRO

The more strict procedure of verification of residences and employments of every 3 months instead of 6 months for Priority I list will greatly assist in maintaining knowledge of the whereabouts of these individuals, which is as it should be.

The size of each Priority list cannot be determined until a review of the SI has been completed. It is estimated that Priority I will be approximately 750-1000, Priority II 2,500, and Priority III, 7,000.

The SI is made up principally of rank and file members; therefore, the greatest effect on our work will result from the proposal for Priority III.

The adoption of the proposals will result in the saving of agent and clerical time both at SOG and in the field in preparation and handling of approximately 3,500 reports a year.

The field will promptly report any unusual or important changes concerning a subject.

This will also release agent investigative time to concentrate on those individuals deemed more dangerous and at the same time not lose control over lesser subjects.

The field will continue to be required to know the current whereabouts of all subjects.

It is believed that this program is logical and workable and is in line with our continuing analysis to streamline our work. We are substantially cutting back on desirable but unnecessary paper work by cutting out unnecessary requirements. It is believed these proposals will greatly improve the efficiency of our work.

SECRET

Mr. J. Walter Yeagley
Assistant Attorney General

May 1, 1968

Director, FBI

1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. Enlow

PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

Reference is made to your letter of April 11, 1955, captioned as above, which approved the criteria for inclusion of individuals on the Security Index. Reference is also made to my letter dated March 4, 1968, captioned "Presidential Emergency Action Documents," which designated representatives to discuss the implementation of the Emergency Detention Program.

This is to confirm the results of a conference between Mr. Clifford J. Nelson and Mr. Joseph M. Wyszolmerski of your Internal Security Division and Section Chief Charles D. Brennan and Special Agent Philip F. Enlow of this Bureau on April 22, 1968, relative to the definition of a dangerous person. In view of this conference, the following amendment to Item D of the Security Index criteria is being submitted to conform with the language as stated in the new Presidential Emergency Action Document 6: (The amendment is that portion which is underscored.)

REC 5 100-356062-27792
"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort."

In addition to the foregoing, this Bureau has also made a study of the priority arrest procedures relating to the Emergency Detention Program. In this connection, it is felt

100-356062
PFE:LM (7)

SECRET

See note, page three

GROUP 1
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62 MAY 6 1968
DocId:32989697 Page 109

SECRET

Mr. J. Walter Yeagley

that the following proposals establishing a new Priority Apprehension Program will streamline the effectiveness of the Emergency Detention Program:

1. That the Priority Apprehension Program be divided into three priority levels.
2. The first priority apprehension list will be entitled Priority I. This list will consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. Reports pertaining to individuals in Priority I will be submitted on a six-month basis.
3. The second priority list will be entitled Priority II. This list will consist of second level leadership of basic revolutionary organizations and other subversive organizations and individuals who present a significant threat but are in less influential positions than those in Priority I. Reports pertaining to individuals in Priority II will be submitted on an annual basis.
4. The third priority list will be entitled Priority III. This list will consist of all other individuals on the Security Index. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the Security Index.
5. Each Priority list will be broken down into nationalistic tendencies and/or organizational affiliations so that apprehensions can be made in each category on a selected basis.

SECRET

SECRET

Mr. J. Walter Yeagley

6. Individuals in each Priority will be apprehended only upon the Attorney General's authorization that their immobilization is in the best interests of the national defense of the United States.

The above proposals are submitted for your consideration, and it is requested that you advise whether or not they meet with your approval.

NOTE: Classified SECRET as pertains to Emergency Detention Program, component parts of which are so classified by the Department. See memorandum C. D. Brennan to W. C. Sullivan dated 4/30/68, captioned as above, PFE/LM.

SECRET

- 3 -

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W.C. Sullivan

FROM : Mr. C.D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

#408-90
SYNOPSIS:

1 - Mr. C.D. DeLoach
1 - Mr. J.P. Mohr
1 - Mr. J.J. Casper

DATE: October 28, 1969

1 - Mr. W.M. Felt
1 - Mr. W.C. Sullivan
1 - Mr. C.D. Brennan
1 - Mr. T.P. Rosack

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The purpose of this memorandum is to recommend that the Department be consulted regarding the removal of Priority III subjects from the Security Index (SI). This would in no way mean a lessening of investigative attention regarding individuals carried as Priority III SI subjects but would mean concentrating our attention in areas most essential to the internal security of the country.

