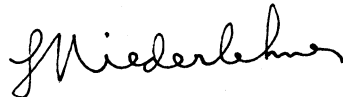


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testimony given or because of official papers or records furnished the Congress or any Congressional Committee, and Section 302 would make it a misdemeanor in any case not covered by Section 301 where an officer of the United States takes reprisal against any witness who furnishes information or documents to the Congress, Congressional Committees or Subcommittees thereof, the Chairman or members of Committees or Subcommittees, or the head of any committee staff; or who initiates, approves, advises, or conspires to bring about a reprisal. We note that the exception for classified information or unconfirmed derogatory information in Section 301 is not included in Section 302. The purpose of this legislation is understood but the Department of Defense is concerned with its impingement on the responsibility of the Executive Branch. Moreover, the provision that demotion, suspension, dismissal, or retirement of any such witness within a year shall be prima facie evidence that it was a reprisal against the witness, and the proposed criminal penalties would have undesirable effects on discipline within the Department of Defense. This provision appears unnecessary and undesirable and should be deleted.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Niederlehner", with a stylized, cursive script.

L. Niederlehner
Acting General Counsel