

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1657

Board was going to "use this information to re-examine the status" of plaintiff's clearance.^{3/} It was indicated to plaintiff that this new information had been "developed by the investigation conducted in his case".^{4/} Plaintiff was requested to attend an interview at which he would be questioned about "matters germane to his [continued] eligibility for a security clearance." Plaintiff was also informed that, "[i]n particular, the Board desires that he be questioned in order to determine the extent of his participation in Cuban affairs."^{5/} No further notice of the purpose and scope of the inquiry was given to plaintiff, nor was he apprised of the nature of the "new information" possessed by the Screening Board which had prompted the re-examination of his security clearance. Plaintiff was informed that he could be represented by counsel at the interview and that he would be afforded an opportunity to make a statement in his own behalf. His counsel was provided before the interview with a copy of Defense Department Directive 5220.6, including Section V. B., and plaintiff was informed that the provisions of Section V. B. would be applicable. Further, plaintiff was told that if he

3/ Letter to plaintiff's counsel dated March 14, 1967, from Solis Horwitz, Assistant Secretary of Defense (Administration) Exhibit B to the Complaint).

4/ Letter to plaintiff's counsel dated April 14, 1967, from James E. Stauffer, Department Counsel (Department of Defense) (Exhibit A to Defendant's Statement of Material Facts).

5/ Letter to plaintiff's counsel dated February 1, 1967, from William Scanlon, Director, Administrative Staff (Department of Defense) (Exhibit A to Complaint).