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85th Congress
2d Session

COMMITTEE PRINT

LEGISLATIVE RECOMMENDATIONS

BY THE

SENATE INTERNAL SECURITY SUBCOMMITTEE

AND

SUBSEQUENT ACTION

TAKEN BY

THE CONGRESS AND THE EXECUTIVE AGENCIES

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FOREWORD

To most people there has never been doubt as to the vital legislative importance of investigations conducted by the Senate Internal Security Subcommittee.

From time to time, however, there have been intimations, from sources inimical to the subcommittee, that its legislative function is subject to question. Unfriendly witnesses, their associates and supporters, sometimes renew the outworn charge which they sum up in the fallacious cliché: "exposure for the sake of exposure."

This publication is no more than an objective compilation of facts, prepared by a disinterested agency, but it provides a powerfully effective refutation of allegations that our investigations do not serve a valid legislative purpose.

This document lists every legislative recommendation presented by the subcommittee since its establishment, together with subsequent action taken by Congress or by executive agencies.

Though a substantial number of laws have come into being through the work of this subcommittee, we have found in some cases that the objectionable situation which our hearings revealed could be cured by other means than legislation. Such weaknesses in internal security have in many instances been corrected by administrative action; by changes in or addition to various executive regulations.

The subcommittee's continuing study of the internal security of this Nation has shown at times that some matters could better be dealt with by the State governments.

On not infrequent occasions we have concluded, after investigation of certain matters, that no new legislation was necessary. Despite its negative result, an investigation leading to such a conclusion may prove to have been fully as important as another investigation which showed the need for further laws. The committee cannot know the answer when it starts its job; and it must not and does not work from preconceived conclusions.

The business of the United States Senate, as well as that of every committee and subcommittee of that body, is to produce constructive legislation based on proper facts. This publication shows the subcommittee has often been the means through which the Senate obtained the facts, and, that the facts so gathered often have been the basis for legislative action.

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

CONTENTS

	Page
Foreword	III
Hearings held in 1951	1
Progress Report on Subversive and Illegal Aliens in the United States	1
Aliens in diplomatic or semidiplomatic status:	
1. Exclusion and deportation	1
2. Restriction on travel	2
3. Rules and regulations by President	3
Progress Report No. 2 on Subversive and Illegal Aliens in the United States	3
4. Administration of immigration laws	3
Senate Report No. 955, 82d Congress, on S. 1292:	
5. Death penalty for peacetime espionage	4
S. 1914, 82d Congress:	
6. Protection of national defense premises	4
S. 1975, 82d Congress:	
7. Communist influence in labor unions	5
S. 964, 82d Congress:	
8. Statute of limitations—nationality, citizenship, and passport violations	5
Hearings held in 1952	5
Report on Institute of Pacific Relations	6
9. Immunity for congressional witnesses	6
10. Study of Espionage Act	6
11. Availability of information from executive agencies	7
12. Communist infiltration into Treasury Department	7
13. Role of Alger Hiss	8
14. Government employment of pro-Communist associates of Institute of Pacific Relations	8
15. Contributions by American foundations aid Communist activity	8
16. Owen Lattimore	8
S. 2611, 82d Congress:	
17. Foreign agents' registration	9
Hearings held in 1953	10
Report on Subversive Influence in the Educational Process	10
18 Continued investigation	10
19. Investigations by State legislatures	10
Report on Activities of United States Citizens Employed by the United Nations	12
20. Communication of information to proper authorities	12
21. Continuation of investigation	12
22. American nationals of questionable loyalty not to be employed by international organizations	13
23. Senate to compel production of information and punish for contempt	14
Report on Interlocking Subversion in Government Departments	15
24. Statute of limitations—false swearing by Government employees as to Communist membership	15
25. Immunity for congressional witnesses	16
26. Communist control of workers in communications industries	16
27. Continued investigation	16
28. Government employees recommended or promoted by Soviet agents	16
29. Government employees who have associated with Soviet agents	17
Report on Subversive Influence in the Educational Process	17
30. Immunity for congressional witnesses	17
Senate Resolution 16, 83d Congress:	
31. Security check of congressional employees	17

	Page
S. 4, 83d Congress:	
32. Tax exemption of organizations donating to subversives	18
S. 37, 83d Congress:	
33. Importation of foreign propaganda	18
Hearings held in 1954	18
Report for the Year 1954	19
34. Subversion in policymaking	19
35. Retention of files containing information on subversive activity	19
36. Communists to be barred from sensitive posts in the armed services	20
37. The Army's information and education program	20
38. United States citizens in Communist China	21
Second report on Activities of United States Citizens Employed by the United Nations	21
39. Americans of questionable loyalty not to accept United Nations employment	21
40. Action of American delegation commended	22
41. Revision of United Nations Rules	22
42. Shifting Communist-connected Americans in Government to United Nations employment	22
43. Review of United Nations personnel from non-Communist countries	23
S. 2766, 83d Congress:	
44. Registration of Communist printing facilities	23
S. 3277, 83d Congress:	
45. Reports to Congress with regard to employees separated as security risks	23
Public Law 772, 83d Congress:	
46. Expatriation Act of 1954	24
S. 3632, 83d Congress:	
47. Import of goods produced by slave labor	24
48. Prayer for enslaved people behind Iron Curtain	24
Communist Control Act of 1954:	
49. Communist influence in labor unions	24
Public Law 769, 83d Congress:	
50. Denial of Federal annuities to convicted subversives	25
Hearings held in 1955	25
Report on Korean War and Related Matters	26
51. Circulation of hearings and report	26
52. American treaty relationships	26
Report on Strategy and Tactics of World Communism—Significance of the Matusow Case	26
53. Communist subversion of the judicial process	26
54. Conspiracy to obstruct justice	27
55. Non-Communist affidavits by attorneys	27
56. Control of passports	27
Report on Subversive Activities Control Act	28
57. Additional employees for security division of Department of Justice	28
58. Additional hearing examiners for Subversive Activities Control Board	29
59. Action by Department of Justice	29
60. Action by Subversive Activities Control Board	29
61. Adjudication of status of Communist-dominated labor unions	29
62. Handbook of factual information on organizations cited as subversive	30
63. Evaluation of security information concerning applicants for employment with Government or Government contractor	30
64. Holdover in office of member of Subversive Activities Control Board	31
65. Term of office of members of Subversive Activities Control Board	31
S. 547, 84th Congress:	
66. Increased penalties for seditious conspiracy	32
S. 681, 84th Congress:	
67. Protection of strategic defense facilities	32

	Page
S. 1392, 84th Congress:	
68. Past affiliation with Communist organizations	33
Hearings held in 1956	33
Report—Internal Security Annual Report for 1956	33
69. Importation of Communist propaganda material	33
Soviet Espionage in the United States	34
70. Statute of limitations on subversive activities	34
71. Limit on movements of Communist diplomatic personnel	34
72. Disclosure by Soviet diplomats of prior espionage connections	34
73. Entry of alien diplomat under an alias	34
Communist Penetration of Geographical Areas and Unions	35
74. Securing social security card under false name	35
75. Protection of communications from subversive activities	35
76. Continuation of proceedings before Subversive Activities Control Board after dissolution of respondent organization	35
77. Change of name of respondent organization in proceedings before the Subversive Activities Control Board	36
78. Evidence in proceedings before the Subversive Activities Control Board	36
79. Communist-dominated unions in defense work	36
80. Proceedings by union members to determine Communist domination of their union	36
81. Suspension of union benefits by National Labor Relations Board	37
82. Contributions by labor unions to Communist organizations	37
83. Withdrawal of National Labor Relations Board benefits from unions contributing funds for Communist purposes	37
84. Contributions by tax-exempt organizations to Communist purposes	37
85. Denial of tax exemption to organizations contributing to Communist purposes	38
86. Study of laws against industrial espionage	38
87. Money and Soviet influence	38
Soviet Repatriation Campaign	39
88. Interference by foreign diplomats	39
89. Definition of area affected by United Nations Site Agreement	39
90. Recall of Arkady Sobolev	39
91. Coercion of foreign nationals	40
92. Denial of certain mailing privileges for Communist propaganda	40
93. Menace of large Chinese Communist delegation to United Nations	41
94. TASS News Agency—reciprocity of privileges	41
95. Denial of police credentials to TASS	42
96. Strategy and tactics of world communism—admission of certain aliens	42
Americans Helping the Soviet Conquest of Asia:	
97. Self-expatriation by assisting in communization of foreign nation	43
98. Punishment of offenses during "cold war"	43
Federal Government security program:	
99. Jurisdiction of Civil Service Commission	43
100. Expanded definition of sensitive positions	44
101. Security risks to be ineligible for any Government employment	44
102. Constitutional questions	44
103. Employees of defense contractors	45
104. United States citizens employed by United Nations	46
105. Duties of United Nations employees	46
106. Powers of International Organizations Employees Loyalty Board	46
107. Disloyalty of Americans employed by international organizations	46
108. Communist abuse of passports—collusion with foreign government	47
109. Conditions for issuance of passports	47
S. 3617, 84th Congress:	
110. State legislation to combat subversive activity	47
Report on Recording of Jury Deliberations	48
111. Sanctity of Federal jury rooms	48

	Page
Report on the episode of the Russian seamen	48
112. Recall of Soviet delegates from the United Nations	49
113. Menace posed by Chinese delegation to United Nations	49
114. Limit on movements of Communist diplomatic personnel in this country	49
115. Tightening of current laws and practices	50
S. 3935, 84th Congress:	
116. To cure immigration records of Soviet defectors and escapees	50
Hearings held in 1957	51
Report—Internal Security Annual Report for 1957	51
117. Dissemination of subversive propaganda by foreign diplomats	51
118. Mail subsidy to Communist propaganda	52
119. Immunity for congressional witnesses	52
Communist penetration of labor unions:	
120. Evidence in proceeding before Subversive Activities Control Board	52
121. False non-Communist affidavit by union officer	52
122. Proceedings by union members to determine Communist domination of their union	53
123. Use of labor union funds for Communist purposes as a criminal offense	53
124. Withdrawal of National Labor Relations Board benefits from unions contributing funds for Communist purposes	53
125. Denial of tax exemption to organization contributing for Communist purposes	53
126. State activity in prosecution of subversives	53
Aliens:	
127. Sanctuary for Communist defectors	54
128. Admission of aliens as committee witnesses	54
129. Illegal aliens	54
130. Evasion of passport regulations	55
131. Entry of alien under false name	55
132. Administration of passport program	55
133. Aliens paroled under order of deportation	56
134. Disloyalty among Americans employed by international organizations	57
135. United Nations employees working against member nation	57
136. Duties of United Nations employees	57
137. Authority of International Organizations Employees Loyalty Board	58
138. Statute of limitations on subversive activities	58
139. Offenses committed during "cold war"	58
140. Self-expatriation of United States citizen	58
141. Social-security card under false name	59
142. Autonomy of Congress	59
143. State control over practice of law	59
144. State authority to combat subversive activity	59
145. Amendment of Smith Act	60
146. Amendment of Smith Act	61
147. Contempt of Congress	61
148. Security risks ineligible for any Government employment	61
149. Disclosure by Soviet diplomat of prior espionage connections	62
150. Government employee to answer questions as to his loyalty—study of constitutionality	63
151. Laws to deter espionage	63
S 2377, 85th Congress:	
152. Safeguarding files of Government security agencies	63
Hearings held in 1958	64
Appendix	65

LEGISLATIVE RECOMMENDATIONS BY THE SENATE INTERNAL SECURITY SUBCOMMITTEE

and

SUBSEQUENT ACTION TAKEN BY CONGRESS OR EXECUTIVE AGENCIES

HEARINGS HELD IN 1951

During the year 1951, the Subcommittee on Internal Security held the following hearings:

Subversive Infiltration in the Telegraph Industry (S. Res. 7, 82d Cong.)
May 14–June 14, 1951. Printed.

Subversive and Illegal Aliens in the United States
Progress Report, part I, committee print, April 12–May 29, 1951. Printed.
Progress Report, part II, committee print, March 13–May 3, 1951. Printed.

Subversive Influence in Dining Car and Railroad Food Workers Union
July 30–September 25, 1951. Printed.

Communist Propaganda Activities in the United States
July 11–September 21, 1951. Printed.

Subversive Control of United Public Workers of America (S. Res. 7, 82d Cong.)
April 12–December 14, 1951. Printed as parts 1 and 2.

Communist Tactics in Controlling Youth Organizations
April 12–June 12, 1951. Printed.

Subversive Infiltration of Radio, Television, and the Entertainment Industry
April 27, 1951–April 1, 1952. Printed as part 1.

Institute of Pacific Relations
July 25 through October 19, 1951. Printed as parts 1–5, of 15 parts.

Unauthorized Travel of Subversives Behind the Iron Curtain on United States Passports (S. Res. 7, 82d Cong.)
August 1–September 26, 1951. Printed.

Subversive Control of Distributive, Processing, and Office Workers of America (S. Res. 7, 82d Cong.)
August 23–October 26, 1951. Printed.

Espionage Activities of Personnel in Soviet-Dominated Embassies and Consulates in the United States
July 9, 1951; February 5, 7, 1952. Printed.

ALIENS IN DIPLOMATIC OR SEMIDIPLOMATIC STATUS

Progress Report: Subversive and Illegal Aliens in the United States (Committee Print, 82d Cong., 1st sess. 1951)

Hearings: Subversive and Illegal Aliens in the United States, April 12–May 29, 1951

1. EXCLUSION AND DEPORTATION

Recommendation

That the officials of the Department of Justice and the officials of the Department of State forthwith inaugurate a vigorous program of enforcement of those provisions of the Internal Security Act of 1950 which are designed to exclude from the United States aliens, irrespective of their status, who are coming to this country to engage in activities which would endanger the public safety, and to deport from the United States aliens, irrespective of their status, whose presence in this country endangers the public safety (p. 3).*

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* Page references, nnless appendix is indicated, apply to appropriate subcommittee publications.

Action

S. 2903, 85th Congress, introduced on August 30, 1957, by Senator James O. Eastland, the chairman of the subcommittee, strengthens the authority of the Attorney General in supervising and deporting aliens under the Immigration and Nationality Act. The bill was referred to the Judiciary Committee but received no further action.

S. 345, 85th Congress, introduced on January 7, 1957, by Senator Arthur V. Watkins, a member of the subcommittee (similar to his bill, S. 3169, 84th Cong.) seeks to amend the Immigration and Nationality Act, to regulate judicial review of deportation and exclusion orders. S. 345 was reported to the full Judiciary Committee on July 18, 1958, but received no further action.

Administration action

On December 6, 1957, the Attorney General strengthened the regulations regarding pending deportation proceedings, by adding section 318.1 to the regulation (8 C. F. R. 318.1), to provide that an order to show cause issued in a proceeding to determine the deportability of an alien, shall be regarded as a warrant of arrest (22 F. R. 9813).

For further administrative action, see item 132, below.

Text

For text of title 8, Code of Federal Regulation, section 318.1, see appendix, page 80.

2. RESTRICTION ON TRAVEL

Recommendation

That the Department of State proceed forthwith to negotiate a supplementary agreement, pursuant to, and as called for by, the headquarters site agreement of August 4, 1947 (61 Stat. 756, ch. 482), between the Government of the United States and the United Nations, fixing the boundaries of the headquarters district and defining the areas which it is "reasonably necessary to traverse in transit between the same and foreign countries" so as to permit effectuation by the United States of its expressly reserved right to control the entrance of aliens into any territory in the United States other than the headquarters district (p. 4).

Text

For text of applicable excerpts of the headquarters site agreement of August 4, 1947, see appendix, page 125.

Action

No such supplemental agreement has yet been entered into.

Administrative action

Regulations of the State Department, as revised on December 27, 1957 (22 F. R. 10788), provide that an alien who seeks to enter the United States in transit to the U. N. headquarters as a representative of an information agency, as a U. N. nongovernment consultant, or as any other U. N. invitee, shall be informed by the consular officer who is to issue a visa to him, that, if admitted, he may be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General (22 CFR sec. 41.52).

Regulations of the Immigration and Naturalization Commissioner, as amended on August 1, 1958, provide that any member of an information agency accredited to the United Nations or any U. N. consultant from a nongovernmental organization recognized by the United Nations, or any other person invited to U. N. headquarters by the United Nations, shall be admitted to the United States if otherwise admissible, on the additional conditions that (1) he proceeds directly to New York City and remains there continuously, departing therefrom only if required in connection with his departure from the United States, and that (2) he has a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations headquarters district (23 F. R. 5817, sec. 214.2 (c) (2)).

Text

For the text of title 22, C. F. R., section 41.52 and 23 Federal Register, page 5817, section 214.2 (c) (2), see appendix, page 130.

3. RULES AND REGULATIONS BY THE PRESIDENT

Recommendation

That the President of the United States, pursuant to the provisions of the Internal Security Act of 1950, cause to be issued rules and regulations for the exclusion of ambassadors, public ministers, and career diplomats and consular officers whose admission into the United States would endanger the public safety (p. 4).

Action

Although a rule or regulation pertaining to their exclusion has not been issued, the Secretary of State did issue a rule requiring notification of their presence in the United States, by foreign government officials, members of their families (including relatives by blood or marriage) regularly residing in their households and their employees and attendants. Exempted from this notification requirement are ambassadors and ministers, and members of their missions (22 C. F. R., Pt. 4).

For details, see item 149, below.

4. ADMINISTRATION OF THE IMMIGRATION LAWS

Progress Report No. 2: Subversive and Illegal Aliens in the United States (Committee Print, 82d Cong., 1st sess.)

Hearings: Subversive and Illegal Aliens in the United States, March 13–May 3, 1951

Recommendation

The subcommittee condemns the practice of arbitrarily closing out cases of illegal aliens for the purpose of cleaning up an accumulated backlog or for any purpose (p. v).

Action

The subcommittee is pleased to report that after acquiring the information referred to in this report, the subcommittee directed the facts to the attention of the Commissioner of the Immigration and Naturalization Service who promptly detailed additional investigative personnel to the New York area for free-lance investigations, with significant results (p. v of report).

5. ESPIONAGE

Report on Death Penalty for Peacetime Espionage (S. Rept. No. 955, 82d Cong., 1st sess., October 15, 1951.)

Recommendation

The subcommittee's recommendation was contained in S. 1292, 82d Congress, dated April 9, 1951, and sponsored by Senator Herbert R. O'Conor who was then a member of the Senate Internal Security Subcommittee.

S. 1292 sought to amend section 794 of the Criminal Code, and provided a penalty of death or imprisonment for 30 years for the gathering of defense information for communication to a foreign government with intent to injure the United States. This was passed by the Senate on October 19, 1951, with an amendment by Senator Pat McCarran, then chairman of the subcommittee, changing the penalty to death or imprisonment for any term of years or for life. It was not acted upon by the House.

Action

In the 82d Congress, the Emergency Powers Continuation Act (66 Stat. 33, sec. 1 (a) (29)) made the death penalty applicable to violation of the Espionage Act during the period of emergency then existing.

In the 83d Congress, this wartime penalty was extended until July 1, 1953, by Public Law 12 (67 Stat. 18, ch. 13) and again until 6 months after the termination of the emergency (by sec. 4 of Public Law 99, 67 Stat. 134).

The Espionage and Sabotage Act of 1954 (68 Stat. 1216, title II) containing provisions similar to those contained in S. 1292, 82d Congress, as amended, is a permanent enactment and is not dependent upon any period of emergency. It makes peacetime as well as wartime espionage and sabotage punishable by death or by imprisonment for any term of years or life. It has added conspiracy penalties to the provisions relating to the destruction of national-defense materials and the production of defective national-defense materials.

Text

For text of the Espionage and Sabotage Act of 1954, see appendix, page 86.

6. PROTECTION OF NATIONAL DEFENSE PREMISES

Recommendation

Based upon hearings conducted in 1951, as listed above, and also because of the request of the Department of Justice, Senator McCarran, then chairman of the subcommittee, introduced S. 1914, 82d Congress, dated July 27, 1951, which sought to strengthen the laws against sabotage by broadening the definitions of "war premises" and "national-defense premises" to include premises which may be used as war premises or national-defense premises. This would protect such plants even in the process of construction.

Action

S. 1914 was referred to the Judiciary Committee but received no further action. Senator McCarran again introduced this bill in the 83d Congress as S. 962. This bill was referred to the Judiciary Committee and received no further action.

7. COMMUNIST INFLUENCE IN LABOR UNIONS

Recommendation

Based on hearings held in 1951, as listed above, Senator McCarran, then chairman of the subcommittee, introduced S. 1975, 82d Congress, dated August 9, 1951. The bill provided that any person who is a member of the Communist Party, including any Communist-front or Communist-action organization, be prohibited from acting as a representative of a labor organization. An employer should be permitted to discharge without liability an employee who is a member of an organization designated by the Attorney General as subversive. The bill received no action.

Action

The Communist Control Act of 1954 was enacted by the 83d Congress (Public Law 637, 68 Stat. 775, ch. 886). It establishes proceedings to determine whether an organization is Communist-infiltrated. If a labor organization is found to be so infiltrated, the act makes such organization ineligible to be an employee representative for the purposes of the National Labor Relations Act. A Communist-infiltrated labor union is thus denied bargaining powers.

Text

For the text of the Communist Control Act of 1954, see appendix, page 81.

8. STATUTE OF LIMITATIONS—NATIONALITY, CITIZENSHIP, AND PASSPORT VIOLATIONS

Recommendation

Senator McCarran, then chairman of the subcommittee, introduced S. 964, 82d Congress, dated February 26, 1951, providing a 10-year statute of limitations for violation of provisions concerning nationality and citizenship, and passports and visas.

Action

H. R. 2396, 82d Congress, the House companion bill to S. 964, was enacted into law on June 30, 1951 (Public Law 65; 65 Stat. 107, ch. 194).

Text

For text of the act of June 30, 1951, see appendix, page 65.

HEARINGS HELD IN 1952

In the year 1952, the Subcommittee on Internal Security held the following hearings:

Subversive Infiltration in the Telegraph Industry (Supplemental) (S. Res. 7, 82d Cong.)
January 22, 1952. Printed.

Documentary Proof That the Communist Party, United States of America, Teaches and Advocates the Overthrow and Destruction of the United States Government by Force and Violence
Committee Print, 82d Congress, 2d session

Communist Tactics in Controlling Youth Organizations
April 12, 1951–March 27, 1952. Printed.

Subversive Control of Distributive, Processing and Office Workers of America (S. Res. 7, 82d Cong.)
August 23, 1951–March 7, 1952. Printed.

Espionage Activities of Personnel in Soviet Dominated Embassies and Consulates in the U. S. (S. Res. 7, 82d Cong.)
July 9, 1951 and February 5, 7, 1952. Printed.
Subversive infiltration of radio, television, and the entertainment industry.
Part 1—April 27–October 22, 1951, and April 1, 1952. Printed.
Part 2—March 20–May 20, 1952. Printed.
Subversive Influence in the United Electrical, Radio, and Machine Workers of America
April 17–June 26, 1952. Printed.
Activities of United States Citizens Employed by the United Nations
October 13–December 17, 1952. Printed as part 1.
Subversive Influence in the Educational Process
September 8–October 13, 1952. Printed as part 1.
Communist Domination of Union Officials in Vital Defense Industry—International Union of Mine, Mill, and Smelter Workers
October 6–9, 1952. Printed.
Institute of Pacific Relations
January 24–June 20, 1952. Printed as parts 6 through 15. (Pts. 1 through 5 were printed in 1951.)

INSTITUTE OF PACIFIC RELATIONS

(S. Rept. No. 2050, 82d Cong., 2d sess., July 2, 1952)

Hearings: Institute of Pacific Relations, July 25, 1951–June 20, 1952.

Printed in 15 parts.

9. IMMUNITY FOR CONGRESSIONAL WITNESSES

Recommendation

Speedy enactment of an adequate statute to permit congressional committees to require the testimony of a witness when it is determined such testimony is sufficiently important to justify extending to the witness immunity from prosecution with respect to the matters concerning which he testifies (p. 225).

Action

The act of August 20, 1954 (Public Law 600, 83d Cong., 68 Stat. 745, ch. 769), provides that a witness in any congressional investigation involving interference with or endangering national security by specific crimes involving subversive activity, may be granted immunity against self-incrimination (if he has claimed such privilege) and thereby be compelled to testify and produce evidence. It requires, prior to the immunity grant, that an order of a United States district court compelling the testimony or production of evidence be entered into the record. No witness to whom such immunity has been granted shall be prosecuted on account of any matter concerning which he has testified under compulsion, except for perjury or contempt committed while so testifying.

Text

For text of the act of August 20, 1954, see appendix, page 80.

10. STUDY OF ESPIONAGE ACT

Recommendation

That a thorough study be made by the Committee on the Judiciary, in cooperation with the Department of Justice, of the Espionage Act and related legislation with a view to determining what revisions may be necessary to deal effectively with present-day security problems (p. 226).

Action

Senate Resolution 233, 85th Congress, introduced by Senator Estes Kefauver (for Senator Eastland), and passed by the Senate on January 29, 1958, authorizes the Judiciary Committee to investigate the administration of the national security law and matters relating to espionage.

Text

For the text of Senate Resolution 233, 85th Congress, see appendix, page 123.

11. AVAILABILITY OF INFORMATION FROM EXECUTIVE AGENCIES

Recommendation

That the Committee on Government Operations undertake an investigation to determine the need for and proper scope of legislation to require departments and agencies in the executive branch to make available to congressional committees, upon proper request, material from their files (p. 226).

Action

Such a study has been made in 1958 by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. Public hearing held on March 6 and April 16, 1958, have already been published in two parts, under the title "Freedom of Information and Secrecy in Government" including "The Power of the President To Withhold Information from the Congress."

12. COMMUNIST INFILTRATION INTO TREASURY DEPARTMENT

Recommendation

That consideration be given to investigation, by some appropriate agency, of possible Communist infiltration into and influence upon the Treasury Department and other agencies forming and administering fiscal and monetary policies and affairs of the United States (p. 226).

Action

The act of August 31, 1954 (Public Law 725, 83d Cong.; 68 Stat. 998, ch. 1143), sets out the necessary authority for the Attorney General and the Federal Bureau of Investigation to investigate alleged irregularities on the part of Government officers and employees, and requires the reporting by the executive departments and agencies to the Attorney General of information coming to their attention concerning any alleged irregularities on the part of officers and employees of the Government.

This act put to rest the jurisdictional conflict of authority which had previously existed, whereby it had been held that the Attorney General and the Federal Bureau of Investigation lacked authority to investigate any alleged irregularities on the part of employees in the Treasury Department.

Text

For the text of the act of August 31, 1954, see appendix, page 82.

13. ROLE OF ALGER HISS

Recommendation

That consideration be given to investigation, by some appropriate agency, of the role of Alger Hiss in foreign affairs and the formulation of foreign policy of the United States and his influence on personnel decisions in the State Department (p. 226).

Action

The Senate Permanent Subcommittee on Investigations of the Committee on Government Operations held hearings on February 4 through 20, 1953, on the State Department. The hearings were printed as parts 1 and 2 of "State Department—File Survey," and a report was issued on October 12, 1953 (S. Rept. 836, 83d Cong.). During 1953 this subcommittee held hearings on many other phases of State Department operations, as for example the information program, Voice of America; the student-teacher exchange program, and others.

14. GOVERNMENT EMPLOYMENT OF PRO-COMMUNIST ASSOCIATES OF IPR

Recommendation

That consideration be given to investigation, by some appropriate agency, of the extent to which persons actively associated with the pro-Communist core of the IPR have been employed by any agency of the Government, and the activities and influence of any such person still so employed (p. 226).

Action

In 1953, the Internal Security Subcommittee commenced hearings on interlocking subversion in Government departments. These hearings were very thorough and exhaustive, running from April 10, 1953, through August 30, 1955. They were printed in 30 parts.

15. CONTRIBUTIONS BY AMERICAN FOUNDATIONS AID COMMUNIST ACTIVITY

Recommendation

That consideration be given to investigation, by some appropriate agency, of the extent to which contributions by American charitable, scientific, and educational foundations have aided Communist or pro-Communist activity in the United States (p. 226).

Action

Such an investigation was conducted by the Special Committee To Investigate Tax-Exempt Foundations and Comparable Organizations of the House of Representatives, pursuant to House Resolution 217, 83d Congress. The report submitted by this committee is dated December 16, 1954 (H. Rept. 2681, 83d Cong.), and is entitled "Tax-Exempt Foundations."

16. OWEN LATTIMORE

Recommendation

That the Department of Justice submit to a grand jury the question of whether perjury has been committed before the subcommittee by Owen Lattimore (p. 226).

Action

Owen Lattimore was indicted for perjury, allegedly committed by denying that he was a "follower of the Communist line," but subsequent proceedings eventually resulted in dismissal of the indictments.[1]

17. FOREIGN AGENTS' REGISTRATION

Recommendation

The subcommittee's recommendation was contained in S. 2611, 82d Congress, dated February 6, 1952, and sponsored by Senator McCarran, then subcommittee chairman. S. 2611 expressly excluded from exemption under the Foreign Agents Registration Act any diplomatic or consular officer of a foreign government who is engaged in service as a public-relations counsel, publicity agent, or information service employee, or who is engaged in the preparation or dissemination of political propaganda.

Action

S. 2611 was passed by the Senate on March 24, 1952, but received no action in the House.

The subcommittee's recommendation laid the foundation, and its hearings provided supporting data, for the act of August 1, 1956 (Public Law 893, 84th Cong., 70 Stat. 899, ch. 849), which requires the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party.

The registration requirements do not apply to any person who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, "while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer."

Text

For text of the act of August 1, 1956, see appendix, page 120.

HEARINGS HELD IN 1953

During the year 1953, the subcommittee on Internal Security held the following hearings:

Subversive Influence in the Educational Process
February 10–June 17, 1953. Printed as parts 2 through 13. (Pt. 1 was printed in 1952.)

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[1] In 1952 Lattimore was indicted on seven counts by a Federal grand jury. The United States district court subsequently dismissed four counts as lacking in clarity. The court of appeals, however, restored two of these.

The Government then obtained a new indictment on two counts: (1) That Lattimore made a false statement in denying that he was a follower of the Communist line and (2) that he lied in denying that he ever promoted Communist interests. The five counts remaining from the original indictment were retained. The district court dismissed the two new counts as too vague (apparently overlooking the fact that these allegations were Lattimore's own voluntary statements, involving his own choice of words, and not mere responses to questions framed by the interrogator) and the court of appeals divided 4 to 4 which had the effect of sustaining the district court.

The five remaining counts were dismissed upon motion of the Government. Herbert Brownell, then Attorney General, was quoted in the New York Times as saying that in the light of the court decisions there was "no likelihood of successful prosecution on the five counts remaining." These abandoned counts charged Lattimore with perjury in denying that he had been told before 1950 that Chao-ting Chi was a Communist, that he had held a meeting with Soviet Ambassador Constantine Oumansky during the Nazi-Soviet pact, that he handled the correspondence of Laughlin Currie, then a member of the White House staff who has since been identified as a Communist, that he knew the writer "Asiaticus" was a Communist and that he published articles in Pacific Affairs by persons other than Russians whom he knew to be Communists.

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Activities of United States Citizens Employed by the United Nations
February 19–December 22, 1953. Printed as parts 2 through 5 of 6 parts.
(Pt. 1 was printed in 1952; pt. 6 was printed in 1954.)
Interlocking Subversion in Government Departments
April 10–December 22, 1953. Printed as parts 1 through 17 of 30 parts.
Communist Underground Printing Facilities and Illegal Propaganda
March 6–July 11, 1953. Printed.
Subversive Influence in the United Electrical Radio, and Machine Workers of America, Pittsburgh and Erie, Pa.
November 9, 10, and 12, 1953. Printed.

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

(Committee Print Report, 82d Cong., 2d sess., January 2, 1953)

Hearings: Subversive Influence in the Educational Process, September 8–October 13, 1952. Printed, part 1

18. CONTINUED INVESTIGATION

Recommendation

That the Internal Security Subcommittee of the Senate continue in the 83d Congress its investigation in this field (p. 12).

Action

The Internal Security Subcommittee held hearings, during the 83d Congress, on subversive influence in the educational process. The hearings continued from February 10 through June 17, 1953, and were printed as parts 2 through 13.

19. INVESTIGATIONS BY STATE LEGISLATURES

Recommendation

That State legislatures give consideration to undertaking investigations such as that made by the New York Legislative Committee of 1939–42 (Rapp-Coudert committee) (p. 12).

Action

The legislatures of several States have conducted investigations of subversive activities:

California

Joint factfinding committee on Un-American activities in California, Senator Jack B. Tenny, chairman. The eighth report, Senate, was submitted in 1955.
Investigating committee on education, Nelson S. Dilworth, chairman. Its 14th report was submitted in 1956.

Florida

A report on investigation of subversive activities in Florida was submitted in 1955.

Illinois

State sedition activities investigation of communism, Senator Paul W. Broyles, chairman (Broyles Commission). A report was submitted in 1949.

Kansas

Special committee on investigation of subversive activities at the University of Kansas. A report was submitted on December 30, 1939.

Maryland

Committee on subversive activities, Frank B. Ober, chairman (Ober committee). A report to the Governor and to the Maryland General Assembly was submitted in January, 1949.

Massachusetts

Special committee on activities within this Commonwealth of Communist and other subversive organizations. Its report was submitted on June 8, 1955, Senate No. 760.

Michigan

Two reports were submitted in the Senate (Journal of the Senate, 1948 extra session, 444 pages; Journal of the Senate, second extra session, 1948, 102 pages.)

Two reports were submitted in the House (report, November 10, 1955, House No. 450, 219 pages; report, July 25, 1955, House No. 3080, 137 pages).

New Hampshire

Investigation of subversive activities is conducted by the Attorney General as a delegated legislative committee of one, under a resolution granting the Attorney General the subpena power and making an appropriation for the employment and expenses of a staff. The authority for this is New Hampshire Laws, 1955, chapter 197. Constitutionality of the investigation has been approved by the New Hampshire Supreme Court (*Nelson* v. *Wyman*, 99 N. H. 33), and again in collateral attack in *State* v. *Uphaus*, (100 N. H.) and *Wyman* v. *Sweezy* (100 N. H. 103).

A report was submitted in 1950 and in 1955, Reports of Attorney General to New Hampshire General Courts.

New York City

City Council Committee Investigating the Affairs and Conduct of the Municipal Civil Service Commission of the City of New York. A report was submitted in 1942 in 3 parts.

New York State

There were several investigations, beginning as far back as 1920 (investigation headed by State Senator Clayton R. Lusk, who published a report entitled "Revolutionary Radicalism" in 4 volumes).

The Rapp-Coudert committee was officially named Joint Committee To Investigate Procedures and Methods of Allocating State Moneys for Public School Purposes and Subversive Activities. Its final report covered the public educational system of the city of New York. It was submitted in 1942, Legislative Document No. 49.

Regents' Rules on Subversive Activities was published in 1949.

Bulletin No. 1422: Regents' Rules on Subversive Activities, was published in Albany in 1953.[2]

Joint Legislative Committee on Charitable and Philanthropic Agencies and Organizations. A report was submitted on February 14, 1954, Legislative Document No. 26. It covered the investigation of fund-raising costs for charitable purposes. A report submitted on March 31, 1955, Legislative Document No. 70, volume I, covered the investigation of front organizations. A report submitted on March 31, 1956, Legislative Document No. 62, volume II, covered Communist indoctrination and training of children in summer camps.

Ohio

Un-American Activities Commission, State of Ohio. Its second report was submitted in 1954.

Oklahoma

The legislature published, on July 15, 1952, a 9-page pamphlet, entitled "Consolidated List of Organizations Designated by the United States Attorney General."

Texas

The legislature published a report on communism in unions, November 1953, 4 pages and exhibits.

Washington

Joint Fact-Finding Committee on Un-American Activities, State Representative Albert F. Canwell, chairman (Canwell committee). Its final report was published in the House Journal of 31st Legislature, 1949, pages 1095–1121. The committee also published Communism and Education by President Raymond B.

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[2] The New York Herald Tribune of December 1, 1958, p. 7, summarized the 3-year investigation of the New York Board of Higher Education into alleged Communist activity of its employees as follows:

"Since 1953, when the New York State Feinberg law was applicable to the municipal colleges, 122 staff members have been investigated. Of these, 63 were cleared or their cases closed, 18 left the colleges before being questioned, 39 were dismissed or resigned, retired or otherwise terminated their services while under investigation, and 2 are awaiting board action."

Allen, president of the University of Washington, October 7, 1948, and Communism and Academic Freedom, university board of regents, University of Washington, 1949.

Wisconsin

Investigating Committee on Communists and Other Subversive Activities. Its report was submitted on September 21, 1935, Senate Journal of 1935, pages 2332–2355.

Hawaii

The Territorial Commission on Subversive Activities. The legislature published a committee print in 1949, entitled "Communist Penetration of the Hawaiian Islands."[3]

Philippines

Special Committee on Un-Filipino Activities, House of Representatives of the Republic of the Philippines. It published a pamphlet on May 17, 1952, entitled "Communism in the Philippines."

ACTIVITIES OF UNITED STATES CITIZENS EMPLOYED BY THE UNITED NATIONS

(Committee Print Report, 82d Cong., 2d Sess., January 2, 1953)

Hearings: Activities of United States Citizens Employed by the United Nations October 13–December 3, 1952. Printed, part 1.

