

**STATEMENT OF ALBERT E. GREEN, ASSISTANT CHIEF COUNSEL,
UNITED STATES COAST GUARD, DEPARTMENT OF TRANSPORTATION**

Mr. GREEN. I am Albert E. Green, assistant chief counsel of the Coast Guard and I am pleased to have the opportunity to comment on H.R. 15626 particularly as it affects the Coast Guard.

I have with me this morning Captain Garth H. Read, who is chief of the Merchant Vessel Personnel Division, Office of Merchant Marine Safety.

Before discussing the proposed amendments to section 1 of the Espionage Act as amended, it may be helpful to discuss briefly the merchant vessel personnel screening program established in basically its present form during 1950.

Under the amendment to the Espionage Act enacted in 1950, the President was authorized to initiate measures to protect vessels, harbors, ports, and waterfront facilities against destruction, loss, or injury due to sabotage, subversive acts, accidents, or causes of a similar nature whenever he found the security of the United States endangered by actual or threatened war, invasion, or insurrection, subversive activity, or disturbances, either threatened or real, of the international relations of the United States.

Executive Order 10173 was issued under this authority indicating that the security of the United States was threatened by subversive activity and it established the basis for the Coast Guard's Port Security Program. That program had two parts, the first directed generally to the physical security of facilities, the second directed to personnel. It is the latter portion to which I will direct my remarks.

The personnel screening program relates directly to persons employed aboard merchant vessels of the United States. Under this program, the Coast Guard exercised authority to bar employment of a merchant mariner aboard a merchant vessel of the United States of over 100 gross tons unless his normally required document contained an endorsement evidencing that the Commandant was satisfied that his presence aboard the vessel would not be inimical to the security of the United States.

In addition, authority has been exercised to bar persons from waterfront, port, and harbor areas and from vessels located therein whenever these areas are "restricted" and also from certain types of small boats which in their normal course of employment contact larger vessels on which mariners must have endorsements unless these persons have "Port Security Cards" issued by the Coast Guard under the same conditions as for endorsement of merchant mariners' documents.

Until 1955 a person applying for an endorsement to his merchant mariners' document or for a Port Security Card was denied clearance before a hearing was held if, upon investigation derogatory information reasonably sufficient to raise a doubt was uncovered. The applicant was informed, however, of the general grounds for denial and was afforded an opportunity to appear before a board to rebut the derogatory information. Much of this information was obtained from confidential informants, and names, dates, and places were not furnished to the applicant and in most cases heard by a board, Government witnesses did not appear. In effect, the burden was upon the