the employees official duties. Read literally, it would prohibit charging an employee leave without pay for attending any hearing which may interest him without taking annual leave and without agency permission. We doubt that the provision is intended to permit federal employees to be spectators at hearings whenever they wish and regardless of their duties.

Section 301 also raises a presumption which seems somewhat unreasonable, for there is no necessary connection between disciplinary action and the appearance within a year of an employee at a congressional hearing. The bill would even seem to apply even though the preliminary disciplinary proceedings were commenced prior to the testimony if the disciplinary action should follow the testimony. In our view, this provision would adversely affect effective personnel management.

Similarly, the prohibition on disciplinary action against employees furnishing records to congressional committees may have a serious effect on records management. If an agency is unable to regulate the custody and care of its records, it will be unable to keep any systematic filing system. If any employee is permitted to take any records without permission and furnish them to committees, whether or not requested, agencies will be unable to keep track of them or to furnish them when formally requested by courts, the Congress or other agencies.

Furthermore, Section 301(e), pertaining to the production of documents, does not exempt material classified pursuant to Executive Order 10501 and such legislation would also effectively prohibit administrative or criminal action against any Government employee who may unlawfully disclose or comprise information in violation of the espionage statutes and the Atomic Energy Act. It is manifest that the protection of classified information dictates that its disclosure be made only when authorized by the proper authority.

We strongly oppose enactment of these proposals.

Section 303 of the Bill would require the courts to give preference to criminal proceedings in cases under Title 18, Chapter 37 (espionage), Chapter 105 (sabotage) and Chapter 115 (treason, sedition, etc.) as well as prosecutions under the Atomic Energy Act of 1946.

Our experience in the prosecution of cases involving subversive activities has not been such as to indicate a necessity for the enactment of Section 303. For many of the enumerated offenses requiring acceleration are capital offenses for which bail is not normally granted. In those instances where bail is granted, it is generally of a high amount and more often than not the defendant remains incarcerated. Since the defendant is jailed the courts give priority to such cases. In the circumstances, we perceive no need for this provision.

The Bureau of the Budget has advised that there is not objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

/s/ J. Walter Yeagley,
J. WALTER YEAGLEY,
Assistant Attorney General.

STATEMENT OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. TUCK. In response to the committee's request, the AFL–CIO has by letter dated May 17, 1968, through its associate general counsel, submitted its views on H.R. 15626. Without objection, I therefore ask that the letter of views of the AFL–CIO be included in the record at this point.

(The letter follows:)

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., May 17, 1968.

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

Re: H.R. 15626, To Amend the Subversive Activities Control Act of 1950.

DEAR CONGRESSMAN WILLIS: In response to the Committee's invitation, the American Federation of Labor and Congress of Industrial Organizations (AFL–