20. COMMUNICATION OF INFORMATION TO PROPER AUTHORITIES

Recommendation

That procedures be devised for giving the greatest possible degree of assurance that any and all information respecting the loyalty of any American citizen employee of an international organization be communicated to the proper authorities of the organization (p. 18).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under authority of Executive Order 10422, dated January 9, 1953 (18 F. R. 239), as amended by Executive Order 10459, dated June 2, 1953 (18 F. R. 3183), and under voluntary arrangements with the heads of the various international organizations. For details see item 22, below.

21. CONTINUATION OF INVESTIGATION

Recommendation

That the inquiry and investigation thus far conducted by this subcommittee be continued in order to fix responsibility for any failure on the part of United States officials to prevent employment or continued service of American nationals of questionable loyalty with any international organization. Further, the continuing inquiry and investigation should relate to past policies and practices of departments and officials of the United States Government to determine whether they have been lacking in effectiveness insofar as American interests are concerned, and to ascertain in what respects such policies and practices should be changed (p. 18).

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[3] Reports also were made to the Governor in 1951, 1953, 1954, and 1955, and were published.

Action

This inquiry was continued by the subcommittee. Hearings on activities of United States citizens employed by the United Nations were continued from February 19, 1953, to March 10, 1954, and were printed as parts 2 through 6.[4]

22. AMERICAN NATIONALS OF QUESTIONABLE LOYALTY NOT TO BE EMPLOYED BY INTERNATIONAL ORGANIZATIONS

Recommendation

That legislative safeguards be established to prevent future employment by international organizations, located in this country, of American nationals of questionable loyalty to the United States; and that a definite arrangement be entered into between the United States Government and international organizations, under which information concerning the records of all American applicants for employment should be submitted to responsible officials of the international organizations so that the security of the United States may be protected (p. 18).

Action

S. 3, 83d Congress, was introduced on January 7, 1953, by Senator McCarran, then a member of the subcommittee. The bill prohibited United States citizens from accepting any office or employment with the United Nations unless they first applied for and received a security clearance from the Attorney General. United States citizens presently employed by the United Nations would be required to file a registration statement with the Attorney General. Fine or imprisonment, or both, were provided for willful failure to register or for counseling another not to register.

S. 3 was passed by the Senate on June 8, 1953, but received no action in the House.

Executive Order 10422, dated January 9, 1953 (18 F. R. 239), as amended by Executive Order 10459, dated June 2, 1953 (18 F. R. 3183), provides for a full field investigation by the Federal Bureau of Investigation, in all cases involving a United States citizen employed or being considered for employment on the internationally recruited staff of the United Nations for a period exceeding 90 days.

The order established an International Organizations Employees Loyalty Board in the Civil Service Commission, to which the FBI shall forward its reports of full field investigations. In cases where such report shall contain derogatory information, the Board shall transmit its determinations, as advisory opinions, to the Secretary of State, for transmission to the Secretary General of the United Nations.

Text

For text of Executive Orders 10422 and 10459, see appendix, pages 67, 68.

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[4] Testimony also has been taken by the subcommittee from Gen. Mark Clark, Lt. Gen. George E. Strate meyer, Gen. James A. Van Fleet, Lt. Gen. Edmond M. Almond, and Adm. Charles Turner Joy, in its study of the Korean war and related subjects; from Adm. Charles N. Cooke on his experiences with faulty intelligence during the Pacific campaign of World War II, and from John K. Emmerson, a State Department official.

Administrative action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under authority of the Executive orders mentioned above, and under voluntary arrangements with the heads of the various international organizations. This present procedure was instituted as a result of the subcommittee's exposure of the situation in the United Nations in 1952. (See testimony of Henry S. Waldman, Chairman of the International Organizations Employees Loyalty Board, December 17, 1956, printed as pt. 38 of Scope of Soviet Activity in the United States.)

It is the opinion of the State Department that this program is working well and that most Americans of doubtful loyalty to the United States who were employed by international organizations have been removed from such employment, and that the hiring by international organizations of Americans disloyal to the United States is being prevented. The State Department has consistently opposed enactment of legislation in this field, taking the position that the matter should be handled administratively as it is now (S. Rept. No. 131, 85th Cong., p. 213).

23. SENATE TO COMPEL PRODUCTION OF INFORMATION AND TO PUNISH FOR CONTEMPT

Recommendation

That the Senate reassert and take effective steps to implement its inherent power to compel the production of documents and information which it needs in the proper performance of its functions, and to punish for contempt (p. 18).

Action

In the past few years the Senate has adopted the following resolutions, citing a witness for contempt of the Senate:

Senate Resolution 31, 84th Congress, February 4, 1955, cites Diantha D. Hoag.

Senate resolutions certifying the refusal of witnesses to testify before a subcommittee of the Senate Committee on the Judiciary, all were adopted on May 10, 1956:

Senate Resolution 253, Robert Shelton.
Senate Resolution 254, Seymour Peck.
Senate Resolution 255, Pauline Feuer.
Senate Resolution 256, Alden Whitman.
Senate Resolution 257, William A. Price.

Senate Resolution 274, 84th Congress, June 14, 1956, cites Joseph Bruno.

Senate Resolution 275, 84th Congress, June 14, 1956, cites William Frazier Evans

Senate Resolution 276, 84th Congress, June 14, 1956, cites Robert J. Hosor.

Senate Resolution 277, 84th Congress, June 14, 1956, cites Salvatore Santoro.

Senate Resolution 278, 84th Congress, June 14, 1956, cites Jesse Alexander.

Senate Resolution 279, 84th Congress, June 14, 1956, cites Joseph Bendinelli.

Harvey Matusow, Mary Knowles, and Herman Liveright were also cited for contempt in 1956.

In the 85th Congress, adopted February 19, 1957:

Senate Resolution 89 cites Nugent LaPoma (alias George Cavano).

Senate Resolution 90 cites Harry Reiss.

Senate Resolution 91, cites Einar O. Mohn.

Senate Resolution 92 cites Frank Brewster.

Adopted on March 12, 1957:

Senate Resolution 103 cites Pauline Feuer.

Senate Resolution 104 cites Ludwig Rajchmann (or Rajchman).

Senate Resolution 124, adopted May 16, 1957, cites Edward A. Hintz.

Senate Resolution 362, adopted August 18, 1958, cites Maurice A. Hutcheson.

Senate Resolution 374, adopted August 18, 1958, cites Abraham Teitelbaum.

INTERLOCKING SUBVERSION IN GOVERNMENT DEPARTMENTS

(Committee Print Report, 83d Cong., 1st Sess., July 30, 1953)

Hearings: Interlocking Subversion in Government Departments, April 10, 1953, to December 29, 1954, Printed in 30 Parts

24. STATUTE OF LIMITATIONS—FALSE SWEARING BY GOVERNMENT EMPLOYEES AS TO COMMUNIST MEMBERSHIP

Recommendation

That a thorough study be made by the Committee on the Judiciary, in cooperation with the Department of Justice, of existing legislation, with a view toward extending the statute of limitation on false swearing and false affirmations by Government employees concerning Communist membership and subversion (p. 49).

Action

The act of September 1, 1954 (Public Law 769, 83d Cong., 68 Stat. 1145, sec. 10) extended the statute of limitations on any offense, not capital, from 3 to 5 years.

Text

For text of this provision, see appendix, page 85.

Action

S. 3275, 83d Congress, introduced on April 8, 1954, by Senator William E. Jenner, then chairman of the subcommittee, proposed extending the statute of limitations to 10 years in cases of false swearing by Government employees with respect to subversive activities and connections. S. 3275 was referred to the Judiciary Committee but received no further action.

In the 84th Congress, a similar bill was introduced by Senator Jenner, then a member of the subcommittee, as S. 374, dated January 14, 1955. S. 374 was approved by the full Judiciary Committee and was reported in the Senate on June 5, 1956, but received no further action.

25. IMMUNITY FOR CONGRESSIONAL WITNESSES

Recommendation

That the Internal Security Subcommittee continue to support Senate bill 16, 83d Congress, sponsored by Senator McCarran, while a member of the subcommittee, giving Congress the power to grant immunity to certain witnesses, and, in the event of its enactment into law, review the evidence taken by the subcommittee during this session of Congress, with the object of recalling certain witnesses who refused to testify (p. 50).

Action

S. 16 was enacted into law on August 20, 1954 (Public Law 600, 83d Cong., 68 Stat. 745, ch. 769). For details see item 9, above.

Text

For text of the act of August 20, 1954, see appendix, page 80.

26. COMMUNIST CONTROL OF WORKERS IN COMMUNICATIONS INDUSTRIES

Recommendation

That legislation now before committees of Congress which would operate to prevent Communist organization and control of workers in communications and other vital industries be considered for early enactment (p. 50).

Action

The Communist Control Act of 1954 was enacted by the 83d Congress (Public Law 637, 83d Cong., 68 Stat. 775, ch. 886). It was aimed at curbing the bargaining power of Communist-infiltrated unions. For details see action under item 7, above.

Text

For text of the Communist Control Act of 1954, see appendix, page 81.

27. CONTINUED INVESTIGATION

Recommendation

That this subcommittee continue the present investigation, in those areas where the evidence brought forth during this series of hearings indicates that the subversion has not yet been fully exposed (p. 50).

Action

Although this report was submitted on July 30, 1953, the subcommittee continued its hearings in this field until December 29, 1954.

28. GOVERNMENT EMPLOYEES RECOMMENDED OR PROMOTED BY SOVIET AGENTS

Recommendation

That the executive branch of the Government reevaluate the personnel records and the personal history of all employees brought into the Government, recommended or promoted by persons shown by evidence to have been Soviet agents (p. 50).

Action

No action has been taken on a general scale. Individual investigations are being proceeded with as needed.

29. GOVERNMENT EMPLOYEES WHO HAVE ASSOCIATED WITH SOVIET AGENTS

Recommendation

That the executive branch of the Government reevaluate the personnel records and personal histories of all employees who have been closely and intimately associated with, and who were involved in some degree in conspiratorial activity with, persons shown by evidence to have been Soviet agents (p. 50).

Action

No action has been taken on a general scale. Individual investigations are being proceeded with as needed.

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

(Committee Print Report, 83d Cong., 1st sess., July 17, 1953)

Hearings: Subversive Influence in the Educational Process (February 10 to June 17, 1953. Printed as parts 2 through 13)

30. IMMUNITY FOR CONGRESSIONAL WITNESSES

Recommendation

That the Internal Security Subcommittee continue to support Senate bill 16, 83d Congress, sponsored by Senator McCarran, while a member of the subcommittee, giving Congress the power to grant immunity to certain witnesses, and, in the event of its enactment into law, review the evidence taken by the subcommittee during this session of Congress, with the object of recalling certain witnesses who refused to testify (p. 29).

Action

S. 16 was enacted into law on August 20, 1954 (Public Law 600, 83d Cong., 68 Stat. 745, ch. 769). For details see item 9, above.

Text

For text of the act of August 20, 1954, see appendix, page 80.

31. SECURITY CHECK OF CONGRESSIONAL EMPLOYEES

Recommendation

The subcommittee recommendation was contained in Senate Resolution 16, 83d Congress, dated January 7, 1953, and sponsored by Senator McCarran, then a member of the subcommittee. It provided for a check with the Federal Bureau of Investigation as to whether there is any information in its files pertaining to the loyalty and reliability for security purposes of any person who is appointed as an employee of any committee of the Senate, of any Senator, or of any office of the Senate.

Action

Senate Resolution 16 was approved by the Senate on March 6, 1953, but, according to a statement made by Senator McCarran on July 6, 1954, Senate Resolution 16 was not implemented. For text of Senator McCarran's statement, see volume 100, Congressional Record, page 9770, column 1.

32. INCOME-TAX EXEMPTION OF ORGANIZATIONS DONATING TO SUBVERSIVES

Recommendation

The subcommittee recommendation was contained in S. 4, 83d Congress, dated January 7, 1953, and sponsored by Senator McCarran, then a member of the subcommittee.

S. 4 provided that income-tax exemption be denied to organizations which make donations to subversive organizations or to subversive individuals.

Action

S. 4 was referred to the Finance Committee, but received no further action.

Senator McCarran again proposed this provision on July 1, 1954, as an amendment to H. R. 8300, 83d Congress, the general tax revenue bill. The Senate adopted this amendment but it was dropped in conference. For details involved see volume 100, Congressional Record, page 10688.

Action

Section 75 of Public Law 85–866, enacted on September 2, 1958, provides that approved applications for Federal income-tax exemptions shall be open to public inspection, together with supporting documents in most cases.

Public inspection of approved applications and supporting records may lead to challenge of exemptions.

Text

For text of section 75 of Public Law 85–866, see appendix, pages 124,125.

33. IMPORTATION OF FOREIGN PROPAGANDA

Recommendation

The subcommittee recommendation was contained in S. 37, 83d Congress, dated January 7, 1953, and sponsored by Senator McCarran, then a member of the subcommittee. S. 37 contained a provision which applied to the importation of foreign propaganda. It provided that any person not within the United States who uses the United States mails or any instrumentality of interstate or foreign commerce within the United States to circulate or disseminate any political propaganda shall be regarded as within the United States and as subject to the provisions of the Foreign Agents Registration Act.

Action

S. 37 was passed by the Senate on July 6, 1954, but received no action in the House.

HEARINGS HELD IN 1954

During the year 1954, the Subcommittee on Internal Security held the following hearings:

Subversive Influence in Certain Labor Organizations
December 21, 1953–March 25, 1954. Printed.
Communism in Labor Unions
January 26 and February 9, 1954. Printed.
Activities of Soviet Secret Service
May 21, 1954. Printed.

Southern Conference Educational Fund, Inc.
March 18–20, 1954. Printed.
Communist Propaganda
June 22, October 7, 14, 1954. Printed in 3 parts.
Activities of United States Citizens Employeed by the United Nations
March 10, 1954. Printed as part 6.
Strategy and Tactics of World Communism (trade with the Soviet Nations)
May 18–September 22, 1954. Printed as parts 1 to 5.
Interlocking Subversion in Government Departments
January 8–December 13, 1954. Printed.
Parts 18 to 27 (hearings commenced April 10, 1953; 17 parts printed in 1953).
Army Information and Education
July 6, 7, August 5, 6, 1954. Printed as part 20 of Interlocking Subversion in Government Departments.
Activities of United States Citizens in Red China
July 27, September 27, 28, December 13, 1954. Printed as parts 23 and 27 of Interlocking Subversion in Government Departments.
Testimony of Former Russian Code Clerk Relating to the Internal Security of the United States.
January 4, 1954, Ottawa, Canada. Printed.
January 11, 1955, as Senate Document No. 5, 84th Congress, 1st session.
Subversive Influence in Certain Industrial Plants (Eastern Pennsylvania)
October 13 and 28, 1954. Printed as part 1.

REPORT FOR THE YEAR 1954

(Committee Print, 83d Cong., 2d sess., January 3, 1955)

34. SUBVERSION IN POLICYMAKING

Recommendations

The State and Treasury Departments should immediately institute comprehensive studies to determine the whole extent of the policy-making activities of Alger Hiss, Harry Dexter White, and other State and Treasury officials who have been exposed as members of the Communist underground (pp. 18 (1), 73 (1)).

These studies should be under the control and direction of persons who were not identified in any way with Hiss, White, or any of their confederates, either in the making of policy or the exercising thereof (pp. 18 (2), 73 (2)).

The results of these studies should be made public at periodic intervals (pp. 18 (3), 74 (3)).

Action

During the years of 1954 and 1955, several papers were released by the State Department. In 1954 the State Department published the first 5 volumes of 1938 diplomatic correspondence (New York Times, Dec. 19, 1954, p. 32, col. 5). In 1955 the State Department issued the first of 5 volumes on diplomatic relations in 1940 (New York Times, Sept. 11, 1955, p. 2, col. 4). In 1955 the State Department published hitherto secret documents on the Yalta Conference (New York Times, Dec. 30, 1955, p. 9, col. 6), and an undated memorandum on Germany and lend-lease with the United States record of the Yalta Conference (New York Times, Dec. 30, 1955, p. 8, col. 1).

35. RETENTION OF FILES CONTAINING INFORMATION ON SUBVERSIVE ACTIVITY

Recommendation

That the executive branch of the Government adopt procedures which will guarantee the retention of all files containing information concerning subversive activity in such form as to make these files reasonably available in current situations (pp. 29 (2), 74 (2)).

Action

H. R. 5936, 85th Congress, introduced by Mr. Brooks Hays of Arkansas on March 31, 1957, requires the deposit with the Federal Bureau of Investigation of all information relating to any un-American activities, any disloyalty, or doubt of loyalty, of individuals to the United States, which comes into the possession of Government departments and agencies in connection with the appointment of such individual to an office or position in or under the United States Government.

H. R. 5936 was referred to the Un-American Activities Committee, but received no further action in the 85th Congress.

36. COMMUNISTS TO BE BARRED FROM SENSITIVE POSTS IN ARMED SERVICES

Recommendation

Communists, or those subject to Communist discipline should be barred at all times from all sensitive posts in the armed services and from plants or installations serving the Armed Forces (pp. 29 (3), 74 (3)).

Action

S. 2415, 85th Congress, introduced on June 27, 1957, by Senators Norris Cotton and John Stennis, provides a standard of loyalty to the United States Government for military personnel. It prescribes procedures for the determination of loyalty of such personnel. It sets up hearings, boards of inquiry, criteria for the determination of reasonable doubts as to loyalty, and provides for a board of review. S. 2415 was referred to the Armed Services Committee but received no further action in the 85th Congress.

H. R. 9352, introduced on August 19, 1957, by Mr. Francis E. Walter, sets up a complete system for fairly and effectively dealing with security problems of Armed Forces personnel. H. R. 9352 was referred to the Un-American Activities Committee, but received no further action in the 85th Congress.

Administrative action

The Department of Defense has revised its Directive No. 5210.9 on June 19, 1956. This directive establishes a military personnel security program, the purpose of which is to establish uniform procedures and provide policy guidance pertaining to the acceptance, rejection or separation of persons whose membership in the Armed Forces would not be clearly consistent with the interests of national security in order to assure that the effectiveness of the Armed Forces of the United States will not be jeopardized by subversive elements within their ranks.

Text

For text of DOD Directive No. 5210.9, see appendix, pages 103–119.

37. THE ARMY'S INFORMATION AND EDUCATION PROGRAM

Recommendation

The teaching of traditional American doctrines and beliefs to the members of the United States Armed Forces and the explanation of the causes for which they are asked to fight are a major function in the whole effort of the United States to keep itself free. Those who

conduct this teaching occupy posts of the highest sensitivity. Consequently, they should be subject to high security standards (pp. 51, 73).

Action

S. 2415, 85th Congress, introduced on June 27, 1957, by Senators Cotton and Stennis, and H. R. 9352, introduced on August 19, 1957, by Mr. Walter, prescribe procedures for the determination of loyalty of personnel connected with the Armed Forces. Defense Department Directive No. 5210.9 covers this. For details see item 36, above.

38. UNITED STATES CITIZENS IN COMMUNIST CHINA

Recommendation

Appropriate administrative, legislative, and judicial steps should be taken so that no American national may, without fear of retribution, give aid and comfort to a nation engaged in armed combat with the Armed Forces of the United States (pp. 70, 73).

Action

S. 2899, 85th Congress, introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee, provides for the loss of citizenship of United States nationals who assist in the communization of any foreign state or accept employment under a Communist government. S. 2899 was referred to the Judiciary Committee but received no further action in the 85th Congress.

S. 3877, 85th Congress, introduced on May 21, 1958, by Senator Eastland, and H. R. 4755, 85th Congress, introduced on February 14, 1957, by Mr. Emanuel Celler, confer jurisdiction over offenses committed outside any district, in the district in which the offender is arrested. If such offender is not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or in the District of Columbia.

The bills were referred to the Judiciary Committees of both Houses, but received no further action in the 85th Congress.

H. R. 9352 and H. R. 9937, 85th Congress, introduced by Mr. Walter on August 19, 1957, and January 13, 1958, respectively, provide for expatriation of native-born or naturalized American citizens who accept employment under a Communist-dominated, Communist-occupied, or Communist-controlled foreign state.

Both bills were referred to the Un-American Activities Committee but received no further action in the 85th Congress.

ACTIVITIES OF UNITED STATES CITIZENS EMPLOYED BY THE UNITED NATIONS

(Committee Print Report (Second), 83d Cong., 2d sess., March 22, 1954)

Hearings: Activities of United States Citizens Employed by the United Nations, February 19, 1953–March 10, 1954. Printed as parts 2 to 6

39. AMERICANS OF QUESTIONABLE LOYALTY NOT TO ACCEPT U. N. EMPLOYMENT

Recommendation

The subcommittee recommends the enactment of the bill, S. 3, 83d Congress, sponsored by Senator McCarran and passed by the Senate on June 8, 1953, which would prevent United States citizens of

questionable loyalty to the United States Government from accepting any office or employment in or under the United Nations. For details, see Recommendation No. 22, above. The subcommittee deplores the opposition to this bill by agencies in the executive branch of the Government which should be supporting this bill as the only effective means of attaining its objectives (p. 51 (1)).

Action

S. 3 received no action in the House and was not enacted into law.

40. ACTION OF AMERICAN DELEGATION COMMENDED

Recommendation

The subcommittee commends the action of the American delegation to the United Nations in opposing the recommendations of the administrative tribunal reversing the Secretary-General in his dismissal of and refusal to reinstate employees who invoked the fifth amendment before the subcommittee. The subcommittee urges such further steps as are necessary to prevent limitations upon and interference with the power of the Secretary-General to remove American Communist employees from the United Nations staff (p. 51 (2)).

Action

The loyalty screening of Americans employed by the United Nations is being dealt with administratively. For details, see item 22 above.

41. REVISION OF UNITED NATIONS RULES

Recommendation

The subcommittee urges the President to instruct the American delegation to the United Nations to press for revision of any United Nations rules or contracts which limit the power of the Secretary General to dismiss any such employees (p. 51 (3)).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under authority of Executive Order 10422 as amended by Executive Order 10459 and under voluntary arrangements with the heads of the various international organizations. For details, see item 22 above.

42. SHIFTING COMMUNIST-CONNECTED AMERICANS IN GOVERNMENT TO EMPLOYMENT IN THE UNITED NATIONS

Recommendation

That the subcommittee seek to determine which, if any, Government agencies or persons or private agencies took part in shifting Americans in Government, who were connected with the Communist apparatus, to employment in the United Nations (p. 51 (4)).

Action

The subcommittee conducted hearings on Interlocking Subversion in Government Departments. Hearing printed as part 30 (pp. 2415–2860) on the Harry Dexter White Papers, was held on August 30, 1955, and contains testimony on the subject.

43. REVIEW OF UNITED NATIONS PERSONNEL FROM NON-COMMUNIST COUNTRIES

Recommendation

Because all persons who are subservient to the Communist international organization are in fact agents of the Soviet Government, the subcommittee urges the President of the United States to instruct the American delegation to press for a thorough review of the entire United Nations personnel from non-Communist countries, and to cooperate with delegations from such countries for the purpose of eliminating all personnel from their respective countries who are members of the Communist international organization or who are subject to its discipline. Similar instructions concerning the desirability of eliminating Communists who come from non-Communist nations should be given with respect to personnel of specialized agencies of the United Nations, including the Monetary Fund, Bank for Reconstruction and Development, UNESCO, and the International Labor Organization (p. 51 (5)).

Action

The problem of loyalty screening of personnel employed by the United Nations and other international agencies, is now being handled administratively by the State Department under authority of Executive orders and through voluntary arrangements with the heads of such agencies. For details, see item 22, above.

44. REGISTRATION OF COMMUNIST PRINTING FACILITIES

Recommendation

The subcommittee recommendation is contained in S. 2766, 83d Congress, dated January 19, 1954, and sponsored by Senator Herman Welker, then a member of the subcommittee.

S. 2766 requires all organizations which are required to register under the Internal Security Act of 1950 to register with the Attorney General all equipment used by the organization for printing or publication of any printed matter.

Action

S. 2766 was enacted into law on July 29, 1954 and became Public Law 557, 83d Congress (68 Stat. 586).

Text

For text of the act of July 29, 1954, see appendix, page 79.

45. REPORTS TO CONGRESS WITH REGARD TO EMPLOYEES SEPARATED AS SECURITY RISKS

Recommendation

The subcommittee recommendation was contained in S. 3277, 83d Congress, dated April 8, 1954, and sponsored by Senator McCarran, then a member of the subcommittee. It proposed that each department and agency in the executive branch of the Government be required to submit quarterly reports to Congress with respect to employees separated as security risks.

Action

S. 3277 was referred to the Judiciary Committee, but received no further action.

46. EXPATRIATION ACT OF 1954

Hearings: Interlocking Subversion in Government Departments, April 10, 1953, Through December 13, 1954. Printed in 30 Parts

Action

There is no doubt that these subcommittee hearings generated support for the enactment of the Expatriation Act of 1954 (Public Law 772, 83d Cong., 68 Stat. 1146, ch. 1256), which provides for the forfeiture of United States nationality upon conviction of advocating the overthrow, or conspiring to overthrow, the Government of the United States by force or violence or upon conviction of other specified crimes pertaining to the forceful opposition to the Government of the United States.

Text

For text of the Expatriation Act of 1954, see appendix, page 86.

47. IMPORT OF GOODS PRODUCED BY SLAVE LABOR

Hearings: The Hearings on Strategy and Tactics of World Communism (May 18–September 22, 1954), listed above, revealed an outwardly plausible but highly dangerous and historically worthless trade program offered by the Communist dictators.

Recommendation

Senators Jenner, McCarran, and Welker, members of the task force which investigated this subject, introduced S. 3632, 83d Congress, dated June 18, 1954, making it a felony to import or ship in interstate commerce any commodity or goods produced by slave labor.

Action

S. 3632, 83d Congress, received no action. Senator Jenner reintroduced this bill in the 84th Congress, as S. 376. This bill, too, received no action.

48. PRAYER FOR ENSLAVED PEOPLE BEHIND IRON CURTAIN

Recommendation

Senator Welker, a member of the subcommittee, introduced Senate Joint Resolution 169, 83d Congress, dated June 24, 1954. It authorized the President of the United States to proclaim the first Sunday of each month, for a period of 12 months, as a day of prayer for enslaved peoples behind the Iron Curtain.

Action

Senate Joint Resolution 169 was passed by the Senate on July 6, 1954, but received no action in the House.

49. COMMUNIST INFLUENCE IN LABOR UNIONS

Recommendation

Based on hearings held in 1954, as listed above, the subcommittee again introduced a proposal, through Senator John Marshall Butler, a member of the subcommittee (S. 3706, 83d Cong., dated July 2, 1954) aimed at curbing the bargaining powers of Communist-infiltrated unions.

Action

S. 3706 was enacted into the Communist Control Act of 1954 (Public Law 637, 83d Cong., 68 Stat. 775, ch. 886). For details see "Action" under item 7, above.

Text

For text of the Communist Control Act of 1954, see appendix, page 81.

50. DENIAL OF FEDERAL ANNUITIES TO CONVICTED SUBVERSIVES

Hearings: Interlocking Subversion in Government Departments April 10, 1953 through December 13, 1954. Printed in 30 parts

Action

There can be no question that these subcommittee hearings on Government infiltration generated support for the enactment of the act of September 1, 1954 (Public Law 769, 83d Cong., 68 Stat. 1142), which prohibits the payment of annuities to officers and employees of the United States, or their survivors, convicted of certain felonies such as treason, sedition, perjury, and other specified offenses, and which provides instead for the payment to such individuals of a sum equal to the amount credited to them in the retirement fund, with interest, less any sums previously refunded or paid as annuity benefits.

Text

For text of the act of September 1, 1954, see appendix, page 83.

HEARINGS HELD IN 1955

During the year 1955, the subcommittee held the following hearings:

Subversive Influence in the Educational Process
September 15, 1955. Printed as part 14.
Strategy and Tactics of World Communism:
The Significance of the Matusow Case, February 21–May 9, 1955. Printed as parts 1 through 12.
Communist Battle Plan, April 28, 1955. Printed as Part 13.
Recruiting for Espionage, June 28–July 14, 1955. Printed as parts 14 through 16.
Communist Activities in New York, January 4, 5, 6, 1955. Printed as part 17.
Communist China and Illicit Narcotic Traffic:
March 8–May 13, 1955. Printed.
Security Screening of Refugees:
June 9, 1955. Printed.
Recording of Jury Deliberation (S. Res. 58):
October 12, 13, 1955. Printed.
Subversive Activities in the Pittsburgh Area
June 10, 11, 16, 1955. Not printed.
Foreign Language Press in the United States
June 17–24, 1955. Not printed.
Subversive Influence in Certain Industrial Plants (Eastern Pennsylvania)
March 29, 1955. Printed as part 2.
Interlocking Subversion in Government Departments
June 1, 15, August 30, 1955. Printed as parts 28 through 30, and including:
The Morganthau Diaries
The Harry Dexter White Papers
Defense Facilities Protection Act (S. 681, 84th Cong.)
April 29–June 2, 1955. Printed.

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REPORT ON THE KOREAN WAR AND RELATED MATTERS

(Committee Print, 84th Cong., 1st sess., Jan. 21, 1955)

Hearings: The Korean War and Related Matters, August 10, 1954–December 29, 1954, as part of the hearings on Interlocking Subversion in Government Departments—Printed as parts 21, 22, 24, 25, 26

51. CIRCULATION OF HEARINGS AND REPORT

Recommendation

That this report and copies of the hearings on which it is based be circulated widely as a historic document containing authoritative eyewitness testimony not hitherto available (p. 24 (1)).

Action

This report and the hearings on which it was based, received wide circulation. About 75,000 copies of the report have been distributed.

52. AMERICAN TREATY RELATIONSHIPS

Recommendation

That these findings be accorded careful consideration in exploring the whole question of American treaty relationships (p. 25 (6)).

Action

The subcommittee published Senate Document No. 85, 84th Congress, dated August 1, 1955, entitled "Soviet Political Treaties and Violations." This is a chronological list of treaties to which Russia was a signatory power. The Soviet violations are shown in boldface print.

THE MATUSOW CASE

(Committee Print Report, 84th Cong., 1st Sess., April 6, 1955)

Hearings: Strategy and Tactics of World Communism (The Significance of the Matusow case), February 21 through May 9, 1955. Printed as parts 1 through 12

53. COMMUNIST SUBVERSION OF THE JUDICIAL PROCESS

Recommendation

That the Government in its normal program for safeguarding the judicial process and the integrity of all Government witnesses, continue to give special attention to concerted efforts of the Communist conspiracy to subvert such processes and to corrupt or victimize such witnesses (p. 91 (1)).

Action

S. 1254, 85th Congress, dated February 18, 1957, and sponsored by Senator Butler, a member of the subcommittee, gives preference to consideration by the Federal courts of criminal proceedings involving treason, espionage, sabotage, sedition, and subversive activities. The enactment of such a measure would afford the Communist conspiracy less time to corrupt or victimize witnesses.

S. 1254 was referred to the Judiciary Committee but received no further action.

54. CONSPIRACY TO OBSTRUCT JUSTICE

Recommendation

That the Department of Justice lay before a grand jury the facts relating to the apparent conspiracy to obstruct justice involving Matusow, Witt, Kahn, and others (p. 91 (2)).

Action

Harvey M. Matusow was convicted of perjury by the District Court for the Southern District of New York. The court of appeals affirmed the judgment on May 10, 1957 (244 F. 2d 532).

Albert E. Kahn was convicted of contempt of Congress by the United States District Court of the Southern District of New York on February 9, 1955 (Docket No. 146–253).

55. NONCOMMUNIST AFFIDAVITS BY ATTORNEYS

Recommendation

That legislation be enacted to prohibit appearances as counsel in Federal courts or before congressional committees or executive departments or agencies of the Federal Government by attorneys who have not by affidavit declared that they are not members of the Communist Party or any organization which has for its purpose the destruction of the Government of the United States by force and violence, or who have persisted in refusal, under oath, to testify respecting their Communist affiliations (p. 91 (4)).

Action

H. R. 6580, 85th Congress, dated April 2, 1957, and H. R. 9937, 85th Congress, dated January 13, 1958, both sponsored by Mr. Walter, prohibit any person who has been identified under oath as a member of the Communist Party, from appearing before executive departments or congressional committees, unless he has sworn that he is not now and has not for the past 5 years been a member of the Communist Party or of any association which advocates the overthrow of the Federal or State Government by force.

H. R. 6580 was referred to the Judiciary Committee and H. R. 9937 to the Un-American Activities Committee, and received no further action in the 85th Congress.

56. CONTROL OF PASSPORTS

Recommendation

That legislation be enacted to strengthen regulations for the control of passports so that they may not be used for unauthorized travel (p. 91 (5)).

Action

Many bills were introduced during the years 1956 to 1958, containing provisions for the control of passports:

In the 84th Congress:

H. R. 9991. Mr. Walter; March 15, 1956.

H. R. 11582. Mr. Walter; June 4, 1956.

In the 85th Congress:

S. 2770. Senator J. W. Fulbright; August 13, 1957.
S. 2901. Senator Eastland; August 30, 1957.
S. 3344. Senator Thomas C. Hennings, Jr., and others; February 24, 1958.
S. 4030. Senator Eastland; June 18, 1958.
S. 4065. Senator Everett M. Dirksen; June 27, 1958.
S. 4110. Senator Theodore F. Green; July 8, 1958.
H. R. 5612. Mr. Walter; March 5, 1957.
H. R. 8655. Mr. Walter; July 11, 1957.
H. R. 9352. Mr. Walter; August 19, 1957.
H. R. 9937. Mr. Walter; January 13, 1958.
H. R. 12983. Mr. Patrick J. Hillings; June 17, 1958.
H. R. 12989. Mr. Walter; June 17, 1958.
H. R. 13005. Mr. Harold R. Collier; June 18, 1958.
H. R. 13318. Mr. Kenneth B. Keating; July 8, 1958.
H. R. 13699. Mr. John M. Vorys; August 6, 1958.
H. R. 13700. Mr. Armistead I. Selden, Jr.; August 6, 1958.
H. R. 13760. Mr. Selden; August 13, 1958.
H. R. 13761. Mr. Vorys; August, 13 1958.
H. R. 13769. Mr. Laurence Curtis of Massachusetts; August 14, 1958.
H. R. 13788. Mr. Wayne L. Hays of Ohio; August 15, 1958.

The bills were referred to the appropriate committees. Hearings were held by the Senate Foreign Relations Committee (July 16–28, 1958) on the Passport Act of 1958 (S. 4110), and by the House Committee on Foreign Affairs (July 17–August 18, 1958) on H. R. 13760 which authorizes the Secretary of State to deny passports under certain circumstances, and provides for judicial review of the Secretary's final decision. No further action was taken on any of these bills.

Administrative action

For details concerning administrative action by the Passport Office of the Department of State, see item 132, below.

REPORT ON SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

(Committee Print, 84th Cong., 1st Sess., 1955)

Hearings To Determine Certain Facts With Respect to the Manner in Which the Subversive Activities Control Act Has Been and Is Being Administered, May 3, 1955 (Executive Session)

57. INTERNAL SECURITY DIVISION OF DEPARTMENT OF JUSTICE

Recommendation

That the Committee on Appropriations consider sympathetically legislation to authorize employment of needed attorneys in the Internal Security Division of the Department of Justice, and the employment of additional clerical help in proportion (p. 8).

Action

The act of June 20, 1956 (Public Law 603, 84th Cong. 70 Stat. 305) and the act of June 11, 1957 (Public Law 85–49, 71 Stat. 61), appropriated $300,000 and $150,000 respectively "for compensation and

expenses of special temporary attorneys and assistants to the Attorney General, and to the United States attorneys and other miscellaneous employees not otherwise provided for, employed by the Attorney General and with his approval by the United States attorneys, in special matters and cases without regard to civil-service and classification laws," provided that the compensation to any one person shall not exceed $15,000 per annum.

58. ADDITIONAL HEARING EXAMINERS FOR SACB

Recommendation

That the Committee on Appropriations consider sympathetically legislation authorizing employment by the Subversive Activities Control Board of a minimum of 6 additional hearing examiners during the fiscal year 1956, with the understanding that such authority will be utilized only to the extent that the services of such examiners are required by an increased workload (pp. 8–9).

Action

SACB budget for fiscal year ending June 30, 1956, estimated that $300,000 would be needed. Congress appropriated $298,600 (69 Stat. 195). For fiscal year ending June 30, 1957, $350,000 was estimated and $350,000 was appropriated (70 Stat. 279).

59. ACTION BY DEPARTMENT OF JUSTICE

Recommendation

That the Department of Justice adopt as a goal the initiation of action before the end of the fiscal year 1956 in the case of every Communist-front organization known to the Department and which it deems to be suitable for adjudication under the act (p. 9).

Action

The Department of Justice did this during the year of 1956, as recommended. At the beginning of 1957 there were 13 active cases on the docket of the Subversive Activities Control Board.

60. ACTION BY SUBVERSIVE ACTIVITIES CONTROL BOARD

Recommendation

That all cases brought before the Subversive Activities Control Board should proceed to hearings as speedily as possible (p. 9).

Action

At the beginning of 1957 there were 13 active cases on the docket of the Subversive Activities Control Board. The Justice Department filed no new petitions before the Board in 1957. Five cases were disposed of during 1957, leaving eight uncompleted cases on the docket. Of these 8, hearings had been held in 6 cases. This left only 2 cases, at the hearing stage, on the docket of the Board, at the end of 1957. No petitions were filed in 1958.

61. ADJUDICATION OF STATUS OF COMMUNIST-DOMINATED LABOR UNIONS

Recommendation

That the Department of Justice file petitions immediately for adjudication by the Subversive Activities Control Board of the

Communist-infiltrated status of the International Union of Mine, Mill and Smelter Workers, the United Electrical, Radio and Machine Workers of America, the International Fur and Leather Workers Union, the International Longshoremen's and Warehousemen's Union, and the American Communications Association, and any other labor organizations known or believed by the Department of Justice to be in fact Communist dominated or controlled (p. 9).

