

inquiry as to knowledge of illegal aims of an organization and specific intent to further those aims. You can't merely stop after making a determination that a person is a member of an organization.

Mr. ASHBROOK. Wait a second. We are saying he is a Communist. We are not making a determination whether or not he is; for the purpose of this question, the person is a Communist, whether he be Gus Hall or someone else. You wouldn't have any qualms about letting Gus Hall, for example, have access to any secret information or security information?

Mr. SPEISER. I think you have to make a further inquiry in every case, and I am not going to get into an argument about specific individuals. You used the term "Communist," which apparently has a meaning to you and which may not have the same meaning to me. This is the kind of problem that the Supreme Court has wrestled with in determining what are valid criteria for determining that individuals should not have access to information or work in certain industries.

Mr. ASHBROOK. Let's qualify that. Assuming he is a Communist who has the express purpose of turning information over to a foreign power, would you then think that it would be wrong for him to have access to secret information?

Mr. SPEISER. No, that wouldn't be wrong to bar him, nor would I think that it would be wrong—

Mr. ASHBROOK. You wouldn't think that would be wrong?

Mr. SPEISER. It would not be wrong to bar such a person from working in a defense facility having access to classified information. And I would make the same judgment about a non-Communist. The Communist question doesn't end your inquiry. It may start it, but it certainly doesn't end it, and what this legislation attempts to do is say, "This is the end of the inquiry."

Mr. CULVER. Mr. Chairman, may I ask a question to clarify a point?

The CHAIRMAN. Surely.

Mr. CULVER. I think Mr. Ashbrook's point is an excellent one.

Just for my own personal clarification, Mr. Speiser, do I understand you correctly that in the event all the criteria that have been articulated by the Supreme Court in this area were satisfied, concerning the knowledge of the Communist conspiracy, the active participation, and so on and so forth, that you would feel that in those particular carefully drawn situations, the Government was perfectly in its right, and as a matter of self-preservation, to bar access under those circumstances for a person that satisfied those criteria?

Mr. SPEISER. Yes. And by "access," I assume you mean access to a situation where they would have access to classified information.

Mr. CULVER. Exactly.

Mr. SPEISER. Yes. But let me make sure my position is understood, Mr. Culver. One of the rules that I get out of the *Robel* case is that you don't bar access, even for individuals, who—

The CHAIRMAN. Even what?

Mr. SPEISER. Even for individuals who fall within the category, if they don't have a position where they could harm national security, and you don't make a judgment like that, solely by legislative fiat.

The CHAIRMAN. Well, Mr. Ashbrook's question was penetrating. In that question, I think you asked the knowledge, with the knowledge that he would pass it on to a foreign government. So that's not hypothetical.