These Priorities were established during the latter part of April, 1968, as it was the Department's feeling that all individuals on the SI would not be apprehended in the event of a national emergency. Only those who are top leaders of the various groups (Priority I) would currently be considered for apprehension in the event of a national emergency with follow-up consideration being given to individuals in a secondary leadership capacity (Priority II). Apprehension of rank and file SI subjects (Priority III) is extremely remote. Of the 10,786 individuals on the SI, 8,125 are in Priority III. These security subjects could be maintained on a subversive index by the Bureau and in the event of an extreme national emergency, this list would be available for whatever action is deemed necessary by the President and the Attorney General. The criteria for this subversive index would remain exactly the same as for existing Priority III SI subjects. After the initial investigation in this category, necessary information could be submitted by letterhead memorandum making the preparation of investigative reports unnecessary. This could result in considerable savings to the Bureau since routine investigation would not be required after the initial investigation. In addition, the list is, in effect, already in existence and would require no work to set up and much less to maintain than the SI.

The moratorium on security work has caused an increase in the total number on the SI since we are not currently

Enclosure

TPR:bcw

NOV 8 1969

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
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reviewing cases to consider deletion. The removal of Priority III subjects from the SI will alleviate this situation considerably. The total number of individuals on the SI has increased 4.9 per cent since March, 1969, and is expected to increase by an additional 5 per cent before March, 1970, since very few names are being removed due to lack of periodic review. If Priority III subjects were removed from the SI, we would have a remaining SI of 2,661 individuals. This would greatly assist in making the EDP effective and workable in the event its utilization is required.

RECOMMENDATION:

That the attached letter to the Assistant Attorney General, Internal Security Division, be approved.

[Handwritten signatures and initials: "P", "OK", "WCS", "gas/dg", "WBS", "ML", "NR"]

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
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SAFETY OF THE UNITED STATES

DETAILS:

We constantly review our operations in the internal security field in an effort to effect streamlining measures, where possible, in order that the most effective use can be made of the available manpower. Under the existing moratorium pertaining to routine Security Matter - Communist cases, as well as investigations of Priority II and Priority III SI subjects, we are not at this time conducting our normal periodic investigation of Priority III SI subjects.

In an effort to further streamline security investigations and to effectively utilize the manpower available, it is believed that we should at this time consult the Department regarding the necessity to continue Priority III designations on the SI. Priorities were established during the latter part of April, 1968, as a result of conferences with the Department. The establishment of these Priorities was confirmed by letter to Assistant Attorney General J. Walter Yeagley dated May 1, 1968. The establishment of Priority listings for SI subjects was brought about by the fact that there were at that time over 10,000 individuals on the SI, and it was the feeling of the Department that all individuals on the SI should not be apprehended for detention in the event of a national emergency requiring the implementation of the Emergency Detention Program. The Priorities were established on the basis of leadership capacity within the various organizations and groups. Priority I was made up of all hard core national and state basic revolutionary organization leaders and leaders of other subversive organizations and unorganized groups and individuals who indicated a propensity for violence and/or had received specialized training in sabotage, espionage, and/or guerrilla warfare. Priority II was based on second level leadership and Priority III was made up of all others on the SI, mainly rank and file members of the various organizations and groups.

It has been the feeling of the Department that in the event of a national emergency the Bureau will be authorized to apprehend and detain only certain individuals in Priority I. There are currently 712 individuals in Priority I of the SI.

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
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We could conceivably apprehend as little as 10 individuals in this group or as many as the entire list of 712. The Department has indicated that individuals included in Priority II of the SI may possibly be considered for apprehension and detention, but this would be secondary and would follow by at least a short period of time any apprehension of individuals in Priority I. It is doubtful that instructions would be issued for the Bureau to apprehend anyone in Priority III of the SI. This is based on the theory, which appears to be sound, that the immediate removal of leaders would effectively paralyze the various organizations and thereby remove considerable potential for acts inimical to the best interests of the nation.

