applicant to prove that he was not a risk. Under this procedure, it was possible to appeal an adverse decision of the board to a headquarters board where basically the same format was followed. Under this system, only about ¾ of 1 percent of all applicants, and there were several hundred thousand, were finally denied the endorsement or the card.

The procedure I have just described was successfully attacked in court and as a result of the decision in *Parker* v. *Lester*, 227 F. 2d 708, in late 1955, the Coast Guard completely overhauled its procedures to correct the deficiencies noted by the court. These included the absence of adequate notice of the basis for denial, the failure to produce witnesses for confrontation and cross-examination, and reliance upon confidential information in reaching a denial. The result of the revision in procedure was a marked decrease in the number of denials.

Under this procedure, the Coast Guard had taken the position that failure of an applicant to answer questions submitted to him in the course of the application procedure prevented the Commandant from making a final determination in the matter, and, accordingly, the application was not processed any further.

This procedure was also attacked in court, and on January 15, 1968, the Supreme Court in *Schneider* v. *Smith* held that although the present act, 50 U.S.C. 191(b), authorized keeping the merchant marine free of saboteurs, it did not authorize the establishment of the screening program for personnel on merchant vessels. The Court stated it was loathe to assume that Congress in its grant of authority to the President to safeguard vessels and waterfront facilities from sabotage and other subversive acts undertook to reach into the first amendment area. The Court ruled that the act speaks only in terms of action and not in terms of ideas, beliefs, reading habits, or social, educational, or political associations and therefore does not authorize a screening program to inquire into these areas.

This decision has the effect of eliminating the personnel screening portion of the Port Security Program and leaves the Coast Guard without any authority to prevent the presence of merchant mariners or other persons on board vessels and in waterfront port or harbor facilities when their presence represents a risk to the security of the United States.

The amendments proposed in section 2 of H.R. 15626 would cure the deficiency found to exist by the Supreme Court in the *Schneider* case and would therefore permit the Coast Guard to continue a screening program.

To the extent that the standards, provisions, and regulations authorized under the proposed section 5A to be added to the Subversive Activities Control Act would be made applicable to the screening program, no difficulties are anticipated in accommodating the existing procedures to any new requirements. As a matter of fact, as a result of the changes made in 1956, the existing procedures parallel many of the guidelines found in section 5A.

That concludes my prepared statement. I would be happy to answer any questions that you might have.

Mr. TUCK. We thank you very much, Mr. Green, for your splendid statement, and I take it that you share the view which I have, and that