Action

The Department of Justice filed petitions for adjudication of the status of the International Union of Mine, Mill and Smelter Workers (docket No. 116–56) and United Electrical, Radio and Machine Workers of America (docket No. 119–56). Hearings were held in both cases.

62. HANDBOOK OF FACTUAL INFORMATION ON ORGANIZATIONS CITED AS SUBVERSIVE

Recommendation

That the Attorney General proceed as promptly as possible to compile and publish a handbook of factual information with respect to organizations cited by the Attorney General as subversive, including the date of formation and the date of dissolution, if any; the period of domination by any subversive organization, if that is not coextensive with the existence of the cited organization; the sphere or spheres of activity of the cited organization, and the geographical area or areas in which it operated; the nature of its principal business; the nature of its principal connection or connections with other subversive organizations and its principal subversive or subversion-serving object or objectives; requirements for membership in the listed organization, and the means, if any, ordinarily used to evidence such membership; together with any other facts of a specialized nature respecting the organization which it would be necessary to know in order to consider intelligently for security evaluation a question involving membership in the organization; and that similar information be published with respect to any organizations hereafter cited by the Attorney General as subversive (p. 9).

Action

On November 1, 1955, the Attorney General published a consolidated list of "Organizations Designated Under Executive Order No. 10450." The Attorney General has not, as yet, published any handbook containing the suggested data concerning these organizations.

Text

This list is reproduced in the appendix, at pages 74–79.

63. EVALUATION OF SECURITY INFORMATION

Recommendation

That legislation be enacted providing, under the Subversive Activities Control Board, machinery for evaluating, for purposes of initial employment by the Government or by a Government contractor-employer, derogatory security information respecting an individual who applies for such evaluation. Such evaluation should be neither a substitute for nor an appeal from the security evaluation resulting

from regular security procedures in any Government agency or department, nor should such evaluation be permitted to supersede or be substituted for the security clearance required by any agency. Such legislation should, however, operate to give an applicant a place where he can explain derogatory information of a security nature respecting him, and give him also, if his explanation is satisfactory the same opportunities for employment by the Government or by a Government contractor-employer that would be enjoyed by a person concerning whom no derogatory information was of record (p. 9).

Action

S. 2376, 84th Congress, was introduced on June 29, 1955, by Senator Eastland, the chairman of the subcommittee. It provided for the preliminary evaluation of derogatory information concerning individuals seeking Government employment, and the issuance of a certificate to individuals against whom no probable ground has been shown indicating a security risk. The bill would prohibit discrimination against such individuals seeking Government employment. S. 2376 was referred to the Judiciary Committee but received no further action.

64. HOLDOVER IN OFFICE OF MEMBER OF SACB

Recommendation

That legislation be enacted to amend the Subversive Activities Control Act so as to provide that a member of the Subversive Activities Control Board whose term has expired may continue to hold office, during a period not to exceed 1 year thereafter, until his successor has been appointed and qualified (pp. 9, 10).

Action

S. 2171, 84th Congress, was introduced on June 7, 1955, by Senator Eastland, the chairman of the subcommittee. The bill provided that upon the expiration of his term of office, a member of the SACB shall continue to serve until his successor shall have been appointed and shall have qualified.

S. 2171 was passed by the Senate on June 24, 1955, and by the House on July 27, 1955, but was vetoed by the President on August 12, 1955 (pocket veto).

65. TERM OF OFFICE OF MEMBERS OF SACB

Recommendation

That legislation be enacted amending the Subversive Activities Control Act so as to make the term of a member of the Subversive Activities Control Board 5 years instead of 3, and to so arrange the terms that the term of 1 member will expire each year (p. 10).

Action

The act of August 5, 1955 (Public Law 254, 84th Cong.; 69 Stat. 539), sponsored by Senator Eastland, the chairman of the subcommittee, provides for 5-year terms of office for members of the Subversive Activities Control Board, with 1 of such terms expiring in each calendar year.

Text

For text of the act of August 5, 1955, see appendix, page 102.

66. INCREASED PENALTIES FOR SEDITIOUS CONSPIRACY

Processed by subcommittee

S. 547, 84th Congress, dated January 18, 1955, and sponsored by Senator Alexander Wiley, was processed by the subcommittee and reported favorably to the full Judiciary Committee on April 14, 1955. It provided for amendment of title 18 of the United States Code so as to increase the penalties applicable to seditious conspiracy, advocating overthrow of Government, and conspiracy to advocate overthrow of Government.

Action

H. R. 2854, 84th Congress, sponsored by Mr. Keating, and containing provisions substantially identical to S. 547 was approved on July 24, 1956, and became Public Law 766, 84th Congress (70 Stat. 623 ch. 678). It increases the penalties applicable to seditious conspiracy, advocating the overthrow of the Government, and conspiracy to advocate such overthrow, to a uniform maximum of a $20,000 fine, and/or 20 years' imprisonment; and it renders persons so convicted ineligible for public employment for 5 years after conviction.

Text

For text of the act of July 24, 1956, see appendix, page 120.

67. PROTECTION OF STRATEGIC DEFENSE FACILITIES

Recommendation

The subcommittee recommendation was contained in S. 681, 84th Congress, entitled the "Defense Facilities Protection Act," dated January 24, 1955, and sponsored by Senator Butler, a member of the subcommittee. The bill authorizes the President to guard strategic defense facilities against persons believed to be disposed to commit sabotage or espionage.

Action

Public hearings were held on the bill, April 29–June 2, 1955 (printed), but no further action was taken.

Senator Butler introduced the same bill in the 85th Congress, as S. 1140. This bill was referred to the Judiciary Committee but received no further action.

H. R. 9352 (secs. 150, 171), 85th Congress, sponsored by Mr. Walter, proposed an "industrial personnel security program" including the "security of contractor representatives." This bill was referred to the Un-American Activities Committee, but received no further action.

Administrative action

Regulations issued by the Secretary of Defense provide for "Industrial personnel security review" (32 C. F. R., 1958 supplement, pt. 67; 20 F. R. 1553, dated March 15, 1955).

These regulations prescribe the uniform standard and criteria for determining the eligibility of contractors, contractor employees, and certain other individuals, to have access to classified defense information.

Text

For text of the industrial personnel security review regulation, see appendix, pages 109–119.

68. PAST AFFILIATION WITH COMMUNIST ORGANIZATIONS

Recommendation

The subcommittee recommendation was contained in S. 1392, 84th Congress, dated March 10, 1955, and sponsored by Senator Butler, a member of the subcommittee. S. 1392 provided that the Subversive Activities Control Act of 1950 be amended to change from 2 to 3 years the periods within which past Communist affiliation of individuals conducting the management of organizations charged with being Communist-infiltrated organizations are to be scrutinized under the act.

Action

H. R. 4753, 84th Congress, sponsored by Mr. Harold H. Velde, containing provisions substantially identical to S. 1392 was approved on July 26, 1955, and became Public Law 173, 84th Congress (69 Stat. 375, ch. 381). It amends subsection (e) of section 13A of the Subversive Activities Control Act of 1950, so that in determining whether an organization is a Communist-infiltrated organization, the Board shall consider to what extent the management of such organization is conducted by individuals who, within the past 3 years (previously 2 years) have had Communist affiliations.

Text

For text of the act of July 26, 1955, see appendix, page 82.

HEARINGS HELD IN 1956

During the year 1956, the subcommittee held the following hearings:

Jurisdiction in Sedition Cases (S. 3603 and S. 3617)
May 11, 1956. Printed.

To Establish Rules of Interpretation Governing Questions of the Effect of Acts of Congress on State Laws
May 18, 1956. Printed.

Scope of Soviet Activity in the United States
February 8–December 18, 1956. Printed as parts 1 through 47.

Strategy and Tactics of World Communism (Communist Activities in New York)
January 4–6 1956. Printed as part 17.

To clarify the Intention of Congress with Respect to the Application of the Summary Suspension Act to Nonsensitive Positions (S. 4050)
June 26–27, 1956. Not printed.

INTERNAL SECURITY ANNUAL REPORT FOR 1956

(S. Rept. No. 131, 85th Cong., 1st Sess., March 4, 1957)

69. IMPORTATION OF COMMUNIST PROPAGANDA MATERIAL

Recommendation

The Congress should enact legislation prohibiting the importation and distribution, by foreign diplomats or consular personnel, of propaganda material from the U. S. S. R. or its satellite Communist countries (p. 17).

Action

Although not containing this exact provision, a bill on this subject was introduced in the 85th Congress (H. R. 9937). For details, see item 117, below.

SOVIET ESPIONAGE IN THE UNITED STATES

70. STATUTE OF LIMITATIONS ON SUBVERSIVE ACTIVITIES

Recommendation

The Congress should enact legislation to suspend the running of the statute of limitations, in all cases involving communism and subversion, until the offense is known to United States law-enforcement authorities (p. 31).

Action

No action has yet been taken.

71. LIMIT ON MOVEMENTS OF COMMUNIST DIPLOMATIC PERSONNEL

Recommendation

The Government of the United States should take steps to limit more effectively the movements and activities of Soviet and other Communist diplomatic and semidiplomatic personnel in this country (p. 31).

Action

House Joint Resolution 85, 85th Congress, introduced on January 3, 1957, by Mr. L. Mendel Rivers, declares it to be United States policy to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States in such nation.

The bill was referred to the Foreign Affairs Committee but received no further action in the 85th Congress.

Administrative action

At present the movements of such personnel are limited by administrative action of the Department of State. For details, see item 114, below.

72. DISCLOSURE BY SOVIET DIPLOMATS OF PRIOR ESPIONAGE CONNECTIONS

Recommendation

The Congress should by law require that any Soviet alien who has entered the United States with diplomatic or semidiplomatic status shall disclose to the Department of State any connection he may have had at any time with the espionage service or secret police of any Soviet or Soviet-dominated nation (p. 31).

Action

S. 2896, 85th Congress, introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee, contains such provisions. For details, see item 149, below.

73. ENTRY OF ALIEN DIPLOMAT UNDER AN ALIAS

Recommendation

The Congress should by law make it a criminal offense for any alien to enter the United States on a diplomatic passport under an alias or any name other than his own true and full name (p. 31).

Action

S. 2897, 85th Congress, introduced by Senator Eastland, the chairman of the subcommittee contains such a provision. For details, see item 131, below.

COMMUNIST PENETRATION OF GEOGRAPHICAL AREAS AND UNIONS

74. SECURING SOCIAL-SECURITY CARD UNDER FALSE NAME

Recommendation

The Congress should enact legislation making it an offense to secure a social-security card under a false name or alias (p. 49).

Action

H. R. 9352 and H. R. 9937 (sec. 309), 85th Congress, introduced by Mr. Walter on August 19, 1957 and January 13, 1958, respectively, provide a penalty of a fine of not more than $1,000, or imprisonment for not more than 1 year, or both, for use of an assumed or fictitious name (without disclosure of true identity) in an application for a social-security card.

Both bills were referred to the Committee on Un-American Activities, but received no further action.

75. PROTECTION OF COMMUNICATIONS FROM SUBVERSIVE ACTIVITY

Recommendation

Appropriate committees of Congress should undertake speedily a study to determine what legislation is necessary to protect private and Government communications by telegraph, cable, telephone, and radio from subversive activity (p. 49).

Action

The Internal Security Subcommittee has maintained a continuing scrutiny of the labor situation in the communications field. It also has instituted hearings on Communist activity in mass communications. The first hearing, held on August 12, 1958, has been printed as part 1. The second, which was held September 23, 1958, and a third, held December 17, 1958, have not yet been printed.

76. CONTINUATION OF PROCEEDINGS BEFORE SACB AFTER DISSOLUTION OF RESPONDENT ORGANIZATION

Recommendation

The Congress should consider legislation to permit proceedings before the Subversive Activities Control Board to continue against a respondent organization and its officers and members even though, after the case has commenced, the organization purports to dissolve or change its name (p. 49).

Action

H. R. 8574, H. R. 9352, and H. R. 9937, 85th Congress (sec. 2) introduced by Mr. Walter on July 8, August 19, 1957, and January 13, 1958, respectively, provide that the dissolution or reorganization of an organization shall not prevent the institution of any proceedings before the Subversive Activities Control Board under section 13 or 13A of the Internal Security Act, nor shall it prevent a final determination in any proceedings under either such section.

These bills were referred to the Un-American Activities Committee, but received no further action in the 85th Congress.

77. CHANGE OF NAME OF RESPONDENT ORGANIZATION IN PROCEEDINGS BEFORE THE SACB

Recommendation

The Congress should consider legislation, to apply in cases where an organization respondent in a proceeding before the Subversive Activities Control Board has changed its name or reorganized under a new name, permitting such organization or new organization, under the new or changed name, upon a showing of substantial identity with the respondent organization, to be impleaded as respondent in the proceeding (p. 49).

Action

H. R. 8574, H. R. 9352, and H. R. 9937, 85th Congress (sec. 2), introduced by Mr. Walter, contain such a provision. For details, see item 76, above.

78. EVIDENCE IN PROCEEDINGS BEFORE SACB

Recommendation

The Congress should by law give the Subversive Activities Control Board authority to find Communist domination of a union on the basis of all the available evidence, thus eliminating arbitrary limitations and restrictions upon evidence which the Board may consider (p. 49).

Action

No action has yet been taken by Congress.

79. COMMUNIST-DOMINATED UNIONS IN DEFENSE WORK

Recommendation

The Department of Justice, under the Communist Control Act of 1954, should proceed against Communist-dominated unions which are functioning in our defense work, if the available evidence warrants such action (p. 49).

Action

The Department of Justice has a continuing program under which it proceeds to petition the SACB for adjudication of the status of an organization when the Department deems that the available evidence warrants such action. No new petitions were filed in the years 1957 and 1958, but the Department is engaged in action on cases concerning which petitions have been filed previously.

80. PROCEEDINGS BY UNION MEMBERS TO DETERMINE COMMUNIST DOMINATION OF THEIR UNION

Recommendation

The Communist Control Act should be amended to provide a procedure by which union members may institute a proceeding for determination by the Subversive Activities Control Board of the question of Communist domination of their union (p. 49).

Action

No action has yet been taken on this proposal.

81. SUSPENSION OF UNION BENEFITS BY NLRB

Recommendation

The National Labor Relations Board should be given power to suspend a union from benefits under the Labor Relations Act when it finds that an officer or officers of that union have filed a false affidavit or affidavits of non-Communist affiliation, until such officer or officers shall have been ousted from union office (p. 49).

Action

No action has yet been taken on this recommendation.

82. CONTRIBUTIONS BY LABOR UNIONS TO COMMUNIST ORGANIZATIONS

Recommendation

The Congress should enact legislation making it a criminal offense knowingly to give or transmit funds of a labor union to a Communist or Communist organization, or to use such funds for Communist purposes (p. 49).

Action

No action has yet been taken.

83. WITHDRAWAL OF NLRB BENEFITS FROM UNIONS CONTRIBUTING FUNDS FOR COMMUNIST PURPOSES

Recommendation

The Congress should consider legislation to withdraw NLRB benefits from any union organization which knowingly contributes funds to a Communist or a Communist organization or for Communist purposes (p. 49).

Action

No action has yet been taken.

84. CONTRIBUTIONS BY TAX-EXEMPT ORGANIZATIONS TO COMMUNIST PURPOSES

Recommendation

Since the furtherance of the Communist world conspiracy in any way cannot be a proper purpose of any United States tax-exempt organization, the Secretary of the Treasury should initiate a thorough review of the status of any tax-exempt organizations suspected of contributing funds to Communists or the Communist Party, or for Communist purposes, with a view to withdrawing tax exemption if such contributions are shown to have been made (pp. 49–50).

Action

The act of September 2, 1958 (Public Law 85–866, sec. 75), provides that if an organization is exempt from Federal income tax, the application filed by the organization and approved by the Secretary of the Treasury for tax exemption, together with any papers submitted in support of such application, shall be open to public inspection at the national office of the Internal Revenue Service.

Public inspection of approved applications and supporting papers, may lead to challenge of exemptions.

85. DENIAL OF TAX-EXEMPTION TO ORGANIZATIONS CONTRIBUTING TO COMMUNIST PURPOSES

Recommendation

The Congress should consider legislation to deny tax exemption to any organization which knowingly contributes funds to a Communist or to a Communist organization or for Communist purposes (p. 50).

Action

Although no legislation has been introduced to deny tax exemption to such organizations, the act of September 2, 1958 (Public Law 85–866, sec. 75), provides that if an organization is exempt from Federal income tax, the application filed by the organization and approved by the Secretary of the Treasury for tax-exemption, together with any papers submitted in support of such application, shall be open to public inspection at the national office of the Internal Revenue Service.

Public inspection of approved applications and supporting papers may lead to challenge of exemptions.

86. STUDY OF LAWS AGAINST INDUSTRIAL ESPIONAGE

Recommendation

The Committee on the Judiciary, or an appropriate subcommittee thereof, should undertake a study to determine how best the internal security of the United States can be protected by the enactment of laws to more effectively deter and punish industrial espionage (p. 65).

Action

Senate Resolution 233, 85th Congress, passed by the Senate on January 29, 1958, authorizes the Judiciary Committee to investigate the administration of the national security law and matters relating to espionage.

Text

For text of Senate Resolution 233, see appendix, page 123.

87. MONEY AND SOVIET INFLUENCE

Recommendation

There shall be a full investigation of the extent to which and the means by which foreign funds, especially money dominated or controlled by Soviet Russia, or by other alien forces have been used to obtain an interest in and influence over business and industry in the United States (p. 83).

Action

Senate Resolution 22, 85th Congress, introduced by Senator Dirksen on January 7, 1957, would establish a special committee to conduct a full and complete investigation of (1) the extent and nature of foreign investment in and control of corporations having defense contracts with the United States or having information, the disclosure of which would be detrimental to the national defense, and (2) the extent to which the provisions of the Securities Act, the Securities Exchange Act, and other applicable Federal statutes may be violated by persons in foreign countries, in connection with the purchase or sale of securities of United States corporations. Senate Resolution 22 was referred to the Armed Services Committee, but received no further action.

Senate Resolution 387, 85th Congress, introduced by Senator George W. Malone on August 23, 1958, declares it to be the sense of the Senate (1) that the national security demands full disclosure of the direct and beneficial ownership of shares of stock, or securities of American industry, and an effective limitation on the extent to which such ownership may be acquired by foreign interests or persons, and (2) that the Federal Reserve Board, the Securities and Exchange Commission, the Department of Justice, and the Department of State should explore this threat to the national security jointly, should take concerted action in their respective spheres to counter it, and should make suitable and prompt recommendations to the Congress for additional legislation if such is needed. Senate Resolution 387 was referred to the Committee on Banking and Currency, but received no further action.

The subcommittee held hearings on June 14, 1956, and subsequently on the subject of "Anonymous Foreign Capital," which were printed as parts 31, 32, 50, 59, 67, and 84 of Scope of Soviet Activity in the United States.

THE SOVIET REPATRIATION CAMPAIGN

88. INTERFERENCE BY FOREIGN DIPLOMATS

Recommendation

The Congress should enact legislation designed to limit the interference by foreign diplomatic or consular personnel with the internal affairs of the United States (p. 93).

Action

No such legislation has been proposed or enacted by Congress. This problem is being handled administratively by the Secretary of State.

89. DEFINITION OF AREA AFFECTED BY UNITED NATIONS SITE AGREEMENT

Recommendation

As a means toward effective control and deterrence of improper activities by the Communist personnel accredited to the United Nations, the Department of State should take action to bring about a speedy promulgation of the years-delayed definition of the area affected by the United Nations site agreement, and effectively limiting such area (p. 93).

Action

In a regulation of the Immigration and Naturalization Commissioner, as amended August 1, 1958, which covers U. N. invitees to the "United Nations Headquarters District," reference is made to such invitee's directly proceeding to New York City and his remaining there continuously (23 F. R., p. 5817, sec. 214.2 (ch. 2)).

Text

For text of section 214.2 of title 8 of the Code of Federal Regulations as amended in 23 Federal Register, page 5817, see appendix, page 130.

90. RECALL OF ARKADY SOBOLEV

Recommendations

The State Department should ask for the recall of Chief Delegate Arkady Sobolev of the Soviet delegation to the United Nations (p. 93).

Action

As of September 1958, Arkady Sobolev is still chief delegate of the Soviet delegation to the United Nations.

91. COERCION OF FOREIGN NATIONALS

Recommendation

The Immigration Subcommittee of the Committee on the Judiciary should consider ways and means for tightening the immigration laws so as to deter and punish the use of force, duress, or blackmail to induce any foreign national to return to his country of origin (p. 93).

Action

Senate Resolution 235, 85th Congress, sponsored by Senator Kefauver for Senator Eastland, and adopted by the Senate on January 29, 1958, authorizes the Senate Committee on the Judiciary to make a complete study of any and all matters pertaining to immigration and naturalization and to report its findings, together with its recommendation for legislation, to the Senate not later than January 31, 1959.

92. DENIAL OF SECOND- AND FOURTH-CLASS MAILING PRIVILEGES FOR COMMUNIST PROPAGANDA

Recommendation

Since second-class and fourth-class mail is carried at a deficit, which means partially at the expense of United States taxpayers, Congress should by law deny second-class and fourth-class mail privileges to foreign governments and their representatives who engage in Communist propaganda (p. 93).

Action

No action was taken with regard to mailing privileges. However, House Joint Resolution 85, 85th Congress, introduced by Mr. Rivers on January 3, 1957, declares it to be United States policy to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States in such nation. House Joint Resolution 85 was referred to the Foreign Affairs Committee but received no further action in the 85th Congress.

Reciprocity in respect to Communist publications transmitted in United States mails is being enforced by the State Department. For example, on December 31, 1953, in a note delivered to the Rumanian Legation, the Secretary of State notified the Legation to cease the publication in the United States of "the Romanian News" and other similar pamphlets published at the expense of the Rumanian Government. This step was taken because the Rumanian Government had on December 29, 1953, banned the distribution in Rumania of a publication issued by our Legation in Bucharest, entitled "News From America."

Text

For text of State Department Press Release No. 680, issued December 31, 1953, see appendix, page 68.

93. MENACE OF LARGE CHINESE COMMUNIST DELEGATION TO U. N.

Recommendation

That the incident of the Russian seamen and the other cases wherein Soviet representatives used improper means to force redefections of immigrants be borne in mind by the State Department when the issues of seating Red China in the United Nations and recognition of that force as a government by the United States come up for consideration, because of the menace that a large Chinese delegation to the U. N. and a large Chinese Communist Embassy and consulates would prove to populous Chinese-American communities in the United States (p. 93).

Action

In line with this recommendation, Congress has been including in appropriation acts, a provision stating that it is the sense of Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as a representative of China. See section 105 of Public Laws 85–49, 85–474, and 85–853, and section 110 of Public Law 603, 84th Congress.

As to the attitude of the State Department, it is expressed in the President's report to Congress for the year 1957 on United States participation in the U. N. (H. Doc. 372, 85th Cong., p. 110) which reads as follows:

CHINESE REPRESENTATION IN THE UNITED NATIONS

As has been the case for the past few years, efforts were made during 1957 by the Soviet bloc and India, supported by a few non-Communist countries, to exclude representatives of the Government of the Republic of China from various bodies of the United Nations and its Specialized Agencies, and to seat representatives of the Chinese Communist regime therein. The Chinese representation question has been raised each year since 1950 in one guise or other not only in the various major organs of the U. N. system—the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council, and their subsidiary bodies—but also in the Specialized Agencies and their subsidiary bodies, including subcommittees that are purely technical in purpose.

The United States has strongly opposed these efforts, believing that it is out of the question even to consider proposals whereby the Chinese Communist regime would be represented in the U. N. system and pointing out that the Government of the Republic of China is the sole and rightful representative of China and the only one entitled to represent China in international organizations and conferences. Moreover, the Chinese Communist regime is a convicted aggressor which does not live up to recognized standards of international conduct. In order to avoid time-consuming debate on the substance of the issue and to facilitate agreement, the question usually has been handled by procedural means. A large majority of countries have supported this position, and at the end of 1957 representatives of the Government of the Republic of China continued to represent China in every U. N. and Specialized Agency body of which China was a member.[5]

TASS NEWS AGENCY

94. RECIPROCITY OF PRIVILEGES

Recommendation

There should be a thorough review of all existing laws and regulations with a view toward amendments thereof which would deny

[5] The 10th General Conference of UNESCO, at its meeting beginning November 4, 1958, in Paris, refused to accept Communist China as a member of that organization.

TASS representatives privileges and rights not accorded foreign representatives of the press in the U. S. S. R. (p. 139).

Action

House Joint Resolution 85, 85th Congress, introduced by Mr. Rivers on January 3, 1957, declares it to be United States' policy to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States in such nation.

House Joint Resolution 85 was referred to the Foreign Affairs Committee but received no further action in the 85th Congress.

Administrative action

The restrictions on travel imposed by the State Department on Soviet citizens also apply to TASS and certain Soviet press representatives. (See State Department Press Release No. 1, dated January 3, 1955, at appendix, p. 89.)

Press Release No. 34, dated January 19, 1955, covers regulations of photography and sketching by Soviet citizens in the United States, listing items which may not be photographed or sketched, and maps, photographs, and charts which may not be purchased. This is in return for similar Soviet restrictions applicable to photography and sketching by United States citizens in the Soviet Union.

No photoprints, except photomurals, may be exported under the GLSA regulation of the Department of Commerce, which authorizes the export of certain items to the Soviet Union without a specific export license.

Text

For text of Press Release No. 34, referred to above, see appendix, p. 100.

95. DENIAL OF POLICE CREDENTIALS TO TASS

Recommendation

TASS representatives should be barred by United States Government agencies from all confidential and off-the-record press conferences and should be denied police credentials (p. 139).

Action

House Joint Resolution 85, 85th Congress, would deny to TASS representatives the privileges which would be denied to the United States press representatives in the U. S. S. R. For details, see item 94 above.

96. STRATEGY AND TACTICS OF WORLD COMMUNISM—ADMISSION OF CERTAIN ALIENS

Recommendation

The Congress should by law authorize its investigating committees, after consultation with the Attorney General, to bring into the United States aliens whose testimony is desired was witnesses and whose admission will not endanger the national security (p. 152).

Action

S. 2902, 85th Congress, introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee, authorizes the Attorney General of the United States to parole into the United States certain aliens whose testimony is sought by any committee of the Congress.

S. 2902 was referred to the Judiciary Committee but received no further action in the 85th Congress.

AMERICANS HELPING THE SOVIET CONQUEST OF ASIA

97. SELF-EXPATRIATION BY ASSISTING IN COMMUNIZATION OF FOREIGN NATION

Recommendation

The Congress should by law make it an act of self-expatriation for a United States citizen to assist in the communization of any foreign nation or its subdivision, or the people thereof, or to accept office or employment in or under the government of any Communist country (p. 186).

Action

S. 2899, H. R. 9352, and H. R. 9937, introduced by Senator Eastland and by Mr. Walter, in the 85th Congress, provide for the expatriation of United States citizens who assist in the communization of any foreign state or accept office or employment under a Communist government. S. 2899 was referred to the Judiciary Committee and H. R. 9352 and H. R. 9937, to the Un-American Activities Committee, but they received no further action in the 85th Congress.

98. PUNISHMENT OF OFFENSES DURING "COLD WAR"

Recommendation

The Congress should enact the necessary legislation to provide for proper punishment of acts performed during a time of "cold war" which, if a state of declared war existed, would be treasonable (p. 186).

Action

No law on this point has been enacted since the Espionage and Sabotage Act of 1954 (68 Stat. 1216, title II), which makes peacetime as well as wartime espionage and sabotage punishable by death or by imprisonment for any term of years or life.

Text

For text of the Espionage and Sabotage Act of 1954, see appendix, page 86.

FEDERAL GOVERNMENT SECURITY PROGRAM

99. JURISDICTION OF CIVIL SERVICE COMMISSION

Recommendation

Consideration could well be given to a program which would grant to the Civil Service Commission exclusive jurisdiction during the first year and a half of an employee's tenure (p. 212).

Action

No action has been taken in regard to such legislation. Under present law, the Civil Service Commission has jurisdiction to discharge Government employees during the first year and a half of their tenure, on the ground of unsuitability, which was held by the courts to include the existence of a reasonable doubt as to the loyalty of an employee. This jurisdiction, however, is not exclusive since, under Executive Order 10450, and under the Lloyd-LaFollette Act of 1912, all agency heads in the executive branch have the power of summary suspension. Granting exclusive jurisdiction to the Civil Service Commission would allow for uniformity of procedure in all cases.

Text

For text of Executive Order No. 10450, as amended, see appendix, pages 69–79.

100. EXPANDED DEFINITION OF SENSITIVE POSITIONS

Recommendation

Thought might well be given to an expansion of the definition of "sensitive" positions in any amended version of Executive Order 10450 (p. 212).

Action

Executive Order 10450 has not been amended since the date of this recommendation, having last been amended in 1954.

101. SECURITY RISKS TO BE INELIGIBLE FOR GOVERNMENT EMPLOYMENT

Recommendation

The Congress should enact legislation to make clear its intent that individuals found to be security risks shall be ineligible to hold any employment in or under the Government of the United States, whether or not designated as "sensitive" positions (p. 221).

Action

Senator Eastland, the chairman of the subcommittee, had introduced S. 4050, 84th Congress, on June 13, 1956, to extend the provisions of the Summary Suspension Act of August 26, 1950, to apply to nonsensitive as well as sensitive positions. The subcommittee held hearings on June 26–27, 1956, and reported the bill favorably to the full Judiciary Committee, but it received no further action in the 84th Congress. Similar provisions were contained in H. R. 11721, 84th Congress, which was referred to the Post Office and Civil Service Committee, and which also received no further action. The subcommittee repeated its recommendation in its 1956 report.

S. 1411, 85th Congress, introduced on February 27, 1957, by Sen. Olin D. Johnston, of South Carolina a member of the subcommittee, would as amended in the House Post Office and Civil Service Committee, permit the head of any department or agency of the United States, in his absolute discretion and when deemed necessary in the interest of national security, to suspend without pay, any civilian officer or employee of the Government. Requires notification to the employee of the reasons for his suspension and permits the employee, within 30 days of such notification, to submit to a designated official of the agency concerned statements, etc., as to why he should be reinstated or returned to duty.

The bill was passed by both Houses with amendments and was sent to conference. The House agreed to the conference report on August 22, 1958, but the bill was not enacted into law.

102. CONSTITUTIONAL QUESTIONS

Recommendation

The Committee on the Judiciary, or an appropriate subcommittee thereof, should undertake a study to determine the constitutionality of legislation to make it a condition of Government employment in

any capacity that the employee shall give responsive answers to any questions put to him by any authorized tribunal of the United States respecting his loyalty to the United States (p. 221).

Action

The Commission on Government Security, established pursuant to Public Law 304, 84th Congress, as amended, has made such a study. Its conclusions on that point are summed up in the report of the Commission on Government Security, Senate Document No. 64, 85th Congress, at page 18:

The power to appoint.—Congress has the power to create the office—United States Constitution, article I, section 8, clause 18 ("necessary and proper clause"); and the power to vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of departments (art. II, sec. 2, clause 2). As a concomitant of these powers, the Congress has authority to legislate with respect to the qualifications and manner of choice of applicants for those offices created by the Congress and for those inferior offices as to which Congress has acted by vesting the power of appointment in the President, courts, or heads of departments (*Roth* v. *Brownell*, 1954, 215 F. 2d 500, C. A. D. C.).

The President, and the heads of departments (when the Congress has vested them with the power of appointment) have the power to appoint civilian employees in the executive branch (art. II, sec. 2, clause 2). As a concomitant of this power, the President and the heads of departments may, in their discretion, determine what persons shall be appointed to office, subject only to the power of Congress described above to limit and regulate appointments to certain offices.

The power to remove.—The President and the heads of the departments and agencies of the Federal Government may summarily dismiss an employee of the executive branch without notice and without advising the employee of the reason for such action, except to the extent that Congress has exercised its constitutional power to pass laws limiting the President's removal power (*Bailey* v. *Richardson*, C. A. D. C., 1950, 183 F. 2d 46; affirmed 341 U. S. 918), and to the extent that the due process clause of the Constitution may limit this power (*Wieman et al.* v. *Updegraff et al.* 1952, 344 U. S. 183; *Slochower* v. *The Board of Higher Education of the City of New York*, 1956, 350 U. S. 551).

At page 51, the report states:

It is recognized that no person has a right to employment in the Government * * *.

At page 24, the report points out that:

The present loyalty-security program is expressly authorized by statute and Executive order, and the statute and Executive order are founded upon adequate constitutional authorization to the Congress and the President, respectively.

Text

For text of Executive Order 10450 and amending Executive Orders 10491, 10531, 10548, and 10550, see appendix, pages 69–79.

103. EMPLOYEES OF DEFENSE CONTRACTORS

Recommendation

At such time as the Secretary of Defense prepares and publishes a list of defense facilities as set forth under section V of the Internal Security Act of 1950, a reexamination of the provisions of the Defense Facilities Protection Act, S. 681, 84th Congress, and a continuation of the study thereon would be in order (p. 212).

Action

To date the Secretary of Defense has not yet made public a list of defense facilities. Such a list at this time would probably be classified.

104. UNITED STATES CITIZENS EMPLOYED BY THE UNITED NATIONS

Recommendation

The United States should take steps through proper channels to procure recognition by the United Nations that it is just as bad for an employee of an international organization to be working against the interests of a particular member nation as to be working for the interests of a particular member nation (p. 221).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations, is being dealt with under authority of Executive Order 10422, as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

105. DUTIES OF UNITED NATIONS EMPLOYEES

Recommendation

The United States should take steps through proper channels to cause the United Nations to define the duties of its employees in such a way as not to put a premium upon disloyalty to an employee's own country (p. 221).

Action

The problem of loyalty screening of Americans employed by the United Nations and by other international organizations is being dealt with under authority of Executive Order 10422, as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

106. POWER OF INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

Recommendation

The International Organizations Employees Loyalty Board should by law be given authority to summon witnesses and compel testimony (p. 221).

Action

No action has been taken by Congress.

107. DISLOYALTY OF AMERICANS EMPLOYED BY INTERNATIONAL ORGANIZATIONS

Recommendation

The Congress should enact legislation along the lines of S. 3 of the 83d Congress (by Senator McCarran) and S. 782 of the 84th Congress (by Senator Homer E. Capehart) to deal with the problem of disloyalty among Americans employed by international organizations (p. 221).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under authority of Executive Order 10422 as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

108. COMMUNIST ABUSE OF PASSPORTS—COLLUSION WITH FOREIGN GOVERNMENT

Recommendation

The Congress should enact legislation making it an offense to enter into collusion with a foreign government for the purpose of evading passport regulations of the United States (p. 221).

Action

S. 2898, 85th Congress, was introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee. The bill makes it a criminal offense to enter into collusion with any foreign government to evade the laws and regulations of the United States relating to the issuance and use of passports.

S. 2898 was referred to the Senate Judiciary Committee, but received no further action in the 85th Congress.

Text

For text of passport regulation by State Department, see appendix, page 103.

109. CONDITIONS FOR ISSUANCE OF PASSPORTS

Recommendation

To meet the problem of misuse of passports, the Congress should consider legislation to (1) require a passport applicant to agree, as a condition for issuance of the passport, that when he has returned to the United States he will give the State Department an accurate report as to where he traveled abroad; and (2) provide penalties for making a false report with respect to such travels (p. 221).

Action

S. 2901, 85th Congress, was introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee. The bill requires each applicant for a passport to include in his application a declaration under oath obligating such applicant, as a condition to the issuance of the passport, to provide, upon request, a full and accurate report concerning the places outside the United States which were visited by such applicant subsequent to the issuance of any such passport and prior to its final expiration.

S. 2901 was referred to the Senate Judiciary Committee, but received no further action in the 85th Congress.

110. STATE LEGISLATION TO COMBAT SUBVERSIVE ACTIVITY

Recommendation

The Congress should enact legislation similar to S. 3617 of the 84th Congress to permit State legislation for the purpose of combating subversive activity (p. 221).

Action

S. 337, introduced by Senator John L. McClellan, a member of the subcommittee, was reported favorably in the Senate on August 6, 1958 (S. Rept. 2230), and H. R. 3, introduced by Mr. Howard D. Smith of Virginia, was passed by the House on July 17, 1958 (H. Rept. 1878). These bills prohibited any act of the Congress from being construed as indicating an intent on the part of Congress to

occupy the field in which such act operates, to the exclusion of all State laws on the same subject matter, unless such act contains an express provision to that effect, or unless there is a conflict between such act and a State law. Except to the extent specifically provided by Federal statute, the Subversive Activities Control Act of 1950, the Communist Control Act of 1954, or any other Federal law prescribing criminal penalties for acts of subversion or sedition against the Federal or a State Government, shall not prevent the enforcement in the courts of any State, of State statutes prescribing criminal penalties for such offenses.

Neither of these bills was enacted into law.

S. 654 and S. 2401, introduced in the 85th Congress by Senators Styles Bridges and Strom Thurmond, respectively, contained provisions similar to S. 3617 of the 84th Congress. The Committee on the Judiciary adopted the text of S. 654, as an amendment to S. 2646, "The Jenner Bill," and reported S. 2646 favorably to the Senate on May 15, 1958 (S. Rept. 1586). On August 8, 1958, Senator Eastland, the chairman of the subcommittee, with unanimous consent of the Senate, submitted a report on S. 654 (S. Rept. 2250).