It is, therefore, believed that we can delete Priority III from the actual SI without in any way seriously affecting the Emergency Detention Program. This, by no means, indicates a lessening of our vigilance pertaining to security matters and the responsibility of this Bureau to take necessary steps to safeguard the internal security of this country. Although these individuals would no longer be carried on the actual SI, we would maintain their names on a subversive index which would contain the same information as does the SI. Investigations would be initiated on individuals concerning whom we receive information of a subversive nature and an initial report would be submitted much as we now do recommending that this individual be included on this subversive index or that no further investigation be conducted based on the results of the investigation. If the individual meets the criteria for being included on this subversive index, subsequent information could be submitted to the Bureau by letterhead memorandum rather than an investigative report which is the current practice regarding Priority III SI subjects. This would result in considerable savings to the Bureau in investigative, Agent and stenographic time if and when the current moratorium regarding certain phases of security investigations is lifted.

As you are aware, the moratorium which was placed into effect during March, 1969, affected investigations and submission of reports regarding Priority II and Priority III SI subjects and in addition, suspended routine Security Matter - Communist investigations. We are, therefore, in effect not currently investigating these Priority III SI subjects nor are reports being submitted concerning them based on the moratorium. The removal of the Priority III subjects from

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
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SAFETY OF THE UNITED STATES

the SI will cause little or no effect on the current workload at the Seat of Government or the field. It will greatly assist the field once the moratorium is removed since the field will be able to immediately initiate investigations in the security field without having to bring up to date the 8,077 Priority III cases.

This step is also deemed necessary since the moratorium on security investigations has actually resulted in an increase in the total SI of over 500 cases. The total listing on the SI as of March 1, 1969, was 10,208, approximately 7,826 of whom were included in Priority III. The total SI as of October 15, 1969, was 10,786, approximately 8,125 of whom were Priority III. A portion of this increase is directly attributable to the moratorium since existing cases are not being periodically reviewed for removal from the SI. A study has been made and the increase in the over-all SI during the first six months of the moratorium was 4.9 per cent. Since the moratorium has been continued we can anticipate that the over-all SI will increase by approximately an additional 5 per cent before March, 1970.

The rate of increase in the SI for a similar period prior to the moratorium was at a rate of 0.72 per cent. This level was maintained since we were constantly reviewing existing SI cases for deletion.

The deletion of Priority III subjects from the SI will result in an efficiently organized SI that will be completely workable, especially under emergency conditions.

It is noted that as of October 15, 1969, there were 8,125 individuals included in Priority III of the SI. If these 8,125 individuals were, in effect, removed from the SI, we would have a remaining SI totaling 2,661.

We will continue to maintain Priority designation on the SI and the standards for the Priority designation will not be lessened to permit any widespread redesignation of Priorities. With the maintenance of the individuals currently listed as Priority III SI subjects on the subversive index a complete list would be available in the event the national emergency deteriorated to such an extent as to warrant the apprehension and detention of all individuals considered to be subversive.

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

The criteria for this subversive index would remain exactly the same as for existing Priority III SI subjects. This subversive index is, in effect, already set up and would require little or no work to establish and would require much less work to maintain.

It is believed that this proposal to remove all Priority III subjects from the SI should be presented to the Department for its views, comments and approval. We will indicate to the Department in submitting this proposal that this does not mean a lessening in our investigations in the security field but merely means that rank and file members will not be included on the actual SI.

There is attached an appropriate letter to Assistant Attorney General J. Walter Yeagley proposing the above and requesting the Department's views and comments.

SECRET

1 - Mr. C.D. DeLoach
1 - Mr. J.P. Mohr

October 29, 1969

RA
Assistant Attorney General
Internal Security Division

Director, FBI

1 - Mr. J.J. Casper
1 - Mr. W.M. Felt
1 - Mr. W.C. Sullivan
1 - Mr. C.D. Brennan
1 - Mr. T.P. Rosack

PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

As a result of conferences held during April, 1968, with representatives of the Internal Security Division, Security Index (SI) subjects were categorized by Priorities based on their potential dangerousness and leadership positions. This was confirmed by letter to you dated May 1, 1968. All SI subjects have since been given a Priority designation.

