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INTERNAL SECURITY ACT OF 1950, AS AMENDED, AND COMMUNIST CONTROL ACT OF 1954 (§§ 1–5)

(The text of the Acts with summary explanation of amendments, prepared by the Legislative Reference Service of the Library of Congress)

COMMITTEE ON INTERNAL SECURITY

HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

FIRST SESSION

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COMMITTEE ON INTERNAL SECURITY

UNITED STATES HOUSE OF REPRESENTATIVES

(91st Congress, 1st Session)

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DONALD G. SANDERS, *Chief Counsel*
GLENN DAVIS, *Editorial Director*
ALFRED M. NITTLE, *Counsel*

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The House Committee on Internal Security is a standing committee of the House of Representatives, constituted as such by the rules of the House, adopted pursuant to Article I, section 5, of the Constitution of the United States which authorizes the House to determine the rules of its proceedings.

RULES ADOPTED BY THE 91ST CONGRESS

House Resolution 7, January 3, 1969, as amended by House Resolution 89, February 18, 1969

RESOLUTION

Resolved, That the Rules of the House of Representatives of the 90th Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby adopted as the Rules of the House of Representatives of the 91st Congress * * *

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * * * *

(k) Committee on Internal Security, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

11. Committee on Internal Security.

(a) Communist and other subversive activities affecting the internal security of the United States.

(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The Committee of Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Internal Security, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has

adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

28. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

* * * * * * *

FOREWORD

In September 1950, shortly following the invasion of South Korea by Communist forces, the 81st Congress voted decisively to override an Executive veto and enacted Public Law 831, the "Internal Security Act of 1950". An amalgam of various proposals introduced in the 80th and 81st Congresses for the purpose of safeguarding the Nation's internal security, the Act contained two titles at the time of its adoption: Title I, which may be cited separately as the "Subversive Activities Control Act of 1950", and title II, which likewise may be cited separately as the "Emergency Detention Act of 1950". Since its adoption, this Act has been the subject of much public interest. The Committee receives many requests for copies of the Act. Over the years the Act has been amended in several respects. For the convenience of the Committee, I have requested the Library of Congress to prepare for the Committee's use the text of the Act as it now stands, together with that portion of the related "Communist Control Act of 1954" which does not directly amend it.

The Internal Security Act of 1950 was an expression of Congressional concern in the face of accumulating evidence of a threat posed by the Soviet-directed conspiracy against the institutions and laws of the United States and other free societies through the instrumentality of an international Communist apparatus dominated and controlled by the Soviet Union. The nature of this threat with which the Congress sought to deal is expressed in the Act by detailed legislative findings, which were based upon extensive evidence adduced before various Congressional committees. The first of these findings is:

> There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

The Congress further found that the direction and control of the "world Communist movement" is vested in, and exercised by, the Communist dictatorship of a foreign country. In furthering the purposes of the world Communist movement, this foreign country is found to establish and utilize in various countries "action organizations" which are not free and independent organizations, but are sections of a worldwide Communist organization which are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country. Such action organizations endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian

dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship.

It was found that the Communist organizations thus described are organized on a secret, conspiratorial basis and operate to a substantial extent through "Communist-front" organizations which are in most instances created or used so as to conceal their true character and purpose with the result that "fronts" are able to obtain financial and other support from persons who would not extend their support if they knew the nature of the organizations with which they dealt. It was expressly found by Congress that the Communist network in the United States is inspired and controlled in large part by foreign agents who are sent in under various guises.

Title I of the Act, which contains provisions (sections 3 through 17) designed to control this threat primarily through a system for the public disclosure and identification of Communist-action and Communist-front organizations as therein defined, had its genesis in the Mundt-Nixon bill (H.R. 5852) of the 80th Congress, the provisions of which were further elaborated in S. 2311 introduced in the 81st Congress by Mr. Mundt for himself, Mr. Ferguson, and Mr. Johnston of South Carolina. The balance of title I consisted principally of the President's proposals for strengthening the espionage statutes, the Foreign Agents Registration Act, and the Statute of Limitations as it affected prosecutions for violating the espionage laws (sections 18 through 21), together with provisions sponsored by Senator McCarran amending the immigration and naturalization laws with the objective of preventing alien subversives from gaining entry into the country or from acquiring American citizenship (sections 22 through 30).

Title II, which authorizes the detention of potential spies and saboteurs during periods of war, invasion, or insurrection in aid of a foreign enemy, had its origin in a bill (S. 4130) introduced in the 81st Congress by Senator Kilgore for himself and Senators Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton. This title was incorporated as a Senate amendment to H.R. 9490, a bill introduced in the 81st Congress by Mr. Wood. This bill, with Senate amendments, was the bill finally enacted as Public Law 831.

Since its adoption in 1950, the Internal Security Act has been the subject of several amendments. All but one of these amendments have dealt with title I of the Act. The exception, Public Law 88–290, was adopted in 1964 following an investigation into the circumstances surrounding the defection to the Soviet Union of two employees of the highly secret National Security Agency. The 1964 law, based on a bill (H.R. 950) introduced by Mr. Walter, added a new title III to the Internal Security Act to regulate and strengthen personnel security procedures in that critical agency. (See House Report No. 108.) Title II has not been amended nor have its safeguards ever been invoked.

Public Law 637, 83d Congress, cited as the "Communist Control Act of 1954," added a third class of Communist organizations subject to regulation by title I designated as a "Communist-infiltrated organization." (See sections 3 (4A) and 13A.) This amendment, which had its inception in a bill of Senator John Butler of Maryland (S. 3706), was intended to cope with the pressing problem of Communist domination of a number of labor organizations formerly affiliated with the CIO to which national attention had been directed. The second major amend-

ment was that embraced within Public Law 237 of the 90th Congress which principally repealed compulsory registration of Communist action and front organizations, substituting in lieu thereof a system for determining the character of Communist organizations, whether "action", "front", or "infiltrated", on petition of the Attorney General. The major purpose of the amendment was to revitalize the disclosure provisions of title I which, on fifth amendment grounds, had been emasculated by a number of court decisions. The House Bill (H.R. 12601), an amended version of a proposal sponsored by 50 House Members,* equally divided between Democrats and Republicans, together with amendments sponsored by Senator Dirksen, was approved by the President on January 2, 1968 (Public Law 90–237). (See House Report Nos. 733 and 1038, 90th Congress, first session.)

The following pages contain, in addition to the text of the existing law, a brief explanation of the changes wrought by the various amendments and repeals. Parallel citations to the corresponding sections in the United States Code appear at the end of each section or subsection as needed. On behalf of the committee, I express my appreciation for the cooperation and diligence of the Legislative Reference Service of the Library of Congress and, in particular, its American Law Division whose staff compiled and prepared this document.

JULY 23, 1969

RICHARD H. ICHORD, *Chairman.*

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*Mr. Willis, Mr. Abernethy, Mr. Abbitt, Mr. Ashmore, Mr. Boggs, Mr. Burleson, Mr. Colmer, Mr. Dorn, Mr. Downing, Mr. Edwards of Louisiana, Mr. Fascell, Mr. Herbert, Mr. Ichord, Mr. Landrum, Mr. Lennon, Mr. Long of Louisiana, Mr. Pool, Mr. Rarick, Mr. Rivers, Mr. Rogers of Florida, Mr. Selden, Mr. Stephens, Mr. Tuck, Mr. Waggonner, and Mr. Williams of Mississippi, Mr. Ashbrook, Mr. Del Clawson, Mr. Roudebush, Mr. Watson, Mr. Gardner, Mr. Goodling, Mr. Dole, Mr. Watkins, Mr. Mize, Mr. Winn, Mr. Duncan, Mr. Scherle, Mr. Ayres, Mr. Clancy, Mr. Devine, Mr. Hall, Mr. Utt, Mr. Gross, Mr. Schadeberg, Mr. Wylie, Mr. Miller of Ohio, Mr. King of New York, Mr. Derwinski, Mr. Cramer, and Mr. Adair.

