

5(b) of the Subversive Activities Control Act which authorizes the Secretary of Defense, under regulations to be prescribed by the President, to develop civil administrative machinery to revitalize and broaden the existing Industrial Defense Program.

It also provides for hearings, both for the facility to be designated and for an individual considered for denial of employment in the defense facility, and it also contains certain other useful provisions, such as the specific authority to enforce administrative decisions by application for court injunction and the granting of rule-making authority to the Secretary of Defense.

H.R. 15336 is much more limited in scope even than H.R. 15018. It is directed solely at redrafting the criminal provisions of section 5(a)(1)(D) of the Subversive Activities Control Act in an attempt to provide the more narrowly drawn legislation suggested as needed by the Supreme Court in the *Robel* case.

However, with regard to both H.R. 15018 and H.R. 15336, while we support their objectives, we note that each has technical shortcomings and less than desirable scope, as set forth in our detailed reports on these bills to the committee. I believe that our detailed discussion of H.R. 15626 which follows will adequately cover the Department's views on all three bills.

With regard to H.R. 15626, the Department of Defense supports the broad objectives of the bill but we do have objections to some of the provisions as drafted which I will point out in the course of my testimony. We will provide certain comments and suggestions about the bill based on our experience in both industrial defense and industrial security and we hope that they may be useful to the committee.

We do recognize that certain of the provisions of the bill may possibly be construed to raise questions of constitutionality. If that is the case, we defer, of course, to the views of the Attorney General.

Section 1 of the bill contains the provisions which are of primary interest to the Department of Defense, and it is to this section that most of my remarks will be directed.

Subparagraph (1) of section 1 provides a new definition of "facility" for paragraph 7 of section 3 of the Subversive Activities Control Act. The new definition is more comprehensive than the existing law. It adds to the definition such classes as "industry," "educational institutions," "research organizations," "aircraft," and "vehicles"—all of which are missing from the law at present.

We believe that the proposed revision of this definition adequately sets forth the scope of Department of Defense requirements as reflected in modern industry and technology and consequently is to be preferred over the existing definition.

Subparagraph (2) of section 1 eliminates the existing clauses C and D of section 5(a)(1) of the Subversive Activities Control Act and substitutes a new, and somewhat expanded, clause C. The existing clause C now makes it a crime for a member of an organization registered, or required to register, under the act, to conceal or fail to disclose such membership in obtaining or holding employment in a defense facility.

The bill would eliminate an existing criminal sanction, but, in view of additional provisions appearing elsewhere in the bill, we do not believe that this particular deletion would have any significant, prac-