

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1451

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."

Permit me to express my most sincere regard for my friend and colleague, Chairman Edwin Willis, and for all members of this committee. By your vigilance and stalwart efforts in the interest of our national security, you are faithfully executing a difficult duty which the House of Representatives has confided to you. With you, I congratulate my friend from my own State, Chairman Eastland and his colleagues, who conduct the counterpart of your duties in the Senate of the United States. Senator Eastland's bill, the Internal Security Act of 1968, moves in the same direction as this bill we consider today—protection of the security of the United States.

I have the pleasure to be one of the 25 cosponsors of this proposed legislation, introduced by the distinguished chairman of this committee. This bill is directed to the protection of the national security in very vital and sensitive areas.

Among its purposes, the bill would restore vitality to section 5(a)(1)(D) of the Subversive Activities Control Act of 1950, which made it unlawful for members of Communist-action organizations to engage in employment in defense facilities. That section was held invalid by the Supreme Court in *United States v. Robel*, decided December 11, 1967, on the ground of "overbreadth," and hence "an unconstitutional abridgment of the right of association protected by the First Amendment." In the *Robel* case the Supreme Court pointed out that "precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." A prominent characteristic of this bill, H.R. 15626, is its "precision of regulation." In the reasonableness and explicitness of its terms, I believe the bill fully remedies the objections found by the Court in the provisions of the act.

To me it is inconceivable that the protections accorded to individuals under our Constitution should reach so far that our Government is left impotent to protect itself against serious injury or destruction. Of what avail will be the freedoms expounded in the Constitution if indeed that Government which gives reality to their existence is itself weakened or destroyed?

In addition to provisions which would give congressional sanction to security programs relating to defense facilities and to the release of classified information, the bill would also give express congressional authorization for measures establishing a personnel security clearance program for access to vessels, harbors, ports, and waterfront facilities under the Magnuson Act. These provisions are likewise of great importance for they remedy a serious deficiency pointed up in the Supreme Court's decision of January 16 of this year, in the case of *Schneider v. Commandant, U.S. Coast Guard*.

I know I need not remind you that this is no time to let down our guard—in any particular—bearing on our national security. Your committee, I know, has produced substantial evidence on the record respecting the subtle but dangerous subversive influence at work within our country in these troubled times.

I commend your committee for its efforts, and I thank you for this opportunity to appear on behalf of this bill. The bill, H.R. 15626, is an effective and important proposal to fill a serious gap in our defenses against the incursions of determined and ruthless enemies who would destroy our Government and our society. I express the hope that the bill will promptly be enacted into law and will be vigorously enforced.

STATEMENT OF HON. DANTE B. FASCELL, A U.S. REPRESENTATIVE
FROM FLORIDA

The CHAIRMAN. At this point, I direct that the statement of Congressman Dante B. Fascell, Congressman from Florida, be inserted in the record.

(Mr. Fascell's statement follows:)

STATEMENT OF HON. DANTE B. FASCELL, A U.S. REPRESENTATIVE
FROM FLORIDA, IN SUPPORT OF H.R. 15626

Mr. Chairman:

As it was my pleasure to join in the sponsorship of this bill, it is now my pleasure to more specifically detail the reasons for my action.