41–680 O–70—2

PART 1: INTERNAL SECURITY ACT OF 1950, AS AMENDED:

To protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, 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 may be cited as the "Internal Security Act of 1950". (50 U.S.C. 781 note)

TITLE I—SUBVERSIVE ACTIVITIES CONTROL

SECTION 1. (a) This title may be cited as the "Subversive Activities Control Act of 1950". (50 U.S.C. 781 note).

(b) Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect. (50 U.S.C. 798)

NECESSITY FOR LEGISLATION

SEC. 2. As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress hereby finds that—

(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization. (50 U.S.C. 781(1))

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality. (50 U.S.C. 781(2))

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists. (50 U.S.C. 781 (3))

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country. (50 U.S.C. 781 (4))

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country. (50 U.S.C. 781(5))

(6) The Communist action organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves. (50 U.S.C. 781(6))

(7) In carrying on the activities referred to in paragraph (6), such Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as "Communist fronts", which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such "Communist fronts". (50 U.S.C. 781(7))

(8) Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world, travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of activities to further the purposes of the Communist movement. (50 U.S.C. 781(8))

(9) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States, and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement. (50 U.S.C. 781(9))

(10) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous

foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries. (50 U.S.C. 781(10))

(11) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law. (50 U.S.C. 781(11))

(12) The Communist network in the United States is inspired and controlled in large part by foreign agents who are sent into the United States ostensibly as attachés of foreign legations, affiliates of international organizations, members of trading commissions, and in similar capacities, but who use their diplomatic or semidiplomatic status as a shield behind which to engage in activities prejudicial to the public security. (50 U.S.C. 781 (12))

(13) There are, under our present immigration laws, numerous aliens who have been found to be deportable, many of whom are in the subversive, criminal, or immoral classes who are free to roam the country at will without supervision or control. (50 U.S.C. 781(13))

(14) One device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society. (50 U.S.C. 781(14))

(15) The Communist movement in the United States is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force and violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries have aided in supplanting existing governments. The Communist organization in the United States, pursuing its stated objectives, the recent successes of Communist methods in other countries, and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States. (50 U.S.C. 781(15))

(16) The findings of fact contained in paragraphs (1) through (15) of this section are reiterated. Recent court decisions involving the registration provisions of this Act make it necessary to enact legislation to accomplish the purposes of such Act without the requirements of registration. Disclosure of Communist organizations and of the members of Communist-action organizations

as provided in this Act is essential to the protection of the national welfare. (50 U.S.C. 781(16) (Supp. III))[1]

DEFINITIONS

SEC. 3. For the purposes of this title—

(1) The term "person" means an individual or an organization. (50 U.S.C. 782(1))

(2) The term "organization" means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects. (50 U.S.C. 782(2))

(3) The term "Communist-action organization" means any organization in the United States (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement referred to in section 2 of this title. (50 U.S.C. 782(3) (Supp. III))[2]

(4) The term "Communist-front organization" means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, or (B) is substantially directed, dominated, or controlled by one or more members of a Communist-action organization, and (C) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title. (50 U.S.C. 782(4) (Supp. III))[3]

(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

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[1] Paragraph (16) was added by Public Law 90–237, § 1; 81 Stat. 765, An Act to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts. The court decisions referred to in the text are those of the United States Supreme Court in *Albertson* v. *Subversive Activities Control Board,* 382 U.S. 70 (1965) and of the Court of Appeals of the District of Columbia Circuit in *Communist Party U.S.A.* v. *United States of America,* 384 F. 2d 957 (1967). In *Albertson,* the Court invalidated on Fifth Amendment self-incrimination grounds an order of the Subversive Activities Control Board requiring registration by persons found to be members of the Communist Party. The act originally required members to register whenever the organization defaulted on its registration obligation. In the later *Communist Party* case the court of appeals, again on Fifth Amendment grounds, invalidated that portion of the 1950 Act requiring registration of the CPUSA under an order of the Board which found that the Party was a "Communist-action organization". Senate Report No. 513, 90th Congress, 1st Session.

[2] Paragraph (3) was amended by Public Law 90–237, § 2(a); 81 Stat. 765, *supra,* to eliminate a provision which included as a Communist-action organization "any section, branch, fraction, or cell of any" Communist-action organization which had not complied with the registration requirement of the Act.

[3] Paragraph (4) was amended by Public Law 90–237, § 2(a); 81 Stat. 765, *supra,* to include an organization "substantially directed, dominated, or controlled by one or more members of a Communist-action organization" in the definition of Communist-front organization. Additionally, such organizations, like the older definition of Communist-front organization retained in subpart (A), must meet the requirement set out in subpart (C) in order to be a Communist-front organization covered by the Act, that is, it must be "primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2" of the Act.

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". (50 U.S.C. 782(4A))[4]

(5) The term "Communist organization" means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization. (50 U.S.C. 782(5))

(6) The term "to contribute funds or services" includes the rendering of any personal service and the making of any gift, subscription, loan, advance, or deposit, of money or of anything of value, and also the making of any contract, promise, or agreement to contribute funds or services, whether or not legally enforcible. (50 U.S.C. 782(6)).

(7) The term "facility" means any plant, factory or other manufacturing, producing or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility, laboratory, station, or other establishment or facility, or any part, division, or department of any of the foregoing. The term "defense facility" means any facility designated by the Secretary of Defense pursuant to section 5(b) of this title and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation. (50 U.S.C. 782(7))[5]

(8) The term "publication" means any circular, newspaper, periodical, pamphlet, book, letter, post card, leaflet, or other publication. (50 U.S.C. 782(8))

(9) The term "United States", when used in a geographical sense, includes the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone. (50 U.S.C. 782(9))

(10) The term "interstate or foreign commerce" means trade, traffic, commerce, transportation, or communication (A) between any State, Territory, or possession of the United States (including the Canal Zone), or the District of Columbia, and any place outside thereof, or (B) within any Territory or possession of the United States (including the Canal Zone), or within the District of Columbia. (50 U.S.C. 782(10))

(11) The term "Board" means the Subversive Activities Control Board created by section 12 of this title. (50 U.S.C. 782(11))

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[4] Paragraph (4A), adding a third category of Communist organizations covered by the Act, was added by Public Law 637, 83rd Congress, 2nd Session, § 7(a); 68 Stat. 777. An Act to outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, and for other purposes.

[5] Paragraph (7) was amended by Public Law 87–474, § 1(a), 76 Stat. 91, An Act to amend sections 3(7) and 5(b) of the Internal Security Act of 1950, relating to employment of members of Communist Organizations in certain defense facilities, to eliminate a provision requiring the Secretary of Defense to proclaim the designated facility, and to include it on the list published and currently in effect under section 5(b) of the Act.

