

1314 AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

In response to the *Robel* decision some of the bills before us repeal the penal provisions of section 5(a)(1)(D) while others retain them. In the former category are H.R. 15018 and bills identical to it.

The remaining bills before us retain the penal provisions of that section, but amend its provisions in various ways, in an effort to comport with the expressions of the Court in the *Robel* case.

However, several bills in both categories—H.R. 15626, H.R. 15018, and bills identical to them—authorize the President to institute a personnel security clearance program to bar certain described individuals from employment in “defense facilities” as that term is so defined in the bills.

With the exception of H.R. 15626 and bills identical to it, all of the bills confine themselves principally to amendments designed to cope with the *Robel* case.

On the other hand H.R. 15626 and bills identical to it are not limited to remedying the *Robel* decision. They have the additional purposes of giving express congressional sanction for the institution of an industrial security clearance program for the protection of classified information released to United States industry or any facility in the United States, to clarify the position of Congress with respect to issues raised in the Supreme Court decision *Greene v. McElroy*, 360 U.S. 474 (1959), and a decision of the United States District Court for the Northern District of California, *Shoultz v. Secretary of Defense*, of February 9, 1968.

They also amend the Magnuson Act to give express congressional authorization for the institution of a personnel security program for access to vessels, harbors, ports, and waterfront facilities to remedy a deficiency in this act revealed by the Supreme Court in *Schneider v. Commandant, United States Coast Guard*, decided January 16, 1968.

Moreover, the bills H.R. 15626 and those identical to it include detailed provisions to strengthen the administration and enforcement of our security programs, involving defense facilities, the release of classified information, and the security of vessels, ports, harbors, and waterfront facilities.

The provisions authorize specific investigation, hearing, and review procedures. They include provisions relating to the subject matter of inquiries, the cross-examination and confrontation of witnesses, the issuance of compulsory process for attendance of witnesses, the granting of immunity for compelled testimony, reimbursement to persons for loss of earnings, and the regulation of the jurisdiction of the courts.

(The order of appointment of the subcommittee follows:)

APRIL 23, 1968.

TO: Mr. FRANCIS J. McNAMARA,
Director, Committee on Un-American Activities.

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable William M. Tuck, Honorable John C. Culver, Honorable John M. Ashbrook, and Honorable Albert W. Watson, as associate members, and myself, as Chairman, to conduct hearings in Washington, D.C., commencing on or about April 30, 1968, and/or at such other times thereafter and places as said subcommittee shall determine, as contemplated by the resolution adopted by the Committee on the 19th day of March, 1968, authorizing hearings H.R. 15626 and related bills, and other matters under investigation by the Committee.