istrative action with judicial trials. This Court has long ago and repeatedly approved administrative action where the rights of cross-examination and confrontation were not permitted. *Chicago & Southern Air Lines* v. *Waterman Corp.*, 333 U. S. 103 (1948); *Carlson* v. *Landon*, 342 U. S. 524 (1952); *United States* v. *Nugent*, 346 U. S. 1 (1953); *United States* v. *Reynolds*, 345 U. S. 1 (1953); *Knauff* v. *Shaughnessy*, 338 U. S. 537 (1950); *Shaughnessy* v. *Mezei*, 345 U. S. 206 (1953); and *Jay* v. *Boyd*, 351 U. S. 345 (1956).

At no time since the programs now in vogue were established in 1942 have the rights of cross-examination and confrontation of witnesses been required. In fact the present regulations were patterned after the Employee Loyalty Program, first inaugurated upon the passage of the Hatch Act in 1939, in which the rights of confrontation and cross-examination have never been recognized. Every Attorney General since that time has approved these procedures, as has every President. And it should be noted, though several cases here have attacked the regulations on this ground, this Court has yet to strike them down.[5]

I shall not labor the point further than to say that in my opinion the procedures here do comport with that fairness required of administrative action in the security field. A score of our cases, as I have cited, support me in this position. Not one is to the contrary. And the action of the Court in striking down the program for lack of specific authorization is indeed strange, and hard for me to understand at this critical time of national emergency. The defense establishment should know—and now—whether its program is constitutional and, if not, wherein

[5] See *Bailey* v. *Richardson*, 86 U. S. App. D. C. 248, 182 F. 2d 46, affirmed by an equally divided Court, 341 U. S. 918 (1951); *Peters* v. *Hobby*, 349 U. S. 331 (1955).