



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

29 April 1968

Honorable Edwin E. Willis
Chairman
Committee on Un-American Activities
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Reference is made to your request for the views of the Department of Defense with respect to H.R. 15626, 90th Congress, a bill "To amend the Subversive Activities Control Act of 1950, to authorize the Federal Government to deny employment in defense facilities to certain individuals, to protect classified information released to United States industry, and for other purposes."

The Department of Defense supports the broad objectives of the bill, which would provide new statutory authority to replace Section 5(a)(1) of the Act, one paragraph of which was found unconstitutional by the Supreme Court in the case of United States v. Robel. Also, the bill would provide statutory underpinning for the Department of Defense Industrial Security Program, provide a remedy for the gap in authority indicated by the case of Schoultz v. McNamara, and provide certain other authorities and technical amendments.

The Department of Defense has no objection to the new statutory authority, which would authorize the Department to carry out programs which are its responsibility. However, we would defer to the Attorney General on the question of its constitutionality. The Department offers the following technical comments for consideration.

Paragraph (1) of Section 1 of the bill proposes an expansion of the definition of "facility" in paragraph (7) of Section 3 of the Act. The Department concurs in this provision.

Paragraph (2) proposes a revision of Section 5(a)(1) of the Act. We have no objection to this paragraph.

Paragraph (3) would amend Section 5(b) of the Act. We have no objection to this paragraph.

(1393)