The basic reason for establishing these Priorities was to provide a way to give immediate consideration to apprehending for detention only those individuals deemed most dangerous in the event of a national emergency requiring implementation of the EDP. This is limited to SI subjects designated as Priority I. Individuals in Priority II were to be given secondary consideration. It was believed that individuals designated as Priority III on the SI would not be apprehended except under extreme conditions and only if the situation deteriorated to such a point as to make this move necessary.

REC-1 100-3-6000-2923

Under the present circumstances it is believed that consideration should be given to removing Priority III subjects from the SI. The SI would include only those individuals designated as Priority I and Priority II. This would in no way mean a lessening of investigative attention regarding individuals currently carried as Priority III SI subjects. A listing of these individuals would still be maintained by this Bureau and would be available in the event a situation arose requiring its use. Copies of investigative reports and/or memoranda concerning such individuals would be sent to the Department.

TPR:bcw

(10) bcw

SECRET

GROUP 1

Excluded from automatic
downgrading and
declassification

SEE NOTE PAGE TWO

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SECRET

Assistant Attorney General
Internal Security Division

The removal of Priority III subjects from the SI would reduce the total number on the SI by approximately 8,125. This would greatly assist in making the ELP effective and workable in the event its utilization is required.

Your comments in this regard are requested.

NOTE:

See memorandum Mr. C.D. Brennan to Mr. W.C. Sullivan dated October 28, 1969, captioned as above, prepared by TPR:bcw.

Classified "Secret" as this letter pertains to the Emergency Detention Program, component parts of which are so classified by the Department.

- 2 -

SECRET

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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : J. Edgar Hoover, Director
Federal Bureau of Investigation

DATE: November 19, 1969

FROM: *JW* J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CON-
SIDERED POTENTIALLY
DANGEROUS TO THE NATIONAL
DEFENSE AND PUBLIC SAFETY OF
THE UNITED STATES

GENERAL

Reference is made to your letter of October 29, last proposing removal of subjects in the Priority III designation from the Security Index (SI). In this regard you advise, however, that though removed from the SI such subjects will continue to receive investigative attention and a listing of such subjects will be maintained in your Bureau for possible use in the event of a national emergency.

The Department is in agreement with this proposal. Accordingly, it is understood that hereafter the SI will only consist of those individuals designated in Priority I and II. As in the past, the Department will continue to review the individual SI cases.

EXP. PROC.

NOV 21 1969

By

EX-106

REC-30

100-356062-2929

25
NOV 21 1969

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INT. SEC.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *[Signature]*

FROM : C. D. Brennan *[Signature]*

SUBJECT: PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. J. J. Casper

DATE: December 12, 1969

1 - Mr. W. M. Felt
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. T. P. Rosack

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The Department by letter dated November 19, 1969, approved our proposal that Priority III Security Index (SI) subjects be removed from the SI. The Department also agreed that a listing of these Priority III subjects should be maintained by the Bureau for possible action in the event of a national emergency. The Department issued no instructions as to how this listing would be maintained. It will, therefore, be maintained for administrative purposes as a part of the regular SI but these Priority III subjects will be handled strictly within the Bureau. The Department will continue to make all decisions regarding Priorities I and II of the SI.

This method of handling Priority III subjects was brought about by the Department's feeling that Priority III subjects would not be apprehended in the event of a national emergency. The Department feels that only those individuals in Priority I and possibly Priority II of the SI would be apprehended for detention in the event of a national emergency. Individuals in Priority I and Priority II total 2,679. There are 8,170 individuals in Priority III. The total SI numbers 10,849.

REC-61 100-358086-2733

A letter to all Special Agents in Charge has been prepared advising that henceforth Priority III subjects will be handled completely within the Bureau. The criteria for including individuals in Priority III remains the same, basically, that such individuals must be rank and file members of an organization considered subversive. All Special Agents in Charge are being advised that this should not mean a lessening of our investigative attention regarding individuals in this category but is actually a concentration of our efforts in areas most essential to the internal security of the country.