(12) The term "final order of the Board" means an order issued by the Board under section 13 or 13A of this title, which has become final as provided in section 14 of this title. (50 U.S.C. 782(12) (Supp. III))[6]

(13) The term "advocates" includes advises, recommends, furthers by overt act, and admits belief in; and the giving, loaning, or promising of support or of money or anything of value to be used for advocating any doctrine shall be deemed to constitute the advocating of such doctrine. (50 U.S.C. 782(13))

(14) The term "world communism" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist movement. (50 U.S.C. 782(14))

(15) The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party. (50 U.S.C. 782(15))

(16) The term "doctrine" includes, but is not limited to, policies, practices, purposes, aims, or procedures. (50 U.S.C. 782(16))

(17) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be conclusively presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation. (50 U.S.C. 782(17))

(18) "Advocating the economic, international, and governmental doctrines of world communism" means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement. (50 U.S.C. 782(18))

(19) "Advocating the economic and governmental doctrines of any other form of totalitarianism" means advocating the establishment of totalitarianism (other than world communism) and includes, but is not limited to, advocating the economic and governmental doctrines of fascism and nazism. (50 U.S.C. 782(19))

CERTAIN PROHIBITED ACTS

SEC. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however*, That this subsection shall not apply to the proposal of a constitutional amendment. (50 U.S.C. 783(a))

(b) It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation

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[6] Paragraph (12) was amended by Public Law 90–237, § 2(b); 81 Stat. 765, to include a reference to section 13A of the Act.

the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employees shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information. (50 U.S.C. 783(b))

(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information. (50 U.S.C. 783(c))

(d) Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. (50 U.S.C. 783(a))

(e) Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided*, That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee. (50 U.S.C. 783(e))

(f) Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute. (50 U.S.C. 783(f) (Supp. III))[7]

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[7] Paragraph (f) was amended by Public Law 90–237, § 3; 81 Stat. 765, *supra*, to eliminate a prohibition against receiving the fact of registration of any person under section 7 or 8 of the Act as officer or member of any Communist organization in any prosecution for an alleged violation of subsection (a) or (c) of this section or for any alleged violation of any other criminal statute.

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EMPLOYMENT OF MEMBERS OF COMMUNIST ORGANIZATIONS

SEC. 5 (a) When there is in effect a final order of the Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful—

(1) For any member of such organization, with knowledge or notice of such final order of the Board—

(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

(B) to hold any nonelective office or employment under the United States; or

(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility; [8] 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.[9]

(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice of such final order of the Board—

(A) to contribute funds or services to such organization; or

(B) to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of paragraph (1) of this subsection.

(b) The Secretary of Defense is authorized and directed to designate facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall promptly notify the management of any facility so designated, whereupon such management shall immediately post conspicuously notice of such designation in such form and in such place or places as to give notice thereof to all employees of, and to all applicants for employment in, such facility. Such posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby. Upon the request of the Secretary, the management of any facility so designated shall require each employee of the facility, or any part thereof, to sign a statement that he knows that the facility has, for

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[8] Section 5(a)(1)(D), providing that when a Communist-action organization is under a final order to register it shall be unlawful for any member of the organization "to engage in any employment in any defense facility", was held to be "an unconstitutional abridgement of the right of association protected by the First Amendment". *United States* v. *Robel,* 389 U.S. 258, 261 (1967).

[9] Subsection (a)(1)(E), imposing a new employment disability on members of Communist-action and Communist-front organizations, was added by Public Law 637, 83d Congress, Second Session, § 6; 68 Stat. 777, *supra.*

the purposes of this title, been designated by the Secretary under this subsection. (50 U.S.C. 784) [10]

DENIAL OF PASSPORTS TO MEMBERS OF COMMUNIST ORGANIZATIONS

SEC. 6. (a) When a Communist organization as defined in paragraph (5) of section 3 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

(2) to use or attempt to use any such passport.

(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization. (50 U.S.C. 785) [11]

REGISTRATION AND ANNUAL REPORTS OF COMMUNIST ORGANIZATIONS

[Section 7, captioned Registration and Annual Reports of Communist Organizations, was repealed by Public Law 90–237, § 5; 81 Stat. 766. Former section 7 required all Communist-action and Communist-front organizations to register with the Attorney General and submit a registration statement containing, among other information, a list of their officers and members.]

REGISTRATION OF MEMBERS OF COMMUNIST-ACTION ORGANIZATIONS

[Section 8, captioned Registration of Members of Communist-Action Organizations, was repealed by Public Law 90–237, § 5; 81 Stat. 766. Former section 8 required each member of a Communist-action organization to register individually if the organization failed to register as required by section 7.]

RECORDS OF FINAL ORDERS OF THE BOARD; PUBLIC INSPECTION; REPORTS TO PRESIDENT AND CONGRESS

SEC. 9. (a) The Board shall keep and maintain records, which shall be open to public inspection, giving the names and addresses of all organizations as to which, and individuals as to whom, there are

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[10] Subsection (b) was amended by Public Law 87–474, § 1(b); 76 Stat. 91, *supra*, for purposes of eliminating provisions which directed the Secretary of Defense to proclaim, and from time to time revise, a list of defense facilities and to publish such list in the Federal Register, and inserted provisions making the posting of the list sufficient to give notice of the designation as a defense facility, and requiring the management of any facility so designated, upon the request of the Secretary, to obtain a signed statement from each employee that he knows that the facility has been so designated.

Former subsection (c) which suspended imposition of employment sanctions on individuals who sought to correct erroneous listings of their names in the registration statement of a Communist organization, was repealed by Public Law 637, § 7(c); 68 Stat. 778, *supra*.

[11] Section 6, providing that when a Communist-action organization is under a final order to register it shall be unlawful for any member of the organization to apply for a passport, was held to restrict the right to travel too broadly and thereby abridged the liberty guaranteed by the Fifth Amendment. *Aptheker* v. *Secretary of State*, 378 U.S. 500 (1964).

Former subsection (c) which suspended imposition of passport sanctions on individuals who sought to correct erroneous listings of their names in the registration statement of a Communist organization, was repealed by Public Law 637, § 7(c); 68 Stat. 778, *supra*.

in effect final orders of the Board issued pursuant to any of the provisions of subsections (g) through (j), inclusive, of section 13, or subsection (f) of section 13A.

(b) Copies of all public proceedings and hearings before the Board, including the reports and orders of the Board, shall be furnished by the Board to any person upon request and upon the payment of the reasonable costs thereof as then currently fixed by the Board.

(c) The Board shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report giving the names and addresses of all Communist-action, Communist-front, or Communist-infiltrated organizations as to which, and all individual members of Communist-action organizations as to whom, there are in effect such final orders of the Board. (50 U.S.C. 788 (Supp. III)) [12]

USE OF THE MAILS AND INSTRUMENTALITIES OF INTERSTATE OR FOREIGN COMMERCE

SEC. 10. It shall be unlawful for any organization with respect to which there is in effect a final order of the Board determining it to be a Communist organization as defined in paragraph (5) of section 3 of this title, or for any person with knowledge or notice of such final order acting for or on behalf of any such organization—

(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General: "Disseminated by _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be); or

(2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement: "The following program is sponsored by _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be); or

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[12] Section 9 was amended by Public Law 90–237, § 6; 81 Stat. 766, *supra,* generally, to reflect the fundamental change from *registration* of Communist-action and Communist-front organizations and members of Communist-action organizations, to Board *determinations* respecting similar organizations and their members. Section 9 requires, among other things, that the Board maintain public records of all such determinations. Former section 9 required the Attorney General to keep and maintain separate Registers of Communist-action and Communist-front organizations and to make them available for public inspection. Also, the Attorney General was required to make an annual report of his activities under this part of the Act to both the President and the Congress. Former section 9 also required publication of the fact of organizational registration in the Federal Register.

(3) to use the United States mails or any means, facility, or instrumentality of interstate or foreign commerce, including but not limited to radio and television broadcasts, to solicit any money, property, thing, or service, unless such solicitation if made orally is preceded by the following statement, and if made in writing or in print is preceded by the following written or printed statement: "This solicitation is made for or on behalf of _____ _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be). (50 U.S.C. 789 (Supp. III))[13]

DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS

SEC. 11. (a) Notwithstanding any other provision of law, no deduction for Federal income tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization.

(b) No organization shall be entitled to exemption from Federal income tax, under section 501 of the Internal Revenue Code of 1954, for any taxable year if at any time during such taxable year there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization. (50 U.S.C. 790 (Supp. III))[14]

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[13] Section 10 was amended by Public Law 90–237, § 7; 81 Stat. 766, *supra,* generally, to accord with the change from the organizational registration scheme to Board determinations of subversive organizations. In the opening paragraph, the 1968 amendment substituted "any organization with respect to which there is in effect a final order of the Board determining it to be a Communist organization as defined in paragraph (5) of section 3 of this title" for "any organization which is registered under section 7 of this title, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under said section or determining that it is a Communist-infiltrated organization". Also, the recent amendment inserted the phrase "with knowledge or notice of such final order" folowing "any person".

