

a legislative base for an industrial security program. The text of its proposed legislation is to be found on pages 702 through 704 of the report.

It was pointed out in the report that the operation of the Department of Defense Industrial Security Program rested upon Government regulations and upon contractual obligations (Report pp. 249, 250), but these did not constitute a legal basis. No statute or Executive order was found by the Commission which expressly authorized the Department of Defense to establish such a program. Implied authority can be found in 5 U.S.C. 22, which states:

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. * * *

The Armed Services Procurement Act, 41 U.S.C. 151, et seq., authorizes each of the three military departments to negotiate procurement contracts of "any type" which in the opinion of the agency head will promote the best interests of the Government.

Congressional policy is clearly set forth in 18 U.S.C. 793 and 798 and supplies indirect authority for an industrial security program. Congress said that it is illegal for any person having defense or classified information to disclose the same to unauthorized persons or with intent to injure the United States.

The President, under Article II, section 3, of the Constitution, is directed to take care that the laws are faithfully executed by his subordinates, and the Industrial Security Program now in effect has as its objective the safeguarding from disclosure of defense or classified information.

In addition, Executive Order 10501, November 5, 1953, states that "it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure."

The authority for this Executive order may be found in Article II, section 2 of the Constitution which provides that:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States * * *.

The majority opinion in the *Robel* case contains an astounding statement:

Section 5(a)(1)(D) denies significant employment rights under threat of criminal punishment to persons simply because of their political associations. * * *

The Communist Party, U.S.A., is not a political association; it is in fact a criminal conspiracy and so determined by the Supreme Court itself. I sincerely hope that the Congress will some day soon pass legislation denying employment rights to members of the Communist Party for any job in the Federal Government, sensitive or nonsensitive. The taxpayers of this Nation should not have to finance those who would destroy our form of government by force and violence. The first duty of any government is to preserve itself.

Since H.R. 15626 was introduced in the House of Representatives on February 27, 1968, a new procedure has been placed in effect as of May 1, 1968, by the Secretary of Defense which I feel is contrary to