Neither S. 654, S. 2401, nor S. 2646 was enacted into law.

RECORDING OF JURY DELIBERATIONS

(Committee Print Report, 84th Cong., 1st sess., March 20, 1956)

Hearings: Recording of Jury Deliberation, October 12, 13, 1955. Printed

111. SANCTITY OF FEDERAL JURY ROOMS

Recommendation

That legislation be enacted speedily to prevent future violations of the sanctity of the Federal jury rooms (p. 28).

Action

The act of August 2, 1956 (Public Law 919, 84th Cong., 70 Stat. 935, ch. 879) sponsored by Senators Eastland and Jenner, members of the subcommittee, makes it a crime knowingly and willfully, by any means or device whatsoever, to record, listen to, or observe proceedings of grand or petit juries while such juries are deliberating or voting. It sets penalties ranging up to $1,000 fine, imprisonment for 1 year, or both, for violations of this act.

Text

For text of the act of August 2, 1956, see appendix, pages 121–122.

EPISODE OF THE RUSSIAN SEAMEN

(Committee Print Report, 84th Cong., 2d Sess., May 24, 1956)

Hearings

During the course of its inquiry into the scope and nature of Soviet activity in the United States, the subcommittee learned that five Russian seamen, who had sought asylum in the United States, had redefected and returned to the Soviet Union. There were indications of Soviet activity in the incident.

The subcommittee conducted an inquiry lasting 15 days.

112. RECALL OF SOVIET DELEGATES FROM U. N.

Recommendation

That the State Department ask for the recall of Chief Delegate Sobolev and First Secretary Ekimov of the Soviet delegation to the United Nations (p. 21 (1)).

Action

On October 29, 1956, the State Department requested of the Soviet chief delegate to the United Natiors that Konstantin P. Ekimov, first secretary of the Soviet delegation, be sent home because of his participation in the affair of the Soviet sailors. Ekimov left on November 30, 1956.

As of September 1958, Arkady Sobolev is still chief delegate of the Soviet delegation tc the United Nations.

113. MENACE POSED BY CHINESE COMMUNIST DELEGATION TO UNITED NATIONS

Recommendation

That the incident of the Russian seamen be borne in mind by our State Department in the forthcoming Soviet campaign to seat Red China in the United Nations and gain for her diplomatic recognition, because of the menace that a Chinese Communist delegation to the United Nations and a Chinese Communist Embassy and consulate would pose to the large Chinese-American communities in the United States (p. 21 (3)).

Action

In line with this recommendation, the Department of State Appropriations Act of 1957, approved June 20, 1956 (Public Law 603, 84th Cong., sec. 110), contained a provision declaring that it is the sense of Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China. See also section 105 of Public Laws 85–49, 85–474, and 85–853.

For the attitude of the State Department, see item 93, above.

114. LIMIT ON MOVEMENTS OF COMMUNIST DIPLOMATIC PERSONNEL IN THIS COUNTRY

Recommendation

That the Government take steps to limit more effectively the movements and activities of Soviet and other Communist diplomatic personnel in this country (p. 21 (4)).

Action

House joint resolution 85, 85th Congress, introduced by Mr. Rivers on January 3, 1957, declares it to be United States policy to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States in such nation.

House joint resolution 85 was referred to the Foreign Affairs Committee but received no further action in the 85th Congress.

Administrative action

The movements of Soviet diplomatic personnel are restricted by the State Department, in reciprocation of restrictions on travel which are being imposed upon American diplomatic personnel in the U. S. S. R.

Press Release No. 1, dated January 3, 1955, states the policy of the Department of State regarding regulation of travel by Soviet citizens in the United States, which is to limit travel to the extent to which the Soviet Union has restricted travel by American citizens in the Soviet Union. Border zones, States, counties, cities, and routes of automotive transit are listed as being closed to travel by Soviet citizens.

Press Release No. 630, dated November 15, 1957, covers the reopening of certain areas and the closing of other areas in the United States to Soviet citizens. At this time the United States closed approximately 45,000 square miles of United States territory which was in the same proportion to the total area of the United States as the newly closed territory in the Soviet Union was to the total area of that country.

Press Release No. 476, dated August 20, 1958, covers a note which was delivered on August 19, 1958, to the Soviet Embassy in Washington, in which the Department of State emphasizes the fact that on May 22, 1958 (Press Release No. 286), the State Department offered to open any areas in the United States now closed to Soviet travel in return for the opening to American travel of equivalent Soviet areas. The Soviet Government as of August 20, 1958, had not yet replied.

Text

For text of Press Release Nos. 1, 630, and 476, referred to above, see appendix, pages 89–97.

115. TIGHTENING OF CURRENT LAWS AND PRACTICES

Recommendation

That the Congress and the executive agencies responsible for escapees, defectors, and immigration generally, study the record of this unfortunate episode with a view to tightening current laws and current practices in order to prevent its recurrence (p. 21 (5)).

Action

Senate Resolution 235, 85th Congress, sponsored by Senator Kefauver (for Senator Eastland), and adopted by the Senate on January 29, 1958, authorizes the Senate Committee on the Judiciary to make a complete study of any and all matters pertaining to immigration and naturalization and to report its findings, together with its recommendations for legislation, to the Senate not later than January 31, 1959.

116. TO CURE IMMIGRATION RECORDS OF POSTWAR EMIGREES

(Hearings: Security screening of refugees, June 9, 1955. Printed)

Recommendation

The committee recommendation was contained in S. 3935, 84th Congress, dated May 25, 1956, and sponsored by Senator Jenner, a member of the subcommittee, which would grant relief to—

> thousands of European refugees who, at the end of World War II, adopted false names and biographical histories to avoid forced repatriation to the U. S. S. R. where slavery or death awaited them, but who are now legally unable to become American citizens because of this false record and who may be objects of Soviet attempts to blackmail them into returning to the U. S. S. R. or becoming Soviet spies in this country.

(See S. Rept. No. 131, 85th Cong., p. 14.)

Action

Although S, 3935 received no action, H. R. 6888, which had already been passed by the House and which contained a similar provision, was passed by the Senate (with amendments on other points), but never became law.

This provision was again introduced in the 85th Congress as section 7 of S. 2792, which became Public Law 85–316 on September 11, 1957.

Text

For text of Public Law 85–316, see appendix, page 316.

HEARINGS HELD IN 1957

During the year 1957, the subcommittee conducted the following hearings:

Communism in the Mid-South
October 28 and 29, 1957, at Memphis, Tenn. Printed.
Scope of Soviet Activity in the United States
January 15–November 29, 1957. Printed as parts 49 through 89, and including:
Extent of Communist Activities in Labor
August 6 and 8, 1957. Printed as part 78.
Inside the Communist Movement
August 14, 1957. Printed as part 79.
Miklos Szabo, Hungarian Informer
September 24, 1957. Printed as part 83.
Anonymous Foreign Capital
October 1, 1957. Printed as part 84.
Attempts to Seize Insurance Benefits
October 2, 1957. Printed as part 85.
Ordeal of a Hungarian Patriot
October 1 and 16, 1957. Printed as part 89.
Kidnaping of Space Scientists
November 21, 1957. Printed as part 87.
Communist Activity in Labor
November 21, 1957. Printed as part 88.
I. Kidnaping of Space Scientists; II. Communist Activity in Labor
November 29, 1957. Printed as part 89.
To accelerate consideration by the courts of criminal proceedings involving treason, espionage, sabotage, sedition, and subversive activities, and to increase to 15 years the statute of limitations applicable to such offenses (S. 1254, 85th Cong.)
April 18, 1957. Printed.
To limit the appellate jurisdiction of the Supreme Court in certain cases (S. 2646, 85th Cong.)
August 7, 1957, February 19–March 5, 1958. Printed.

INTERNAL SECURITY ANNUAL REPORT FOR 1957

(S. Rept. No. 1477, 85th Cong., 2d Sess., April 28, 1958)

117. DISSEMINATION OF SUBVERSIVE PROPAGANDA BY FOREIGN DIPLOMATS

Recommendation

The Congress should enact legislation making dissemination of Communist or other subversive propaganda in the United States an improper activity for foreign diplomatic or consular personnel (p. 19).

Action

Although not containing the exact provision recommended, H. R. 9937, 85th Congress, section 312, introduced by Mr. Walter on January 13, 1958, contains a provision for an Office of the Comptroller of

Foreign Propaganda, to be headed by a director appointed by the Secretary of the Treasury. The Director shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the control of Communist and other propaganda brought to, and sought to be disseminated in, the United States.

H. R. 9937 was referred to the House Committee on Un-American Activities, but received no further action in the 85th Congress.

118. MAIL SUBSIDY TO COMMUNIST PROPAGANDA

Recommendation

The Congress should by law deny all forms of mail subsidy to Communist propaganda (p. 19).

Action

Although no action has been taken as to mail subsidy, House Joint Resolution 85, 85th Congress, contains a declaration that it is United States policy to withhold from representatives of any foreign nation any privilege withheld from representatives of the United States by such nation. Since Communist countries do not grant subsidies to United States propaganda, this bill would bar United States subsidy to Communist propaganda.

House Joint Resolution 85 was referred to the Foreign Affairs Committee but received no further action in the 85th Congress.

For administrative action by the Department of State, see item 92, above.

119. IMMUNITY FOR CONGRESSIONAL WITNESSES

Recommendation

The Congress should amend title 18, United States Code, section 3486, so as to provide a clean-cut method, not involving judicial intervention, for granting immunity from prosecution to witnesses before congressional committees, with respect to matters and things about which they are forced to testify (p. 19).

Action

No action was taken in the 85th Congress.

COMMUNIST PENETRATION OF LABOR UNIONS

120. EVIDENCE IN PROCEEDING BEFORE SACB

Recommendation

The Congress should by law give the Subversive Activities Control Board authority to find Communist domination of a union on the basis of all the available evidence, thus eliminating arbitrary limitations and restrictions upon evidence which the Board may consider (p. 68).

Action

No action has yet been taken by Congress.

121. FALSE NON-COMMUNIST AFFIDAVIT BY UNION OFFICER

Recommendation

The National Labor Relations Board should be given power to suspend a union from benefits under the Labor Relations Act when it

finds that an officer or officers of that union have filed a false affidavit or affidavits of non-Communist affiliation, until such officer or officers shall have been ousted from union office (p. 68).

Action

No action has yet been taken.

122. PROCEEDINGS BY MEMBERS TO DETERMINE COMMUNIST DOMINATION OF THEIR UNION

Recommendation

The Communist Control Act should be amended to provide a procedure by which union members may institute a proceeding for determination by the Subversive Activities Control Board of the question of Communist domination of their union (p. 68).

Action

No action has yet been taken.

123. USE OF LABOR UNION FUNDS FOR COMMUNIST PURPOSES AS A CRIMINAL OFFENSE

Recommendation

The Congress should enact legislation making it a criminal offense knowingly to give or transmit funds of a labor union to a Communist or Communist organization, or to use such funds for Communist purposes (p. 68).

Action

No action has yet been taken.

124. WITHDRAWAL OF NLRB BENEFITS FROM UNIONS CONTRIBUTING FUNDS FOR COMMUNIST PURPOSES

Recommendation

The Congress should consider legislation to withdraw NLRB benefits from any union organization which knowingly contributes funds to a Communist or a Communist organization or for Communist purposes (p. 68).

Action

No action has yet been taken.

125. DENIAL OF TAX EXEMPTION TO ORGANIZATION CONTRIBUTING FUNDS FOR COMMUNIST PURPOSES

Recommendation

The Congress should consider legislation to deny tax exemption to any organization which knowingly contributes funds to a Communist or to a Communist organization or for Communist purposes (p. 68).

Action

No legislation has been introduced but publicity directed at tax-exempt organizations has been provided by Public Law 85–866, section 75. For details, see item 85, above.

126. STATE ACTIVITY IN PROSECUTION OF SUBVERSIVES

Recommendation

State activity in both investigation and prosecution of subversives is desirable from the standpoint of internal security (p. 109).

Action

Several bills on this subject were introduced in the 85th Congress. For details, see item 110, above, and item 144, below.

ALIENS

127. SANCTUARY FOR COMMUNIST DEFECTORS

Recommendation

The Congress should enact legislation to assure sanctuary in the United States and a decent standard of living to Communist defectors who bring valuable information (p. 189).

Action

Although this specific recommendation has not been enacted into law, the act of September 11, 1957 (Public Law 85–316, sec. 15) provides for the issuance of special nonquota immigrant visas, authorized to be issued under the Refugee Relief Act of 1953 but remaining unissued on January 1, 1957, to aliens who have fled or shall flee from any Communist, Communist-dominated, or Communist-occupied area, because of persecution of fear or persecution on account of race, religion, or political opinion.

H. R. 11167, 85th Congress, dated March 5, 1958, and sponsored by Mr. Keating, and H. R. 12043, 85th Congress, dated April 21, 1958, and sponsored by Mr. Roland V. Libonati, both grant the President the power to authorize parole by the Attorney General into the United States of escapees from Communist tyranny, selected by the Secretary of State, who have fled from their homelands and are in other non-Communist countries. Procedure is set up whereby the status of such parolees may be adjusted to that of lawful permanent residents.

Both bills were referred to the Judiciary Committee, but received no further action.

128. ADMISSION OF ALIENS AS COMMITTEE WITNESSES

Recommendation

The Congress should by law authorize its investigating committees, after consultation with the Attorney General, to bring into the United States aliens whose admission will not endanger the national security (p. 189).

Action

S. 2902, 85th Congress, introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee, authorizes the Attorney General of the United States to parole into the United States certain aliens whose testimony is sought by any committee of the Congress.

S. 2902 was referred to the Judiciary Committee but received no further action in the 85th Congress.

IMMIGRATION

129. ILLEGAL ALIENS

Recommendation

It would be helpful if the appropriate subcommittees of the Senate and House should make a study of the effectiveness of section 242 (e) of the Immigration and Naturalization Act, and its enforcement, with

a view to such action as may be required to effectuate as speedily as possible the departure from the United States of at least a majority of the illegal aliens now freely roaming the country (p. 194).

Action

Senate Resolution 235, 85th Congress, sponsored by Senator Kefauver (for Senator Eastland), and passed by the Senate on January 29, 1958, authorizes the Senate Committee on the Judiciary to make a complete study of any and all matters pertaining to immigration and naturalization and to report its findings, together with its recommendations for legislation, to the Senate not later than January 31, 1959.

130. EVASION OF PASSPORT REGULATIONS

Recommendation

The Congress should enact legislation making it an offense to enter into collusion with a foreign government for the purpose of evading passport regulations of the United States (p. 199).

Action

S. 2898, 85th Congress, was introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee. The bill makes it a criminal offense to enter into collusion with any foreign government to evade the laws and regulations of the United States relating to the issuance and use of passports.

S. 2898 was referred to the Senate Judiciary Committee, but received no further action in the 85th Congress.

131. ENTRY OF ALIEN UNDER FALSE NAME

Recommendation

The Congress should by law make it a criminal offense for any alien to enter the United States on a diplomatic passport under an alias or any name other than his own true and full name (p. 199).

Action

S. 2897, 85th Congress, was introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee. The bill makes it a criminal offense for any alien to enter the United States on a diplomatic passport under an alias or any name other than his own true and full name.

S. 2897 was referred to the Senate Judiciary Committee but received no further action in the 85th Congress.

132. ADMINISTRATION OF PASSPORT PROGRAM

Recommendation

The Congress should enact legislation to provide more security, clarity and simplicity in the administration of Government's passport program. Such legislation should include reasonable limitations upon the discretion of the Secretary of State, and provision for adequate review of passport decisions (p. 199).

Action

Many bills on this subject were introduced in the 85th Congress, setting up a passport program, providing for review of passport decisions and placing certain limitations upon the discretion of the Secretary of State.

The Passport Act of 1958:
S. 3344. Senator Hennings and others; February 24, 1958 (Foreign Relations Committee)
S. 4030. Senator Eastland; June 18, 1958 (Judiciary Committee)
S. 4110. Senator Green; July 8, 1958 (Foreign Relations Committee)
H. R. 13318. Mr. Keating; July 8, 1958 (Foreign Relations Committee)

The Immigration and Passport Security Act:
H. R. 9937, title IV. Mr. Walter; January 13, 1958 (Un-American Activities Committee)

United States Travel Act:
S. 2770. Senator Fulbright; August 13, 1957 (Foreign Relations)

National Security Act:
H. R. 9352. Mr. Walter; August 19, 1957 (Un-American Activities)

Other bills containing some of these provisions:
S. 4065. Senator Dirksen; June 27, 1958 (Judiciary Committee)
H. R. 5612. Mr. Walter; March 5, 1957 (Un-American Activities Committee)
H. R. 8655. Mr. Walter; July 11, 1957 (Judiciary Committee)
H. R. 12983. Mr. Hillings; June 17, 1958 (Foreign Affairs Committee)
H. R. 12989. Mr. Walter; June 17, 1958 (Judiciary Committee)
H. R. 13005. Mr. Collier; June 18, 1958 (Foreign Affairs Committee)
H. R. 13699. Mr. Vorys; August 6, 1958 (Foreign Affairs Committee)
H. R. 13700. Mr. Selden; August 6, 1958 (Foreign Affairs Committee)
H. R. 13760. Mr. Selden; August 13, 1958 (Foreign Affairs Committee)
H. R. 13761. Mr. Vorys; August 13, 1958 (Foreign Affairs Committee)
H. R. 13769. Mr. Curtis of Massachusetts; August 14, 1958 (Foreign Affairs Committee)
H. R. 13788. Mr. Hays of Ohio; August 15, 1958 (Foreign Affairs Committee)

Hearings were held by the Senate Foreign Relations Committee (July 16–28, 1958) on the Passport Act of 1958 (S. 4110), and by the House Committee on Foreign Affairs (July 17–August 18, 1958) on H. R. 13760 which authorizes the Secretary of State to deny passports under certain circumstances, and provides for judicial review of the Secretary's final decision.

No further action was taken on any of these bills in the 85th Congress.

Administrative action

In a letter, dated December 26, 1957, to Senator Eastland, Miss Frances G. Knight, the Director of the Passport Office in the Department of State, outlined the progress which her Office had made toward strengthening the passport regulations. They have proposed a revision of the Executive order which delegates broad authority to the Secretary of State on which revised rules and regulations can be based. The Executive order has not yet been signed by the President.

133. ALIENS PAROLED UNDER ORDER OF DEPORTATION

Recommendation

The Congress should enact legislation specifically authorizing supervision of aliens paroled under order of deportation (p. 199).

Action

S. 2903, 85th Congress, introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee, strengthens the authority of the Attorney General in supervising and deporting aliens under the Immigration and Nationality Act. The bill was referred to the Judiciary Committee but received no further action.

AMERICANS EMPLOYED BY UNITED NATIONS

134. DISLOYALTY AMONG AMERICANS EMPLOYED BY INTERNATIONAL ORGANIZATIONS

Recommendations

The Congress should enact legislation to deal with the problem of disloyalty among Americans employed by international organizations (p. 199).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations, is being dealt with under authority of Executive Order 10422 as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

135. U. N. EMPLOYEES WORKING AGAINST MEMBER NATION

Recommendation

The United States should take steps through proper channels to procure recognition by the United Nations that it is just as bad for an employee of an international organization to be working against the interests of a particular member nation as to be working for the interests of a particular member nation (p. 199).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under Executive Order 10422 as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

136. DUTIES OF U. N. EMPLOYEES

Recommendation

The United States should take steps through proper channels to cause the United Nations to define the duties of its employees in such a way as not to put a premium upon disloyalty to an employee's own country (p. 199).

Action

The problem of loyalty screening of Americans employed by the United Nations and other international organizations is being dealt with under authority of Executive Order 10422 as amended by Executive Order 10459, and under voluntary arrangements with the heads of the various international organizations. For details, see item 22, above.

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137. AUTHORITY OF INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

Recommendation

The International Organizations Employees Loyalty Board should by law be given authority to summon witnesses and compel testimony (p. 199).

Action

No action has been taken yet.

138. STATUTE OF LIMITATIONS ON SUBVERSIVE ACTIVITIES

Recommendation

The Congress should enact legislation to suspend the running of the statute of limitations, in all cases involving communism and subversion, until the offense is known to United States law-enforcement authorities (p. 199).

Action

No action has yet been taken.

139. OFFENSES COMMITTED DURING "COLD WAR"

Recommendation

The Congress should enact necessary legislation to provide for proper punishment of acts performed during a time of "cold war" which, if a state of declared war existed, would be treasonable.

Action

No law on this point has been enacted since the Espionage and Sabotage Act of 1954 (68 Stat. 1216, title II).

Text

For text of the Espionage and Sabotage Act of 1954, see appendix, pages 86–88.

140. SELF-EXPATRIATION OF UNITED STATES CITIZEN

Recommendation

The Congress should by law make it an act of self-expatriation for a United States citizen to assist in the communization of any foreign nation or its subdivision, or the people thereof, or to accept office or employment in or under the government of any Communist country (p. 199).

Action

S. 2899, H. R. 9352, and H. R. 9937, introduced by Senator Eastland and Mr. Walter in the 85th Congress, provide for the expatriation of United States citizens who assist in the communization of any foreign nation or accept office or employment under a Communist government.

S. 2899 was referred to the Judiciary Committee and H. R. 9352 and 9937 to the Un-American Activities Committee, but they received no further action in the 85th Congress.

141. SOCIAL-SECURITY CARD UNDER FALSE NAME

Recommendation

The Congress should enact legislation making it an offense to secure a social-security card under a false name or alias (p. 199).

Action

H. R. 9352 and 9937 (sec. 309), 85th Congress, introduced by Mr. Walter on August 19, 1957, and January 13, 1958, respectively, provide a penalty of a fine of not more than $1,000, or imprisonment for not more than 1 year, or both, for use of an assumed or fictitious name (without disclosure of true identity) in an application for a social-security card.

Both bills were referred to the Committee on Un-American Activities, but received no further action.

142. AUTONOMY OF CONGRESS

Recommendation

The Congress should enact legislation to preserve the autonomy of the Congress and its respective Houses in the control of their own affairs (p. 219).

Action

S. 2646, 85th Congress, as originally introduced by Senator Jenner on July 26, 1957, contained a provision that the Supreme Court shall have no jurisdiction to review any case where there is drawn into question the validity of any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress.

S. 2646 was reported in the Senate on May 15, 1958, with that provision deleted. The bill received no further action in the 85th Congress.

143. STATE CONTROL OVER PRACTICE OF LAW

Recommendation

The Congress should enact legislation to restore to the individual States full control over the practice of law within their respective boundaries (p. 219).

Action

S. 2646, 85th Congress, introduced on July 26, 1957, by Senator Jenner, a member of the subcommittee, provides that the Supreme Court of the United States shall not have jurisdiction to review the validity of any law, regulation, or rule of any State or of any board of bar examiners pertaining to the admission of persons to the practice of law within the State. S. 2646 was reported favorably in the Senate on May 15, 1958 (S. Rept. 1586, 85th Cong.), but received no further action.

S. 3386, 85th Congress, introduced on March 3, 1958, by Senator Butler, a member of the subcommittee, limits the jurisdiction of the Federal courts in certain cases involving the right of persons to practice law before State courts. S. 3386 was referred to the Judiciary Committee, but received no further action.

144. STATE AUTHORITY TO COMBAT SUBVERSIVE ACTIVITY

Recommendation

The Congress should enact legislation to permit investigation by State authority and valid action by State legislatures for the purpose of combating subversive activity (p. 219).

Action

Several bills on this subject were introduced in the 85th Congress.

S. 337, introduced by Senator McClellan, a member of the subcommittee, was reported favorably in the Senate on August 6, 1958 (S. Rept. 2230).

H. R. 3, introduced by Mr. Smith of Virginia, was passed by the House on July 17, 1958 (H. Rept. 1878).

S. 654 and S. 2401 were introduced by Senators Styles Bridges and Strom Thurmond, respectively. The Judiciary Committee adopted the text of S. 654 as an amendment to S. 2646, which was introduced by Senator Jenner, a member of the subcommittee.

S. 2646, the Jenner bill, was reported favorably in the Senate on May 15, 1958 (S. Rept. 1586). With unanimous consent of the Senate, S. 654 was reported out on August 8, 1958, by Senator Eastland, the chairman of the subcommittee.

None of these bills was enacted into law. For further details, see item 110, above.

H. R. 7903 was introduced by Mr. DeWitt S. Hyde on June 4, 1957; was referred to the Judiciary Committee, but received no further action.

H. R. 9937 (sec. 305) was introduced by Mr. Walter on January 13, 1958, was referred to the Un-American Activities Committee, and received no further action.

145. AMENDMENT OF SMITH ACT

Recommendation

The Congress should amend the Smith Act so as to define reasonably and adequately the meaning of "organize" and "organizing" (p. 219).

Action

S. 2646, 85th Congress, introduced by Senator Jenner, a member of the subcommittee, contains a provision (sec. 4 (d)), amending the Smith Act by defining the term "organize." S. 2646 was reported favorably to the Senate on May 15, 1958, but received no further action.

Also in the 85th Congress, H. R. 13272, sponsored by Mr. Walter, defines the term "organize" in the Smith Act (18 U. S. C. 2385) to include the recruiting of new members, the forming of new units, and the regrouping of existing units. H. R. 13272 was passed by the House on August 12, 1958, but received no further action.

Text

For text of title 18, United States Code, section 2385, the Smith Act provision in question, see appendix, page 65.

146. AMENDMENT OF SMITH ACT

Recommendation

The Congress should amend the Smith Act to declare its time intent with respect to banning the advocacy of violent overthrow of the Government, and restore clarity and certainty to the definition of this crime (p. 219).

Action

S. 2646, 85th Congress, introduced by Senator Jenner, a member of the subcommittee, contains a provision (sec. 4) which clarifies and makes certain the intent of this provision of the Smith Act. S. 2646 was reported favorably in the Senate on May 15, 1958, but received no further action.

H. R. 13670, introduced by Mr. Walter on August 5, 1958, defines the terms "advocate," "teach," "duty," "necessity," "force," and "violence" as used in the Smith Act (18 U. S. C. 2385). H. R. 13670 was referred to the Judiciary Committee, but received no further action.

Text

For text of title 18, United States Code, section 2385, the Smith Act provision in question, see appendix, page 65.

147. CONTEMPT OF CONGRESS

Recommendation

The Congress should enact legislation to eliminate uncertainty respecting questions involving pertinency under the congressional-contempt statute (p. 219).

Action

S. 2646, 85th Congress, introduced by Senator Jenner, a member of the subcommittee, and S. 2900, introduced by Senator Eastland, the chairman of the subcommittee, contain a provision (sec. 2) that, for the purposes of section 192 of title 2 of the United States Code, which deals with contempt of Congress, any question shall be deemed pertinent if such question is ruled pertinent by the body conducting the hearing, and, on any question of pertinency, the ruling of the presiding officer shall stand as the ruling of the body unless reversed by the body on appeal. S. 2646 was reported favorably to the Senate on May 15, 1958 (S. Rept. 1586), but received no further action. S. 2900 was referred to the Judiciary Committee and received no further action in the 85th Congress.

148. SECURITY RISKS INELIGIBLE FOR ANY GOVERNMENT EMPLOYMENT

Recommendation

The Congress should enact legislation to make clear its intent that individuals found to be security risks shall be ineligible to hold any employment in or under the Government of the United States, whether or not in positions designated as "sensitive" (p. 219).

Action

S. 1411, 85th Congress, introduced on February 27, 1957, by Senator Johnston of South Carolina, a member of the subcommittee, would, as amended in the House Post Office and Civil Service Committee, permit the head of any department or agency of the United States, in his absolute discretion and when deemed necessary in the interest of national security, to suspend without pay any civilian officer or employee of the Government. Requires notification to the employee of the reasons for his suspension and permits the employee, within 30 days of such notification, to submit to a designated official of the agency concerned statements, et cetera, as to why he should be reinstated or restored to duty.

The bill was passed by both Houses with amendments and was sent to conference. The House agreed to the conference report on August 22, 1958, but the bill was not enacted into law.

149. DISCLOSURE BY SOVIET DIPLOMAT OF PRIOR ESPIONAGE CONNECTIONS

Recommendation

The Congress should by law require that any Soviet alien who has entered the United States with diplomatic or semidiplomatic status shall disclose to the Department of State any connection he may have had at any time with the espionage service or secret police of any Soviet or Soviet-dominated nation (p. 219).

Action

S. 2896, 85th Congress, was introduced on August 30, 1957, by Senator Eastland, the chairman of the subcommittee. It requires the disclosure, by aliens entering the United States with diplomatic or semidiplomatic status, of any past connection with the espionage service or secret police of any Communist or Communist-dominated nation.

S. 2896 was referred to the Senate Judiciary Committee, but received no action in the 85th Congress.

Regulations of the Department of State now provide that foreign government officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants, all of whom are exempted from the registration requirements of the Alien Registration Act, as amended, are required to give notification to the Secretary of State of their presence in the United States.

The only persons exempted from this requirement of notification are ambassadors and ministers, and members of their missions named in the diplomatic list issued monthly by the Department of State.

The diplomatic missions in Washington should notify the Secretary of State of the termination of service of all officials and employees, giving the dates of termination, the dates and ports of their departure from the United States, or their addresses if they are remaining in the United States. Aliens so remaining in the United States are required to register under the Alien Registration Act within 30 days (22 C. F. R. 4).

Text

For text of title 22, Code of Federal Regulations, part 4, see appendix, pages 130, 131.

150. GOVERNMENT EMPLOYEE TO ANSWER QUESTIONS AS TO HIS LOYALTY (CONSTITUTIONALITY)

Recommendation

The Committee on the Judiciary, or an appropriate subcommittee thereof, should undertake a study to determine the constitutionality of legislation to make it a condition of Government employment in any capacity that the employee shall give responsive answers to any questions put to him by any authorized tribunal of the United States respecting his loyalty to the United States (p. 219).

Action

The Commission on Government Security, established pursuant to Public Law 304, 84th Congress, as amended, has made such a study. Its conclusions on that point appear in the report of the Commission on Government Security (S. Doc. 64, 85th Cong., at pp. 18, 51, and 24).

For details, see item 102, above.

151. LAWS TO DETER INDUSTRIAL ESPIONAGE

Recommendation

The Committee on the Judiciary, or an appropriate subcommittee thereof, should undertake a study to determine how best the internal security of the United States can be protected by enactment of laws to more effectively deter and punish industrial espionage (p. 219).

Action

Senate Resolution 233, 85th Congress, introduced by Senator Kefauver (for Senator Eastland), and passed by the Senate on January 29, 1958, authorizes the Judiciary Committee to investigate the administration of the national-security law and matters relating to espionage.

Text

For the text of Senate Resolution 233, 85th Congress, see appendix, pages 123, 124.

152. SAFEGUARDING FILES OF GOVERNMENT SECURITY AGENCIES

Committee recommendation

That a statutory procedure be established for the production from Government files of certain reports and statements of Government witnesses for the use of defendants in Federal criminal proceedings who seek to attack the credibility of such witnesses, and that standards of interpretation be established for safeguarding the needless disclosure of confidential information in Government files while at the same time assuring defendants of access to material in those files which is pertinent to the testimony of the Government witnesses.

The committee recommendation was contained in S. 2377, 85th Congress, which Chairman Eastland and Senator Matthew M. Neely of the subcommittee joined with Senator Joseph C. O'Mahoney and others in sponsoring.

Action

S. 2377 became Public Law 85–269 on September 2, 1957.

Text

For text of Public Law 85–269, see appendix, pages 122, 123.

HEARINGS HELD IN 1958

In the year 1958, the subcommittee held the following hearings:

To limit the appellate jurisdiction of the Supreme Court in certain cases
February 19–March 5, 1958 (printed).
Communism in Labor (S. Res. 233, 85th Cong.)
May 29, 1958 (printed).
Communist Use and Abuse of United States Passports (S. Res. 233, 85th Cong.)
July 9, 1958 (printed) and December 17, 1958 (not yet printed).
Communist Activity in Mass Communications
August 12, 1958 (printed as pt. 1), September 23, 1958, and December 17, 1958 (not yet printed).
An American Prisoner in East Germany
July 15, 1958 (printed).

APPENDIX

THE SMITH ACT

(As amended July 24, 1956, 70 Stat. 623 ch. 678 § 2; 18 U. S. C., 1952 edition, Supp. V, § 2385)

ADVOCATING OVERTHROW OF GOVERNMENT

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

Shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

If two or more persons conspire to commit any offense named in this section, each shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

STATUTE OF LIMITATIONS—NATIONALITY, CITIZENSHIP, AND PASSPORT VIOLATIONS

(Act of June 30, 1951, Public Law 65, 82d Cong.; 65 Stat. 107 ch. 194)

AN ACT To amend chapter 213 of title 18 of the United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 213 of title 18 of the United States Code be amended by adding a new section to be known as section 3291, as follows:

"§ 3291. Nationality, citizenship and passports.

"No person shall be prosecuted, tried, or punished for violation of any provision of sections 1423 to 1428, inclusive, of chapter 69 and sections 1541 to 1544, inclusive, of chapter 75 of title 18 of the United States Code, or for conspiracy to violate any of the afore-mentioned sections, unless the indictment is found or the information is instituted within ten years after the commission of the offense."

SEC. 2. The chapter analysis of chapter 213, immediately preceding section 3281 of title 18 United States Code is amended by adding the following item at the end thereof: "3291. Nationality, citizenship and passports."

LOYALTY OF AMERICANS EMPLOYED BY THE UNITED NATIONS

Executive Order 10422, dated January 9, 1953 (18 F. R. 239), as amended by Executive Order 10459, dated June 2, 1953 (18 F. R. 3183)

Executive Order 10422, dated January 9, 1953 (18 F. R. 239), prescribes procedures for making available to the Secretary General of the United Nations, certain information concerning United States citizens employed or being considered for employment on the Secretariat of the United Nations. This order was issued following the recommendation of the Commission of Jurists that the Secretary General of the United Nations regard it as of the first importance to refrain from employing or to dismiss from employment on the Secretariat of the United Nations any United States citizen who he has reasonable ground for believing has been, is, or is likely to be, engaged in espionage or subversive activities against the United States, and that the United States make available to the Secretary General information on which he can make his determination as to whether reasonable grounds exist for believing that a United States citizen employed or being considered for employment on the Secretariat has been, is, or is likely to be, engaged in espionage or subversive activities against the United States.

In substance this order originally provided:

I. INVESTIGATION

1. Upon receipt by the Secretary of State from the Secretary General of the United Nations of the name of each United States citizen employed or being considered for employment, there shall be an investigation under the order.

2. Secretary of State shall forward all such names and information received from the Secretary General to the United States Civil Service Commission.

3. The Civil Service Commission shall conduct a preliminary investigation.

4. When information revealed with respect to any person is derogatory, the Civil Service Commission shall forward the information to the Federal Bureau of Investigation and the Bureau shall conduct a full field investigation.

4A. The Federal Bureau of Investigation shall conduct a full field investigation of all United States citizens who are being considered for employment on the internationally recruited staff whether or not the preliminary investigation has revealed derogatory information.

5. Reports of full field investigations shall be forwarded to the regional loyalty board of the Civil Service Commission. Whenever such a report contains derogatory information, there shall be made available to that person the procedures of the Civil Service regional loyalty board, including the opportunity of a hearing and the right of appeal to the Commission's Loyalty Review Board in like manner as provided with respect to Federal employment (Executive Order 9835 of March 21, 1947). The regional loyalty board or the Loyalty Review Board, on appeal, shall transmit its determinations, together with the reasons therefor, stated in as much detail as security consideration permits, to the Secretary of State for transmission to the Secretary General.

6. The Secretary of State may forward the derogatory information to the Secretary General at any stage during the investigation.

7. The Secretary of State shall notify the Secretary General in all cases in which no derogatory information has been developed.

II. STANDARD

1. The standard to be used by a regional loyalty board or by the Loyalty Review Board, on appeal, shall be whether or not, on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

2. Activities and associations of a person which may be considered in connection with the determination of his loyalty may include (*a*) sabotage, espionage, or attempts thereof, or knowingly associating with spies or saboteurs, (*b*) treason or sedition or advocacy thereof, (*c*) advocacy of revolution, force, or violence to alter the constitutional form of government of the United States, (*d*) intentional, unauthorized disclosure of confidential information obtained in course of Federal employment or otherwise, (*e*) acting to serve the interests of another government in preference to the interests of the United States, while in Federal employment, (*f*) membership in or affiliation with subversive groups.

III. OTHER INTERNATIONAL ORGANIZATIONS

The provisions of parts 1 and 2 of this Executive order are also applicable to United States citizens who are employees of, or are being considered for employment by, other public international organizations of which the United States Government is a member, by arrangement between the executive head of the international organization concerned and the Secretary of State or other officer of the United States designated by the President.

Executive Order 10459 of June 2, 1953, effective May 27, 1953 (18 F. R. 3183), amends Executive Order 10422, supra, in the following manner:

I. INVESTIGATION

3. The preliminary investigation conducted by the Civil Service Commission shall be a full background investigation conforming to the Commission's investigative standards, and shall include: (*a*) Federal Bureau of Investigation files, (*b*) Civil Service Commission files, (*c*) military and naval intelligence files as appropriate, (*d*) files of any other appropriate Government investigative or intelligence agency, (*e*) the files of appropriate committees of the Congress, (*f*) local law-enforcement files at place of residence and employment of the person, (*g*) schools and colleges, (*h*) former employers, (*i*) references given, (*j*) any other appropriate source. In the case of employees for terms of not over 90 days, investigation need not include reference to items (*f*) through (*j*).