In paragraph (1) the 1968 amendment substituted " 'Disseminated by _____,' (with the name of the organization in lieu of the blank) 'an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization' (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be)" for "with the name of the organization appearing in lieu of the blank: 'Disseminated by_____, a Communist organization'."

In paragraph (2) the 1968 amendment substituted " 'The following program is sponsored by _____,' (with the name of the organization in lieu of the blank) 'an organization determined by final order of the Subversive Activities Control Board to be a Communist _____ organization' (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be)" for "with the name of the organization being stated in place of the blank: 'The following program is sponsored by _____, a Communist organization'."

Paragraph (3) was added by the 1968 amendment.

[14] Section 11 was amended by Public Law 90–237. § 8: 81 Stat. 767, *supra,* generally to accord with the change from the organizational registration scheme to Board determinations of subversive organizations. Subsection (a) of the 1968 amendment substituted "there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization" for "(1) such organization is registered under section 786 of this title, or (2) there is in effect a final order of the Board requiring such organization to register under section 7 of this title or determining that it is a Communist-infiltrated organization".

Subsection (b) of the 1968 amendment substituted "section 501 of Title 26" for "section 101 of Title 26" and "there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front or Communist-infiltrated organization" for "(1) such organization is registered under section 7 of this title, or (2) there is in effect a final order of the Board requiring such organization to register under section 7 of this title or determining that it is a Communist-infiltrated organization".

SUBVERSIVE ACTIVITIES CONTROL BOARD

SEC. 12. (a) There is hereby established a board, to be known as the Subversive Activities Control Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party. 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. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause (50 U.S.C. 791(a))[15]

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed. (50 U.S.C. 791(b))

(c) The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed. (50 U.S.C. 791(c))

(d) Each member of the board shall receive a salary of $15,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.[16]

(e) It shall be the duty of the Board—

(1) upon application made by the Attorney General under section 13(a) of this title, or by any organization under section 13(b) of this title, to determine whether any organization is a "Communist-action organization" within the meaning of paragraph (3) of section 3 of this title, or a "Communist-front organization" within the meaning of paragraph (4) of section 3 of this title; and (50 U.S.C. 791(e)(1))

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[15] Subsection (a) was amended by Public Law 254, 84th Congress, 1st Sessions, § 1; 67 Stat. 539, 'Subsersive Activities Control Board Tenure Act, to provide staggered terms of office and to increase the term of office of members of the Board from three to five years.

[16] Subsection (d) was amended by Public Law 516, 83rd Congress, 2nd Session; 66 Stat. 590, to increase the salary of Board members from $12,500 to $15,000 a year. The salary feature of subsection (d) is obsolete since the subject is now controlled by the Federal Executive Salary Schedule, 5 U.S.C. 5311.

(2) upon application made by the Attorney General under section 13(a) of this title, or by any individual under section 13(b) of this title, to determine whether any individual is a member of any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization; and (50 U.S.C. 791(e)(2) (Supp. III))

(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization. (50 U.S.C. 791(e)(3).[17]

(f) Subject to the civil-service laws and Classification Act of 1949, the Board may appoint and fix the compensation of a chief clerk and such examiners and other personnel as may be necessary for the performance of its functions. (50 U.S.C. 791(f))

(g) The Board may make such rules and regulations, not inconsistent with the provisions of this title, as may be necessary for the performance of its duties. (50 U.S.C. 791(g))

(h) There are hereby authorized to be appropriated to the Board such sums as may be necessary to carry out its functions. (50 U.S.C. 791(h))

(i) The Board shall cease to exist on June 30, 1969, unless in the period beginning on the date of enactment of this subsection and ending on December 31, 1968, a proceeding under this Act shall have been instituted before the Board and a hearing under this Act shall have been conducted by the Board. On or before June 30, 1968, the Attorney General shall report to the Congress on the proceedings he has instituted before the Board under this Act during the period from the enactment of this subsection to the date of the report, and the Board shall report on the progress it has made in conducting hearings under the Act during such period. If no proceedings have been instituted before the Board by the Attorney General, the Attorney General shall report his reasons for not having done so. If no hearings have been conducted, the Board shall report the reasons for not having done so. Similar reports shall be filed by the Attorney General and the Board on or before January 10, 1969, and each year thereafter, to cover the immediately preceding calendar year. (50 U.S.C. 791(i) (Supp. III)[18]

PROCEEDINGS BEFORE THE BOARD[19]

SEC. 13. (a) Whenever the Attorney General shall have reason to believe that any organization is a Communist-action organization or a Communist-front organization, or that any individual is a member of an organization which has been determined by final order of the

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[17] Subsection (e) was amended by Public Law 637, 83rd Congress, 2d Session, § 9; 66 Stat. 590, *supra*, to add subsection (e)(3).

Subsection (e) was amended by Public Law 90–237, § 9(a); 81 Stat. 767, *supra*, to substitute "any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization" for "any Communist-action organization registered, or by final order of the Board required to be registered under section 7(a) of this title."

[18] Subsection (i), providing for termination of the Board unless proceedings have been instituted before the Board and hearings conducted by it before December 31, 1968, was added by the 1968 amendment. The Attorney General, who was made the sole judge as to whether proceedings had been instituted and hearings conducted, took the necessary action to keep the Board alive shortly before the terminal date.

[19] The catchline was amended by Public Law 90–237, § 10(a); 81 Stat. 768, *supra*, to substitute "Proceedings Before the Board" for "Registration Proceedings Before the Board." Earlier, the catchline had been amended by Public Law 637, 83rd Congress, 2nd Session, § 9(b), *supra*, to insert the word "Registration."

Board to be a Communist-action organization, he shall file with the Board and serve upon such organization or individual, as the case may be, a petition for a determination that such organization is a Communist-action or Communist-front organization, or determining that such individual is a member of such Communist-action organization. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support thereof. Two or more such individual members of a Communist-action organization or of any section, branch, fraction, cell, board, committee, commission, or unit thereof, may be joined as respondents in one petition for an order determining each of such individuals to be a member of such organization. A dissolution of any organization subsequent to the date of the filing of any petition for a determination that such organization is a Communist-action or Communist-front organization shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however*, That if the Board shall find such organization to be a Communist-action or Communist-front organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Board shall enter an order determining such organization to be a Communist-action or Communist-front organization, as the case may be, and the Board shall include it as such in the appropriate records maintained pursuant to section 9 of this title, together with a notation of its dissolution. (50 U.S.C. 792(a) (Supp. III))[20]

(b) Any organization as to which there is in effect a final order of the Board determining it to be a Communist-action or Communist-front organization, and any individual as to whom there is in effect a final order of the Board determining such individual to be a member of a Communist-action organization may, not more often than once in each calendar year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-action or Communist-front organization, or that such individual no longer is a member of a Communist-action organization, as the case may be. Each petition filed under this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice." (50 U.S.C. 792(b) (Supp. III))

(c) Upon the filing of any petition pursuant to subsection (a) or subsection (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witnesses and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant, to the matter under inquiry. Subpenas may be signed and issued by any

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[20] Subsection (a) was amended by Public Law 90–237, § 10(b); 81 Stat. 768, *supra*, to substitute provisions authorizing the Attorney General to file a petition for a *determination* that an organization is a Communist-action or Communist-front organization or that an individual is a member of a Communist-action organization for provisions which authorized the Attorney General to petition the Board for an order requiring such organization or individual to *register*.

member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization or the individual who is a party to the proceeding upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture, shall be excused from testifying or producing documentary evidence before the Board in obedience to a subpena of the Board issued on request of the Attorney General when the Attorney General represents that such testimony or evidence is necessary to accomplish the purposes of this title; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he, under compulsion as provided in this subsection, may testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question. (50 U.S.C. 792(c) (Supp. III))[21]

(d)(1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination

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[21] Subsection (c) was amended by Public Law 90–237, § 10(b); 81 Stat. 768, *supra*, to substitute provisions authorizing Communist-action and Communist-front organizations or individual members of the former to file a petition for a redetermination of their status whenever they feel they are no longer covered by this title for provisions that authorized the filing of an application with the Attorney General for removing their names from the registers and recourse to the Board in the event the Attorney General denied their application.

