

fully gives false, misleading, or evasive responses on testimony without giving a satisfactory explanation.

As the committee may know, our present Industrial Security Directive contains provisions similar to this subparagraph. However, in *Shoultz v. Secretary of Defense* (U.S. District Court, Northern District of California), a Federal district court, has held that the section of the directive which authorizes such procedure is unenforceable because it exceeds the grant of authority in Executive Order 10865. We disagree with the results of this decision and the Department of Justice is appealing it at our request.

However, if the district court decision ultimately is affirmed, we believe that the legislative grant of authority contained in this subparagraph, if enacted, would revalidate this portion of our directive by supplying any lack of authority in the present Executive order.

Subparagraph (i) of proposed section 5A requires that all personnel in our Industrial Security and Industrial Defense Programs be specially trained and qualified and be knowledgeable of the history, origins, and strategy of subversive ideologies, movements, and organizations. Since the inception of the present Industrial Security Program, the Department of Defense has succeeded in building a highly trained corps of professional personnel whose background and experience would meet the standards of this subparagraph. Under a revitalized Industrial Defense Program we would do the same for personnel in that program. We, therefore, offer no objection to the enactment of this subparagraph.

Subparagraph (j) of the proposed section 5A provides for emergency denial, suspension, or revocation of clearances or access to defense facilities. It is apparently intended to cover situations in which, for security reasons, it is important to bar an individual from access or clearance immediately without waiting for the initiation of formal procedures.

Our present Industrial Security Directive contains a similar provision. We recognize the desirability of a similar provision in our Industrial Defense Program. We agree that whenever such a procedure is necessary, the individual concerned should within 30 days either be issued a statement of reasons or be reinstated. We have no objection to this subparagraph.

Subparagraph (k) of the proposed section 5A requires that in all cases, except where emergency action is appropriate under subparagraph (1), no adverse action shall be taken against an individual unless he has been given (1) a statement in writing of the reasons for such action; (2) an opportunity to reply in writing and to present evidence on his own behalf at a personal appearance proceeding; (3) a reasonable time to prepare for such proceeding; (4) the opportunity to be represented by counsel; and (5) a written notice of final action specifying the nature of the finding as to each allegation against him.

The subparagraph further provides for the right of cross-examination and inspection of documentary evidence, with certain limitations in the case of classified information and informants. Here again, the provisions are substantially similar to those contained both in Executive Order 10865 and DoD Directive 5220.6.

We note, however, that neither in this subparagraph, nor anywhere else in the bill, is there a provision authorizing the admission, with-