

Mr. LIEBLING. Thank you, sir.

The Department, as administrator of the program, has no objection to a criminal sanction of this nature. Such a sanction, if it meets constitutional objections, might well have a beneficial effect on the program.

Subparagraph (3) of section 1 would amend section 5(b) of the Subversive Activities Control Act by providing the Secretary of Defense with criteria for use in designating defense facilities. We are aware of the views expressed by Justice Brennan in his concurring opinion in the *Robel* case that congressional adoption of criteria is highly desirable, and as administrator of the program we would have no objection to their adoption.

The criteria in the bill appear to be sound and realistic. They correspond in general to those currently in use in the Department of Defense. At present, our Industrial Defense Program encompasses (1) facilities engaged in important classified military projects; (2) facilities producing important weapon systems, sub-assemblies and their components; (3) facilities producing essential common components, intermediates, basic materials, and raw materials; (4) important utility and service facilities; and (5) research laboratories whose contributions are significant to the security of the United States in relation to our military capability.

We would like to suggest a modification of the criteria in the bill to include plants which, although not presently engaged in production as described in the bill, have been designated for such production in a standby capacity in the event of a national emergency, or have been designated as having a significant emergency mobilization capability.

Subparagraph (4) of section 1 would add a new section 5A to the Subversive Activities Control Act.

Before discussing subparagraphs (a) and (b) of the new section 5A, I think it would be useful to point out the distinction between the Industrial Defense Program and the Industrial Security Program.

The Industrial Defense Program is a highly selective one involving about 3,500 facilities whose continued existence and viability, because of the nature or volume of the product or service, are extremely vital to the national defense effort. Most of these facilities do not have Government contracts, classified or unclassified.

More widely known is our Industrial Security Program, covering in excess of 13,000 facilities, all with classified Government contracts. The principal authority for the Industrial Defense Program is the Subversive Activities Control Act, although one aspect of it encourages voluntary protective actions by industry pursuant to Executive Order 10421, entitled "Providing for the Physical Security of Facilities Important to the National Defense." The authority for the Industrial Security Program stems from Executive Order 10865 and, under present concepts, operates on industry by requiring contractors with classified contracts to accept clauses in their contracts which obligate the contractors to comply with the industrial security provisions set forth in the Department of Defense Industrial Security Manual.

The CHAIRMAN. Sir, would you mind as a matter of protocol? I see our colleague, Mr. Charlie Bennett of Florida, is here, and we usually, as a matter of courtesy, give preference to Members.