4. When information disclosed with respect to any person is derogatory, within the standard set forth in Part II of the order, the Civil Service Commission shall forward the information to the Federal Bureau of Investigation and the Bureau shall conduct a full field investigation.

4A. In all cases involving a United States citizen employed or being considered for employment on the internationally recruited staff of the United Nations for a period exceeding 90 days, the investigation required by this part shall be a full field investigation conducted by the Federal Bureau of Investigation.

5. Reports of full field investigations shall be forwarded through the Civil Service Commission to the International Organizations Employees Loyalty Board established by part IV of this order. Whenever such a report contains derogatory information, under the standard set forth in part II of this order, there shall be made available to the person in question the procedures of the Board provided by part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons for same in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use.

6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary General, disclosed derogatory information in as much detail as the Board determines that security considerations permit.

This shall be for the purpose of assisting the Secretary General in determining whether or not he should take action with respect to the employment of a person being considered for employment prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein.

II. STANDARD

1. The standard to be used by the International Organizations Employees Loyalty Board in making an advisory determination shall be whether or not, on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

IV. INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

1. There is established in the Civil Service Commission an International Organizations Employees Loyalty Board consisting of not less than three members, who shall be officers or employees of the Commission.

2. The Board is authorized, in cases referred to it under this order, to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which

the United States is a member, and to make advisory determinations under the standard set forth in part II of this order, for transmission by the Secretary of State to the executive heads of the International organizations.

3. The Board shall make necessary rules and regulations for the execution of its functions. Such rules and regulations shall include provisions for furnishing each person whose case is considered by the Board (*a*) a written statement of the alleged derogatory information, in as much detail as the Board determines that security considerations permit, (*b*) an opportunity to answer in writing and to submit affidavits, (*c*) an opportunity for a hearing before the Board, including the right to be represented by counsel, to present witnesses and to cross-examine witnesses. The Board shall conduct its hearings in such manner as will not disclose information affecting the national security.

4. The Board shall base its determination on all the evidence before it including such confidential information as it may have in its possession. The Board shall send a copy of its determinations to each person who is the subject thereof.

5. The Civil Service Commission shall provide the necessary investigative and other services required by the Board and all other Executive agencies are directed to cooperate with the Board.

6. All cases arising under Executive Order 10422 which are pending before the Regional Loyalty Boards and the Loyalty Review Board of the Commission on May 27, 1953, shall be transferred to the Board.

DENIAL OF CERTAIN MAILING PRIVILEGES FOR COMMUNIST PROPAGANDA

Department of State

For the press December 31, 1953, No. 680

BAN ON RUMANIAN PUBLICATIONS IN UNITED STATES

In a note delivered to the Rumanian legation today, the Department of State notified the legation to cease forthwith the publication and distribution within the United States of "The Romanian News," a periodical issued by the Legation. At the same time, the Department directed the Legation to stop the distribution of other similar pamphlets published at the expense of the Rumanian Government or its organs.

This step was taken as a result of the action of the Rumanian Government in banning the further distribution in Rumania of a publication issued by our Legation in Bucharest entitled "Stir din America" (News from America). On December 29, our Minister to Rumania, Mr. Harold Shantz, was notified by the Foreign Office that our Legation must cease the distribution of the American publication. This publication was a small monthly bulletin which sought to give its readers an accurate picture of American life and thought. The first issue appeared in October of this year; its circulation was approximately 1,600 copies.

The text of the United States note is as follows:

"The Secretary of State presents his compliments to the Honorable the Minister of Rumania and has the honor to refer to the dissemination of publications within the United States at the instance of the Rumanian Legation. Special reference is made to the periodical bulletin entitled 'The Romanian News.'

"As the Legation is doubtless aware, the Rumanian Government has requested the American Legation at Bucharest to cease further distribution in Rumania of a periodical issued by that Legation entitled 'News From America.'

"Accordingly, the Department of State requests the Rumanian Legation to cease forthwith the publication and distribution in the United States of The Romanian News. The distribution in the United States by the Rumanian Legation of other similar pamphlets published at the expense of the Rumanian Government or its organs should also be terminated."

FEDERAL GOVERNMENT SECURITY PROGRAM

Executive Order 10450 as Amended

Executive Order 10450, dated April 27, 1953 (18 F. R. 2489), establishes a security program for Federal departments and agencies as follows:

"Executive Order 10450

"Security Requirements for Government Employment

"Whereas the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

"Whereas the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

"*Now, Therefore,* by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22–1, et seq.), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

"Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

"Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

"Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided,* that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

"(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full

field investigation has been conducted: *Provided*, That a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, That in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

"SEC. 4. The head of each department and agency shall review or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall readjudicate, or cause to be readjudicated, in accordance with the said Act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

"SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interest of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, readjudicate, or cause to be readjudicated, in accordance with the said Act of August 26, 1950, the case of such officer or employee.

"SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned, shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said Act of August 26, 1950.

"SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said Act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, That no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

"SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

"(1) Depending on the relation of the Government employment to the national security:

"(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

"(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

"(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

"(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

"(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

"(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

"(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

"(4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

"(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

"(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

"(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

"(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

"(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

"(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

"SEC. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said Act of August 26, 1950.

"(b) The heads of all departments and agencies shall furnish promptly tothe Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

"(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative

agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

"SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

"SEC. 11. On and after the effective date of this order, the Loyalty Review Board, established by Executive order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned, pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, That if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

"SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

"SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

"SEC. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

"(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

"(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

"Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

"(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

"SEC. 15. This order shall become effective thirty days after the date hereof."

REFUSAL TO TESTIFY

Executive Order 10491, dated October 13, 1953 (18 F. R. 6583), amends Executive Order 10450, supra, by adding another item to the criteria of security, and reads as follows:

"Subsection (a) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended by adding thereto at the end thereof paragraph (8) as follows:

"'(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.'"

Executive Order 10531, dated May 27, 1954 (19 F. R. 3069), amends Executive Order 10450, supra, by making refusal to testify before a congressional committee (as per Executive Order 10491, supra), an additional ground for promptly referring to the Federal Bureau of Investigation all investigations being conducted concerning an individual making such refusal:

"EXECUTIVE ORDER 10531

"AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, AS AMENDED, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

"By virtue of authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632 et seq.), section 9A of the act of August 2, 1939 (53 Stat. 1148; 5 U. S. C. 118j), and the act of August 26, 1950 (64 Stat. 476; 5 U. S. C. 22–1 et seq.), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

"Subsection (d) of section 8 of Executive Order No. 10450 of April 27, 1953, as amended by Executive Order No. 10491 of October 13, 1953, relating to security requirements for Government employment is hereby amended by striking out after the words 'subdivisions (2)' the words 'through (7)' and substituting the words 'through (8)' so that the last clause of the first sentence of that section will read as follows: 'or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section.'"

INFORMATION RELATING TO CERTAIN ILLNESSES

Executive Order 10548, dated August 2, 1954 (19 F. R. 4871), amends Executive Order 10450, supra, so that, in the determination of whether the employment of an individual in the Federal service is consistent with the interests of national security, certain types of illnesses shall be considered.

"EXECUTIVE ORDER 10548

"AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

"By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632 et seq.), section 9A of the act of August 2, 1939 (53 Stat. 1148; 5 U. S. C. 118 j), and the act of August 26, 1950 (64 Stat. 476; 5 U. S. C. 22–1 et seq.), and as President of the United States, and finding such action necessary in the best interests of the national security, it is ordered as follows:

"Subsection (a) (1) (iv) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended to read as follows:

"'(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.'"

REPORT BY CIVIL SERVICE COMMISSION TO NATIONAL SECURITY COUNCIL

Executive Order 10550, dated August 5, 1954 (19 F. R. 4981), amends Executive Order 10450, supra, as follows:

"EXECUTIVE ORDER 10550

"AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

"By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632

et seq.), section 9A of the act of August 2, 1939 (53 Stat. 1148; 5 U. S. C. 118j), and the act of August 26, 1950 (64 Stat. 476; 5 U. S. C. 22–1 et seq.), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

"Section 14 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended as follows:

"1. The last sentence of subsection (a) thereof is amended to read:

" 'The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.'

"2. The following subsection is added at the end thereof:

" '(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.' "

Organizations Designated Under Executive Order No. 10450

Compiled from memorandums of the Attorney General dated April 29, July 15, September 28, 1953; January 22, 1954; April 4, September 21, and October 20, 1955

Consolidated List—November 1, 1955

This list is prepared solely for the information of Federal civilian officers and employees and for the convenience of persons completing applications for Federal employment. Membership in or affiliation with a designated organization is one factor to be considered by the departments and agencies of the Federal Government in connection with the employment or retention in employment of individuals in Federal service.

Abraham Lincoln Brigade.
Abraham Lincoln School, Chicago, Ill.
Action Committee To Free Spain Now.
Alabama People's Educational Association. (See Communist Political Association.)
American Association for Reconstruction in Yugoslavia, Inc.
American Branch of the Federation of Greek Maritime Unions.
American Christian Nationalist Party.
American Committee for European Workers' Relief. (See Socialist Workers Party.)
American Committee for Protection of Foreign Born.
American Committee for Spanish Freedom.
American Committee for the Settlement of Jews in Birobidjan, Inc.
American Committee for Yugoslav Relief, Inc.
American Committee To Survey Labor Conditions in Europe.
American Council for a Democratic Greece, formerly known as the Greek American Council; Greek American Committee for National Unity.
American Council on Soviet Relations.
American Croatian Congress.
American Jewish Labor Council.
American League Against War and Fascism.
American League for Peace and Democracy.
American Lithuanian Workers Literary Association (also known as Amerikos Lietuviu Darbininku Literaturos Draugija).[1]
American National Labor Party.
American National Socialist League.

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[1] Removed; see 22 F. R. 8069.

American National Socialist Party.
American Nationalist Party.
American Patriots, Inc.
American Peace Crusade.
American Peace Mobilization.
American Poles for Peace.
American Polish Labor Council.
American Polish League.
American Rescue Ship Mission (a project of the United American Spanish Aid Committee).
American-Russian Fraternal Society.
American Russian Institute, New York, also known as the American Russian Institute for Cultural Relations With the Soviet Union.
American Russian Institute, Philadelphia.
American Russian Institute of San Francisco.
American Russian Institute of Southern California, Los Angeles.
American Slav Congress.
American Women for Peace.
American Youth Congress.
American Youth for Democracy.
Armenian Progressive League of America.
Associated Klans of America.
Association of Georgia Klans.
Association of German Nationals (Reichsdeutsche Vereinigung).
Association of Lithuanian Workers (also known as Lietuviu Darbininku Susivienijimas)[1].
Ausland-Organization der NSDAP, overseas branch of Nazi Party.
Baltimore Forum.
Benjamin Davis Freedom Committee.
Black Dragon Society.
Boston School for Marxist Studies, Boston, Mass.
Bridges-Robertson-Schmidt Defense Committee.
Bulgarian American People's League of the United States of America.
California Emergency Defense Committee.
California Labor School, Inc., 321 Divisadero Street, San Francisco, Calif.
Carpatho-Russian People's Society.
Central Council of American Women of Croatian Descent, also known as Central Council of American Croatian Women, National Council of Croatian Women.
Central Japanese Association (Beikoku Chuo Nipponjin Kai).
Central Japanese Association of Southern California.
Central Organization of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront).
Cervantes Fraternal Society.
China Welfare Appeal, Inc.
Chopin Cultural Center.
Citizens Committee for Harry Bridges.
Citizens Committee of the Upper West Side (New York City).
Citizens Committee To Free Earl Browder.
Citizens Emergency Defense Conference.
Citizens Protective League.
Civil Liberties Sponsoring Committee of Pittsburgh.
Civil Rights Congress and its affiliated organizations, including:
Civil Rights Congress for Texas.
Veterans Against Discrimination of Civil Rights Congress of New York.
Civil Rights Congress for Texas. (See Civil Rights Congress.)
Columbians.
Comite Coordinador Pro Republica Espanola.
Comite Pro Derechos Civiles. (See Puerto Rican Comite Pro Libertades Civiles.)
Committee for a Democratic Far Eastern Policy.
Committee for Constitutional and Political Freedom.
Committee for Nationalist Action.
Committee for Peace and Brotherhood Festival in Philadelphia.
Committee for the Defense of the Pittsburgh Six.
Committee for the Negro in the Arts.
Committee for the Protection of the Bill of Rights.
Committee for World Youth Friendship and Cultural Exchange.
Committee To Abolish Discrimination in Maryland. (See Congress Against Discrimination; Maryland Congress Against Discrimination; Provisional Committee To Abolish Discrimination in the State of Maryland.)

[1] Removed; see 22 F. R. 8069.

Committee To Aid the Fighting South.
Committee To Defend Marie Richardson.
Committee To Defend the Rights and Freedom of Pittsburgh's Political Prisoners.
Committee To Uphold the Bill of Rights.
Commonwealth College, Mena, Ark.
Communist Party, U. S. A., its subdivisions, subsidiaries, and affiliates.
Communist Political Association, its subdivisions, subsidiaries, and affiliates, including:
Alabama People's Educational Association.
Florida Press and Educational League.
Oklahoma League for Political Education.
People's Educational and Press Association of Texas.
Virginia League for People's Education.
Congress Against Discrimination. (See Committee To Abolish Discrimination in Maryland
Congress of American Revolutionary Writers.
Congress of American Women.
Congress of the Unemployed.
Connecticut Committee To Aid Victims of the Smith Act.
Connecticut State Youth Conference.
Council for Jobs, Relief and Housing.
Council for Pan-American Democracy.
Council of Greek Americans.
Council on African Affairs.
Croatian Benevolent Fraternity.
Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan).
Daily Worker Press Club.
Daniels Defense Committee.
Dante Alighieri Society (between 1935 and 1940).
Dennis Defense Committee.
Detroit Youth Assembly.
East Bay Peace Committee.
Elsinore Progressive League.
Emergency Conference To Save Spanish Refugees (founding body of the North American Spanish Aid Committee).
Everybody's Committee To Outlaw War.
Families of the Baltimore Smith Act Victims.
Families of the Smith Act Victims.
Federation of Italian War Veterans in the U. S. A., Inc. (Associazione Nazionale Combattenti Italiani, Federazione degli Stati Uniti d'America).
Finnish-American Mutual Aid Society.
Florida Press and Educational League. (See Communist Political Association.)
Frederick Douglass Educational Center.
Freedom Stage, Inc.
Friends of the New Germany (Freunde des Neuen Deutschlands).
Friends of the Soviet Union.
Garibaldi American Fraternal Society.
George Washington Carver School, New York City.
German-American Bund (Amerikadeutscher Volksbund).
German-American Republican League.
German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft).
Guardian Club.
Harlem Trade Union Council.
Hawaii Civil Liberties Committee.
Heimusha Kai, also known as Nokubei Heieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese Residing in America Military Conscripts Association).
Hellenic-American Brotherhood.
Hinode Kai (Imperial Japanese Reservists).
Hinomaru Kai (Rising Sun Flag Society, a group of Japanese war veterans).
Hokubei Zaigo Shoke Dan (North American Reserve Officers' Association).
Hollywood Writers Mobilization for Defense.
Hungarian-American Council for Democracy.
Hungarian Brotherhood.
Idaho Pension Union.

Independent Party (Seattle, Wash.). (See Independent People's Party.)
Independent People's Party. (See Independent Party.)
Independent Socialist League.[2]
Industrial Workers of the World.
International Labor Defense.
International Workers Order, its subdivisions, subsidiaries, and affiliates.
Japanese Association of America.
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai).
Japanese Overseas Convention, Tokyo, Japan, 1940.
Japanese Protective Association (recruiting organization).
Jefferson School of Social Science, New York City.
Jewish Culture Society.
Jewish People's Committee.
Jewish People's Fraternal Order.
Jikyoku Iinkai (the Committee for the Crisis).
Johnson-Forest Group. (See Johnsonites.)
Johnsonites. (See Johnson-Forest Group.)
Joint Anti-Fascist Refugee Committee.
Joint Council of Progressive Italian-Americans, Inc.
Joseph Weydemeyer School of Social Science, St. Louis, Mo.
Kibei Seinen Kai (association of United States Citizens of Japanese ancestry who have returned to America after studying in Japan).
Knights of the White Camellia.
Ku Klux Klan.
Kyffhaeuser, also known as Kyffhaeuser League (Kyffhaeuser Bund), Kyffhaeuser Fellowship (Kyffhaeuser Kameradschaft).
Kyffhaeuser War Relief (Kyffhaeuser Kriegshilfswerk).
Labor Council for Negro Rights.
Labor Research Association, Inc.
Labor Youth League.
League for Common Sense.
League of American Writers.
Lictor Society (Italian Black Shirts).
Macedonian-American People's League.
Mario Morgantini Circle.
Maritime Labor Committee To Defend Al Lannon.
Maryland Congress Against Discrimination. (See Committee To Abolish Discrimination in Maryland.)
Massachusetts Committee for the Bill of Rights.
Massachusetts Minute Women for Peace (not connected with the Minute Women of the U. S. A., Inc.).
Maurice Braverman Defense Committee.
Michigan Civil Rights Federation.
Michigan Council for Peace.
Michigan School of Social Science.
Nanka Teikoku Gunyudan (Imperial Military Friends Group or Southern California War Veterans).
National Association of Mexican Americans (also known as Asociacion Nacional Mexico-Americana).
National Blue Star Mothers of America (not to be confused with the Blue Star Mothers of America organized in February 1942).
National Committee for Freedom of the Press.
National Committee for the Defense of Political Prisoners.
National Committee To Win Amnesty for Smith Act Victims.
National Committee To Win the Peace.
National Conference on American Policy in China and the Far East (a conference called by the Committee for a Democratic Far Eastern Policy).
National Council of Americans of Croatian Descent.
National Council of American-Soviet Friendship.
National Federation for Constitutional Liberties.
National Labor Conference for Peace.
National Negro Congress.
National Negro Labor Council.
Nationalist Action League.
Nationalist Party of Puerto Rico.
Nature Friends of America (since 1935).

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[2] Removed; see 23 F. R. 5548.

Negro Labor Victory Committee.
New Committee for Publications.
Nichibei Kogyo Kaisha (the Great Fujii Theater).
North American Committee To Aid Spanish Democracy.
North American Spanish Aid Committee.
North Philadelphia Forum.
Northwest Japanese Association.
Ohio School of Social Sciences.
Oklahoma Committee To Defend Political Prisoners.
Oklahoma League for Political Education. (See Communist Political Association.)
Original Southern Klans, Inc.
Pacific Northwest Labor School, Seattle, Wash.
Palo Alto Peace Club.
Partido del Pueblo of Panama (operating in the Canal Zone).
Peace Information Center.
Peace Movement of Ethiopia.
People's Drama, Inc.
People's Educational and Press Association of Texas. (See Communist Political Association.)
People's Educational Association (incorporated under name, "Los Angeles Educational Association, Inc."), also known as People's Educational Center, People's University, People's School.
People's Institute of Applied Religion.
Peoples Programs (Seattle, Wash.).
People's Radio Foundation, Inc.
People's Rights Party.
Philadelphia Labor Committee for Negro Rights.
Philadelphia School of Social Science and Arts.
Photo League (New York City).
Pittsburgh Arts Club.
Political Prisoners' Welfare Committee.
Polonia Society of the IWO.
Progressive German-Americans, also known as Progressive German-Americans of Chicago.
Proletarian Party of America.
Protestant War Veterans of the United States, Inc.
Provisional Committee of Citizens for Peace, Southwest Area.
Provisional Committee on Latin American Affairs.
Provisional Committee To Abolish Discrimination in the State of Maryland. (See Committee To Abolish Discrimination in Maryland.)
Puerto Rican Comite Pro Libertades Civiles (CLC.) (See Comite Pro Derechos Civiles.)
Puertorriquenos Unidós (Puerto Ricans United).
Quad City Committee for Peace.
Queensbridge Tenants League.
Revolutionary Workers League.
Romanian-American Fraternal Society.
Russian American Society, Inc.
Sakura Kai (patriotic society, or Cherry Association, composed of veterans of Russo-Japanese War).
Samuel Adams School, Boston, Mass.
Santa Barbara Peace Forum.
Schappes Defense Committee.
Schneiderman-Darcy Defense Committee.
School of Jewish Studies, New York City.
Seattle Labor School, Seattle, Wash.
Serbian-American Fraternal Society.
Serbian Vidovdan Council.
Shinto Temples (limited to State shinto abolished in 1945).
Silver Shirt Legion of America.
Slavic Council of Southern California.
Slovak Workers Society.
Slovenian-American National Council.

Socialist Workers Party, including American Committee for European Workers' Relief.
Socialist Youth League (see Workers Party).[2]
Sokoku Kai (Fatherland Society).
Southern Negro Youth Congress.
Suiko Sha (Reserve Officers' Association, Los Angeles).
Syracuse Women for Peace.
Tom Paine School of Social Science, Philadelphia, Pa.
Tom Paine School of Westchester, N. Y.
Trade Union Committee for Peace. (See Trade Unionists for Peace.)
Trade Unionists for Peace. (See Trade Union Committee for Peace.)
Tri-State Negro Trade Union Council.
Ukrainian-American Fraternal Union.
Union of American Croatians.
Union of New York Veterans.
United American Spanish Aid Committee.
United Committee of Jewish Societies and Landsmanschaft Federations, also known as Coordination Committee of Jewish Landsmanschaften and Fraternal Organizations.
United Committee of South Slavic Americans.
United Defense Council of Southern California.
United Harlem Tenants and Consumers Organization.
United May Day Committee.
United Negro and Allied Veterans of America.
Veterans Against Discrimination of Civil Rights Congress of New York. (See Civil Rights Congress.)
Veterans of the Abraham Lincoln Brigade.
Virginia League for People's Education. (See Communist Political Association.)
Voice of Freedom Committee.
Walt Whitman School of Social Science, Newark, N. J.
Washington Bookshop Association.
Washington Committee for Democratic Action.
Washington Committee To Defend the Bill of Rights.
Washington Commonwealth Federation.
Washington Pension Union.
Wisconsin Conference on Social Legislation.
Workers Alliance (since April 1936).
Workers Party, including Socialist Youth League.[2]
Yiddisher Kultur Farband.
Young Communist League.
Yugoslav-American Cooperative Home, Inc.
Yugoslav Seamen's Club, Inc.

REGISTRATION OF COMMUNIST PRINTING FACILITIES

(Act of July 29, 1954; Public Law 557, 83d Cong.; 68 Stat. 586)

AN ACT To amend section 7 (d) of the Internal Security Act of 1950, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 7 (d) of the Internal Security Act of 1950, as amended (50 U. S. C. 786 (d)), is amended by adding after paragraph (5) the following:

"(6) A listing, in such form and detail as the Attorney General shall by regulation prescribe, of all printing presses and machines including but not limited to rotary presses, flatbed cylinder presses, platen presses, lithographs, offsets, photo-offsets, mimeograph machines, multigraph machines, multilith machines, duplicating machines, ditto machines, linotype machines, intertype machines, monotype machines, and all other types of printing presses, type-setting machines, or any mechanical devices used or intended to be used, or capable of being used to produce or publish printed matter or material, which are in the possession, custody, ownership, or control of the Communist-action or Communist-front organization or its officers, members, affiliates, associates, group, or groups in which the Communist-action or Communist-front organization, its officers or members have an interest."

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[2] Removed; see 23 F. R. 5548.

DEPORTATION PROCEEDINGS—WARRANT OF ARREST

(8 C. F. R. 318.1)
(22 F. R. 9813)

Warrant of arrest.—For the purposes of section 318 of the Immigration and Nationality Act, an order to show cause issued under part 242 of this chapter shall be regarded as a warrant of arrest.

IMMUNITY FOR CONGRESSIONAL WITNESSES

(68 Stat. 745, ch. 769)

Criminal Code, Section 3486: Testimony Before Congress; Immunity

(As amended by Public Law 600, 83d Cong.; 68 Stat. 745, c. 769)

"§ 3486. *Compelled testimony tending to incriminate witnesses; immunity.*

"(a) In the course of any investigation relating to any interference with or endangering of, or any plans or attempts to interfere with or endanger the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, or the overthrow of its Government by force or violence, no witness shall be excused from testifying or from producing books, papers, or other evidence before either House, or before any committee of either House, or before any joint committee of the two Houses of Congress on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, when the record shows that—

"(1) in the case of proceedings before one of the Houses of Congress, that a majority of the members present of that House; or

"(2) in the case of proceedings before a committee, that two-thirds of the members of the full committee shall by affirmative vote have authorized such witness to be granted immunity under this section with respect to the transactions, matters, or things concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence by direction of the presiding officer; and

that an order of the United States district court for the district wherein the inquiry is being carried on has been entered into the record requiring said person to testify or produce evidence. Such an order may be issued by a United States district court judge upon application by a duly authorized representative of the Congress or of the committee concerned. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecutions described in subsection (d) hereof) against him in any court.

"(b) Neither House nor any committee thereof nor any joint committee of the two Houses of Congress shall grant immunity to any witness without first having notified the Attorney General of the United States of such action and thereafter having secured the approval of the United States district court for the district wherein such inquiry is being held. The Attorney General of the United States shall be notified of the time of each proposed application to the United States district court and shall be given the opportunity to be heard with respect thereto prior to the entrance into the record of the order of the district court.

"(c) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, violations of sections 212 (a) (27), (28), (29), or 241 (a) (6), (7) or 313 (a) of the Immigration and Nationality Act (66 Stat. 182–186, 204–206, 240–241), and conspiracies involving any of the foregoing, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to

the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in subsection (d) hereof) against him in any court.

"(d) No witness shall be exempt under the provisions of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

COMMUNIST CONTROL ACT OF 1954, AS AMENDED

(68 Stat. 777)

PROSCRIBED ORGANIZATIONS

SEC. 3. The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are hereby terminated: *Provided, however,* That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended.

SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

SEC. 6. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act, as amended (29 U. S. C. 152), or to represent any employer in any matter or proceeding arising or pending under that Act."

COMMUNIST-INFILTRATED ORGANIZATIONS

SEC. 7. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after paragraph (4) thereof, the following new paragraph:

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie, not to be a 'Communist-infiltrated organization'".

"(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

Past Affiliations With Communist Organizations

Section 13A (e) of the Communist Control Act of 1954

(68 Stat. 778, as amended by 69 Stat. 375, ch. 381)

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

"(1) to what extent, if any, the effective management of the affairs of such organization is conducted by one or more individuals who are, or within three years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) to what extent, if any, the policies of such organization are, or within three years have been formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of any such Communist organization, government, or movement any funds or other material assistance;

"(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

"(6) to what extent, if any, the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this Act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its armed forces, in any activity resulting in or contributing to any such impairment."

COMMUNIST INFILTRATION INTO TREASURY DEPARTMENT

(Act of August 31, 1954; Public Law 725, 83d Cong.; 68 Stat. 998, ch. 1143)

AN ACT To authorize and direct the investigation by the Attorney General of certain offenses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, and without limiting the authority to investigate any matter which may have been or may hereafter be conferred upon them, or upon any other department or agency of the Government, the Attorney General and the Federal Bureau of Investigation shall have authority to investigate any violation of title 18, United States Code, involving Government officers and employees. Any information, allegation, or complaint received in any department or agency of the executive branch of the Government relating to said violations involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of such department or agency, unless the responsibility to perform an investigation with respect thereto is specifically otherwise assigned by another provision of law, or unless the Attorney General otherwise directs with respect, as to any department or agency of the Government, to any specified class of information, allegation, or complaint: *Provided*, That the provisions of this section shall not limit, in any way, the existing authority of the military departments to investigate persons or offenses over which the Armed Forces have jurisdiction under the Uniform Code of Military Justice: *Provided further*, That the provisions of this section shall not limit, in any way, the primary authority of the Postmaster General to investigate postal offenses.

SEC. 2. Section 3056 of title 18, United States Code, is amended by striking out the following: "detect and arrest any person violating any laws of the United States directly concerning official matters administered by and under the direct control of the Treasury Department;".

DENIAL OF FEDERAL ANNUITIES TO CONVICTED SUBVERSIVES

(Act of September 1, 1954; Public Law 769, 83d Cong.; 68 Stat. 1142, as amended by Act of July 31, 1956, Public Law 854, 84th Cong.; 70 Stat. 761 § 405)

AN ACT To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C., secs. 1810 and 1816);

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22–1201, 22–701, 22–703); or in the second paragraph under the subheading "For Executive Office" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," approved July 1, 1902 (32 Stat. 591; D. C. Code, 1951 edition, sec. 22–702).

SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear, testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

(2) conviction of any offense described in the first section of this Act; or

(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

"(c) In any case in which, after the date of enactment of this subsection, any person under indictment for any offense within the purview of the first section of this Act willfully remains outside the United States, its Territories, and possessions, for a period in excess of one year with knowledge of such indictment, no annuity or retired pay shall be paid, for any period subsequent to the end of such one-year period to such person or to the survivor or beneficiary of such person, on the basis of the service of such person, as an officer or employee of the Government unless and until a nolle prosequi to the entire indictment is entered upon the record or such person returns and thereafter the indictment is dismissed or after trial by court the accused is found not guilty of the offense or offenses charged in the indictment."

SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year, Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12 (e) of the Civil Service Retirement Act of 1930, as amended.

SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the date of enactment of this Act, of and offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence.

SEC. 6. As used in this Act—

(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

STATUTE OF LIMITATIONS—CRIMINAL OFFENSES

(18 U. S. C. Supp. V, sec. 3282)

§ 3282. Offenses not capital

Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed. As amended September 1, 1954, ch. 1214, § 10 (a), 68 Stat. 1145.

EXPATRIATION ACT OF 1954

(Act of September 3, 1954; Public Law 772, 83d Cong.; 68 Stat. 1146 ch. 1256)

AN ACT To amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Expatriation Act of 1954".

SEC. 2. Paragraph (9) of subsection (a) of section 349 of the Immigration and Nationality Act (66 Stat. 163, 268; 8 U. S. C. 1481 (a) (9) is amended to read as follows:

"(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code, or willfully performing any act in violation of section 2385 of title 18, United States Code, or violating section 2384 of said title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or".

ESPIONAGE AND SABOTAGE ACT OF 1954

(Act of September 3, 1954, Public Law 777, 83d Cong.; 68 Stat. 1216, ch. 1261)

AN ACT To revise and extend the laws relating to espionage and sabotage, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections, may be cited as the "Espionage and Sabotage Act of 1954".

TITLE I—WAR AND DEFENSE MATERIALS, PREMISES AND UTILITIES

SEC. 101. Section 2151 of title 18, United States Code, is amended to read as follows:

"§ 2151. Definitions.

"As used in this chapter:

"The words 'war material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

"The words 'war premises' include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.

"The words 'war utilities' include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all airconditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.

"The words 'associate nation' mean any nation at war with any nation with which the United States is at war.

"The words 'national-defense material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

"The words 'national-defense utilities' include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which air, water, or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any national-defense premises or to the Armed Forces of the United States."

SEC. 102. Section 2153 of title 18, United States Code, is amended to read as follows:

"§ 2153. Destruction of war material, war premises, or war utilities.

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injuries, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

SEC. 103. Section 2154 of title 18, United States Code, is amended to read as follows:

"§ 2154. Production of defective war material, war premises, or war utilities.

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises or war utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

SEC. 104. Section 2155 of title 18, United States Code, is amended to read as follows:

"§ 2155. Destruction of national-defense materials, national-defense premises or national-defense utilities.

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

SEC. 105. Section 2156 of title 18, United States Code, is amended to read as follows:

"§ 2156. Production of defective national-defense material, national-defense premises or national-defense utilities.

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

SEC. 106. The analysis immediately preceding section 2151 of title 18, United States Code, is amended to read as follows:

"Sec.
2151. Definitions.
2152. Fortifications, harbor defenses or defensive sea areas.
2153. Destruction of war material, war premises or war utilities.
2154. Production of defective war material, war premises or war utilities.
2155. Destruction of national-defense materials, national-defense premises or national-defense utilities.
2156. Production of defective national-defense material, national-defense premises or national-defense utilities."

TITLE II—DISCLOSURE OF INFORMATION RELATING TO NATIONAL DEFENSE

SEC. 201. Section 794 of title 18, United States Code, is amended to read as follows:

"(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

"(b) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

"(c) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy."

LIMIT ON MOVEMENTS OF COMMUNIST DIPLOMATIC PERSONNEL IN THE UNITED STATES

Press Release No. 1, Department of State, January 3, 1955

Regulation of Travel by Soviet Citizens in the United States

The United States Government has extended existing travel regulations for Soviet officials stationed in the United States to include all Soviet citizens in possession of valid Soviet passports other than Soviet citizen officers and employees of the United Nations Secretariat while their conduct is a responsibility of the Secretary General of the United Nations.

The previous regulations which were instituted March 10, 1952 (Department of State press release No. 181), required that Soviet Embassy personnel, TASS, Amtorg, and certain Soviet press representatives give prior notification of travel more than 25 miles from the centers of Washington, D. C., and New York City, as appropriate, but did not establish barred areas or closed cities in the United States comparable to those areas and cities closed to travel by Americans and other foreigners in the Soviet Union. As made clear in the note to the Soviet Embassy of March 10, 1952, it was hoped that this action would encourage the Soviet Government to effect appropriate relaxation of its travel restrictions.

The Soviet Government's action on June 22, 1953, reducing the list of areas and cities closed to travel by foreigners in the U. S. S. R. was welcomed as a possible indication that additional and more substantial steps in this direction might be forthcoming. Unfortunately, this expectation has not been fulfilled and today approximately 30 percent of the land area of the U. S. S. R. remains closed to travel by American citizens or other foreigners.

It has now been decided to establish the travel regulations outlined in this Government's note of January 3, 1955, which are comparable to those which the Soviet Union has imposed, presumably for reasons of security, on the movement of American citizens and other foreigners in the Soviet Union. Should the Soviet Union conclude that the international situation were such that security requirements enabled it to liberalize its regulations restricting the travel of United States citizens in the Soviet Union, the United States Government would in turn be disposed to reconsider in the same spirit its own security requirements.

Text of Note From Secretary of State John Foster Dulles to the Ambassador of the Union of Soviet Socialist Republics Georgi N. Zaroubin

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to state that the following regulations have been instituted and will apply until further notice to travel in the United States by Soviet citizens in possession of valid passports issued by the Government of the Union of Soviet Socialist Republics other than Soviet citizen officers and employees of the Secretariat of the United Nations while their conduct is a responsibility of the Secretary General of the United Nations.

Travel will be permitted throughout the United States except in the border zones described in enclosure No. 1, the States and counties listed in enclosure No. 2, those cities which are listed in enclosure No. 3 as closed cities in otherwise open areas, or as otherwise indicated below. Enclosure No. 4 lists open cities in otherwise closed areas.

The prior notification of travel procedure set forth in the Department's note of March 10, 1952, is extended to include all resident Soviet citizens who are in possession of valid passports issued by the Government of the Union of Soviet Socialist Republics other than Soviet officers and employees of the Secretariat of the United Nations while their conduct is a responsibility of the Secretary General of the United Nations. Soviet citizens who are temporarily admitted to the United States for some specific purpose which does not involve temporary residence in Washington, District of Columbia, or New York, N. Y., will not be subject to the prior notification of travel requirement. At the discretion of the Department, they may also be granted access to a closed city or area if their presence in such city or area is germane to the purpose of the visit for which admitted.

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Notifications will be addressed to the Department of State, the Army, Navy or Air Force foreign liaison offices, or the United States mission to the United Nations in New York, N. Y., as appropriate at least 48 hours in advance of anticipated travel of more than 25 miles distance from the centers of Washington, D. C., or New York, N. Y. Each notification should contain the name of the traveler or travelers and detailed information concerning the projected travel including itinerary, mode or modes of travel, points and duration of stopovers, and specific routes and carriers if transiting closed areas. Other than for large cities, place names should be identified by county and State.

Transit travel by railroad or commercial airlines through closed areas will be permitted when such travel is necessary to reach open areas or open cities in otherwise closed areas. Soviet citizens engaging in such transit travel are not to leave the immediate vicinity of any air or rail terminal located in a closed area or city except where necessary to effect air or rail connection for continuing the travel. The transit of closed areas by automobile or bus will not normally be permitted except by specified routes without intermediate stops between Washington, D. C., and New York, N. Y.; Washington, D. C., and Baltimore, Md.; New York, N. Y., and the Oyster Bay, N. Y., area; Washington, D. C., and the open areas to the south and west. These routes are specified in enclosure No. 5. Applications for exceptional access to recreation and resort areas which fall in a closed area will be considered on the merits of each such application.

The foregoing regulations are comparable to those which the Soviet Union has imposed, presumably for reasons of security, on the movement of United States citizens in the Soviet Union. If the Soviet Union should hereafter conclude that the international situation were such that security requirements enabled it to liberalize its regulations restricting the travel of United States citizens in the Soviet Union, this Government would in turn be disposed to reconsider in the same spirit its own security requirements.

Enclosures:

1. Border zones closed to travel by Soviet citizens in possession of Union of Soviet Socialist Republics passports.
2. States and counties closed to travel by Soviet citizens in possession of Union of Soviet Socialist Republics passports.
3. Cities in otherwise open areas which are closed to travel by Soviet citizens in possession of Union of Soviet Socialist Republics passports.
4. Cities in otherwise closed areas which are open to travel by Soviet citizens in possession of Union of Soviet Socialist Republics passports.
5. Specified routes of automotive transit through areas closed to travel by Soviet citizens in possession of Union of Soviet Socialist Republics passports.

Department of State, Washington.