Enclosure - *attached to*

100-356062

1 - 100-358086

TPR:djb

56 (9)
JAN 19 1970

SENT DIRECTOR
FOR APPROVAL
12-16-69

CONTINUED - OVER

Memorandum to Mr. W.C. Sullivan
RE: PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES

Cases on Priority III subjects will be reviewed on an annual basis and verification of residence and employment will be made at that time as is the current practice. The Bureau need be advised only in the event changes are necessary. Such information may be submitted by letterhead memoranda with regular submission of reports being discontinued.

With the establishment of this means of handling Priority III subjects, the maintenance of Reserve Index A (RI-A) will be discontinued at the Bureau. The RI-A will be maintained strictly by each field division. RI-A is made up of individuals who do not meet the criteria for the SI but have had previous connections with subversive groups and are in a position to influence others.

Since the Department has not specifically instructed the Bureau on the method of maintaining this listing of Priority III subjects, it is not necessary to advise the Department. The administrative handling of Priority III subjects is up to the Bureau and can most logically be maintained administratively as a portion of the SI with an inactive status.

This method of handling Priority III subjects is in line with Mr. Tolson's desire to retain such individuals on the SI but in an inactive status.

RECOMMENDATION:

That the attached letter to all Special Agents in Charge be approved.

[Handwritten signatures and initials: JWP, WCL, OK, JWS, TMM, V, JWS]

2e

UNITED STATES

MENT

Memorandum

TO : Mr. W. C. Sullivan

FROM : C.D. Brennan

SUBJECT: SECURITY INDEX (SI)
AGITATOR INDEX

1 - Mr. DeLoach
1 - Mr. Mohr

DATE: February 26, 1969

1 - Mr. Casper
1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. C.D. Brennan
1 - Mr. Rosack
1 - Mr. G.C. Moore

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The report and verification requirements regarding SI subjects have been changed with the approval of the Director and an SAC Letter has been prepared in order to advise each field division.

The SI consists of three priorities. Reports pertaining to individuals designated as Priority I of the SI will henceforth be submitted on an annual basis. Such reports were previously submitted on a semiannual basis. Verification of their residence and employment will continue to be conducted every three months. The verification of residence and employment of individuals designated as Priority II and Priority III of the SI will henceforth be verified on an annual basis. Such verification was previously handled on a semiannual basis. No other changes are being made regarding SI. Verification of residence and employment regarding subjects on Agitator Index is also being changed to a yearly basis. This was previously done on a semiannual basis.

The field is being instructed that the reduction in the frequency of reports for Priority I subjects and verification of residence and employment of Priority II and Priority III subjects should not be interpreted as meaning that security investigations should be curtailed in any fashion. In addition, the field is being reminded of its responsibility, as well as the Bureau's responsibility to be aware of the location of SI subjects so that in the event a national emergency arises requiring the implementation of the Emergency Detention Program (EDP), SI subjects can be located for apprehension and detention. Each division is being instructed that appropriate sources should be established to alert the Bureau in the event an SI subject changes his residence and/or employment. The establishment of such sources is vital in order that the Bureau's responsibilities under the EDP can be fulfilled in the manner expected.

ACTION:

That the attached letter to all Special Agents in Charge be approved. Appropriate manual changes are being prepared.

Enclosure
100-358086

TPR:jaf/sfw

17 MAR 14 1969

SECURITY INDEX

The Security Index is designed for the purpose of maintaining a list of individuals who should be apprehended and incarcerated in the event of a national emergency, such as an attack from abroad or internal revolt. Such individuals must be proven to be a definite threat to the national security. All additions to and deletions from the Security Index are approved in each field division by the Special Agent in Charge or his designated representative; are completely reviewed by Bureau supervisors who approve or reject the field recommendation; and final approval is given by the Department. The Security Index is based upon Title 2 of the Internal Security Act of 1950 and is a part of the over-all Emergency Detention Program.

