

Mr. CULVER. Would the same disability apply to employees denied clearance where their employment was or would be in a plant designated merely for standby purposes, the same action would be taken?

Mr. LIEBLING. If the position were determined as critical or sensitive, where we apply the same criteria under the Industrial Defense Program as we do now in the Industrial Security Program, yes, we would use the same principle.

Mr. CULVER. This is the point that I wish to establish and clarify just for myself. This is not a hostile confrontation, I hope.

Mr. LIEBLING. I accept it as such. It certainly is not.

Mr. CULVER. I think it is useful for me at least to know to what extent, if any, denial of clearance only means denying an individual access to classified information, as distinguished from denying or inhibiting his employment opportunities. That is a question that concerns me.

Mr. LIEBLING. As I said, it is a matter of official policy and procedure. He can be employed in unclassified work in unclassified areas, but of course you are talking about an employer-employee relationship there. The Government would not enter into a situation like that in the Industrial Security Program and would be precluded from doing so under present guidelines.

Mr. CULVER. Do the persons who make final decisions on clearance have access to any information, for example, investigative reports that are not presented openly at a hearing? They do?

Mr. LIEBLING. Certainly, for the screening board.

Mr. CULVER. If they do, does the availability of hearings or other further proceedings mean anything in determination of or defending the individual's interest?

Mr. LIEBLING. It certainly does.

Mr. CULVER. On the basis of this report.

Mr. LIEBLING. As I indicated earlier, he is given a statement which is in pretty much detail.

Mr. CULVER. Pretty much detail.

Mr. LIEBLING. Pretty much detail. He can come in with his attorney. Obviously if we have approved 50.3 percent; that is indicative that there have been slightly more than half that have been justified.

Mr. CULVER. That figure impresses me. I am very impressed by that figure. I think it does speak well for the administrative machinery on the basis of the total number of cases considered. With respect to the provisions of the proposed legislation that provide for the granting of immunity when testimony is to be compelled from a reluctant witness, would the individual whose clearance is at issue have the right to require that immunity be granted to a reluctant witness whose testimony he wished to introduce, or as perhaps seems probable would the granting of immunity be an option that was available only to the authorities whose job was to deny clearance?

Mr. LIEBLING. I think we are getting into an area where you are talking about our hearing procedure and due process procedure or the right of confrontation or bringing before a board. I would have to defer to the attorneys on that.

Mr. YEAGLEY. I would have to recheck the language of the immunity provision and I don't recall that it would apply in the fashion that you have described it, Mr. Congressman. Certainly an individual