

We believe it necessary to strike the period at the end of the first sentence of subsection (q) of section 5A of the bill, which subsection defines "classified information," and to add the words "pursuant to law or Executive order." This would make the definition less broad by limiting its scope to information officially classified pursuant to the detailed criteria of Executive Order No. 10501, or as otherwise expressly provided by statute.

In section 1(3) of the bill, page 3, we suggest the insertion of the words "which he determines" after the word "subversion" on line 15 so as to ease the burden of proof.

We recommend omitting from section 5A(d), page 6, lines 1 and 2, the following language, "with any Communist, Marxist, Fascist, totalitarian, or subversive organization, and such other associations" since at least one of those adjectives may be deemed vague and appropriate criteria are later set forth beginning at line 8. Also in regard to lines 4, 5, and 6 we believe the inquiries should be related to the ultimate finding. We suggest this part of the bill be changed to read as follows beginning on line 24, page 5:

to authorize by regulation reasonable inquiries directed to an individual regarding his memberships, affiliations, associations, beliefs, habits, and activities, past or present, which are relevant or material to a determination whether his holding of a sensitive position in a defense facility or his access to classified information is clearly consistent with the national interest, including but not limited to consideration of such criteria and inquires of one or more of the following categories:

You will note this suggestion uses the criteria "clearly consistent with the national interest" instead of the criteria "national defense or security interests" used in the bill, page 5, lines 8 and 9. We favor continuing the criteria of the Executive order which has not as yet been questioned.

We would also change the phrase in subsection (f)(3) of section 5A, page 12, which reads, "publicly designated by the Attorney General, the Director of the Federal Bureau of Investigation, or any Federal agency as totalitarian, Fascist, Communist, or subversive," to read, "designated by the Attorney General pursuant to law or Executive order," to conform with proposed section 5A(d)(1)(B).

The provisions of subsection 5A(k), line 18, page 16, to line 17, page 17, establish procedures that differ from present procedures under E.O. 10865. We prefer the provisions of the Executive order to meet requirements of due process. Accordingly, after the word "applicant" in line 18, page 16, we would delete all of the remainder of subsection (k) of proposed section 5A except for lines 18 through 20 on page 17 and substitute, instead, the present provisions of sections 4 and 5 of Executive Order No. 10865. This would continue in effect the present safeguards which provide that before an adverse determination is made against an applicant in a proceeding in which he is deprived of either the opportunity to cross-examine persons or to inspect classified documentary evidence, that (1) the reliability of the information be assessed, (2) a determination be made, in certain circumstances, that failure to receive such information would be harmful to the national security, (3) appropriate consideration be accorded to the fact that the applicant did not have the opportunity of cross-examination, and (4) where full confrontation is not given an adverse determination can