

Now, at this point I would like to state that in the testimony before the House Appropriations Subcommittee and also in the Annual and Fiscal Reports of the FBI, J. Edgar Hoover has made it clear that the very opposite is true, that the act has very definitely hurt rather than helped the Communist Party.

In addition, former FBI undercover operatives have testified over and over again before this committee that the Communist Party fears the Internal Security Act, has been intensely worried about it, and has most definitely been hurt by it.

Statements by J. Edgar Hoover and FBI agents of the type I have mentioned were inserted in the *Record* by Mr. Ashbrook of this committee on November 28, 1967, when the chairman's bill, H.R. 12601, a bill to amend the Internal Security Act, was being debated.

By the way, this bill, as you know, passed the House by a vote of 269 to 104. In fact, Mr. Yeagley—and I want to commend you for this—relating to this particular point as to whether or not it has hurt or helped the Communist Party, you testified yourself before the Internal Security Subcommittee last year that the Internal Security Act was the law most feared by the Communists and that they have worked harder to defeat it than any other law; is that not true, sir?

Mr. YEAGLEY. I believe I did.

Mr. WATSON. And, Mr. Yeagley, finally, do you know of anything that would contradict the testimony of Mr. Hoover, former FBI undercover operatives, and your own testimony on this issue and which would indicate that the act has helped rather than hurt the Communist Party?

Mr. YEAGLEY. No, I don't know of any way in which this law has helped the Communist Party.

Mr. WATSON. Thank you very much, Mr. Yeagley.

Mr. CULVER. Mr. Chairman.

Mr. TUCK. You may ask one or two additional questions.

Mr. CULVER. Mr. Yeagley, I certainly agree with Congressman Watson that the proof of the pudding should be in the eating. We have had this statute on the books for 18 years. We have yet to register a single Communist. It has cost the American taxpayers \$6 million during that period in appropriations. As I think Mr. Truman wisely anticipated, it has resulted in endless constitutional argumentation for nearly 2 decades.

I wonder whether or not, on the basis of that, you really feel that this statute has been all that effective. We discussed the disclosure record, but certainly that has been an accurate forecast, has it not, as far as your experience with it?

Mr. YEAGLEY. I am not sure that I understand. If I understand the question, my answer would be that there have been constitutional questions raised in the proceedings that have been brought, in all of them, if that is what you are asking.

Mr. CULVER. And almost without exception there has been a finding of unconstitutionality in various aspects of the legislation, in various parts of the statute; is that not true?

Mr. YEAGLEY. Yes, as to the membership provisions. However, in the basic case that was decided in 1961 the Court upheld the law, but held later on, when we were down to enforcing it, that if they exercised the fifth amendment, it becomes enforceable.