Subsection (c) was amended by Public Law 90–237, § 10(b); 81 Stat. 768, *supra*, to add the provision compelling a person to give testimony or produce evidence before the Board in obedience to a subpena whenever such testimony or evidence is necessary to accomplish the purpose of this title but giving a natural person immunity from prosecution for or on account of anything on which he testifies or produces evidence.

as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings initiated pursuant to subsection (a) of this section, the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. Upon failure of an organization or individual to appear at a hearing accorded to such organization or individual in proceedings under subsection (b) of this section the Board may forthwith and without further proceedings enter an order dismissing the petition of such organization or individual.[22]

(3) Any person who, in the course of any hearing before the Board or any member thereof or any examiner designated thereby, shall misbehave in their presence or so near thereto as to obstruct the hearing or the administration of the provisions of this title, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whenever a statement of fact constituting such misbehavior is reported by the Board to the appropriate United States attorney, it shall be his duty to bring the matter before the grand jury for its action.[23]

(4) The authority, function, practice, or process of the Attorney General or Board in conducting any proceeding pursuant to the provisions of this title shall not be questioned in any court of the United States, nor shall any such court, or judge or justice thereof, have jurisdiction of any action, suit, petition, or proceeding, whether for declaratory judgment, injunction, or otherwise, to question such authority, function, practice, or process, except on review in the court or courts having jurisdiction of the actions and orders of the Board pursuant to the provisions of section 14, or when such authority, function, practice, or process, is appropriately called into question by the accused or respondent, as the case may be, in the court or courts having jurisdiction of his prosecution or other proceeding (or the review thereof) for any contempt or any offense charged against him pursuant to the provisions of this title. (50 U.S.C. 792(d) (Supp. III))[24]

(e) In determining whether any organization is a "Communist-action organization", the Board shall take into consideration—

(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of

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[22] Subsection (d)(2) was amended by Public Law 90–237, § 10(b); 81 Stat. 769, *supra*, to substitute provisions requiring the Board to receive evidence, make a determination of the issues, and enter the appropriate order when an organization or individual declines to or fails to appear at a hearing under subsection (a) of this section and authorizing the Board to dismiss a petition for a redetermination under subsection (b) of this section on similar grounds for provisions which authorized the Board, without more, to enter an order requiring an organization or individual either to register or denying its application for a redetermination of registration for declining or failing to appear. The former subsection also authorized the Board to exclude a party or his counsel for conduct that interfered or obstructed the hearing.

[23] Subsection (d)(3) was added by Public Law 90–237, § 10(b); 81 Stat. 769, *supra*.

[24] Subsection (d)(4) was added by Public Law 90–237, § 10(b); 81 Stat. 769, *supra*.

which is exercised, the direction and control of the world Communist movement referred to in section 2 of this title; and

(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

(4) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movements; and

(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives; and

(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resist efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization. (50 U.S.C. 792(e))

(f) In determining whether any organization is a "Communist-front organization", the Board shall take into consideration—

(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives or members of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; [25] and

(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those

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[25] Subsection (f)(1) was amended by Public Law 90–237, § 10(b); 81 Stat. 769, *supra*, to insert "or members" following the word "representatives".

of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2. (50 U.S.C. 792(f) (Supp. III))

(g) If, after hearing upon a petition filed under subsection (a) of this section the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be; [26]

(2) that an individual is a member of a Communist-action organization it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization. (50 U.S.C. 792(g) (Supp. III)) [27]

(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such organization; [28]

(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such individual. (50 U.S.C. 7992(h) (Supp. III)) [29]

(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization no longer is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its find-

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[26] Subsection (g)(1) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute "order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be" for "order requiring such organization to register as such under section 7 of this title".

[27] Subsection (g)(2) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to eliminate "(including an organization required by final order of the Board to register under section 7(a) of this title)" following "Communist-action organization" and to substitute "order determining such individual to be a member of a Communist-action organization" for "order requiring him to register as such under section 8 of this title".

[28] Subsection (h)(1) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute "order denying the determination sought by his petition" for "order denying his petition for an order requiring such organization to register as such under section 7 of this title".

[29] Subsection (h)(2) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute "order denying the determination sought by his petition" for "order denying his petition for an order requiring such individual to register as such under section 8 of this title".

ings as to the facts and shall issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action organization or Communist-front organization as the case may be; [30]

(2) that an individual no longer is a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization. (50 U.S.C. 792(i) (Supp. III))[31]

(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be; [32]

(2) that an individual is a member of a Communist action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon such individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization. (50 U.S.C. 792(j) (Supp. III))[33]

(k) When any order of the Board issued under subsection (g), (h), (i), or (j) of this section becomes final under the provisions of section 14(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all persons that such order has become final. (50 U.S.C. 792(k) (Supp. III))[34]

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[30] Subsection (i)(1) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute provisions requiring the Board, after determining that an organization no longer is a Communist-action or Communist-front organization, to make a written report of its findings and to serve the Attorney General and such organization with an order determining that the organization no longer is a Communist-action or Communist-front organization, for similar provisions relevant to the registration scheme authorized by the prior law.

[31] Subsection (i)(2) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute provisions requiring the Board, after determining that an individual no longer is a member of any Communist-action organization, to make a written report of its findings and to issue and cause to be served upon the Attorney General and such individual an order determining that an individual no longer is a member of a Communist-action organization for similar provision relevant to the registration scheme authorized by the prior law.

[32] Subsection (j)(1) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute "petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be" for "petition for the cancellation of its registration and for relief from the requirement of further annual reports".

[33] Subsection (j)(2) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute provisions requiring the Board, after determining that an individual is a member of a Communist-action organization, to make a report of its findings and to serve upon such individual an order denying his petition for a redetermination of his status for similar provisions relevant to the registration scheme authorized by the prior law.

[34] Subsection (k) was amended by Public Law 90–237, § 10(b); 81 Stat. 770, *supra*, to substitute "issued under subsection (g), (h), (i), or (j) of this section" for "requiring registration of a Communist organization" and "person" for "members of such organization".

PROCEEDINGS WITH RESPECT TO COMMUNIST-INFILTRATED ORGANIZATIONS [35]

SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. A dissolution of such organization subsequent to the date of the filing of any petition for a determination that it is Communist-infiltrated, shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however*, That if the Board shall determine such organization to be a Communist-infiltrated organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Board shall enter an order determining such organization to be a Communist-infiltrated organization and the Board shall include it as such in the appropriate records maintained pursuant to section 9 of this title, together with a notation of its dissolution. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent. (50 U.S.C. 792a(a) (Supp. III)) [36]

(b) Any organization which has been determined under this section to be a Communist-infiltrated organization may, within six months after such determination, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization. (50 U.S.C. 792a (b))

(c) Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice. (50 U.S.C. 792(a)(c))

(d) The provisions of subsection (c) and (d) of section 13 shall apply to hearings conducted under this section. (50 U.S.C. 792(a)(d) (Supp. III)) [37]

(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,

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[35] Section 13A was added to the Internal Security Act of 1950 by the Communist Control Act of 1954, Public Law 637, 83rd Congress, 2nd Session, § 10; 68 Stat. 775, *supra*.

[36] Subsection (a) was amended by Public Law 90–237, § 11(1); 81 Stat. 771, *supra*, to add the sentence relating to the effect of the dissolution of an organization subsequent to the filing of any petition.

