

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1517

Mr. CULVER. I didn't hear the last.

Mr. YEAGLEY. We have had, of course, in the past some problems of how many informants to use and which ones should be used, but I should note the Bureau has been most cooperative in producing informants for our lawyers to interview.

Pursuant to Congressman Willis' request, I submit herewith a letter from the Department of Justice expressing the Department's views on H.R. 15828.

Mr. TUCK. The letter will be inserted in the record at this point.

We thank you, gentlemen.

(The letter dated May 20, 1968, follows:)

DEPARTMENT OF JUSTICE,
Washington, May 20, 1968.

Hon. EDWIN E. WILLIS,
Chairman, Committee on Un-American Activities,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 15828 designed to strengthen the internal security of the United States.

Since the proposed legislation to be cited as the "Internal Security Act of 1968" embodies several distinct amendments to the United States Criminal Code (Title 18 U.S.C.) and the Subversive Activities Control Act of 1950, as amended (Title 50, U.S.C., Section 781 et seq.), we shall comment seriatim upon each section to facilitate our discussion of this rather broad Bill.

Title I of H.R. 15828 is composed of amendments to the national security provisions of Title 18 of the United States Criminal Code.

Section 101(a) of the Bill would amend the definition of "war premises" as found in Section 2151 of Title 18, U.S.C., dealing with the crime of sabotage. Under existing law, the term "war premises" includes all buildings, grounds, etc., wherein war material is being produced, manufactured, stored, mined, etc. Under the amended definition, "war premises" would include those premises wherein war material is being "or may be produced, manufactured, . . .". Subsection (b) would amend the definition of "national defense premises" to include all buildings, grounds, mines or other places wherein national defense material is being "or may be produced, manufactured, etc."

The foregoing amendments to the existing law would substantially enlarge the scope of the sabotage statutes. If enacted, they would require the Federal Bureau of Investigation to investigate charges of "sabotage" whenever an industrial accident occurred in almost any industrial facility, since such facilities could probably produce "war material" under the broad definition afforded that term by Section 2151 of the sabotage statute.

In addition to the investigative and consequent enforcement problems indicated above, there also appears to be a constitutional question as to vagueness in the proposed amendment. For it is not clear whether the amendment is intended to cover all premises wherein it is *possible* to produce, store, etc., war materials or is intended to apply only to those premises planned or intended to be so utilized. In light of the broad scope of the existing sabotage statutes defining premises, wherein war material and national-defense material is being produced, manufactured, stored, etc., there would appear to be little reason to doubt that the amendment would apply to all premises in which it is possible to produce or store such materials.

Therefore, we are opposed to the enactment of Section 101(a) and 101(b) insofar as they seek to expand the definition of the terms "war premises" and "national-defense premises."

Section 101(a) and (b) would also amend the existing phrase "or other installations of the Armed Forces of the United States, or any associate nation," as contained in Section 2151 to read as follows "or other military or naval stations of the United States, or any associate nation." Inasmuch as the existing language is broader in scope than the proposed change, we are opposed to its enactment.

Section 102(a) of the Bill would amend the initial provision of the Smith Act, (Title 18, U.S.C., Section 2385), which punishes the knowing or willful advocacy or teaching of the duty or desirability of overthrowing the Federal Government or