Border Zones Closed to Travel by Soviet Citizens in Possession of U. S. S. R. Passports

1. United States-Canadian border

In addition to the shores of the Great Lakes included within closed areas, the following lake shores are closed by a band 15 miles wide in the States and counties listed:

(*a*) Lake Superior: Minnesota—Cook, Lake, St. Louis; Wisconsin—Douglas, Bayfield, Ashland, Iron; Michigan—Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Marquette, Alger, Luce, Chippewa, Mackinac, and Drummond Island.

(*b*) Lake Michigan: Michigan—Emmet.

(*c*) Lake Huron: Michigan—Cheboygan, Presque Isle, Alpena, Alcona, Iosco, Arenac.

(*d*) Lake Erie: Ohio—Lake Ashtabula.

2. United States-Mexican border

In addition to San Diego County, Calif., the Mexican border is closed by a band 15 miles wide except for that portion of the border which falls in Webb County, Tex.

States and Counties Closed to Travel by Soviet Citizens in Possession of U. S. S. R. Passports

Alabama:
- Colbert
- Lauderdale
- Limestone
- Madison

Arizona:
- Maricopa
- Mohave
- Yavapai

California:
- Alameda
- Contra Costa
- Los Angeles
- Marin
- Monterey
- Merced
- Napa
- Orange
- Sacramento
- San Benito
- San Diego
- San Francisco
- San Joaquin
- San Luis Obispo
- San Mateo
- Santa Barbara
- Santa Clara
- Santa Cruz
- Solano
- Sonoma
- Ventura
- Yolo

Colorado:
- Adams
- Alamosa
- Arapahoe
- Archuleta
- Boulder
- Chaffee
- Clear Creek
- Conejos
- Costilla
- Custer
- Delta
- Denver
- Douglas
- Elbert
- El Paso
- Fremont
- Gilpin
- Gunnison
- Hinsdale
- Huerfano
- Jefferson
- Lake
- Mesa
- Mineral
- Montrose
- Ouray
- Park
- Pitkin
- Pueblo
- Rio Grande
- Saguache
- Teller

Connecticut

Delaware

Georgia:
- Bryan
- Bullock
- Burke
- Chatham
- Effingham
- Jenkins
- Richmond
- Screven

Idaho:
- Benewah
- Bingham
- Bonneville
- Butte
- Clark
- Custer
- Fremont
- Idaho
- Jefferson
- Latah
- Lemhi
- Lewis
- Madison
- Nez Perce
- Teton
- Valley

Illinois:
- Adams
- Alexander
- Brown
- Calhoun
- Clinton
- Cook
- Du Page
- Edgar
- Edwards
- Franklin
- Gallatin
- Greene
- Grundy
- Hamilton
- Hancock
- Hardin
- Henderson
- Iroquois
- Jackson
- Jefferson
- Jersey
- Johnson
- Kane
- Kankakee
- Kendall
- Lake
- McHenry
- Madison
- Marion
- Massac
- Mercer
- Monroe
- Perry
- Pike
- Pope
- Pulaski
- Randolph
- Rock Island
- St. Clair
- Saline
- Union
- Vermilion
- Wabash
- Washington
- Wayne
- White
- Will
- Williamson

Indiana:
- Adams
- Allen
- Benton
- Blackford
- Boone
- Carroll
- Cass
- Clay
- Clinton
- Dearborn
- Decatur
- De Kalb
- Delaware
- Elkhart
- Fayette
- Fountain
- Franklin
- Fulton
- Gibson
- Grant
- Hamilton
- Hancock
- Hendricks
- Henry
- Howard
- Huntington
- Jasper
- Jay
- Johnson
- Kosciusko
- Lagrange
- Lake

STATES AND COUNTIES CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U. S. S. R. PASSPORTS—Continued

Indiana—Continued
La Porte
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Ohio
Owen
Parke
Porter
Posey
Pulaski
Putnam
Randolph
Rush
St. Joseph
Shelby
Starke
Steuben
Tippecanoe
Tipton
Union
Vanderburgh
Vermilion
Vigo
Wabash
Warren
Warrick
Wayne
Wells
White
Whitley

Iowa:
Des Moines
Henry
Lee
Louisa
Muscatine
Scott

Kansas:
Anderson
Atchison
Brown
Butler
Chase
Chautauqua
Coffey
Cowley
Dickinson
Doniphan
Douglas
Elk
Franklin
Geary
Greenwood
Harvey
Jackson
Jefferson
Johnson
Leavenworth
Linn

Kansas—Continued
Lyon
McPherson
Marion
Marshall
Miami
Morris
Nemaha
Osage
Pottawatomie
Riley
Saline
Sedgwick
Shawnee
Sumner
Wabaunsee
Wyandotte

Kentucky:
Ballard
Boone
Caldwell
Campbell
Christian
Crittendon
Henderson
Hopkins
Kenton
Livingston
Logan
Lyon
McCracken
Muhlenberg
Todd
Trigg
Union
Webster

Louisiana:
Acadia
Ascension
Assumption
Caddo
Calcasieu
Cameron
De Soto
East Baton Rouge
East Feliciana
Iberia
Iberville
Jefferson
Jefferson Davis
Lafayette
Lafourche
Livingston
Orleans
Plaquemines
Point Coupee
St. Bernard
St. Charles
St. Helena
St. James
St. John the Baptist
St. Martin
St. Mary
St. Tammany
Tangipahoa

Louisiana—Continued
Terrebonne
Vermilion
West Baton Rouge
West Feliciana

Maine:
Androscoggin
Aroostook
Cumberland
Hancock
Kennebec
Knox
Lincoln
Penobscot
Sagadahoc
Waldo
Washington
York

Maryland:
Anne Arundel
Baltimore
Calvert
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Harford
Howard
Kent
Queen Annes
St. Marys
Somerset
Talbot
Washington
Wicomico
Worcester

Massachusetts

Michigan:
Bay
Genesee
Hillsdale
Huron
Ingham
Jackson
Lapeer
Lenawee
Livingston
Macomb
Midland
Monroe
Oakland
Saginaw
St. Clair
Sanilac
Shiawassee
Tuscola
Washtenaw
Wayne

Missouri:
Bollinger
Cape Girardeau
Clark
Jefferson

STATES AND COUNTIES CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U. S. S. R, PASSPORTS—Continued

Missouri—Continued
- Lewis
- Lincoln
- Madison
- Marion
- Perry
- Pike
- Ralls
- St. Charles
- St. Francois
- Ste Genevieve
- St. Louis
- St. Louis City

Montana:
- Beaverhead
- Deer Lodge
- Silver Bow

Nebraska:
- Cass
- Douglas
- Gage
- Johnson
- Lancaster
- Nemaha
- Otoe
- Pawnee
- Richardson
- Sarpy

Nevada:
- Clark
- Lincoln
- Nye

New Hampshire:
- Cheshire
- Hillsboro
- Rockingham
- Strafford

New Jersey:
- Atlantic
- Burlington
- Camden
- Cape May
- Cumberland
- Essex
- Gloucester
- Hunterdon
- Mercer
- Middlesex [1]
- Monmouth [1]
- Morris [1]
- Ocean
- Passaic [1]
- Salem
- Somerset
- Union
- Warren

New Mexico:
- Bernalillo
- Los Alamos
- Rio Arriba
- Sandoval
- Santa Fe
- Taos
- Torrance

New York:
- Albany
- Broome
- Cayuga
- Chautauqua
- Chenango
- Cortland
- Delaware
- Erie
- Greene
- Jefferson
- Kings (Brooklyn)
- Madison
- Monroe
- Nassau [2]
- Niagara
- Oneida
- Onondaga
- Orleans
- Oswego
- Otsego
- Schenectady
- Schoharie
- Suffolk
- Wayne

North Dakota:
- Adams
- Billings
- Bottineau
- Bowman
- Burke
- Burleigh
- Divide
- Dunn
- Emmons
- Golden Valley
- Grant
- Hettinger
- Kidder
- Logan
- McHenry
- McIntosh
- McKenzie
- McLean
- Mercer
- Morton
- Mountrail
- Oliver
- Renville
- Sheridan
- Sioux
- Slope
- Stark
- Ward
- Williams

Ohio:
- Allen
- Ashland
- Auglaize
- Butler
- Champaign
- Clark
- Crawford
- Cuyahoga
- Darke
- Defiance
- Delaware
- Erie
- Franklin
- Fulton
- Greene
- Hamilton
- Hancock
- Hardin
- Henry
- Huron
- Jackson
- Logan
- Lorain
- Lucas
- Madison
- Marion
- Medina
- Mercer
- Miami
- Montgomery
- Morrow
- Ottawa
- Paulding
- Pickaway
- Pike
- Preble
- Putnam
- Richland
- Ross
- Sandusky
- Scioto
- Seneca
- Shelby
- Stark
- Summit
- Union
- Van Wert
- Wayne
- Williams
- Wood
- Wyandot

Oklahoma:
- Creek
- Kay
- Lincoln
- Logan
- Noble
- Oklahoma
- Osage

[1] Closed except for those portions of these counties which lie less than 25 air miles from the center of New York, New York.
[2] Closed except for Oyster Bay area north of Route 25A.

STATES AND COUNTIES CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U. S. S. R. PASSPORTS—Continued

Oklahoma—Continued
- Pawnee
- Payne
- Tulsa
- Washington

Pennsylvania:
- Adams
- Allegheny
- Armstrong
- Beaver
- Bedford
- Berks
- Bucks
- Butler
- Carbon
- Chester
- Columbia
- Cumberland
- Dauphin
- Delaware
- Erie
- Fayette
- Franklin
- Fulton
- Greene
- Huntingdon
- Juniata
- Lancaster
- Lawrence
- Lebanon
- Lehigh
- Luzerne
- Mifflin
- Montgomery
- Montour
- Northampton
- Northumberland
- Perry
- Philadelphia
- Schuylkill
- Somerset
- Union
- Washington
- Westmoreland
- York

Rhode Island

South Carolina:
- Aiken
- Allendale
- Bamberg
- Barnwell
- Beaufort
- Berkeley
- Charleston
- Colleton
- Dorchester
- Hampton
- Jasper
- Orangeburg

South Dakota:
- Armstrong
- Aurora
- Bennett
- Bon Homme
- Brule
- Buffalo
- Butte
- Campbell
- Charles Mix
- Clay
- Corson
- Custer
- Davison
- Dewey
- Douglas
- Edmunds
- Faulk
- Gregory
- Haakon
- Hand
- Hanson
- Harding
- Hughes
- Hutchinson
- Hyde
- Jackson
- Jerauld
- Jones
- Lawrence
- Lincoln
- Lyman
- McCook
- McPherson
- Meade
- Mellette
- Minnehaha
- Pennington
- Perkins
- Potter
- Stanley
- Sully
- Todd
- Tripp
- Turner
- Union
- Walworth
- Washabaugh
- Yankton
- Ziebach

Tennessee:
- Anderson
- Bedford
- Bledsoe
- Blount
- Bradley
- Campbell
- Cannon
- Cheatham
- Clay
- Coffee
- Cumberland
- Davidson
- De Kalb
- Dickson
- Fentress
- Franklin
- Giles
- Grundy
- Hamilton
- Hickman
- Houston
- Humphreys
- Jackson
- Knox
- Lake
- Lawrence
- Lewis
- Lincoln
- Loudon
- McMinn
- Macon
- Marion
- Marshall
- Maury
- Meigs
- Monroe
- Montgomery
- Moore
- Morgan
- Overton
- Perry
- Pickett
- Polk
- Putnam
- Rhea
- Roane
- Robertson
- Rutherford
- Scott
- Sequatchie
- Sevier
- Smith
- Stewart
- Sumner
- Trousdale
- Union
- Van Buren
- Warren
- Wayne
- White
- Williamson
- Wilson

Texas:
- Anderson
- Aransas
- Armstrong
- Austin
- Bastrop
- Bell
- Bexar
- Bowie
- Brazoria
- Brazos
- Burleson
- Caldwell
- Calhoun
- Camp
- Carson
- Cass
- Chambers
- Cherokee
- Collingsworth
- Colorado

States and Counties Closed to Travel by Soviet Citizens in Possession of U. S. S. R. Passports—Continued

Texas—Continued
- Comal
- Dallam
- Dallas
- Deaf Smith
- Delta
- De Witt
- Donley
- Ellis
- Falls
- Fayette
- Fort Bend
- Franklin
- Freestone
- Galveston
- Goliad
- Gonzales
- Gray
- Gregg
- Grimes
- Guadalupe
- Hansford
- Hardin
- Harris
- Harrison
- Hartley
- Hays
- Hemphill
- Henderson
- Hill
- Hopkins
- Hutchinson
- Jackson
- Jefferson
- Johnson
- Karnes
- Kaufman
- Lamar
- Lavaca
- Lee
- Leon
- Liberty
- Limestone
- Lipscomb
- Madison
- Marion
- Matagorda
- Milam
- Montgomery
- Moore
- Morris
- Navarro
- Ochiltree
- Oldham
- Orange
- Panola
- Parker
- Potter
- Rains
- Randall
- Red River
- Refugio
- Roberts
- Robertson
- Rockwall
- Rusk
- San Jacinto
- Shelby
- Sherman
- Smith
- Tarrant
- Titus
- Travis
- Upshur
- Van Zandt
- Victoria
- Walker
- Waller
- Washington
- Wharton
- Wheeler
- Williamson
- Wilson
- Wood

Virginia:
- Accomac
- Albemarle
- Alleghany
- Augusta
- Bath
- Charles City
- Clarke
- Culpeper
- Elizabeth City
- Essex
- Fauquier
- Frederick
- Gloucester
- Greene
- Highland
- Isle of Wight
- James City
- King and Queen
- King George
- King William
- Lancaster
- Loudoun
- Madison
- Mathews
- Middlesex
- Nansemond
- Nelson
- New Kent
- Norfolk
- Northampton
- Northumberland
- Orange
- Page
- Princess Anne
- Prince William
- Rappahannock
- Richmond
- Rockbridge
- Rockingham
- Shenandoah
- Stafford
- Surry
- Warren
- Warwick
- Westmoreland
- York

Washington:
- Adams
- Asotin
- Benton
- Clark
- Columbia
- Cowlitz
- Douglas
- Franklin
- Garfield
- Grant
- King
- Kittitas
- Klickitat
- Lewis
- Lincoln
- Pierce
- Skamania
- Snohomish
- Spokane
- Thurston
- Walla Walla
- Whitman
- Yakima

West Virginia:
- Brooke
- Hancock
- Marshall
- Ohio

Wisconsin:
- Kenosha
- Milwaukee
- Ozaukee
- Racine
- Walworth
- Washington
- Waukesha

Cities in Otherwise Open Areas Which Are Closed to Travel by Soviet Citizens in Possession of U. S. S. R. Passports

- Ashland, Ky.
- Atlanta, Ga.
- Birmingham, Ala.
- Charleston, W. Va.
- Gadsden, Ala.
- Huntington, W. Va.
- Johnstown, Pa.
- Kalamazoo, Mich.
- Kansas City, Mo.
- Louisville, Ky.
- Memphis, Tenn.
- Portland, Oreg.
- St. Paul, Minn.
- San Bernardino, Calif.
- Steubenville, Ohio
- Youngstown, Ohio

Cities in Otherwise Closed Areas Which Are Open to Travel by Soviet Citizens in Possession of U. S. S. R. Passports

Atlantic City, N. J.
Austin, Tex.
Baltimore, Md.
Berkeley, Calif.
Cambridge, Mass.
Camden, N. J.
Canton, Ohio
Chattanooga, Tenn.
Chicago, Ill.
Cincinnati, Ohio
Cleveland, Ohio
Dearborn, Mich.
Elizabeth, N. J.
El Paso, Tex.
Evansville, Ind.
Fall River, Mass.
Fort Wayne, Ind.
Fort Worth, Tex.
Gary, Ind.
Glendale, Calif.
Hammond, Ind.
Houston, Tex.
Kansas City, Kans.
Knoxville, Tenn.
Lansing, Mich.
Lincoln, Nebr.
Long Beach, Calif.
Los Angeles, Calif.[1]
Lowell, Mass.
Lynn, Mass.
Milwaukee, Wis.
Nashville, Tenn.
New Bedford, Mass.
New Haven, Conn.
New Orleans, La.[1]
New York, N. Y.[2]
Niagara Falls, N. Y.
Oklahoma City, Okla.
Omaha, Nebr.
Pasadena, Calif.
Phoenix, Ariz.
Quincy, Mass.
Reading, Pa.
Richmond, Calif.
Sacramento, Calif.
Saginaw, Mich.
St. Louis, Mo.
San Antonio, Tex.
San Francisco, Calif.[1]
San Jose, Calif.
Savannah, Ga.[1]
Seattle, Wash.[1]
Shreveport, La.
Somerville, Mass.
South Bend, Ind.
Spokane, Wash.
Tacoma, Wash.
Trenton, N. J.
Tulsa, Okla.
Utica, N. Y.
Washington, D. C.
Waterbury, Conn.
Wichita, Kans.
Worcester, Mass.

[1] Open except for port areas of these cities.
[2] Open except for Borough of Brooklyn (Kings County, N. Y.).

Specified Routes of Automotive Transit Through Areas Closed to Travel by Soviet Citizens in Possession of U. S. S. R. Passports

1. From Washington, D. C., and return:
   (*a*) To Baltimore via U. S. Route No. 1 or Washington-Baltimore Expressway.
   (*b*) To West Virginia via Virginia Route No. 7 and Route No. 9.
   (*c*) To Spotsylvania County, Va., via U. S. Route No. 1.
2. From Baltimore, Md., to New York, N. Y., and return through Farnhurst, Del., via U. S. Route No. 40 and New Jersey Turnpike.
3. From New York, N. Y., and return:
   (*a*) To Baltimore, Md., and Washington, D. C., (see 1 and 2 above).
   (*b*) To Oyster Bay, N. Y. area via New York Route 25 A.

Travel Restrictions Placed by the Soviet Government on American Officials in the Union of Soviet Socialist Republics

As amended by the Soviet Government's addition on November 12, 1953, of the towns of Kronstadt, Balaklava, Severomorsk, Rosta, and Yokanga to the list of closed cities, the following text of the Soviet Foreign Ministry's note of June 22, 1953, sets forth the restrictions which presently limit and hamper travel by American citizens in the Soviet Union:

"The Ministry of Foreign Affairs of the U. S. S. R. presents its compliments to the Embassy of the United States of America and has the honor to state that, by a decree of the Government of the U. S. S. R. amending the lists of points and localities of the U. S. S. R. forbidden to visits by foreigners which were communicated in the notes of September 30, 1948 No. 1130/PR and January 15, 1952 No. 46/PR, free movement over the territory of the U. S. S. R. is permitted except for the points and localities set forth in the attached list.

"In addition, travel in automobiles of embassies and missions is permitted on the Leningrad, Yaroslavl and Serpukhov highways beyond the limits of the 40 kilometer zone around Moscow on condition of travelling in transit beyond the borders of Moscow Oblast with the right of stopping only in the cities of Klin and Zagorsk.

"There is retained the system of preliminary notification to the Ministry of Foreign Affairs of the U. S. S. R. or the Ministry of Defense of the U. S. S. R. by foreign embassies and missions regarding trips by their chiefs and staff members over the territory of the Soviet Union in those cases when they travel beyond the limits of the 40 kilometer zone.

"Moscow, June 22, 1953"

List of Points and Localities of the U. S. S. R. Forbidden to Visits by Foreigners

A 25-kilometer zone along the frontier of the U. S. S. R. with Norway, Finland, Turkey, Iran, and Afghanistan;

The city of Polyarny in Murmansk Oblast and the city of Molotovosk in the Archangel Oblast;

The Estonian, Latvian, Lithuanian S. S. R.'s and the Kaliningrad Oblast;

The city of Nikolaev and the western oblasts of the Ukrainian S. S. R.;

The cities of Sevastopol, Feodosiya and Kerch in the Crimean Oblast;

The Apsheronski Peninsula (except the city of Baku), the raions of the Azerbaidzhan S. S. R. located south of the automobile highway Baku-Kirovabad-Tbilisi, and also the Nakhichevanskaya A. S. S. R., with right of traveling in transit on the Tbilisi-Baku railroad;

The Mordovskaya and Udmurtskaya A. S. S. R.'s;

Gorki Oblast (except the city of Gorki), and also the raions of Stalingrad and Astrakhan Oblasts (except the city of Astrakhan) located east of the Volga;

The Molotov, Sverdlovsk, and Chelyabinsk Oblasts;

The cities of Omsk, Novosibirsk, Tomsk, Krasnoyarsk, Irkutsk, water travel on the Yenisei River, and the Taimyr National Okrug;

The Buryat-Mongol A. S. S. R., Primorski Krai (except the Port of Nakhodka), Kamchatskaya Oblast, Chukotski National Okrug, the eastern raions of Khabarovski Krai, and Sakhalin Oblast;

Karagandinskaya, Pavlodarskaya, Semipalatinskaya, Gurevskaya Oblasts, and also the raions of the Zapadno-Kazakhstanskaya Oblast of the Kazakh S. S. R. located west of the Ural River;

The Issyk-Kulskaya, Talasskaya and Tyan-Shanskaya Oblasts of the Kirgiz S. S. R.;

The Tadzhik S. S. R. (except the city of Stalinabad);

Tashkent Oblast of the Uzbek S. S. R. (except the city of Tashkent) and the Kara-Kalpakskaya A. S. S. R.;

Krasnovodskaya Oblast in the Turkmen S. S. R.;

Moscow Oblast except the cities of Klin, Zagorsk, and also a zone of 40-kilometer radius from the center of the city of Moscow.

Within this zone entry into the following raions is forbidden;

Solnechnogorski, Dmitrovski, Khimkinski (except the river port), Krasnopolyanski, Shchelkovski, and also the Uchinski Reservoir;

The part of Zvenigorodski south of the Rublevo-Uspenski highway, and Kuntsevski west of the inhabited points of Mamonovo, Bakovka, Peredelkino, Fedosino, and also travel on the Krasnogorski and Podushkinski Highways;

The part of the Lenin raion east of the Moscow-Kashir railroad and south of the inhabited points of Ostrov, Prudishche, and Station Bulatnikovo;

The part of the Balashikhinski raion east of the inhabited points of Nikolskoe, Station Zheleznodorozhnaya, Sobolikha;

The part of the Ramenski raion northeast of the Moscow and Pekhorka Rivers.

Note.—Entry and exit through the port of Nakhodka-city of Vladivostok is permitted in transit on the Trans-Siberian Railroad without the right of stopping in the city of Vladivostok.

REGULATION OF TRAVEL OF SOVIET CITIZENS IN THE UNITED STATES

Press Release No. 630, Department of State, November 15, 1957

In a note delivered on November 11, 1957, to the Soviet Embassy in Washington, the United States Government has proposed the mutual abolition of closed zones in the U. S. S. R. and United States and has amended existing travel regulations applying to Soviet citizens in the United States to take into account amendments in Soviet restrictions on travel by foreigners which were communicated to the American Embassy in Moscow on August 28, 1957. In amending its restrictions the Soviet Government opened five cities in the Soviet Union, a number of smaller towns and tourist points around Moscow and access routes to them. It closed approximately 120,000 square miles of Soviet territory which had formerly been officially open to travel by foreigners. These newly closed territories included a considerable portion of the Leningrad Oblast (district) although not the city of Leningrad, some smaller districts not far from Moscow and an area of central Asia lying between Alma Ata and Lake Balkhash.

In its note of August 28 the Soviet Government stated that it was ready to discuss the opening on a basis of reciprocity of a number of closed cities and localities in the U. S. S. R. This Soviet offer follows a series of United States notes to the Soviet Government which pointed out that United States travel regulations were instituted as the result of Soviet restrictions and that the United States Government stands ready to reconsider its regulations if the Government of the U. S. S. R. is disposed to liberalize Soviet restrictions. In its reply of November 11, 1957, to the Soviet note of August 28 the United States Government proposed the mutual abolition of closed zones.

In revising United States travel restrictions in the light of the Soviet note of August 28, the United States Government has opened Philadelphia, Pa.; Boston, Mass. (except Charlestown); Buffalo, N. Y.; Kansas City, Mo.; Portland, Oreg.; Denver, Colo.; Flint, Mich.; Harrisburg, Pa., and a number of smaller cities and localities. It has closed: San Francisco, Richmond, Glendale, Pasadena, Long Beach and a portion of Los Angeles, Calif.; Seattle and Tacoma, Wash.; a number of counties in Georgia, Florida, and Washington and a number of other localities. The United States has closed approximately 45,000 square miles of United States territory which is in the same proportion to the total area of the United States as the newly closed territory in the Soviet Union is to the total area of that country.

Text of Note From the Department of State

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to refer to note No. 335/Pr of August 28, 1957, from the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics to the Embassy of the United States of America at Moscow which contained revised restrictions applicable to foreigners traveling in the U. S. S. R. Reference is also made to the note from the Secretary of State to the Ambassador of the Union of Soviet Socialist Republics of January 3, 1955, in which it was pointed out that the regulations concerning travel by Soviet citizens in the United States are comparable to those which the Soviet Union had previously imposed on the movement of United States citizens in the Soviet Union.

The regulations set forth in the Department's note of January 3, 1955, as amended, which apply to travel in the United States of certain Soviet citizens, are hereby revised as follows. These revised regulations will apply until further notice.

The following cities are now open for travel: Philadelphia, Pa.; Boston, Mass. (except Charlestown); Buffalo, N. Y.; Kansas City, Mo.; Portland, Oreg.; Denver, Colo.; Flint, Mich.; Harrisburg, Pa.; and Palo Alto, Calif.

The following cities and towns, with access by road along routes indicated, and access by rail or air in accordance with standing procedures, are now open for travel: Morrisville, Pa.—access by U. S. Route 1–1A from New York or Philadelphia; Princeton, N. J.—access from New York or Philadelphia by U. S. 1 to Penns Neck, N. J., 539 to Princeton; New Brunswick, N. J.—access by New Jersey Turnpike to the New Brunswick tollgate, New Jersey 18 to New Brunswick; Metuchen, N. J.—access by U. S. 1 from New York or Philadelphia to New Jersey 501, New Jersey 501 to Metuchen; Murray Hill, N. J.—access from Elizabeth via New Jersey 82 past Springfield, southwest via New Jersey 512, to New Providence, southeast from New Providence to Murray Hill.

The following areas are now open for travel: Lake County, Tenn.; and Anne Arundel County, Md., south of U. S. 50 and the South River.

The following additional specified routes of automotive transit through areas closed to travel are authorized:

(1) U. S. Route 1–1A between New York and Philadelphia and intermediate open points;

(2) New Jersey 73 between Interchange No. 4 on the New Jersey Turnpike and Philadelphia;

(3) New Jersey Route 38 between Camden and the intersection of New Jersey 38 and New Jersey 73 east of Camden.

The following cities are now closed to travel: Seattle and Tacoma, Wash.; San Francisco and Richmond, Calif.

Los Angeles, Glendale, Pasadena and Long Beach, Calif. are closed to travel with the exception of that area of Los Angeles and other cities defined below, which is now open:

> That area of Los Angeles (including Universal City and Culver City), Burbank, and Beverly Hills bounded by: the Los Angeles River on the north from Sepulveda Boulevard to Olive Avenue; Olive Avenue Northeast from

the Los Angeles River to Victory Boulevard; Victory—Riverside Boulevard from Olive Avenue Southeast to the Los Angeles River; the Los Angeles River Southeast to North Broadway; North Broadway—Broadway Southwest to Slauson Avenue; Slauson Avenue West to Sepulveda Boulevard; Sepulveda Boulevard North to the Los Angeles River.

The following counties in the State of Washington are now closed to travel: Skagit; Whatcom; San Juan; Island; Kitsap; Clallam; Jefferson; Mason; Grays Harbor; Pacific; Wahkiakum; Chelan; Okanogan; Stevens; Ferry; and Pend Oreille.

The following counties in Georgia are now closed to travel: Liberty; McIntosh; Glynn; and Camden.

The following counties in Florida are now closed to travel with the exception of the cities of Jacksonville, Miami and Miami Beach: Nassau; Duval; St. Johns; Flagler; Volusia; Brevard; Indian River; St. Lucia; Martin; Palm Beach; Broward; Dade; and Monroe.

Stanislaus County, Calif. and Snyder County, Pa. are now closed to travel.

The Ministry of Foreign Affairs in its note of August 28, 1957, stated that it was ready to discuss with the United States Government the question of opening a number of cities and localities in the U. S. S. R. for visits by foreigners on a basis of reciprocity. In this connection, it should be recalled that in its note of March 10, 1952, the United States Government indicated that travel regulations for Soviet official personnel in the United States were being instituted because of the action of the Soviet Government in restricting United States personnel in the U. S. S. R. The United States Government would prefer the mutual abolition of all zones in the United States and the U. S. S. R. which are closed to travel or visits by citizens of the other country and hereby proposes such abolition of closed zones.

November 11, 1957.
No. 335/Pr

Text of Note From the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics

The Ministry of Foreign Affairs of the U. S. S. R. presents its compliments to the Embassy of the United States of America and has the honor to announce the following changes introduced into the lists of points and localities in the U. S. S. R. forbidden for visits by foreigners which were announced in the Ministry's notes No. 295/Pr of June 22, 1953, and No. 400/Pr of November 12, 1953, and also in the procedure for preliminary notification of trips of the chiefs and personnel of diplomatic missions on the territory of the U. S. S. R.:

I. Excluded from the list of points and localities of the U. S. S. R. which are forbidden for visits by foreigners are the cities of Riga, Lvov, Chernovtsy, Uzhgorod, Irkutsk, and also the cities and points in Moscow Oblast of Leninski Gorki, the Abramtsevo Museum-Country Seat, Istra, Zvenigorod, Solnechnogorsk, Senezhskoe Lake with a radius of not more than 6 kilometers, Drakino and Lipetsy (on the Oka River in Serpukhovski Raion).

Travel to the cities and points of Moscow Oblast mentioned above is allowed in transit:

To Leninski Gorki via Kashirskoye Shosse;

To the Abramtsevo Museum-Country Seat via Yaroslavskoye Shosse to Ryazantsy and on westward to Abramtsevo;

To Istra via the Volokolamskoye Shosse;

To Zvenigorod via the Minsk Shosse to Golitsyno and beyond by Zvenigorod Shosse;

To Solnechnogorsk and Senezhskoe Lake via the Leningrad Shosse;

To the inhabited points Drakino and Lipetsy in Serpukhovskii Raion via Simferopol Shosse.

2. Additionally included in the list of points and localities of the U. S. S. R. closed for visiting by foreigners are:

Vysokinichskii, Ugodsko-Zavodskii, and Borovskii Raions of Kaluzhskaya Oblast;

Struninskii, Kirzhachskii, and Pokrovskii Raions of Vladimir Oblast, the city of Karabanovo, and the territory of the Makhrinskii Village Soviet of the same oblast;

Travel by the Ryazan Shosse beyond 23 kilometers from Moscow;

The part of Leningrad Oblast to the west of the Volkhov River, with the exception of the city of Leningrad, a 30-kilometer zone around it, and the points of Zelenogorsk, Petrokrepost, Pavlovsk, Gatchina, and Petrodvorets;

Frunze Oblast of the Kirgiz SSR;

The part of Dzhambul Oblast to the east of the railway line Myn-Aral, Lugovoi; the Taldy-Kurgansk and Alma-Ata Oblasts of the Kazakh SSR.

The cities of Frunze and Alma-Ata remain open for visits by foreigners. Travel to these cities is permitted by rail or air.

3. Preliminary notification about trips of the chiefs and personnel of diplomatic missions on the territory of the U. S. S. R. must be sent to the Protocol Section of the Ministry of Foreign Affairs or the Section of External Relations of the Ministry of Defense of the U. S. S. R. in writing 48 hours before the beginning of the trip. In reckoning this period, nonworking days are excluded.

4. The Ministry states that it is ready to discuss with the Embassy the question of the exclusion from the list of points and localities in the U. S. S. R. forbidden for visits by foreigners a number of cities and localities in the U. S. S. R. on a basis of reciprocity.

Moscow, *August 28, 1958.*

Press Release No. 476, Department of State, August 20, 1958

In a note delivered August 19, 1958, to the Soviet Embassy at Washington, the Department of State pointed out that the Soviet Government has failed to respond to United States proposals of November 11, 1957 (PR 630) and May 22, 1958 (PR 286) concerning the abolition or easing of travel restrictions and asked when a reply to these proposals might be expected. The United States note also pointed out that the Soviet Government stated approximately a year ago that it was ready to discuss the easing of travel restrictions on a reciprocal basis. Since that time there has been neither a concrete Soviet proposal nor a response to American proposals regarding this matter.

The text of the United States note of August 19, 1958, follows:

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to refer to the notes of November 11, 1957, and May 22, 1958, from the Secretary of State to the Ambassador of the Soviet Union.

In the first of these notes the Government of the United States proposed the mutual abolition of all zones in the United States and the Soviet Union which are closed to travel or visits by citizens of the other country. In its note of May 22, 1958, the Government of the United States reiterated its firm preference for the abolition of closed zones and stated that it continues to await a reply to its proposal of November 11, 1957. With the objective of facilitating an agreement to open at least some closed areas, the Government of the United States also stated that it was prepared to carry out a partial easing of travel restrictions on a reciprocal basis. The Government of the United States put forward concrete proposals to this end which included an offer to open any areas in the United States now closed to Soviet travel in return for the opening to American travel of equivalent Soviet areas.

The Soviet Government has not yet replied to either proposal of the United States, notwithstanding the fact that the Ministry of Foreign Affairs stated in a note dated August 28, 1957, that it was ready to discuss the easing of travel restrictions on a reciprocal basis. In view of the stated willingness of the Soviet Government to discuss the easing of travel restrictions, the Government of the United States wishes to inquire when a reply to its proposals may be expected.

RECIPROCITY OF PRIVILEGES OF FOREIGN REPRESENTATIVES IN THE UNITED STATES

Press Release No. 34, Department of State, January 19, 1955

(For release at 1 p. m., eastern standard time., Wednesday, January 19, 1955. Not to be previously published, quoted from, or used in any way)

Regulations of Photography and Sketching by Soviet Citizens in the United States

The United States Government has instituted regulations governing photography and sketching in the United States by Soviet citizens in possession of valid Soviet passports other than Soviet citizen officers and employees of the

United Nations Secretariat while their conduct is a responsibility of the Secretary General of the United Nations. These regulations are comparable to present Soviet regulations restricting photography and sketching by United States citizens and other foreigners in the Soviet Union which presumably have been instituted for reasons of security.

Inasmuch as the essence of these regulations would be circumvented by the procurement here of certain photographic or cartographic materials which are not available in the Soviet Union for procurement by United States citizens, it was deemed necessary specifically to prohibit the procurement by Soviet citizens of materials of this kind.

As stated in the United States Government's note of January 19, 1955, should the Soviet Union conclude that the international situation were such that security requirements enabled it to liberalize its regulations restricting photography and sketching by United States citizens in the Soviet Union and to make available to them materials of the types noted, this Government would in turn be disposed to reconsider its own security requirements in the same spirit.

Text of Note From Secretary of State John Foster Dulles to the Ambassador of the Union of Soviet Socialist Republics, Georgi N. Zaroubin

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to state that the following regulations have been instituted and will apply until further notice to photography and sketching in the United States by Soviet citizens in possession of valid passports issued by the Government of the Union of Soviet Socialist Republics other than Soviet citizen officers and employees of the Secretariat of the United Nations while their conduct is a responsibility of the Secretary General of the United Nations.

Soviet citizens in the United States are permitted to sketch or take photographs of historical and architectural monuments; the buildings of cultural, educational, and medical institutions; theaters, museums, city, State or National parks; stadiums; and also urban and rural scenes in the background of which there are none of the objects listed below in points *a* through *g*.

In industrial enterprises engaged in the manufacture of civilian products, agricultural experimental stations, railroad stations, commercial airports, river or lake port installations and governmental institutions, Soviet citizens may, in individual cases, make sketches or take photographs provided that they have first obtained the permission of the administration of these institutions and organizations.

Citizens of the Union of Soviet Socialist Republics in the United States may not sketch or take photographs:

a. Of military objects, installations, technology and armaments.
b. Of fuel storage depots.
c. Of seaports, hydroelectric, thermoelectric or nuclear power installations, bridges, railroad junctions, terminals, and tunnels.
d. Of industrial establishments except those engaged solely in civilian production.
e. Of scientific research institutions, offices, and laboratories.
f. Of radio, television, telephone, and telegraph stations or facilities.
g. From airplanes on flights over territory of the United States.

Citizens of the Union of Soviet Socialist Republics in the United States may not purchase or otherwise procure the following except where they appear in or are appendixes to newspapers, periodicals, technical journals, atlases, and books commercially available to the general public:

a. Aerial photographs, mosaics, and photomaps.
b. Maps and charts of scale of or larger than 1:250,000.
c. Navigational and hydrographic maps and charts.
d. Panoramic photographs or detailed development plans of industrial cities.

The foregoing regulations are comparable to present Soviet regulations restricting photography and sketching by United States citizens in the Soviet Union which presumably have been instituted for reasons of security. If the Soviet Union should hereafter conclude that the international situation were such that security requirements enabled it to liberalize its regulations restricting photography and sketching by United States citizens in the Soviet Union and to make available to them materials of the types noted above, this Government would in turn be disposed to reconsider its own security requirements in the same spirit.

