

Mr. LIEBLING. Yes; and as you suggested, we will work on specific details in the bill with you. Subparagraph (e) of proposed section 5A provides that probable cause for characterizing an organization or individual other than the subject of the proceedings, e.g., as subversive, totalitarian, etc., shall exist when such characterization is based upon investigative reports, findings of congressional or State legislative investigations, common knowledge, and any other information or source of information which the President, or his designee, determines to be substantial or reliable. This rule on characterization of individuals and organizations is much broader than currently in use in the Industrial Security Program.

This paragraph gives the impression, for example, that any Federal investigative agency and Agency Head in the Government, if designated by the President, could officially characterize an organization or an individual as subversive without giving the organization or individual involved a hearing, and that such a characterization could be used to show probable cause in an industrial defense or industrial security hearing.

We believe the language in the bill is too broad to meet the requirements set out by the Supreme Court in *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123. In that case the Supreme Court held that before the Attorney General could list an organization as subversive, he must first accord it the opportunity of a hearing. However, on this point we defer to the views of the Attorney General.

Subparagraph (f) of proposed section 5A lists a series of mitigating or aggravating factors to be considered in applying the criteria of subparagraph (e) which I have just discussed. It lists such significant factors as character and history of the organization, the time of membership or association, the individual's knowledge of the nature and purposes of the organization, the nature of the individual's commitment to the organization, his degree of participation, and, most importantly, his intent to assist in achieving the ends or ultimate purposes of the organization. In our present Industrial Security Program we use language generally similar in nature, but the language of this subparagraph is more explicit and detailed and we take no exception to it.

Subparagraph (g) of proposed section 5A requires that inquiries and other procedures involving information of a derogatory nature be conducted with due regard for the protection of the individual or organization from unfair publicity or unjust injury. The Department has always made every effort in all of its personnel security programs to shield the individual from any undue publicity and to protect, as far as possible, his right of privacy. Hearings conducted under the Industrial Security Program are closed to the public, but the applicant is accorded the right to bring his counsel and such witnesses as he may call. The Department is in accord with the provisions of this subparagraph.

Subparagraph (h) of proposed section 5A authorizes denials, suspension, or revocation of employment or access authorization, or a refusal to process an application for such authorization, in cases where the individual willfully refuses to answer relevant inquiries or will-