[37] Subsection (d) was amended by Public Law 90–237, § 11(2); 81 Stat. 771, *supra*, to eliminate the exception at the end of the subsection which authorized the Board to conduct a hearing in the absence of an organization which failed to appear and to enter such order as the Board found warranted by the evidence produced at the hearing.

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; [38]

(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. (50 U.S.C. 792a(e))

(f) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 14(b) of this Act. (50 U.S.C. 792a(f))

(g) When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms

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[38] Subsection (e)(1) was amended by Public Law 173, 84th Congress, 1st Session; 69 Stat. 375, to substitute three years for two years.

are defined by section 2 of the National Labor Relations Act, as amended, and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950), the Board shall serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date. (50 U.S.C. 792a(g))

(h) When there is in effect a final order of the Board determining that any such labor organization is a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization, such labor organization shall be ineligible to—

(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U.S.C. 157);

(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such Act, as amended (29 U.S.C. 159);

(3) make, or obtain any hearing upon, any charge under section 10 of such Act (29 U.S.C. 160); or

(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such Act for labor organizations. (50 U.S.C. 792a(h))

(i) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

(1) a question of representation affecting commerce, within the meaning of section 9(c) of such Act, shall be deemed to exist with respect to such bargaining unit; and

(2) the National Labor Relations Board, upon petition of not less than 20 per centum of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such Act (notwithstanding any limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8(a)(3)(ii) of such Act. (50 U.S.C. 792a(i))

(j) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to—

(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U.S.C. 157), or participate in any proceeding under such section; or

(2) make or obtain any hearing upon any charge under section 10 of such Act (29 U.S.C. 160); or

(3) exercise any other right or privilege or receive any other

benefit, substantive or procedural, provided by such Act for employers. (50 U.S.C. 792(a)(j))[39]

JUDICIAL REVIEW

SEC. 14. (a) The party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 13, or subsection (f) of section 13A, may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of Title 28. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides. The findings of the Board as to the facts, if supported by the preponderance of the evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, the court may order such additional evidence to be taken before the Board and to be adduced upon the proceeding in such manner and upon such terms and conditions as to the court may seem proper. The Board may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by the preponderance of the evidence shall be conclusive, and its recommendations, if any, with respect to action in the matter under consideration. If the court shall set aside an order issued under subsection (j) of section 13, or under subsection (f) of section 13A, it may, in the case of an organization, enter a judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization, Communist-front organization, or a Communist-infiltrated organization, as the case may be, or in the case of an individual, enter a judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization. The judgment and decree of the

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[39] Section 14 of Public Law 90–237; 81 Stat. 771, *supra,* with respect to proceedings under sections 13 and 13A, provided that—

(a) In the case of any organization which, by proceedings under section 13(a) of the Subversive Activities Control Act of 1950 completed before the date of enactment of this Act [Jan. 2, 1968], has been finally determined by the Subversive Activities Control Board to be a Communist-action organization or a Communist-front organization and has been ordered to register as a result of such determination, the Board shall forthwith modify its previously issued registration order as may be necessary to conform such order to the provisions of section 13(g) of the Subversive Activities Control Act of 1950, as amended by this Act, and shall forthwith include such organization on the record required to be maintained under section 9 of the Subversive Activities Control Act of 1950, as amended by this Act. Nothing in this subsection shall be construed so as to prevent any such organization from filing a petition as provided in subsection (b) of section 13 of the Subversive Activities Control Act of 1950, as amended by this Act.

(b) In the case of any proceeding pending before the Board on the date of enactment of this Act, the Board and the Attorney General are authorized to proceed in accordance with the provisions of the Subversive Activities Control Act of 1950, as amended by this Act. (50 U.S.C. 792 note (Supp. III))

court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in title 28, United States Code, section 1254.[40]

(b) Any order of the Board issued under section 13, or subsection (f) of section 13A, shall become final—

(1) upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals; or

(4) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed. (50 U.S.C. 793 (Supp. III))[41]

PENALTIES

SEC. 15. Any organization which violates any provision of section 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 5 or 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment. (50 U.S.C. 794 (Supp. III))[42]

APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

SEC. 16. Nothing in this title shall be held to make the provisions of the Administrative Procedure Act inapplicable to the exercise of functions, or the conduct of proceedings, by the Board under this title. (50 U.S.C. 795)

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[40] Subsections (a) and (b) were amended by Public Law 637, 83rd Congress, 2nd Session, § 11; 68 Stat. 780, *supra,* to insert a reference to section 13A elsewhere added to the Internal Security Act of 1950. by the Communist Control Act of 1954.

Subsection (a) was amended by Public Law 85–791, § 29; 72 Stat. 950, *supra,* to substitute in the second sentence "transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of Title 28" for "served upon the Board, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceeding, including all evidence taken and the report and order of the Board", and to substitute in the third sentence "Upon the filing of such petition" for "Thereupon".

Subsection (a) was amended by Public Law 90–237, § 12; 81 Stat. 771, *supra,* to substitute in the seventh sentence "judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization, Communist-front organization, or a Communist-infiltrated organization, as the case may be" for "judgment canceling the registration of such organization and relieving it from the requirement of further annual reports" and "judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization" for "judgment requiring the Attorney General (A) to strike the name of such individual from the registration statement or annual report on which it appears, or (B) cancel the registration of such individual under section 8 of this title, as may be appropriated".

[41] Ibid.

[42] Section 15 was amended by Public Law 90–237, § 13; 81 Stat. 771, *supra,* to remove the penalties for failure to register or file statements or reports, for making false statements in registration statements or annual reports, and for violations of section 6 of this title.

EXISTING CRIMINAL STATUTES

SEC. 17. The foregoing provisions of this title shall be construed as being in addition to and not in modification of existing criminal statutes. (5 U.S.C. 796)

AMENDING TITLE 18, SECTION 793, UNITED STATES CODE

SEC. 18. Title 18, United States Code, section 793, be and the same is hereby, amended to read as follows:

§ 793. Gathering, transmitting, or losing defense information

(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudical to the national defense; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map,

model, instrument, appliance, or note relating to the national defense; or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of the 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.

PERIOD OF LIMITATION

SEC. 19. An indictment for any violation of title 18, United States Code, section 792, 793, or 794, other than a violation constituting a capital offense, may be found at any time within ten years next after such violation shall have been committed. This section shall not authorize prosecution, trial, or punishment for any offense now barred by the provisions of existing law. (50 U.S.C. 792 note)

AMENDING ACT OF JUNE 8, 1938

SEC. 20. Add the following subsection immediately after section 8(d):

(e) Failure to file any such registration statement or supplements thereto as is required by either section 2(a) or section 2(b) shall be

considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary. (22 U.S.C. 618(e) (Supp. III))[43]

SECURITY REGULATIONS AND ORDERS AND PENALTY FOR VIOLATION THEREOF

SEC. 21. (a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, station, vehicle, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

(b) Every such regulation or order shall be posted in conspicuous and appropriate places. (50 U.S.C. 797)

Sections 22 through 30 of the Internal Security Act of 1950, generally intended to prevent immigration and naturalization of subversive aliens and to strengthen the alien registration requirements, codified at Title 8, United States Code (1958 edition), sections 137 to 137–8, 156, 456, 457, 704, 705, 725, 729, 733, and 735, have been repealed and partially or fully reenacted in various sections of the Aliens and Nationality Code. Since they are no longer properly part of the 1950 Act, as amended, a brief summary rather than their text is supplied.