Soviet Restrictions Applicable to Photography and Sketching by United States Citizens in the Soviet Union

The Soviet regulations which restrict photography and sketching by United States citizens and other foreigners in the Soviet Union are contained in the Soviet Ministry of Foreign Affairs Circular Note No. 42 of February 11, 1954, the text of which follows:

The Protocol Section of the Ministry of Foreign Affairs of the U. S. S. R. presents its compliments to the embassies and missions and, in connection with the question of a number of embassies and missions regarding the regulations for photography on the territory of the U. S. S. R., has the honor to state that according to existing regulations foreign citizens—

1. Are permitted on the whole territory of the U. S. S. R., except points and localities which foreigners are forbidden to visit, to take photographs and also to sketch architectural monuments; buildings of cultural, educational, and medical institutions; educational institutions; theaters; museums; parks of culture and rest, stadiums; streets and squares; living quarters; and also scenes and landscapes in the background of which there are none of the objects listed below in points "a," "b," "c," "d," and "e."

At industrial enterprises engaged in the manufacture of civilian products, state farms, collective farms and MTS, railroad stations, airdromes, river ports, governmental institutions, educational institutions, and social organizations photographs and sketches may, in individual cases, be made with the permission of the administration of these institutions and organizations.

2. The taking of photographs and sketching are forbidden:

a. In the 25 kilometer frontier zone, except for the places and localities which foreigners are not prohibited from visiting, where they are permitted to photograph the objects listed in point 1;

b. Of all types of military technology and armaments, all military objects and institutions and storage places of combustibles;

c. Of seaports, large hydroelectric installations (sluices, dams, pumping stations), railroad junctions, tunnels, railroad, and highway bridges;

d. Of industrial establishments, scientific research institutions, design offices, laboratories, electric power stations, radio beacons, radio stations, telephone, and telegraph stations;

e. From airplanes on flights over territory of the U. S. S. R. and also surface panoramic photographs and sketches of industrial cities.

SUBVERSIVE ACTIVITY CONTROL BOARD TENURE ACT

(Act of August 5, 1955; Public Law 254, 84th Cong.; 69 Stat. 539)

AN ACT To provide for five-year terms of office for members of the Subversive Activities Control Board with one of such terms expiring in each calendar year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (a) of the Subversive Activities Control Act of 1950 is amended by striking out the third sentence and inserting in lieu thereof the following: "The terms of office of the members of the Board in office on the date of enactment of the Subversive Activities Control Board Tenure Act shall expire at the time they would have expired if such Act had not been enacted. The term of office of each member of the Board appointed after the date of enactment of the Subversive Activities Control Board Tenure Act shall be for five years from the date of expiration of the term of his predecessor, except that (1) the term of office of that member of the Board who is designated by the President and is appointed to succeed one of the two members of the Board whose terms expire on August 9, 1955, shall be for four years from the date of expiration of the term of his predecessor, and (2) the term of office of any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be for the remainder of the term of his predecessor. Upon the expiration of his term of office a member of the Board shall continue to serve until his successor shall have been appointed and shall have qualified."

SEC. 2. This Act may be cited as the "Subversive Activities Control Board Tenure Act".

COMMUNIST ABUSE OF PASSPORTS

Passport Regulations of Secretary of State

(22 Code of Federal Regulations, secs. 51.135, 51.136)

§ 51.135 *Limitations on issuance of passports to persons supporting Communist movement.* In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement;

(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully of advancing that movement.

§ 51.136 *Limitations on issuance of passports to certain other persons.* In order to promote and safeguard the interests of the United States, passport facilities, except for direct and immediate return to the United States, will be refused to a person when it appears to the satisfaction of the Secretary of State that the person's activities abroad would: (a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States.

June 19, 1956.

DEPARTMENT OF DEFENSE DIRECTIVE NO. 5210.9

Subject: Military personnel security program.
Reference: (a) Department of Defense Directive 5210.9: Military Personnel Security Program, dated April 7, 1954, as amended (canceled herein).

I. Purpose

The purpose of this directive is to establish uniform procedures and provide policy guidance pertaining to the acceptance, rejection, or separation of persons whose membership in the Armed Forces would not be clearly consistent with the interests of national security in order to assure that the effectiveness of the Armed Forces of the United States will not be jeopardized by subversive elements within their ranks.

II. Scope and Applicability

A. This directive prescribes the standard and criteria for—

1. the separation of military members from the Armed Forces or its Reserve components in the interests of national security, and

2. the rejection of applicants for appointment or enlistment, or of persons who would otherwise be inducted or ordered into active military service, when the acceptance of such persons into the Armed Forces would not be clearly consistent with national security.

B. This directive applies to all members and prospective members of the Armed Forces and their Reserve components, including the Coast Guard when the Coast Guard is operating as a part of the Department of the Navy.

C. The provisions of this directive will not be used to reject or separate a person from service with the Armed Forces where national security is not the primary consideration. Rejection or separation on grounds other than for security reasons will be made under other applicable directives. This directive does not preclude trial by court-martial when such action is considered appropriate by competent authority.

III. General Policy

A. The underlying principle of this policy is to prevent damage to the Armed Forces by espionage, sabotage, and subversion, and at the same time to protect the rights of the individual members of the Armed Forces.

B. The Department of Defense will assume that the acceptance or retention of any member of the Armed Forces is clearly consistent with the interest of national security unless and until a determination to the contrary is made by competent authority of the military department concerned. However, when credible information which raises the question of security is received, action will be taken to determine whether acceptance or retention is consistent with the interests of national security. In no case will any person, reasonably believed to have at any time engaged in any of the activities listed in section VIII C 2 below, be appointed, enlisted, or inducted into any of the Armed Forces without the approval of the Secretary of the military department concerned. Any member who is separated under the provisions of the appropriate military department regulation issued in implementation of this directive, or whose records reflect that he was separated under other authority while undergoing investigation under the provisions of such regulation, will not be appointed or enlisted in any of the Armed Forces at a later date without the approval of the Secretary of the military department concerned.

IV. Definition

National security.—As used herein, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all acts designed to weaken or destroy the United States.

V. Cancellation

This directive reissues with certain modifications the former Department of Defense military personnel security policy as set forth in reference (*a*). Reference (*a*) is therefore canceled.

VI. Reporting of Information

It shall be the duty of every member of the Armed Forces to report to his commanding officer any information coming to his attention which indicates that retention of any member of the armed services may not be clearly consistent with the interests of national security.

VII. Investigative Requirements

A. The investigative agencies of the Armed Forces, when conducting investigations pursuant to this program, will develop all relevant facts with special emphasis being given to that information which supports or refutes an allegation stemming from the criteria hereinafter described.

B. A national agency check shall be conducted prior to the appointing or commissioning of any individual as an officer or warrant officer.

C. Upon being ordered to extended active duty, a national agency check will be initiated at the officer's first duty station, if not already accomplished.

VIII. Standard and Criteria

A. STANDARD

The standard for appointment, enlistment, induction, or retention into or within the Armed Forces shall be that on all the available information it is determined that the appointment, enlistment, induction, or retention is clearly consistent with the interests of national security.

B. CRITERIA FOR APPLICATION OF STANDARD

An officer or warrant officer of the Armed Forces holds a sensitive position by virtue of his commission or warrant regardless of the duties and responsibilities of his assignment. Likewise, an enlisted member whose qualifications would normally require that he have access to classified information or material will be

considered to hold a sensitive position regardless of the duties and responsibilities of his assignment. Nothing herein will serve to preclude temporary assignment to specially controlled duty as a security measure. However, indefinite assignment to such duty will be made only as prescribed by the Secretary of the military department concerned.

C. APPLICATION OF CRITERIA

1. The ultimate determination of whether acceptance or retention in the Armed Forces is clearly consistent with the interests of national security must be an overall commonsense determination based on all available information. The Secretaries of the military departments shall issue uniform instructions for guidance in arriving at this commonsense determination.

2. The activities and associations listed below, whether current or past, and while not all-inclusive, are of varying degrees of seriousness and warrant initiation of action to effect such determination:

(*a*) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(*b*) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(*c*) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(*d*) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights, under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means. (An organization, movement, or group, officially designated by the Attorney General of the United States to be totalitarian, Fascist, Communist, or subversive, to advocate or approve forcible or violent denial of constitutional rights, or to seek alteration of the form of government of the United States by unconstitutional means, shall be presumed to be of a character thus designated until the contrary be established.)

(*e*) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(*f*) Intentional failure or refusal to sign the DD Form 98; refusal to completely answer questions contained in DD Forms 98, 390, or 398; or otherwise failing or refusing to answer any pertinent question propounded in the course of an official investigation, interrogation, or examination, conducted for the purpose of ascertaining the existence or extent, or both, of conduct of the nature described in (*a*) through (*e*) above, and (*g*) through (*m*) below.

(*g*) Participation in the activities of an organization as a front for an organization referred to in (*d*) above, when his personal views were sympathetic to the subversive purposes of such organization.

(*h*) Participating in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of, or sympathetic to, the infiltrating element or sympathetic to its purpose.

(*i*) Participation in the activities of an organization referred to in (*d*) above, in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(*j*) Sympathetic association with a member or members of an organization referred to in (*d*) above.

(*k*) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in (*a*) through (*i*) above. A close continuing association may be considered to exist if the individual lives at the same address as, frequently visits, or frequently communicates with such person.

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(*l*) Close continuing association of the type described in (*k*) above, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(*m*) Any facts, other than as set forth in 3, below, which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests are inimical to the security of the United States.

3. *Separation under other appropriate directives or regulations.*—Persons who fall within the criteria prescribed below are examples of members of the Armed Forces whose retention may not be clearly consistent with the interests of national security. However, action will not be initiated to separate a person from service with the Armed Forces under this security program unless the criteria set forth in section VIII–C–2, above, are involved to the degree that national security is the primary consideration and action under other directives or regulations of the military departments or the Uniform Code of Military Justice has been determined to be inappropriate.

(*a*) Willful violation or disregard of security regulations.

(*b*) Intentional unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(*c*) Any deliberate misrepresentation, falsification, or omission of material fact.

(*d*) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(*e*) All other behavior, activities, or associations which tend to show that the member is not reliable or trustworthy.

IX. Administrative Policies

The Secretary of each of the military departments will prescribe procedures to be taken within his department to implement this directive. Procedures so established shall be governed by the following:

A. CERTIFICATION AS TO NONAFFILIATION WITH CERTAIN ORGANIZATIONS

The following persons will be required to accomplish a DD Form 98:

1. Each applicant for initial appointment or initial enlistment prior to his appointment or enlistment. Normally, DD Form 98 will not be required for a subsequent appointment or enlistment provided the individual has had continuous service in one of the Armed Forces and has previously satisfactorily completed DD Form 98.
2. Each registrant prior to induction.
3. Each member of a Reserve component of the Armed Forces voluntarily or involuntarily entering upon a tour of extended active military duty immediately upon reporting to the initial activity to which his orders require him to report for such duty.
4. Reserve personnel not on extended active duty, as determined by the Secretary of the military department concerned.
5. Retired members of the Armed Forces when recalled to active military service.

B. APPLICATION FOR APPOINTMENT

The completed DD Form 98 and DD Form 398, and where applicable DD Form 390, will be attached as an enclosure to the application for appointment. If an applicant fails or refuses to accomplish the DD Form 98 in its entirety, his appointment will be denied. If the DD Form 98 is completed and entries are made thereon which provide reason for belief that his appointment may not be clearly consistent with the interests of national security, such appointment shall be withheld pending a decision by the military department concerned.

C. APPLICATION FOR ENLISTMENT

If an applicant for enlistment fails or refuses to accomplish the DD Form 98 in its entirety, his enlistment will be denied. If the DD Form 98 is completed and entries are made thereon which provide reason for belief that his enlistment may not be clearly consistent with the interests of national security, such enlistment will be held in abeyance pending a decision by the military department concerned.

D. MEMBER OF RESERVE COMPONENTS OF THE ARMED FORCES

If a member of a Reserve component of any armed service intentionally fails or refuses to accomplish the DD Form 98 in its entirety or makes entries thereon which provide reason for belief that his entry may not be clearly consistent with the interests of national security, action will be instituted with a view toward separation from the service in accordance with procedures prescribed by the Secretary of the appropriate military department pursuant to this directive.

E. RETIRED MEMBERS OF THE ARMED FORCES

If any retired member of any armed service, voluntarily entering or being involuntarily called or ordered to active military service, fails or refuses to accomplish the DD Form 98 in its entirety, or makes entries thereon which provide reason for belief that his entry may not be clearly consistent with the interests of national security, action will be instituted with a view toward separation from the service, if authorized by law, in accordance with procedures prescribed by the Secretary of the appropriate military department.

F. INDUCTEES

1. Known Communists will not be inducted into the Armed Forces. The Federal Bureau of Investigation and the Selective Service System shall be notified promptly of their rejection.

2. Whenever a person who is being processed for induction fails or refuses to accomplish satisfactorily the DD Form 98 in its entirety, or furnishes thereon significant derogatory information with respect to his background, further process of induction may be postponed pending completion of a thorough investigation. In the event this investigation reveals that his induction would not be clearly consistent with the interests of national security, he will not be accepted into the service. The initial determination concerning acceptance or rejection for induction shall be made by an Interservice Committee which will be established and supervised by the Secretary of the Army as the executive agent for selective service. The Interservice Committee shall be comprised of representatives of the services participating in selective-service procurement and, shall be authorized to act for the Secretaries of their respective departments. In the event the registrant is rejected, an opportunity to be heard will be granted, if the registrant so requests. The hearing will be before an appropriate board of officers (hearing board) convened under the instructions of the Secretary of the Army as executive agent. The Secretary of the Army as executive agent will, after the hearing, cause an appropriate review of the case, and his decision will be binding on the military departments. If the rejected registrant fails to request a hearing within a reasonable period, the initial determination of the Interservice Committee shall be final.

3. Doctor and dentist applicants for commissions who are subject to induction and—

a. Who fail or refuse to accomplish the DD Form 98 in its entirety will not be appointed and the determination as to their induction will be handled in accordance with the provisions of subparagraph 2, above.

b. Who complete the DD Form 98 with entries made thereon which provide reason for belief that the appointment would not be clearly consistent with the interests of national security, will not be appointed or inducted pending a decision by the military department concerned. The applicant will then be given the opportunity to be heard before an appropriate board of officers (hearing board). Before any such case is referred to a hearing board, however, it will be reviewed by an appropriate screening board appointed by the Secretary of the service concerned. The screening board will operate in accordance with the procedures established by the service Secretary concerned and will recommend to him, among other things, (*a*) whether the applicant should be tendered a commission, (*b*) whether the case should be referred to a hearing board, and (*c*) if a hearing is recommended, the information to be included in the statement of reasons. Hearing boards will recommend that the applicant be (*a*) tendered a commission, (*b*) denied a commission but inducted in an enlisted capacity and used on nonsensitive assignments, or (*c*) rejected for service in any capacity on the basis that such service would not be clearly consistent with the interests of national security. These instructions are applicable to registrants having an obligation for service under subsection 4 (i) only of the Universal Military Training and Service Act, as amended, as well as those having an obligation for service under subsections 4 (a), (b), and (i) of the aforementioned act.

G. SEPARATION OF MEMBERS

1. Cases susceptible to resolution under court-martial procedure shall normally be so processed.

2. Where, for any reason, court-martial proceedings are inappropriate, impracticable, or inadvisable, administrative proceedings with a view toward separation of members whose continued service may not be clearly consistent with the interests of national security shall be initiated in accordance with applicable statutory authority.

3. In any administrative proceeding to separate a member of the Armed Forces in the interest of national security, such member will be afforded an opportunity upon request to present evidence in his behalf as to why he should not be separated. Reasonable time will be afforded the member to present his case; however, a period in excess of 15 days may be granted only when the member can produce ample and sufficient justification for additional time.

4. Administrative procedures, as directed herein, shall not be trials or adjudications, but shall be directed to the end of obtaining factual findings and unbiased opinions by boards of officers that the members under investigation are, or are not, persons whose continued services are clearly consistent with the interests of national security. Whenever practicable, the headquarters of the service concerned will make available to the hearing board an examiner without vote to assist the board in assuring that the record of the proceedings is as complete as possible and that all pertinent information, favorable as well as unfavorable to the individual, is developed. The hearing board proceedings are subject to review as may be prescribed by the Secretary of the military department concerned.

5. When, after review of the findings and opinions of boards of officers, the decision is that the continued service of a member of the Armed Forces is not clearly consistent with the interests of national security, he shall be separated, and the character of the separation shall be predicated upon a careful consideration of all pertinent factors, including the gravity of substantiated derogatory information and the character of the service performed.

6. In the case of separation of any member of the armed services, under conditions outlined in the preceding subparagraph, the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) will cite as authority the appropriate directive of the military department under which separation is effected.

7. If administrative proceedings, as defined in paragraph 4, above, result in a final determination by competent authority that an individual's retention is clearly consistent with the interests of national security, such determination shall be conclusive and binding, and may, in the absence of subsequently developed information substantially controverting that determination, support assignment of the member to normal duties.

8. The actions and procedures adopted by each of the military departments in implementation of this directive shall emphasize and make specific provision for prompt and expeditious resolution of each case which may arise.

H. ASSIGNMENT RESTRICTIONS

During the period when a member of an armed service is under investigation for security reasons, and during the administrative processing of any case arising therefrom, the member will be placed under such restriction with respect to assignments and access to classified information as are required to protect the interests of national security.

I. CONTROL OF INVESTIGATIVE INFORMATION

The reports and other investigative material and information developed by investigations conducted pursuant to directives in implementation of this program shall remain the property of the investigative agencies conducting the investigations, except that copies of reports of preinduction investigations shall be furnished to the military department to which the individual is allocated under the selective-service program. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto to other departments and agencies conducting security programs except in accordance with procedures prescribed by the Secretary of the military department concerned.

J. COOPERATION WITH INVESTIGATIVE AGENCIES

All services will cooperate fully with Federal investigative agencies, and will avoid action tending prematurely to warn suspects that they are under suspicion or to compromise confidential sources of information. In cases presenting any substantial reason for belief that retention in the armed services may facilitate investigation and/or prosecution by Federal agencies, such retention may be effected notwithstanding any other provision of this directive. Similarly, administrative procedures with a view toward separation as directed herein may be withheld for a reasonable period pending completion of necessary investigation and advice by the investigative agency concerned that its missions will not be hampered by institution of such procedures.

X. Processing of Cases

It is imperative that investigations and hearings under this program be completed on a priority basis so that determinations can be made with maximum expedition. Military departments will render monthly reports to the Office of the Secretary of Defense covering status of all cases that are processed under this directive, in accordance with a DOD instruction to be issued.

XI. Action Required

Regulations of the military departments implementing this directive will be coordinated with the Office of the Secretary of Defense to insure uniformity with respect to methods, procedures, and safeguards, and forwarded so as to reach this office not later than 60 days from the effective date of this directive.

XII. Effective Date

This directive is effective immediately.

C. E. Wilson, *Secretary of Defense.*

SUBCHAPTER E—SECURITY

Part 66—Industrial Security Manual for Safeguarding Classified Information [Revoked, 21 F. R. 2814, May 1, 1956]

Prior Amendments

1955: 20 F. R. 6213, Aug. 23; 20 F. R. 7139, Sept. 23.

Part 67—Industrial Personnel Security Review Regulation [Added]

Sec.

67.1 General.
67.1-1 Purpose.
67.1-2 Definitions.
67.1-3 Policy.
67.1-4 Release of information.
67.1-5 Program.
67.1-6 Scope of Program.
67.2 Organization.
67.2-1 Office of Industrial Personnel Security Review.
67.2-2 Industrial Personnel Security Screening Board.
67.2-3 Industrial Personnel Security Hearing Boards.
67.2-4 Industrial Personnel Security Review Board.
67.2-5 Security clearance of nominees.
67.3 Standard and criteria.
67.3-1 Standard for denial of clearance.
67.3-2 Criteria for application of standard in cases involving individuals.
67.3-3 Criteria for application of standard in cases involving contractors.
67.4 Processing of cases.
67.4-1 Emergency action.
67.4-2 Forwarding cases.
67.4-3 Initial adjudication procedures (Screening Board action).
67.4-4 Action by Hearing Board.
67.4-5 Conduct of hearings.
67.4-6 Hearing Board determination.
67.4-7 Procedure after determination by the Hearing Board.
67.4-8 Action by the Review Board.
67.5 Miscellaneous.
67.5-1 Pending cases.
67.5-2 Reconsideration of prior decisions.
67.5-3 Notices to counsel or other representatives.
67.5-4 Monetary restitution.
67.5-5 Changes in existing directives.

Authority: §§ 67.1 to 67.5-5 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply E. O. 10501, 18 F. R. 7049; 3 CFR, 1953 Supp.

Source: §§ 67.1 to 67.5-5 appear at 20 F. R. 1553, Mar. 15, 1955, except as otherwise noted.

§ 67.1 *General.*

§ 67.1–1 *Purpose.* This part prescribes the uniform standard and criteria for determining the eligibility of contractors, contractor employees, and certain other individuals as set forth in this part, to have access to classified defense information. It also establishes the administrative procedures governing the disposition of all cases in which a military department, or activity thereof, has made a recommendation or determination (a) with respect to the denial, suspension or revocation of a clearance of a contractor or contractor employee, and (b) with respect to the denial or withdrawal of authorization for access by certain other individuals.

§ 67.1–2 *Definitions.* For the purpose of this part:

(a) The term "contractor" means an industrial, educational, commercial, or other entity which has executed a contract or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense activity;

(b) The term "contractor employee" means any United States citizen or immigrant alien who is an official or employee of a contractor;

(c) The term "clearance" means an administrative determination, in accordance with approved policy, that a contractor or contractor employee is eligible to have access to classified information of specified categories classified in accordance with Executive Order 10501 which is necessary for the accomplishment of the particular missions established by the military departments or activities thereof; a clearance is an administrative determination that the granting of such approval is clearly consistent with the interests of the national security; in the case of a contractor, a clearance is an approval for the contractor involved to have access to specified categories of classified information necessary in connection with the bidding, negotiation, award, performance, or termination of contracts with a military department or activities thereof which involves access to such information; in the case of a contractor employee, a clearance is an approval for the employee to have access to specified categories of classified information necessary for the performance of his work with a particular contractor on contracts with a military department or activity thereof which involve access to such information.

§ 67.1–3 *Policy.* (a) While the Department of Defense will assume, unless information to the contrary is received, that all contractors and contractor employees are loyal to the Government of the United States, the responsibilities of the military establishment necessitate vigorous application of policies designed to minimize the security risk incident to the use of classified information by such contractors and contractor employees. Therefore, adequate measures will be taken to provide continuing assurance that no contractor or contractor employee will be granted a clearance if available information indicates that the granting of such clearance may not be clearly consistent with the interests of the national security. At the same time, every possible safeguard within the limitations of national security will be provided to ensure that no contractor or contractor employee will be denied a clearance without an opportunity for a fair hearing.

(b) The denial or revocation of a clearance in and of itself does not necessarily carry any implication that the individual is disloyal to the United States. Denial or revocation results from a determination that the granting of a clearance is not clearly consistent with the interests of the national security. Such a determination would, of course, be made in the case of a disloyal individual. However, there are many other reasons, unrelated to loyalty, which may result in such a determination and thus require the denial or revocation of a clearance. Since a clearance relates only to access to classified defense information, the denial or revocation of a clearance to a contractor or contractor employee does not preclude his participation in unclassified work.

§ 67.1–4 *Release of information.* All personnel in the Program will comply with applicable directives pertaining to the safeguarding of classified information and the handling of investigative reports. No classified information, nor any information which might compromise investigative sources or methods or the identity of confidential informants, will be disclosed to any contractor or contractor employee, or to his lawyer or representatives, or to any other person not authorized to have access to such information. In addition, in a case involving a contractor employee the contractor concerned will be advised only of the final determination in the case to grant, deny, or revoke clearance, and of any decision to suspend a clearance granted previously pending final determination in the case. The contractor will not be given a copy of the Statement of Reasons issued to the contractor employee except at the written request of the contractor employee concerned.

§ 67.1–5 *Program.* There is hereby established the Industrial Personnel Security Review Program, consisting of the following elements:

(a) The Office of Industrial Personnel Security Review.

(b) The Industrial Personnel Security Screening Board (called the Screening Board in this part).

(c) The Industrial Personnel Security Hearing Boards (called the Hearing Boards in this part).

(d) The Industrial Personnel Security Review Board (called the Review Board in this part).

§ 67.1–6 *Scope of Program.* (a) The procedures established in this part will be applicable to all cases in which:

(1) An activity of a military department has recommended that clearance of a contractor or contractor employee be denied or revoked;

(2) An activity of a military department has suspended a clearance of a contractor or contractor employee;

(3) An activity of a military department has denied or withdrawn authorization for access to classified information to an individual other than an immigrant alien or foreign national, who is not an official or employee of a contractor nor of the Government, but whose access as a recurrent visitor is considered necessary by a contractor and who falls within categories established by the Director under this subparagraph; or

(4) Action is requested by the head of the military department concerned, or by the Secretary of Defense.

(b) Once a clearance has been suspended, an authorization for access denied or withdrawn, or a Statement of Reasons issued, these procedures will be applicable to individuals even if their employment has been terminated.

(c) Except at the request of the Secretary of a military department concerned, or the Secretary of Defense, determinations will not be made under the Program in cases:

(1) Involving access to research, development and production of cryptographic equipment;

(2) Originating outside the continental limits of the United States;

(3) Involving denial, suspension or revocation of clearance of a contractor on grounds pertaining solely to the physical elements of security;

(4) Involving solely a determination under the provisions of section 2272, 70A Stat. 124; 10 U. S. C. 2272; and

(5) Involving contractors which are under foreign ownership, control or influence.

§ 67.2 *Organization.*

§ 67.2–1 *Office of Industrial Personnel Security Review.* (a) (1) The Office of Industrial Personnel Security Review will be headed by a civilian Director appointed by the Secretary of Defense after consultation with the Secretaries of the military departments. The Director shall be responsible to the Secretary of Defense and the Secretaries of the Army, Navy and Air Force for administering the Industrial Personnel Security Review Program, including its constituent boards. He will be responsible for ensuring that the Screening, Hearing, and Review Boards are provided with such advice, assistance and personnel, including legal and security advisors, as he considers necessary to enable the Boards properly to carry out their functions under this program. He will have such professional, technical and clerical staff as he may require to carry out his responsibilities as set out in this part, and such other related responsibilities as may be prescribed. The Director is authorized to obtain information, assistance and advice directly from any activity of the Department of Defense and, in accordance with established policies, from other agencies of the Government. The Director will bring to the attention of the Secretary of Defense and the Secretaries of the military departments any case or significant development which in his judgment warrants their attention. He shall prepare monthly reports on the case loads of the boards and the status of cases pending before the boards. The Director may issue such supplemental instructions, not inconsistent with this part, as may be desirable for the administration and efficient operation of this program, including rules for the processing of cases, the conduct of screenings, hearings and reviews, and for guidance in the application of the standard and criteria set forth in § 67.3.

(2) The Director, in consultation with appropriate security offices, will develop such implementing procedures as are necessary to safeguard the security of classified information and investigative reports made available to any element of the program.

(3) The Office of Industrial Personnel Security Review will be located in the Pentagon and will be supported administratively by the Office of the Secretary of Defense. The military departments will make appropriate allocations of funds, military and civilian personnel and personnel spaces.

(4) Communications will be addressed to the Director, Office of Industrial Personnel Security Review, The Pentagon, Washington 25, D. C.

(b) The Department of the Army will have operational control and supervision over the Central Index Personnel and Facility Security Clearance File (hereinafter called the Central Index File). The complete files of the records of cases processed by the Army-Navy-Air Force Personnel Security Board, the Industrial Employment Review Board, the Eastern, Central and Western Industrial Personnel Security Boards and the Boards established by this part shall be maintained as a part of the Central Index File. [20 F. R. 5079, July 15, 1955]

§ 67.2–2 *Industrial Personnel Security Screening Board.* (a) The Screening Board will be located in the Office of Industrial Personnel Security Review and will be responsible for the performance of the duties and functions hereinafter prescribed.

(b) The Secretary of each military department will appoint one or more members, military or civilian, to the Screening Board, as the case load requires. Any three members so appointed, one from each military department, will constitute a quorum-panel so that more than one panel may be convened at the same time. The Director will designate one member to serve as Chairman of the Screening Board.

(c) The Screening Board will have jurisdiction over all cases which are referred to it in accordance with this part.

§ 67.2–3 *Industrial Personnel Security Hearing Boards.* (a) There are hereby established three Hearing Boards to be known as the New York, the Chicago and the San Francisco Industrial Personnel Security Hearing Boards and to be located in such cities respectively. Additional Hearing Boards may be established by the Director with the approval of the Secretaries of the Army, Navy and Air Force. Panels of existing Hearing Boards, convened at other locations, will be utilized when necessary to ensure prompt and convenient hearings. Each Hearing Board will be responsible for the performance of the duties and functions prescribed in this part.

(b) The Secretary of each military department will appoint one or more members, military or civilian, to each Hearing Board, as the case load requires. Appropriate local commanders designated by each Secretary will submit nominations through the Director, who will review the qualifications of each nominee and make an appropriate recommendation to the Secretary concerned. In the letters submitting the nominations the designated commander will include a statement that in his personal opinion the nominees are persons of responsibility and are of mature judgment and balance who can be counted upon to proceed in a fair and judicial manner. The Director will designate one civilian member to serve as Chairman of each Board. Any three members, one from each military department, and including at least one civilian, will constitute a quorum-panel so that more than one panel may be convened at the same time, if required.

(c) Each Hearing Board will have jurisdiction to hear and determine all cases referred to it in accordance with this part.

(d) The Hearing Boards will be supported administratively by the following military commanders:

New York Industrial Personnel Security Hearing Board: Commanding General, First Army.

Chicago Industrial Personnel Security Hearing Board: Commander, Air Materiel Command.

San Francisco Industrial Personnel Security Hearing Board: Commandant, 12th Naval District.

The respective Hearing Boards will be located as indicated in this section, but may convene at such locations or commands as the Director deems appropriate and convenient.

(e) Each of the above-named commanders will be responsible for the administration of the Board located within his command and for the development of implementing procedures to safeguard classified information made available to the Board. Each commander will appoint an Executive Secretary, a Security Advisor, and a Legal Advisor, and will make available such other personnel as may be required by the Director to assist in administering each Hearing Board. The Executive Secretary will be responsible for establishing and maintaining necessary administrative services, including equipment, supplies, files and records; processing of correspondence; reviewing the files for completeness; docketing the

cases; and setting an approved time and place for hearing. The Security Advisor and the Legal Advisor will furnish advice and assistance to the Board.

(f) As a verbatim transcript will be required of each hearing before a Hearing Board, it is the responsibility of each of the above-mentioned commanders to provide the necessary personnel and facilities for the prompt making of such transcripts.

(g) Where a panel or a Hearing Board is convened at a location or command outside the jurisdiction of the above-mentioned commanders, the military commander designated by the Director will provide office space, facilities, clerical personnel for each hearing and for the prompt making of a verbatim transcript thereof.

§ 67.2–4 *Industrial Personnel Security Review Board.* (a) The Review Board will be located in the Office of Industrial Personnel Security Review and will be responsible for the performance of the duties and functions prescribed in this part.

(b) The Secretary of each military department will appoint one or more members, military or civilian, to the Review Board, as the case load requires. The Director will designate one member to serve as Chairman of the Review Board. Any three members so appointed, one from each military department, will constitute a quorum-panel so that more than one panel may be convened at the same time. One of the members of each quorum-panel must be a qualified lawyer and each quorum-panel will include at least one civilian.

(c) The Review Board will have jurisdiction over all cases referred to it in accordance with this part.

§ 67.2–5 *Security clearance of nominees.* No person will be appointed Director, member or alternate, Executive Secretary, Security Advisor, or Legal Advisor of any Board established under this Program, until such person has been granted a Top Secret security clearance based on a background investigation.

§ 67.3 *Standard and criteria.*

§ 67.3–1 *Standard for denial of clearance.* Clearance shall be denied or revoked if it is determined, on the basis of all the available information, that access to classified information by the person concerned is not clearly consistent with the interest of the national security.

§ 67.3–2 *Criteria for application of standard in cases involving individuals.* (a) The activities and associations listed below which may be the basis for denial or revocation of clearance are of varying degress of seriousness. Therefore, the ultimate determination of whether clearance should be granted or continued must be an over-all common-sense one, based on all available information.

(1) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.

(2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(3) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(4) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(5) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(6) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interest of the United States.

(7) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (4) of this paragraph when his personal vews were sympathetic to the subversive purposes of such organization.

(8) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.

(9) Participation in the activities of an organization referred to in subparagraph (4) of this paragraph in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(10) Sympathetic interest in totalitarian, Fascist, Communist, or similar subversive movements.

(11) Sympathetic association with a member, or members, of an organization referred to in subparagraph (4) of this paragraph. (Ordinarily, this will not include chance or occasional meetings, nor contacts limited to normal business or official relations.)

(12) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (1) through (10) of this paragraph. A close continuing association may be deemed to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(13) Close continuing association of the type described in subparagraph (12) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(14) Willful violation or disregard of security regulations.

(15) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(16) Any deliberate misrepresentations, falsifications, or omission of material facts from a Personal Security Questionnaire, Personal History Statement, or similar document.

(17) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(18) Acts of a reckless, irresponsible or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose classified information to unauthorized persons, or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the security of the United States.

(19) Any illness, including any mental condition, of a nature which, in the opinion of competent medical authority, may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(20) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(21) The presence of a spouse, parent, brother, sister, or offspring in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the individual through such relatives.

(22) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional or legislative committee, or Federal or State court or other tribunal, regarding charges of his alleged disloyalty or other misconduct.

(b) Legitimate labor activities shall not be considered in determining whether clearance should be granted or continued.

§ 67.3–3 *Criteria for application of standard in cases involving contractors.* The granting or continuing of a facility clearance to a contractor is not clearly consistent with the interests of the national security if the clearance of an officer, director, owner, or key employee of the contractor, who is required to be cleared in connection with a facility security clearance has been, or would be, denied under the standard and criteria set forth in §§ 67.3–1 and 67.3–2.

§ 67.4 *Processing of cases.*

§ 67.4–1 *Emergency action.* In accordance with existing directives, activities of military departments will not deny a clearance to a contractor or contractor employee, and ordinarily will not suspend a previously granted clearance. However, in exceptional cases officials authorized by the military department concerned may suspend a clearance previously granted to a contractor employee (but not a clearance granted to a facility) when, in the opinion of the authorized official, the contractor employee's continued access to classified information, pending action by the Screening Board, would constitute an immediate threat to the security interests of the United States.

§ 67.4–2 *Forwarding cases.* Activities of military departments will forward to the Director all cases prescribed in paragraph (a) of § 67.1–6, together with the complete file, including the recommendation in the case, the reasons therefor, and all other available information and material relevant to a determination in the case. On receipt of the file, the Director, after ensuring that it has been properly prepared and transmitted, will forward it to the Screening Board for appropriate action.

§ 67.4–3 *Initial adjudication procedures (Screening Board action).* (a) The Screening Board will review each case referred to it by the Director and will determine in accordance with the standard and criteria set forth in § 67.3 whether the reported information warrants (1) the granting or continuing of a clearance or (2) further processing as set forth below. If an emergency suspension of clearance has already been effected pursuant to § 67.4–1, the Board will review such action to determine its propriety.

(*b*) With respect to any case pending before it, the Screening Board may request the Director to:

(1) Request further investigation, specifying the particular points on which the Board feels its information is not adequate.

(2) Issue to the person concerned such written interrogatories as the Board may deem desirable.

(3) Arrange for an interview with the person concerned.

(c) The Screening Board may, with respect to any case pending before it, determine at any time that an existing clearance should be suspended. Upon any such determination, the Director will notify the person concerned, the contractor, the security office of the cognizant military department and the agency which forwarded the case to him.

(d) If the Screening Board determines that a clearance should be granted or continued in effect, it will prepare its finding in the form set forth in paragraph (e) of § 67.4–6. The Director will notify the activity which forwarded the case to him of the determination and instruct it to effect the clearance.

(e) If the Screening Board concludes on the basis of the information available to it and in accordance with the standard and criteria set forth in § 67.3 that the case does not warrant a security finding favorable to the person concerned, it will prepare a Statement of Reasons. The Statement of Reasons will be as specific and in as great detail as, in the opinion of the Board, security considerations permit, in order to provide the person concerned with sufficient information to enable him to prepare his defense. Whenever the Board issues a Statement of Reasons, it will suspend any clearance previously granted to the person concerned.

(f) The Director will forward to the person concerned, by registered mail with a request for a return receipt signed "by addressee only." the Statement of Reasons and a copy of this part. He will also inform the person concerned of his clearance status pending final determination in his case and of his rights:

(1) To answer the Statement of Reasons in writing under oath or affirmation and to submit such statements or affidavits by third parties or other documentary evidence as he may desire; and

(2) To appear, at his request, before a Hearing Board in person and/or by counsel or representative of his own choosing and to present evidence in his behalf including testimony of witnesses. The Director will also inform him that his clearance will be denied or revoked finally without further action unless, within ten calendar days after he receives his notice, he either submits the written material as described in subparagraph (1) of this paragraph, requests a hearing, or requests the Director for additional time in which to answer.

(g) If, within the time authorized, the person concerned:

(1) Requests a hearing, the Director will forward the complete file to the Executive Secretary of the Hearing Board which the Director shall designate;

(2) Submits written material pursuant to paragraph (f) (1) of this section but does not request an opportunity to appear at a hearing, the Director will forward the complete file either to a Hearing Board for determination on the basis of the file or directly to the Review Board for action in accordance with § 67.4–8.

