

to an employer, it can deny such information to the press and to the Congress.

This is a most dangerous precedent. We live in an open society, and I think it should be kept that way. The intent of the Congress as set forth in the bill we are discussing today is to protect our national security, but if employers do not know their employees' backgrounds, how can they work with Government intelligently in that effort?

I sincerely hope that the Congress will hold hearings on this matter and demand that the Department of Defense prove its right to institute the privacy security personnel procedure, in private industry.

This committee is concerned about the security of our ports, and the bill under discussion expressly authorizes the President to set up a personnel screening program in view of the decision of the Supreme Court in the case of *Schneider v. Smith*, decided January 16, 1968.

The privacy security questionnaire does not apply to the Coast Guard as it is under the Transportation Department. In the case of a declared national emergency, however, it would come under the Department of Defense and private employers would be denied essential information. Perhaps this bill could be amended to provide that private employers may not be denied information that is a matter of public record.

The protection of our ports and waterways is a vital necessity in times of peace or war. There is ample justification for a port security program.

President Wilson recognized the need when he issued a proclamation in 1917 (40 Stat. 1725, Dec. 3, 1917) and ordered the Secretary of the Treasury to issue such rules and regulations as would put into operation title II of the Espionage Act (40 Stat. 217).

Prior to World War II, Congress clearly defined Coast Guard jurisdiction in an act passed June 22, 1936, vesting the service with full law enforcement powers on the high seas and navigable waters, but excluding certain inland waters (40 Stat. 1820).

In 1941 Congress eliminated the restriction on inland waters (55 Stat. 585) and also enacted legislation providing for a Coast Guard Reserve and a Coast Guard Auxiliary to utilize the owners and their boats in certain operations (55 Stat. 9, 11). In 1955 Congress expanded the Auxiliary to include aircraft and radio (58 Stat. 759).

By Executive order in 1942, the Navy was assigned full responsibility for protecting vessels, harbors, ports, and waterfront facilities not directly operated by the War Department (E.O. 9074, Feb. 25, 1942). The President recognized the danger from loss or injury by accident, sabotage, subversion, or other causes. The job was assigned to the Coast Guard, which since 1949 has been a branch of the Armed Forces officially, by an act of this Congress (63 Stat. 496).

Communist infiltration into the maritime unions became manifest by 1934. Party participation in the San Francisco dock strike of that year attested to the growing Communist influence in the West Coast unions. As to the East Coast infiltration, the party measured its own successes and expectations in the following words:

First, a number of strikes have taken place aboard ship. These struggles are beginning to take on a mass and national character. For instance, the strike of 14 coal ports in Boston is an example. We have been able to initiate these strug-