[AMENDING ACT OF OCTOBER 16, 1918

[Section 22 of the Internal Security Act of 1950 amended the act of October 16, 1918 (40 Stat. 1012, 41 Stat. 1008, 54 Stat. 673) to strengthen then existing provisions of law with respect to the exclusion and deportation of subversive

[43] Section 20 of the Internal Security Act of 1950 originally consisted of two subsections; subsections (a) and (b). The former, which amended section 1(c) of the Foreign Agents Registration Act of 1938, 52 Stat. 631, to include a new category of persons within the definition of the term "agent of a foreign principal," was repealed by Public Law 893, 84th Congress, 2nd session, § 1; 70 Stat. 899. The substance of former section 20(a) is presently covered in 50 U.S.C. 851, 852 which provide, in relevant part, for registration of persons who have knowledge of or have received instruction or assignment in the espionage, counter-espionage, or sabotage service of a foreign government or political party, but it does not include (1) persons who acquired such knowledge, instruction, or assignment by reason of service with the United States Government or with the government of a state or political subdivision thereof, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, (2) persons who acquired such knowledge solely by reason of academic or personal interest and not under the supervision of or in preparation for service with a foreign government or political party, and (3) persons who have made full disclosure of such knowledge or instruction to officials of a Federal agency dealing with intelligence, if such disclosure has been made a matter of record in the files of such agency and the Attorney General or the Director of Central Intelligence has determined in writing that registration would not be in the interest of national security. Former subsection (b) comprises section 20, *supra,* the designation (b) having been eliminated as unnecessary by the 1956 amendment that repealed subsection (a).

aliens. Section 1 (1) of the 1918 law, as amended by the Internal Security Act of 1950, listed as excludable aliens those aliens whose entry would be prejudicial to the public interest or would endanger the welfare or safety of the United States. The provisions of this section are presently codified at 8 U.S.C. 1182 (a) (27).

[Section 1 (2) contained a number of classes of excludable aliens, including (A) aliens who are anarchists; (B) aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government; (C) aliens who are members of or affiliated with the Communist Party of the United States and certain other totalitarian parties; (D) aliens who advocate doctrines of world communism or any other form of totalitarianism, or who are members of or affiliated with an organization which advocates doctrines of world communism or any other form of totalitarianism; (E) aliens who are members of or affiliated with Communist-controlled or Communist-front organizations which are registered or required to be registered under section 7 of the Internal Security Act of 1950; (F) aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, certain subversive activities; (G) aliens who write or publish printed matter advocating or teaching subversive activities, including advocating doctrines of world communism or other forms of totalitarianism; (H) aliens who are members of or affiliated with organizations which publish printed matter advocating certain subversive activities, or doctrines of world communism or other forms of totalitarianism. The provisions of this section are presently codified at 8 U.S.C. 1182(a)(28) (A), (B), (C), (D), (E), (F), (G), (H).

[Section 1(3) provided for the exclusion of aliens with respect to whom there was reason to believe that they would, after entry, be likely to engage in certain subversive activities such as espionage, sabotage, and other activities subversive to the national security such as the organization of Communist organizations required to be registered under section 7 of the Internal Security Act of 1950. The provisions of this section are presently codified at 8 U.S.C. 1182a) (29).

[Section 2 of the 1918 law, as amended by the Internal Security Act of 1950, provided, in effect, that the limitation in section 1(2), *supra*, was inapplicable to representatives, officials, and employees of Communist countries and members of their families. The provisions of this section are presently codified at 8 U.S.C. 1182(d)(2).

[Section 3 of the 1918 law, as amended by the Internal Security Act of 1950, prohibited a consular officer from issuing a visa if he knew or had reason to believe that the alien was inadmissible under the act. It also limited the power of the Secretary of State to waive the visa requirement in cases of aliens who were subversives. The provisions of this section are presently codified at 8 U.S.C. 1182(a)(26).

[Section 4(a) of the 1918 law, as amended by the Internal Security Act of 1950, authorized the Attorney General, at any time after entry, to take into custody and deport the aliens falling within the classes enumerated above. Section 4(b) authorized the Attorney General to deport those aliens who, at any time after their entry into the United States, engage in any of the activities described in sections 1(1) or 1(3) above. The provisions of this section are presently codified at 8 U.S.C. 1251(a)(6)(A–C) and (a)(7).

[Section 5 of the 1918 law, as amended by the Internal Security Act of 1950, gave the Attorney General the power to have the subversive cases reported to him directly from the examining immigration officer and upon receipt of such cases the Attorney General may make such inquiry as he desires. If the Attorney General was satisfied that the alien was excludable under section 1 on the basis of information of a confidential nature, disclosure of which would be prejudicial to the public interest, safety, or security, he could deny any further inquiry by a board of special inquiry and order the alien to be excluded or deported. The provisions of this section are presently codified at 8 U.S.C. 1182.

[Section 6(a) of the 1918 law, as amended by the Internal Security Act of 1950, provided that the seventh proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875), which permitted the Attorney General to waive the exclusion provisions of immigration laws in the case of an alien who is returning after a temporary absence abroad to an unrelinquished domicile of seven consecutive years, was not to have any application to cases falling within the scope of section 1, *supra*. The provisions of this section are presently codified at 8 U.S.C. 1225.

[Section 6(b) of the 1918 law, as amended by the Internal Security Act of 1950, provided that the ninth proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875), which permitted the temporary admission of otherwise inadmissible aliens in the discretion of the Attorney General was not to have any application to cases falling within the scope of sections 1(1) and 1(3). The provisions of this section are presently codified at 8 U.S.C. 1225.

[Section 6(c)(1) of the 1918 law, as amended by the Internal Security Act of 1950, provided that notwithstanding the provisions of the tenth proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875), or any other law, the provisions of sections 1(1) and 1(3) were not to have any application to any alien within the scope of section 3(1) of the act of 1924 except ambassadors, public ministers, and career diplomats and consular officers who have been accredited by a foreign government given legal recognition by the President or the Secretary of State, and the members of the immediate families of such aliens. Under the tenth proviso, the provisions of law relating to admission, exclusion and deportation are inapplicable to accredited officials of foreign governments. The provisions of this section are presently codified at 8 U.S.C. 1225.

[Section 6(c)(2) of the 1918 law, as amended by the Internal Security Act of 1950, in effect, withdrew the exemption granted by the tenth proviso, referred to above, to aliens who are members of an international organization, accredited members of their staffs and members of their families, when it was believed that such persons would be likely to engage in activities subversive to the national security. The provision of this section are codified at 8 U.S.C. 1225.

[Section 6(d) of the 1918 law, as amended by the Internal Security Act of 1950, in effect, limited the authority of the Secretary of State to grant asylum to any official of a foreign government and representative, official or employee of an international organization where such alien would be subject to exclusion under provisions of section 1, *supra*. The provisions of this section are presently codified at 8 U.S.C. 1225.

[Section 7 of the 1918 law, as amended by the Internal Security Act of 1950, provided for the denial of all rights, privileges, or benefits under the immigration laws to any country which refused to accept the return of an alien who was admitted into the United States on the basis of documents issued by that country. The provisions of this section are presently codified at 8 U.S.C. 1253.

[Section 8 of the 1918 law, as amended by the Internal Security Act of 1950, contained penal provisions applicable to persons who assist an excludable alien to enter into the United States and to aliens who reenter the United States following deportation. The provisions of this section are presently codified at 8 U.S.C. 1326, 1327.

[Sections 9 and 10 of the 1918 law, as amended by the Internal Security Act of 1950, contained the usual saving clause and separability provisions.]

[AMENDING SECTION 20 OF IMMIGRATION ACT OF FEBRUARY 5, 1917

[Section 23 of the Internal Security Act of 1950 amended section 20 of the Immigration Act of February 5, 1917, as amended (39 Stat. 890; 57 Stat. 533), to strengthen the Nation's ability to cope with aliens who, for reasons beyond its control could not be deported. Generally, section 23 amended the 1917 law to enlarge the authority of the Attorney General to determine the country to which a deportable alien could be sent. It specified the procedure to be followed and the control to be exercised by the Attorney General in dealing with deportable aliens and provided penalties for violation of the terms of supervision of deportable aliens. Also authorized were criminal penalties applicable to deportable aliens in the criminal, subversive and immoral classes who failed to depart; the courts were authorized, under certain conditions, to release such aliens from confinement. The provisions of this section are presently codified at 8 U.S.C. 1251–1254.]

