the intent of the Congress as expressed in many laws passed. I feel it is contrary to the intent of the bill under discussion here today.

This procedure concerns the handling of personnel and is called the Privacy Personnel Security Questionnaire. I submit herewith for the record a copy of the Department of Defense Industrial Security Letter of February 29, 1968.

I quote from this letter:

> The personal information which is considered of a privacy nature and warrants special handling in the clearance program includes: arrest records; type of discharge from military service; prior security clearance suspension, denial or revocation; history of mental or nervous disorders; drug addiction; excessive use of alcohol; and membership in organizations cited by the Attorney General. Under the revised policy the employee will provide this information to the Government as a privileged communication. * * *

I submit that this is a most astounding procedure, for an agency of Government to deny essential information to over 13,000 cleared contractors of private industry. These employees are not Federal employees. Surely private industry has the right to know the background of the employees it hires and to determine whom they will or will not hire. Only a dictatorship has the power over the private sector to the extent inherent in this procedure now in effect as of yesterday.

The Department of Defense in negotiating defense contracts only needed to make it a part of a defense contract that personnel records be given the same protection as is required for classified documents and that is to limit access to those employees of a contractor who have a "need to know."

No additional cost would have been incurred, whereas under the procedure now in effect there will be a significant cost. But cost is not as important as the handicap to the private-sector employer in not knowing essential information. How can a contractor intelligently supervise employees or determine to what jobs they shall be assigned if he does not know the information now to be withheld from him?

Contractors have been granting "confidential" clearances at time of initial employment, and effective performance on classified contracts assumes a capability on the part of industry to employ honest, decent, and reliable employees who are capable of doing the job for which they are hired. Contractors have a right to all information, derogatory or not, in order to determine suitability for employment.

On page 6 of the Industrial Security Letter of February 29 appears this astonishing statement:

> At the same time, the individual employee who requires access to classified information will be assured that his constitutional right to enjoy privacy on privileged or personal matters remains inviolate.

Mr. Chairman, may I ask that this letter be made a part of today's hearing record?

Mr. TUCK. It is so ordered.[1]

Mr. TRACY. When an individual has had a public trial, been convicted, and served time in a prison, it is a matter of public record and he has no constitutional right to enjoy privacy, and there is no constitutional bar to any citizen examining the public record or of asking him about it. If the Department of Defense can bar such information

[1] Department of Defense Industrial Security Letter of Feb. 29, 1968. See appendix, pt. 2, pp. 1807–1813.