(3) Does not reply, the Director will instruct the activity which forwarded the case to him to deny or revoke finally the clearance, as appropriate, and will also advise the person concerned.

(h) All determinations by the Screening Board will be made in executive session and will be in writing with a statement setting forth the basis for its action. Favorable determination shall be by unanimous vote. No security advisor or legal advisor will be present when the Board deliberates and reaches its determination.

§ 67.4–4 *Action by Hearing Board.* (a) On receipt of the file, the Executive Secretary of the Hearing Board, after consulting with the Chairman, will set a time and place for the hearing and inform the person concerned thereof. The hearing will be held as soon as practicable, allowing the person concerned a reasonable time within which to prepare his case and obtain witnesses. The Executive Secretary will also inform the person concerned that any further answer to the Statement of Reasons, or additional statements, affidavits or other documentary material he may care to file should be submitted directly to the Executive Secretary.

(b) Each individual case file referred to a Hearing Board will be studied, prior to the hearing, by each Board member who is to participate in the determination of the case, so that the Board will be able to conduct the hearing in an intelligent manner. Board members must bear in mind constantly when studying the file prior to the hearing that the investigative reports, Statement of Reasons, and other information in the file represent an incomplete presentation of the case, since the person concerned may not yet have presented his entire defense. Accordingly, Board members should not form any premature conclusions as to the eventual determination of the case.

(c) The Board may, on its own motion, request the attendance of such witnesses as it deems appropriate. Invitations should state the time and place where the hearing will be held and that the Government cannot pay witness fees or reimbursement for travel or other expenses. Employees of activities of the Department of Defense who are invited to appear as witnesses will be encouraged to attend and no charge to annual leave will be made for attending.

(d) If a person who has requested an opportunity to appear fails to appear at the time and place set for the hearing or at any postponement thereof and has not requested the Hearing Board to determine his case on the basis of the file, including any written material he may have submitted, the Executive Secretary will return the complete file to the Director without further action by the Hearing Board. The Director will then take action under paragraph (g) (3) of § 67.4–3.

§ 67.4–5 *Conduct of hearings.* (a) Hearings are designed to accomplish two major purposes: (1) To permit the person concerned to present evidence in his behalf and (2) to ascertain all the relevant facts in the case to aid in reaching a fair and impartial determination. Accordingly, such hearings are not to be conducted with the formality of a court proceeding, but rather as administrative inquiries held for the purpose of affording the person concerned an opportunity to be heard and to permit the Board to inquire fully into the matters related to the particular case.

(b) Hearings will be conducted in an orderly manner and in an atmosphere of dignity and decorum. They may be attended only by the members of the Board participating in the hearing, the person concerned and his lawyer or representatives, authorized personnel of activities of the Department of Defense, necessary clerical personnel, and such witnesses as the Government or the person concerned may desire. The person concerned and his lawyer or representatives have the right to be present throughout the hearing. Unless the Board rules otherwise, a witness may be present only when he is testifying.

(c) The Security Advisor will be present at the hearing to furnish advice and assistance to the Board whenever required. As a matter of standard procedure a Legal Advisor will also be present at the hearing to furnish legal advice to the Board and to assist it in making certain that the record is complete. Both the Security Advisor and the Legal Advisor may interrogate witnesses who appear before the Board (including the person concerned, if he chooses to testify). In the event the person concerned appears without a lawyer, the Legal Advisor will advise him of his rights and assist him with respect to procedure. No function performed by the Legal Advisor, however, will relieve the Board of its responsibilities for ensuring that the record is complete, that the person concerned is advised of his rights, and that all pertinent information, both favorable and unfavorable, is considered. In the discretion of the Board, both the Security Advisor and the Legal Advisor may attend executive sessions of the Board, but they will not be present when the Board deliberates its findings and reaches its determination.

(d) Strict rules of evidence need not be followed. The Board may admit in evidence any material, either oral or written, which in the minds of reasonable men is of probative value in determining the issues involved, but reasonable bounds with respect to relevancy, materiality and competency of evidence will be maintained. Efforts shall be made to obtain the best evidence as to a particular issue. Hearsay evidence may be admitted without regard to technical

rules of admissibility and shall be accorded such weight as, in the opinion of the Board, the circumstances warrant.

(e) Hearings will be called to order by the Chairman, who shall make an opening statement substantially as follows:

The ---------- Industrial Personnel Security Hearing Board appointed by the Secretaries of the Army, Navy and Air Force is now ready to proceed with the hearing in the case of (name of person concerned). This is not a court of law and strict rules of evidence and court procedure need not be followed. This is an administrative hearing held for the purpose of affording you an opportunity to be heard and to permit the Board to inquire fully into the matters related to your case. You have the right to be represented by a lawyer or other representative and to present witnesses and other evidence in your behalf. You can assist the Board in arriving at a fair and just determination in your case by giving full and frank answers to all questions the Board may have and by confining your attention to matters related to your case. The transcript to be made of this hearing will not include all material in the file of the case in that it will not include reports of investigation conducted by the Federal Bureau of Investigation or other investigative agencies which must be held in confidence. Neither will it contain information which might reveal the identity of confidential informants or the source of confidential evidence. The transcript will contain only the statements made, testimony given and exhibits received in open sessions of this hearing. A copy of this transcript, less exhibits, will be furnished you or your representative without cost if you request it.

(f) Following the opening statement the Chairman will read the Statement of Reasons and inform the person concerned that, if he desires, he or his lawyer or representative may then make a general opening statement. Each witness, before testifying, will be informed that section 1001 of Title 18, United States Code, makes it a criminal offense, punishable by a maximum of five (5) years' imprisonment, $10,000 fine, or both, to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.

(g) Normally Government witnesses, if any, will then be heard.

(h) The person concerned will then present his case, including his own testimony (if he desires to testify), testimony of other witnesses and written evidence.

(i) The Board will, when appropriate, amend the Statement of Reasons to conform it with the information available. When such amendments are made, the Board may grant the person concerned such additional time as it deems appropriate to answer such amendments and to secure and present evidence concerning them.

(j) The Board may recess the hearing at any time on the request of the person concerned or upon its own motion. When it desires, the Board may meet in executive session but no transcript of executive sessions will be made.

(k) Before the Board adjourns the hearing, the Chairman will ask the person concerned whether he desires additional time to secure and present additional evidence or to submit a brief. If the person concerned does desire to present such additional material, the Board shall determine the time within which it must be presented and the form in which it will be received. The Chairman will also advise the person concerned that announcement of the determination in his case will be made by the Director, Office of Industrial Personnel Security Review.

(l) A verbatim transcript (in quintuplicate) will be made of the hearing and such transcript will become a permanent part of the file. The person concerned or his designated representative will be furnished without cost one copy of the transcript, less the exhibits, upon his request. The transcript will be reviewed by the Board in consultation with the Security Advisor prior to release to ensure that it contains no classified information.

(m) If the person concerned or his lawyer or representative desires to submit corrections in the transcript to the Board, he will note the corrections on a separate statement, designating the page and line. The statement of corrections must be filed within the time set by the Board. The Board will determine what corrections are allowable, will enter on the transcript by marginal notation the corrections which are allowed, and will enter on the statement filed by the person concerned the corrections which are rejected. This statement will be made a permanent part of the record. The Board in its discretion may call upon the person concerned, or his counsel or representative, for a discussion of the corrections prior to its determination thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony.

§ 67.4–6 *Hearing Board determination.* (a) As promptly as possible after the hearing, the Board shall meet in executive session and after full consideration of the complete file, including all evidence, arguments, and briefs in the case, it will reach its determination in accordance with the standard and criteria set forth in § 67.3.

(b) The Board will take into consideration the fact that the person concerned may have been handicapped in his defense by the non-disclosure to him of classified information or by his lack of opportunity to identify or cross-examine persons constituting sources of information. Accordingly, it will weigh each item of derogatory information carefully in the light of its recency and relative seriousness, the amount and quality of supporting evidence, the attendant circumstances, whether the item was given under oath or affirmation, whether or not it is relevant to the Statement of Reasons, and whether or not the person concerned has had an opportunity to rebut it.

(c) The determination, which shall be reached by majority vote, shall be signed by the members and made a permanent part of the record in the case.

(d) The determination shall include a finding with respect to each of the allegations set forth in the Statement of Reasons. Each such finding shall be followed by a detailed discussion of the evidence which the Board has relied upon in making such findings.

(e) The determination shall also include a statement in the following form:

> The Board determines that on all the information available to it the granting of clearance to_____for access to classified information (is) (is not) clearly consistent with the interests of the national security.

This statement shall be followed by a discussion of why the aforementioned findings with respect to the allegations justify the determination.

(f) If the decision is not unanimous, a signed minority opinion shall be filed, setting forth the reasons for the dissent in the manner prescribed in paragraphs (d) and (e) of this section.

§ 67.4–7 *Procedure after determination by the Hearing Board.* (a) After the Hearing Board has considered a case and reached a determination, the Executive Secretary promptly will forward the complete file to the Director who will examine it for completeness and compliance with the procedures set forth in this part. If the Director is not satisfied with the state of the record in the case, he may return the case to the Hearing Board for further action. In any case in which the Director is satisfied with the record and in which the determination of the Hearing Board is unanimous, he may announce that determination as the final determination of the case. He will notify the person concerned, the activity initially referring the case, and other interested agencies of this determination. The Director also will issue instructions for the granting, continuing, denying or revoking of clearance in accordance with the determination. If the determination of the Hearing Board is not unanimous, the Director shall forward the case to the Review Board. He also may forward to the Review Board cases which present novel issues or unusual circumstances.

(b) The determination of the Hearing Board as announced by the Director pursuant to paragraph (a) of this section shall be final subject only to:

(1) consideration by the Review Board at the request of the Director, the Secretary of Defense, or the Secretary of any military department; or

(2) reconsideration by the Hearing Board at the request of the Director on the ground of newly discovered evidence or for other good cause shown.

§ 67.4–8 *Action by the Review Board.* (a) The Review Board will review each case submitted to it on the written record and will make its determination in each case by majority vote in accordance with the standard and criteria set forth in § 67.3. It may adopt, modify or reverse the findings or the determination of the Hearing Board. In the event the Review Board modifies the findings or reverses the determination of the Hearing Board, the Review Board determination shall be accompanied by a discussion of the evidence and the reasons relied upon for its action. If the decision is not unanimous, a minority opinion shall be filed.

(b) After the Review Board has reached its determination, the Director will notify the person concerned, the activity initially referring the case, and other interested agencies of the final determination in the case. The Director will also issue instructions for the granting, continuing, denying or revoking of clearance in accordance with the determination.

(c) Determinations of the Review Board shall be final, subject only to:

(1) Reconsideration on its own motion or at the request of the person concerned, addressed through the Director, on the ground of newly discovered evidence or for other good cause shown;

(2) Reconsideration by the Review Board at the request of the Secretary of Defense or the Secretary of any military department; or

(3) Reversal by the Secretary of Defense, or reversal by joint agreement of the Secretaries of the three military departments at the request of one of such Secretaries.

§ 67.5 *Miscellaneous.*

§ 67.5–1 *Pending cases.* (a) All cases pending before the Eastern, Central or Western Industrial Personnel Security Boards in which a Statement of Reasons has been issued before the effective date of this Part will be processed to completion in accordance with the provisions of the Industrial Personnel and Facility Security Clearance Program approved by the Secretaries of the Army, Navy and Air Force on May 4, 1953, as amended. Promptly after each such case has been completed or closed, those Boards will forward the file to the Director for inclusion in the Central Index File.

(b) All other cases pending on the effective date of this part will be processed under this part. The Eastern, Central and Western Industrial Personnel Security Boards will forward promptly to the Director files of all such cases for processing. Those Boards also will forward to the Director, for inclusion in the Central Index File, the files of all cases which have been completed or closed prior to the effective date of this part.

§ 67.5–2 *Reconsideration of prior decisions.* (a) Decisions of the Industrial Employment Review Board and of the Appeal Divisions of the Eastern, Central and Western Industrial Personnel Security Boards which denied or revoked a clearance may be reconsidered by the Review Board at the request of the person concerned, addressed through the Director, on the grounds of newly discovered evidence or for other good cause shown.

(b) Decisions of the Army-Navy-Air Force Personnel Security Board and of the Screening Divisions of the Eastern, Central, and Western Industrial Personnel Security Boards which denied or revoked a clearance may be reconsidered by the Screening Board at the request of the person concerned, addressed through the Director, for good cause shown.

(c) In cases where a clearance has been previously granted and an activity of a military department receives additional derogatory information which was not considered by a Board at the time it decided the case and the commander of the activity is of the opinion, after reviewing the complete file, including the record of any prior proceedings, that revocation of the prior clearance is warranted, he will forward the case to the Director, through appropriate channels, for referral to the Screening Board in accordance with § 67.4–3.

§ 67.5–3 *Notices to counsel or other representatives.* Where the person concerned designates in writing to the Director or to the Executive Secretary of a Hearing Board a lawyer or other individual to represent him in any proceeding under this part, such representative will be furnished a copy of all communications which are sent to the person concerned.

§ 67.5–4 *Monetary restitution.* In cases where a final determination is favorable to a contractor employee, the department whose activity originally forwarded the case to the Director will reimburse the contractor employee in an equitable amount for any loss of earnings during the interim resulting directly from a suspension of clearance, such amount shall not exceed the difference between the amount the contractor employee would have earned at the rate he was receiving on the date of suspension and the amount of his interim net earnings. No contractor employee shall be compensated for any increase in his loss of earnings caused by his voluntary action in unduly delaying the processing of his case under this part.

§ 67.5–5 *Changes in existing directives.* This part supersedes the Industrial Personnel and Facility Security Clearance Program approved by the Secretaries of the Army, Navy and Air Force on 4 May 1953, as amended, and the provisions of any other directives which are inconsistent with this part.

INCREASED PENALTIES FOR SEDITIOUS CONSPIRACY

(Act of July 24, 1956; Public Law 766, 84th Cong.; 70 Stat. 623, c. 678; 18 U. S. C., Supp. V, § 2384)

§ 2384. *Seditious conspiracy.*

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $20,000 or imprisoned not more than twenty years, or both. As amended July 24, 1956, c. 678, § 1, 70 Stat. 623.

REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF ESPIONAGE

(Act of August 1, 1956; Public Law 893, 84th Cong.; 70 Stat. 899, ch. 849)

AN ACT To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Internal Security Act of 1950 is amended by repealing subsection (a), and by deleting the designation "(b)" which appears in said section.

SEC. 2. Except as provided in section 3 of this Act, every person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such statements, information, or documents pertinent to the purposes and objectives of this Act as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes.

SEC. 3. The registration requirements of section 2 of this Act do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party is a matter of record in the files of an agency of the United States Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) who is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization in which the United States participates or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee.

SEC. 4. The Attorney General shall retain in permanent form one copy of all registration statements filed under this Act. They shall be public records and open to public examination at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination.

SEC. 5. The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations, and forms as he deems necessary to carry out the provisions of this Act.

SEC. 6. (a) Whoever willfully violates any provision of this Act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this Act or any regulation thereunder is subject to deportation in the manner provided by chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163).

SEC. 7. Failure to file a registration statement as required by this Act is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

SEC. 8. Compliance with the registration provisions of this Act does not relieve any person from compliance with any other applicable registration statute.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, is not affected thereby.

SANCTITY OF FEDERAL JURY ROOMS

(Act of Aug. 2, 1956, Public Law 919, 84th Cong.; 70 Stat. 935, ch. 879)

AN ACT To further protect and assure the privacy of grand or petit juries in the courts of the United States while such juries are deliberating or voting.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting

"Whoever knowingly and willfully, by any means or device whatsoever—

"(a) records, or attempts to record, the proceedings of any grand or petit jury in any court of the United States while such jury is deliberating or voting; or

"(b) listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the United States while such jury is deliberating or voting—

"shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"Nothing in paragraph (a) of this section shall be construed to prohibit the taking of notes by a grand or petit juror in any court of the United States in connection with and solely for the purpose of assisting him in the performance of his duties as such juror."

SEC. 2. The analysis of chapter 73 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting."

SAFEGUARDING FILES OF GOVERNMENT SECURITY AGENCIES

(Act of September 2, 1957; Public Law 85–269; 71 Stat. 595)

AN ACT To amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"§ 3500. Demands for production of statements and reports of witnesses

"(a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) to an agent of the Government shall be the subject of subpena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

"(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any statement (as hereinafter defined) of the witness in the possession of the United States which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.

"(c) If the United States claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement for the inspection of the court in camera. Upon such delivery the court shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement to the defendant for his use. If, pursuant to such procedure, any portion of such statement is withheld from the defendant and the defendant objects to such withholding, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statement shall be preserved by the United States and, in the event the defendant appeals, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statement is delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statement by said defendant and his preparation for its use in the trial.

"(d) If the United States elects not to comply with an order of the court under paragraph (b) or (c) hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

"(e) The term 'statement', as used in subsections (b), (c), and (d) of this section n relation to any witness called by the United States, means—

"(1) a written statement made by said witness and signed or otherwise adopted or approved by him; or

"(2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital or an oral statement made by said witness to an agent of the Government and recorded contemporaneously with the making of such oral statement."

The analysis of such chapter is amended by adding at the end thereof the following:

"3500. Demands for production of statements and reports of witnesses."

CORRECTION OF IMMIGRATION RECORDS OF SOVIET DEFECTORS AND ESCAPEES

(Act of September 11, 1957; Public Law 85–316; 71 Stat. 640 § 7)

* * * * * * *

SEC. 7. The provisions of section 241 of the Immigration and Nationality Act relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as (1) aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation, or (2) aliens who were not of the nationality specified in their visas, shall not apply to an alien otherwise admissible at the time of entry who (A) is a spouse, parent, or a child of a United States citizen or of an alien lawfully admitted for permanent residence; or (B) was admitted to the United States between December 22, 1945, and November 1, 1954, both dates inclusive, and misrepresented his nationality, place of birth, identity, or residence in applying for a visa: *Provided*, That such alien described in clause (B) shall establish to the satisfaction of the Attorney General that the misrepresentation was predicated upon the alien's fear of persecution because of race, religion, or political opinion if repatriated to his former home or residence, and was not committed for the purpose of evading the quota restrictions of the immigration laws or an investigation of the alien at the place of his former home, or residence, or elsewhere. After the effective date of this Act, any alien who is the spouse, parent, or child of a United States citizen or of an alien because (1) he seeks, has sought to procure, or has procured, a visa or other documentation, or entry into the United States, by fraud or misrepresentation, or (2) he admits the commission of perjury in connection therewith, shall hereafter be granted a visa and admitted to the United States for permanent residence, if otherwise admissible, if the Attorney General in his discretion has consented to the alien's applying or reapplying for a visa and for admission to the United States.

STUDY OF MATTERS RELATING TO ESPIONAGE

Senate Resolution 233, 85th Congress; Passed January 29, 1958

RESOLUTION

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, insofar as they relate to the authority of the committee hereunder, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its Territories and possessions, including but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1958, to January 31, 1959, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed

and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $209,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PUBLICITY OF APPROVED APPLICATIONS FOR TAX EXEMPTION

(Act of September 2, 1958; Public Law 85–866 § 75, 72 Stat. 1660)

* * * * * * *

SEC. 75. *Publicity of Exempt Organization Information.*—

(a) *Publicity Required.*—Section 6104 (relating to publicity of information required from certain exempt organizations and certain trusts) is amended—

(1) by striking out "The information" and inserting in lieu thereof:

"(b) *Inspection of Annual Information Returns.*—The information"; and

(2) by inserting after the heading of such section the following new subsection;

"(a) *Inspection of Applications for Tax Exemption.*—

"(1) *Public inspection.*—

"(A) *In general.*—If an organization described in section 501 (c) or (d) is exempt from taxation under section 501 (a) for any taxable year, the application filed by the organization with respect to which the Secretary or his delegate made his determination that such organization was entitled to exemption under section 501 (a), together with any papers submitted in support of such application, shall be open to public inspection at the national office of the Internal Revenue Service. In the case of any application filed after the date of the enactment of this subparagraph, a copy of such application shall be open to public inspection at the appropriate field office of the Internal Revenue Service (determined under regulations prescribed by the Secretary or his delegate). Any inspection under this subparagraph may be made at such times, and in such manner, as the Secretary or his delegate shall by regulations prescribe. After the application of any organization has been opened to public inspection under this subparagraph, the Secretary or his delegate shall, on the request of any person with respect to such organization, furnish a statement indicating the subsection and paragraph of section 501 which it has been determined describes such organization.

"(B) *Withholding of certain information.*—Upon request of the organization submitting any supporting papers described in subparagraph (A), the Secretary or his delegate shall withhold from public inspection any information contained therein which he determines relates to any trade secret, patent, process, style of work, or apparatus, of the organization, if he determines that public disclosure of such information would adversely affect the organization. The Secretary or his delegate shall withhold from public inspection any information contained in supporting papers described in subparagraph (A) the public disclosure of which he determines would adversely affect the national defense.

"(2) *Inspection by Committees of Congress.*—Section 6103 (d) shall apply with respect to —

"(A) the application for exemption of any organization described in section 501 (c) or (d) which is exempt from taxation under section 501 (a) for any taxable year, and

"(B) any other papers which are in the possession of the Secretary or his delegate and which relate to such application, as if such papers constituted returns."

(b) *Annual Information With Respect to Total Contributions.*—Section 6033 (b) (relating to returns by certain exempt organizations) is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a comma and the word "and", and by adding after paragraph (7) the following new paragraph:

"(8) the total of the contributions and gifts received by it during the year."

(c) *Effective Date.*—The amendments made by subsection (a) shall take effect on the 60th day after the day on which this Act is enacted. The amendments made by subsection (b) shall apply to taxable years ending on or after December 31, 1958.

EXCERPTS OF U. N. HEADQUARTERS SITE AGREEMENT OF AUGUST 4, 1947

(61 Stat. 756, ch. 482, pp. 756–762)

JOINT RESOLUTION Authorizing the President to bring into effect an agreement between the United States and the United Nations for the purpose of establishing the permanent headquarters of the United Nations in the United States and authorizing the taking of measures necessary to facilitate compliance with the provisions of such agreement, and for other purposes

Whereas the Charter of the United Nations was signed on behalf of the United States on June 26, 1945, and was ratified on August 8, 1945, by the President of the United States, by and with the advice and consent of the Senate, and the instrument of ratification of the said Charter was deposited on August 8, 1945; and

Whereas the said Charter of the United Nations came into force with respect to the United States on October 24, 1945; and

Whereas article 104 of the Charter provides that "The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes"; and

Whereas article 105 of the Charter provides that—

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

"2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

"3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose"; and

Whereas article 28 and other articles of the Charter of the United Nations contemplate the establishment of a seat for the permanent headquarters of the Organization; and

Whereas the interim arrangements concluded on June 26, 1945, by the governments represented at the United Nations Conference on International Organization instructed the Preparatory Commission established in pursuance of the arrangements to "make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization"; and

Whereas during the labors of the said Preparatory Commission, the Congress of the United States in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations "to locate the seat of the United Nations Organization within the United States"; and

Whereas the General Assembly on December 14, 1946, resolved "that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street"; and

Whereas the General Assembly resolved on December 14, 1946, "That the Secretary General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the city of New York" and to be guided in these negotiations by the provisions of a preliminary draft agreement which had been negotiated by the Secretary General and the Secretary of State of the United States; and

Whereas the General Assembly resolved on December 14, 1946, that pending the coming into force of the agreement referred to above "the Secretary General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities, and facilities needed in connection with the temporary headquarters of the United Nations."; and

Whereas the Secretary of State of the United States, after consultation with the appropriate authorities of the State and city of New York, signed at Lake Success, New York, on June 26, 1947, on behalf of the United States an agreement with the United Nations regarding the headquarters of the United Nations, which agreement is incorporated herein; and

Whereas the aforesaid agreement provides that it shall be brought into effect by an exchange of notes between the United States and the Secretary-General of the United Nations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to bring into effect on the part of the United States the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947 (hereinafter referred to as the "agreement"), with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States as the President may deem necessary and appropriate, and at his discretion, after consultation with the appropriate State and local authorities, to enter into such supplemental agreements with the United Nations as may be necessary to fulfill the purposes of the said agreement: *Provided*, That any supplemental agreement entered into pursuant to section 5 of the agreement incorporated herein shall be submitted to the Congress for approval. The agreement follows:

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

THE UNITED NATIONS AND THE UNITED STATES OF AMERICA:

Desiring to conclude an agreement for the purpose of carrying out the Resolution adopted by the General Assembly on 14 December 1946 to establish the seat of the United Nations in The City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The United Nations:
TRYGVE LIE,
Secretary-General,

and

The United States of America:
GEORGE C. MARSHALL,
Secretary of State,

Who have agreed as follows:

ARTICLE I—DEFINITIONS

SECTION 1

In this agreement:

(a) The expression "headquarters district" means (1) the area defined as such in Annex 1, (2) any other lands or buildings which from time to time may be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression "appropriate American authorities" means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations 13 February 1946, as acceded to by the United States;

(d) the expression "United Nations" means the international organization established by the Charter of the United Nations, hereinafter referred to as the "Charter";

(e) the expression "Secretary General" means the Secretary General of the United Nations.

Article II—The Headquarters District

SECTION 2

The seat of the United Nations shall be the headquarters district.

SECTION 3

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in Section 22 in the event that the United Nations ceases to use the same; provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

SECTION 4

(a) The United Nations may establish and operate in the head-quarters district:

(1) its own shortwave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radiotelegraph, radioteletype, radiotelephone, radiotelephoto, and similar services;

(2) one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programs and inter-office communications;

(3) low power microwave, low or medium frequency facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;

(4) facilities for point-to-point communication to the same extent and subject to the same conditions as permitted under applicable rules and regulations for amateur operation in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by Section 9 (a);

(5) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

SECTION 5

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

SECTION 6

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

Article III—Law and Authority in the Headquarters District

SECTION 7

(a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state, and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state, and local laws.

(d) The federal, state, and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8.

SECTION 8

The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

SECTION 9

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavoring to avoid service of legal process.

SECTION 10

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

Article IV—Communications and Transit

SECTION 11

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such

representatives or officials, (2) experts performing missions for the United Nations or for such specialized agencies, (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

SECTION 12

The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

SECTION 13

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

(1) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;

(2) A representative of the Member concerned, the Secretary-General, or the principal executive officer of the appropriate specialized agency, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

(3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rignts granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

UNITED NATIONS HEADQUARTERS SITE

Department of State Regulations

CERTAIN ALIENS IN TRANSIT TO UNITED NATIONS

(22 Code of Federal Regulations, § 41.52)

§ 41.52. *Certain aliens in transit to United Nations.* An alien within the provisions of sections 11 (3); 11 (4) or 11 (5) of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District shall be issued a nonimmigrant visa classified "C–2," and shall be informed by the consular officer that, if admitted, he may be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

UNITED NATIONS HEADQUARTERS SITE

Regulations of Immigration and Naturalization Services Regarding Travel of U. N. Invitees

(8 Code of Federal Regulations § 214.2 (c) (2) as amended Aug. 1, 1958 (23 F. R. 5817)

(2) *United Nations Headquarters District.* An alien of the class defined in section 101 (a) (15) (C) of the act, whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, shall be admitted, if otherwise admissible, on the additional conditions that he proceeds directly to New York City and remains there continuously, departing therefrom only if required in connection with his departure from the United States, and that he has a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations Headquarters District.

Regulations of the Department of State

(22 Code of Federal Regulations, Part 4)

PART 4—NOTIFICATION OF FOREIGN OFFICIAL STATUS

§ 4.1 *Persons required to give notification.* All persons who are entitled to exemption from the registration and fingerprinting requirements of the Alien Registration Act of 1940 (54 Stat. 670), as amended, are required to give notification to the Secretary of State of their presence in the United States. Such persons comprise foreign government officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants.

§ 4.2 *Persons exempted from the requirement to give notification.* Ambassadors and ministers, and members of their missions named in the Diplomatic List issued monthly by the Department of State, are exempted from the requirement to give notification to the Secretary of State under this part.

§ 4.3 *Form to be used in giving notification.* A Notification of Status with a Foreign Government form is to be used by the several diplomatic missions in Washington in giving notification of foreign official status to the Secretary of State.

§ 4.4 *Form required in duplicate.* The form is to be submitted to the Secretary of State in duplicate.

§ 4.5 *Time limit for the submission of the form.* (*a*) The form is to be submitted within 30 days after the arrival of the foreign official in the United States or after a change from a nonofficial to an official status.

(*b*) If the official status claimed is not recognized by the Secretary of State, the person submitting the form must register within another 30 days under the requirements of the Alien Registration Act.

§ 4.6 *Termination of official status and departure from the United States*
(*a*) The diplomatic missions in Washington should notify the Secretary of State of the termination of service of all officials and employees, giving the dates of such termination of service, the dates and ports of their departure from the United States, or their addresses if they are remaining in the United States.

(b) Aliens remaining in the United States after terminating their status as officials or employees are required to be registered and fingerprinted within 30 days thereafter under sections 37 (a), 34 (a) and 32 (c) of the Alien Registration Act (54 Stat. 674, 675; 8 U. S. C. 453, 455, 458).

INDEX

NOTE.—The Senate Internal Security Subcommittee attaches no significance to the mere fact of the appearance of the names of an individual or an organization in this index.

A

Page

Affidavit/s:
- Attorneys, non-Communist ... 27
- False non-Communist ... 52

Agents, Soviet ... 16, 17
Agreement, U.N. site ... 39
Alien/s:
- As committee witnesses ... 54
- Diplomat, entry of under alias ... 34
- Illegal ... 54
- Paroled under order of deportation ... 56
- Progress Report on Subversive and Illegal, in United States ... 1
  - In diplomatic or semidiplomatic status ... 1
    - Exclusion and deportation ... 1
    - Restriction on travel ... 2
    - Rules and regulations by President ... 3
  - Progress Report No. 2 ... 3

Annuities, to convicted subversives ... 25
Armed services, Communists barred from ... 20
Army, information and education program ... 20
Authorities, communication of information to ... 12

C

Campaign, Soviet repatriation ... 39
Chinese delegation to U. N ... 49
Civil Service Commission, jurisdiction of ... 43
"Cold war":
- Offenses committed during ... 58
- Punishment of offenses during ... 43

Communication of information to proper authorities ... 12
Communications, protection of ... 35
Communications industries ... 16
Communist activity, contributions by American foundations (to) ... 8
Communist China:
- U. S. citizens in ... 21
- Delegation to U. N ... 49

Communist organizations, past affiliation with ... 33
Congress:
- Autonomy of ... 59
- Contempt of ... 61

Congressional witnesses, immunity for ... 6, 16, 17
Conspiracy, sedition, increased penalities ... 32
Constitutional questions ... 44
Contempt:
- Of Congress ... 61
- Senate compel production of information and punish for ... 14

Contributions, by American foundations ... 8

D

Defectors and escapees:
- Sanctuary for Communist ... 54
- Soviet ... 50

Defense contractors, employees of ... 45

	Page
Defense facilities, protection of	32
Defense premises, protection of national	4
Defense work, Communist-dominated unions in	36
Delegates, Soviet, recall of from U. N	49
Delegation:	
Action of Americans in U. N	22
Chinese, to U. N	49
Deportation:	
Aliens paroled under order of	56
Exclusion and	1
Dipomats:	
Disclosure by Soviet, of prior espionage connections	34, 62
Entry of alien	34
Foreign	51
Diplomatic personnel, Communist:	
In this country	49
Limit on movements of	34
Disloyalty, of Americans employed by international organizations	46, 57

E

Educational process, report on subversive influence in	10, 17
Employees:	
Congressional, security check for	17
Duties of U. N	46, 57
Government, recommended or promoted by Soviet agents	16
Government to answer questions as to his loyalty	63
Of U. N., working against member nation	57
Who have associated with Soviet agents	17
Employment, of Communist-connected Americans	22
Enslaved people, prayer for	24
Espionage:	
Death penalty for peacetime	4
Disclosure by Soviet diplomat of prior espionage activities/connections	34, 62
Industrial, study of laws against	38
Laws to deter	63
Espionage Act, study of	6
Executive agencies, availability of information from	7
Expatriation Act	24

F

False name:	
Entry of alien under	55
Social security card under	59
False swearing by Government employees as to Communist membership	15
Federal jury rooms, sanctity of	48
Files:	
Retention of	19
Safeguarding of Government security agencies	63
Foreign agents' registration	9
Foreign diplomats	51
Foreign nationals, coercion of	40

G

Government contractor, evaluation of security information	30
Government Departments, Report on Interlocking Subversion in	15

H

Handbook of factual information on organizations cited as subversive	30
Hearings:	
In 1952	5
In 1953	10
In 1954	18
In 1957	51
In 1958	64

Page
Hearings and report, Korean war ---- 26
Hiss, Alger, role of ---- 8

I

Immigration laws, administration of ---- 3
Immigration records of Soviet defectors and escapees ---- 50
Immunity, for congressional witnesses ---- 6, 16, 17
Industrial espionage, study of laws against ---- 38
Industries, communications ---- 16
Influence, money and Soviet ---- 38
Institute of Pacific Relations:
Pro-Communist associates of ---- 8
Report on ---- 6
International organizations, disloyalty of Americans employed by ---- 46
International Organizations Employees Loyalty Board:
Authority of ---- 58
Powers of ---- 46

J

Judicial process, strategy and tactics, Communist subversion ---- 26
Jury deliberations, recording of ---- 48
Justice, conspiracy to obstruct ---- 27
Justice, Department of:
Additional employees for Security Division ---- 28
Action by ---- 29

K

Korean war:
Hearings and report ---- 26
Treaty relationships ---- 26

L

Labor unions. (*See* Unions, labor.)
Lattimore, Owen ---- 8
Limitations, statute of. (*See* Statute of limitations.)
Loyalty:
Government employee ---- 63
Questionable ---- 13, 21
Mail subsidy, to Communist propaganda ---- 52
Mailing privileges, denial of for propaganda ---- 40
Matusow case ---- 26
Membership, Communist ---- 15
Money, Soviet influence ---- 38

N

National Labor Relations Board:
Suspension of union benefits by ---- 37
Withdrawal of benefits from unions contributing for Communist purposes ---- 37, 53
Nationals:
American, of questionable loyalty ---- 13
Foreign, coercion of ---- 40

O

Organizations, international ---- 13
Disloyalty among Americans employed by ---- 57

P

Passports:
Abuse of ---- 47
Conditions for issuance of ---- 47
Control of ---- 27
Passport program, administration of ---- 55
Passport regulations, evasion of ---- 55
Penalties for seditious conspiracy ---- 32
Police credentials, denial of, Tass ---- 42

	Page
Policymaking, subversion in	19
Printing facilities, Communist registration	23
Propaganda:	
Denial of mailing privileges for	40
Importation of	18, 33
Mail subsidy to Communist	52
Subversive	51
Prosecution of subversives	53

R

Registration, foreign agents'	9
Repatriation, Soviet, campaign	39
Report:	
Internal Security Annual, for 1956	33
Internal Security Annual, for 1957	51
Report, 1954:	
Armed services, Communists barred from	20
Army, information and education program	20
Communist China, United States citizens in	21
Files, retention of	19
Policymaking, subversion in	19
Rules, revision of U. N	22

S

Sanctity, Federal jury rooms	48
Sanctuary for Communist defectors	54
Seamen, Russian, episode of	48
Security agencies, Government, safeguarding files of	63
Security check, for congressional employees	17
Security Division, additional employees for	28
Security information, evaluation of Government	30
Security program	43
Security risks	61
Reports to Congress	23
Ineligible for Government employment	44
Seditious conspiracy, increased penalties	32
Self-expatriation:	
Assisting in communization of foreign nation	43
Of United States citizen	58
Sensitive positions, definition of	44
Slave labor, goods produced by	24
Smith Act, amendment of	60, 61
Sobolev, Arkady, recall of	39
Social security card, securing under false name	35, 59
Soviet agents	16, 17
State:	
Authority to combat subversive activity	59
Control over practice of law	59
Legislation to combat subversive activity	47
Legislatures, investigations by	10
Statute of limitations	5, 34
False swearing as to Communist membership	15
On subversive activities	58
Strategy and tactics:	
Attorneys, non-Communist affidavits	27
Judicial process, Communist subversion	26
Justice, conspiracy to obstruct	27
Matusow case	26
Passports, control of	27
Subversive Activities Control Act, report on	28

Subversive Activities Control Board: Page
Action by 29
Additional hearings examiners 29
Change of name of respondent organization 36
Continuation of proceedings after dissolution of respondent organization 35
Evidence in proceedings 36, 52
Holdover in office of member 31
Term of office 31
Subversives, State activity in prosecution of 53

T

Tass News Agency:
Reciprocity of privileges 41
Police credentials 42
Tax exemption:
Denial of to organizations contributing to Communist purposes 38, 53
Organizations donating to subversives 18, 37
Tightening of current laws and practices 50
Travel, restriction on 2
Treasury Department, Communist infiltration into 7
Treaty relationships, Korean war 26

U

Union/s, labor:
Adjudication of status 29
Communist domination of 36, 53
Communist influence in 5, 24
Contributions to Communist organizations 37
Funds for Communist purposes 53
Proceedings by members 53
United Nations:
American delegation, action of 22
Chinese delegation to 41, 49
Definition of area affected by 39
Duties of employees 46
Employees working against member nation 57
Employment of Communist-connected Americans 22
Rules, revision of 22
Recall of Soviet delegates from 48
Report on activities of United States citizens 21
Personnel from non-Communist countries 22
United States citizens employed by 12, 46

W

Witnesses, admission of aliens as committee 54

○