

On page 1 you specifically state there is not a compelling need for such legislation in view of the satisfactory operation of the present industrial personnel security program under Executive Order 10865.

On page 4 you say although a screening program places a much heavier administrative burden on the Government than the *Robel* case criminal statute, it can be more narrowly drawn and therefore would have a better chance of withstanding constitutional ties.

In short, my question then is: Do I correctly understand you to say that you think there is existing adequate authority in this particular area to properly fulfill the responsibilities to maintain the internal security interests of the United States in this area?

Mr. YEAGLEY. That is a good question. Courts have not specifically answered that. In overthrowing previous programs and laws and actions of executive branches, the Court, as you know, I am sure, has said it was doing so because of the denial of confrontation or because some other infringement of a person's rights had not been authorized by Executive order or statute.

It did not say that it would necessarily approve the denial of such rights by Executive order.

In the *Shoultz* case, they refused to recognize such denials authorized by a Department of Defense directive under an Executive order.

Mr. TUCK. That was just the second bell. I want you to propound any questions you wish but we are going to have to either recess or adjourn.

If your questions are of such a nature that you want him to come back here at a later date—

Mr. CULVER. I would like to respectfully suggest if at all possible we arrange a time when Mr. Yeagley and Mr. Liebling could come back.

Mr. TUCK. I would suggest we recess the committee to be recalled upon the order of the chairman which may be next week or some other time and not try to fix a date now.

Mr. YEAGLEY. I would like to be the innocent bystander, but I can discuss it with you in a couple of minutes.

Mr. TUCK. The committee will now stand in recess to meet again upon the call of the chairman of the committee.

(Whereupon, at 12:15 p.m., Thursday, May 2, 1968, the subcommittee recessed, to reconvene at the call of the Chair.)