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FBI's Hoover planned mass U.S. jailings: report

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NEW YORK (Reuters) - Former FBI Director J. Edgar Hoover had a plan in 1950 to suspend the right to habeas corpus and imprison some 12,000 Americans he suspected of disloyalty, The New York Times reported on their web site on Saturday.

Hoover wanted President Harry Truman to proclaim the mass arrests necessary to "protect the country against treason, espionage and sabotage" and sent the plan to the White House 12 days after the start of the Korean War, the Times reported, citing a newly declassified document.

There is no evidence to suggest Truman or any other president approved any part of Hoover's proposal.

According to the Hoover plan, the FBI would "apprehend all individuals potentially dangerous" to national security.

The arrests would come from a list of approximately 12,000 names that Hoover had been compiling for years, the Times said.

"In order to make effective these apprehensions, the proclamation suspends the Writ of Habeas Corpus," Hoover's proposal said, referring to the right to seek relief from illegal detention, a centuries-old fundamental principle of law.

According to the Constitution, habeas corpus must prevail "unless when in cases of rebellion or invasion, the public safety may require it." But Hoover's proposal broadened that to include "threatened invasion" or "attack upon United States troops in legally occupied territory," the Times said.

Prisoners would have the right to an eventual hearing from a board made up of one judge and two citizens. The hearings, however, would "not be bound by the rules of evidence," Hoover's letter added.

Habeas corpus is currently at issue in the United States, with President George W. Bush following the September 11 attacks issuing an order that effectively allowed the United States to hold suspects indefinitely without a hearing, a lawyer, or formal charges.

In September 2006 Congress passed a law suspending habeas corpus for anyone deemed an "unlawful enemy combatant."

But the Supreme Court has reaffirmed the right of U.S. citizens to seek a writ of habeas corpus and the court this month heard arguments on whether some 300 foreigners held at Guantanamo Bay in Cuba had the same rights. A ruling is expected by next summer.

Hoover's plan was declassified on Friday along with a collection of Cold War documents concerning intelligence issues from 1950 to 1955, the Times said.

(Editing by Eric Beech)

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