

1410 AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

The highly automated plants of today are open to sabotage, and I think it the responsibility of the Congress to provide such plants with safeguards against those who gain membership in organizations that have as their purpose the violent overthrow of our form of government.

The purpose of this legislation is to institute reasonable measures and regulations to provide sensitive facilities against possible sabotage, espionage, or other subversive activity.

This committee is perhaps more aware of the designs of enemies of this Nation and the lengths to which they will go to subvert this land than perhaps any other.

I urge that very careful consideration be given to the proposals now pending. Stated simply, we are attempting only to give this Nation certain reasonable personnel screening procedures in an effort to protect vital national interests. This legislation accords maximum individual freedom coupled with an overriding need for national security.

I urge that my bill or a similar measure be reported to the House for consideration.

STATEMENT OF HON. E. S. JOHNNY WALKER, A U.S. REPRESENTATIVE FROM NEW MEXICO, IN SUPPORT OF H.R. 15018

Mr. Chairman, last December the Supreme Court struck down a provision of the Subversive Activities Control Act of 1950. The important provision declared unconstitutional made it a crime for a member of the Communist Party to be employed in "any defense facility," as that term might be defined by the Secretary of Defense.

Now Congress must search for another effective means of protecting our national interest. I firmly believe that H.R. 15018 will provide that protection without unnecessarily intruding on the freedoms we seek to strengthen.

The Supreme Court noted, by way of justification, in *U.S. v. Robel*, that the questioned provision in the act infringes on workers' rights to freedom of association which is guaranteed by the first amendment of our Constitution. It should also be observed, however, that the decision was not without dissent. Justice Byron R. White and Justice John M. Harlan pointed out that the first amendment rights should be balanced against national needs. Barring Communist Party members from employment in defense plants making up less than 1 percent of the Nation's industry is a small price to pay to protect the country from sabotage and espionage, the dissenting Justices further noted.

The amendment I support will clearly authorize the Federal Government to deny employment in defense facilities to individuals believed disposed to commit acts of sabotage, espionage, or other subversive acts clearly detrimental to our way of life.

This bill authorizes and directs the Secretary of Defense to designate certain industrial sites as "defense facilities." The employees will be required to sign a statement indicating that they are aware of this designation. The President would then be authorized to take whatever action deemed necessary to deny employment to anyone whose background reveals there are reasonable grounds to believe that the prospective employee is disposed and has the opportunity, by reason of his employment, to engage in sabotage, espionage, or other subversive acts against his employer.

The inquiries into a person's background would be reasonable, but naturally as reliable as possible, and concern the employee's relevant beliefs, activities, affiliations, and memberships. Prior to his suspension, the employee would be notified of the reasons for the actions being taken against him and given the opportunity to present information in his own defense.

Giving the President clear authority to seek a temporary or permanent injunction, restraining order, or other order against the management of defense facilities under the terms of this legislation will not, in my opinion, infringe upon our cherished right of association. It will, however, better enable us to protect all of our cherished rights and privileges.

STATEMENT OF HON. CHARLES E. CHAMBERLAIN, A U.S. REPRESENTATIVE FROM MICHIGAN, ON H.R. 15018, TO AMEND THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Mr. Chairman, I appreciate being given this opportunity to appear before your committee and to testify in support of H.R. 15018, a bill which would permit the Government to bar certain individuals from employment in defense facilities.