In June, 1968, we thoroughly revised investigative procedures of individuals on the Security Index by setting up priorities.

3 suggest a report once a year
Individuals designated Priority I are hard core national and state leaders of basic revolutionary groups or other subversive organizations who have indicated propensity for violence. Verification of their residence and employment is conducted every three months and a report submitted every six months. Reports concerning such individuals were previously submitted on a quarterly basis. There were 647 individuals in Priority I as of February 14, 1969.

3 suggest a report once a year
Individuals designated Priority II fall in the second level leadership of such basic revolutionary organizations or groups who have indicated a propensity for violence. Verification of their residence and employment is conducted every six months with a report submitted on an annual basis. There were 1,738 individuals in Priority II as of February 14, 1969.

3 suggest a report once a year
Priority III is made up of all other individuals on the Security Index. Their residence and employment is verified every six months with a report being submitted every two years. Reports were previously submitted on an annual basis. As of February 14, 1969, there were 7,816 individuals in Priority III.

3 suggest a report once a year
The Security Index is constantly changing through penetrative review by the field, Bureau supervisors and the Department. We have been making anywhere up to 38 changes a week in this list since July, 1968.

600 in various actions
memo C.D. Brennan - To C.V. C. Sullivan

SECRET

Assistant Attorney General
Internal Security Division

May 16, 1969

Director, FBI
REC-128

111-356062-288

S. 1872
91st CONGRESS, 1st SESSION -
A BILL TO REPEAL THE EMERGENCY
DETENTION ACT OF 1950 (TITLE II OF
THE INTERNAL SECURITY ACT OF 1950)
LEGISLATIVE MATTERS

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Sullivan
- 1 - Mr. A. W. Gray
- 1 - Mr. D. J. Dalbey
- 1 - Administrative Review Unit
- 1 - Mr. C. D. Brennan
- 1 - Mr. Rosack

This is in response to your request dated May 13, 1969, for the views of this Bureau on S. 1872, a bill to repeal the Emergency Detention Act of 1950. It is felt that this bill should not be adopted.

The Emergency Detention Act of 1950 serves as a basis for the Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States and the Security Index, both of which are operated by this Bureau under the direction of the Department. The repeal of this Act would remove the basis for these programs which could seriously hamper the internal security of this nation in the event of an extreme national emergency. The law, as it stands, contains necessary safeguards for the rights of the individual and limits action of the U. S. Government since the detention of each person under the law must be fully justified, and no mass arrests could be made merely due to an individual's nationality or race. The protection of this nation from potential saboteurs and espionage agents is provided by this law, and it should certainly be continued. Under the provisions of the Emergency Detention Act, individuals who have been trained by foreign powers to carry out acts of sabotage, espionage and guerrilla warfare would be detained prior to the commission of any act detrimental to the internal security of the nation, thus preventing additional strife.

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GROUP 1

See note, page two

Excluded from automatic
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SECRET

**Assistant Attorney General
Internal Security Section**

Individuals have been scheduled for detention who have, by their acts and statements, indicated they desire the overthrow of this Government through force and violence, and their activities are certainly not in the best interests of the nation. The number of persons actually detained would be far less than is generally believed. Opponents of this law envision mass arrests totaling anywhere from 10,000 to 500,000 individuals. If invoked, the Emergency Detention Program, under current practice, could result in the detention of only up to 671 individuals and probably less. This has resulted from the establishment of three Priorities under the detention program.

In view of the above, it is felt that the Emergency Detention Act of 1950 is a vital and necessary part of the law of the land and should not be repealed unless some provision is insured under which the internal security of this nation can be protected from the enemies who may attempt to destroy it from within.

In accordance with your request, the copy of S. 1872 furnished with your request is being returned.

Enclosure

1 - Legislative Section
Office of the Deputy Attorney General

1 - Department File (158-01)

NOTE:

See memorandum C. D. Brennan to W. C. Sullivan dated 5/15/69, same caption, TPR:jaf.

Classified "Secret" as it pertains to the Emergency Detention Program and the Security Index, component parts of which are so classified by the Department.

SECRET