[AMENDING ALIEN REGISTRATION ACT OF 1940

[Section 24 of the Internal Security Act of 1950 amended sections 35 and 36 of the Alien Registration Act of 1940 (54 Stat. 675) to provide for annual registration of alien residents and to provide criminal penalties for failing to comply with such requirements. The provisions of this section are presently codified at 8 U.S.C. 1305–1306.]

[AMENDING SECTION 305 OF NATIONALITY ACT OF 1940

[Section 25 of the Internal Security Act of 1950 amended section 305 of the Nationality Act of 1940 (54 Stat. 1141) to prevent naturalization of any person who within the preceding 10 years had been in one or more of the classes of subversive persons referred to above, or any person who was a member of or affiliated with any Communist controlled organization registered or required to be registered under section 7 of the Act. A new subsection was added to section 305 which effectively revoked an order admitting to citizenship any alien who was naturalized after January 1, 1951, and who, within five years of having been naturalized became a member of or affiliated with any organization inimical to the national security. Lastly, section 25 created a presumption that a person was "not attached to the principles of the Constitution" who within 10 years of filing a petition for naturalization or of naturalization had been a member of a Communist-front organization registered or required to be registered under section 7 of the Act. This latter could be circumvented by withdrawing from such an organization within three months of its having registered or within three months of the time it was ordered to register. The provisions of this section are presently codified at 8 U.S.C. 1424(a–c), 1427(f) and 1451(c).]

[AMENDING SECTION 325 OF NATIONALITY ACT OF 1940

[Section 26 of the Internal Security Act of 1950 amended section 325 of the Nationality Act of 1940 (54 Stat. 1150) to provide that service with good conduct on certain designated American vessels should be counted as constructive residence under the general five-year residence requirement for naturalization, but that such must follow legal admission for permanent residence. The provisions of this section are presently codified at 8 U.S.C. 1441(a)(1).]

[AMENDING SECTION 329 OF NATIONALITY ACT OF 1940

[Section 27 added a new subsection (c) to section 329 of the Nationality Act of 1940 (54 Stat. 1152) which fixed upon the alien the burden of affirmatively proving that he had been lawfully admitted, as a prerequisite to naturalization. Further, it stated that no person was eligible for naturalization if he had a final deportation order against him, and that no petition for naturalization could be processed if he were subject to a deportation proceeding pursuant to a warrant of arrest. The provisions of this section are presently codified at 8 U.S.C. 1429.]

[AMENDING SECTIONS 333 AND 334(B) OF NATIONALITY ACT OF 1940

[Section 28 of the Internal Security Act of 1950 amended section 333 of the Nationality Act of 1940 (57 Stat. 1156) to strengthen the subpena powers of persons conducting preliminary examinations on petitions for naturalization, to authorize the admission of the record of the preliminary examination as evidence in any final hearing conducted by a naturalization court, to provide that where the recommendation of the person conducting the preliminary examination conflicts with that of the Commissioner of Immigration and Naturalization as to what action should be taken on the petition, the views of both persons shall be presented to the court, and to provide that action shall be taken on all petitions except those withdrawn with the consent of the Commissioner. Section 28 also added a new sentence to section 334(b) of the 1940 act providing for the manner of handling the final hearing on a naturalization petition when the petitioner is prevented from attending by virtue of sickness or other disability. The provisions of this section are presently codified at 8 U.S.C. 1446(a–e), 1447(a–d, f).]

[AMENDING SECTION 335 OF NATIONALITY ACT OF 1940

[Section 29 of the Internal Security Act of 1950 rewrote the oath of allegiance set out in section 335 of the Nationality Act of 1940, to provide that a person taking the oath of naturalization must promise to bear arms on behalf of the United States when required by law or perform noncombatant service in the Armed Forces when required to do so, if by reason of religious training and belief, he opposed the bearing of arms. The provisions of this section are presently codified at 8 U.S.C. 1448.]

[AMENDING SECTION 304 OF NATIONALITY ACT OF 1940

[Section 30 of the Internal Security Act of 1950 amended section 304 of the Nationality Act of 1940, to require that a petitioner for naturalization be literate in English and have a knowledge and understanding of the fundamentals of the history and principles and form of government of the United States. The provisions of this section are presently codified at 8 U.S.C. 1423.]

AMENDING CHAPTER 73, TITLE 18, UNITED STATES CODE

SEC. 31. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item: "1507. Picketing or parading." (18 U.S.C. 1501 prec. note)

SEPARABILITY OF PROVISIONS

SEC. 32. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby. (50 U.S.C. 781 note)

TITLE II—EMERGENCY DETENTION

SHORT TITLE

SEC. 100. This title may be cited as the "Emergency Detention Act of 1950".

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 101. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship: Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous

foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of member or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and privileges of any per-

sons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States. (50 U.S.C. 811)

DECLARATION OF "INTERNAL SECURITY EMERGENCY"

SEC. 102. (a) In the event of any one of the following:

(1) Invasion of the territory of the United States or its possessions,

(2) Declaration of war by Congress, or

(3) Insurrection within the United States in aid of a foreign enemy,

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency".

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress. (50 U.S.C. 812)

DETENTION DURING EMERGENCY

SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus. (50 U.S.C. 813)

PROCEDURE FOR APPREHENSION AND DETENTION

SEC. 104. (a) The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage; and

(2) an application for an order to be issued pursuant to subsection (d) of this section for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Warrants for the apprehension of persons under this title shall be served and apprehension of such persons shall be made only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension shall be furnished to any person apprehended under this title.

(c) Persons apprehended or detained under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

(d) Within forty-eight hours after apprehension, or as soon thereafter as provision for it may be made, each person apprehended pursuant to this section shall be taken before a preliminary hearing officer appointed pursuant to the provisions of this section. Such hearing officer shall inform such person (1) of the grounds upon which application was made for his detention, (2) of his right to retain counsel, (3) of his right to have a preliminary examination, (4) of his right to refrain from making any statement, and (5) of the fact that any statement made by him may be used against him. Such hearing officer shall allow such person reasonable time and opportunity to consult counsel. If such person waives preliminary examination, the hearing officer shall forthwith issue an order for the detention of such person, and furnish to him a copy of such order. If such person does not waive examination, the preliminary hearing officer shall hear evidence within a reasonable time. Such person may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents of officers which he believes it would be dangerous to national safety and security to divulge. Such hearing officer shall record all evidence offered by or on behalf of such person and all objections made by such person to his detention. If from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this title. such hearing officers shall forthwith issue an order for the detention of such person, furnish to him a copy of such order, and advise such person of his right to file with the Detention Review Board established by this title a petition for the review of such order. If from the evidence it appears to the preliminary hearing officer that probable cause for the detention of such person has not been shown, such officer shall issue an order discharging such person from detention, and shall furnish a copy of such order to such person. Upon the entry of such order. such person shall be released from custody by the Attorney General and by any subordinate officer or employee of the United States having custody of such person. Within seven days after the entry of any such order, the preliminary hearing officer shall prepare and transmit to

the Attorney General, or such other officer as may be designated by him, (1) a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether any order issued for the detention of such person shall be continued in effect or revoked, and (2) any additional written representations or evidence which the detainee or his legal counsel may wish to file with the Attorney General. A copy of such report shall be served promptly upon the detainee or his legal counsel. Preliminary hearing officers may be appointed by the President, without regard to the civil service laws but subject to the Classification Act of 1949, in such numbers, and may serve at such places, as may be necessary for the expeditious consideration of cases involving persons apprehended pursuant to this section. No person who has, within the three years preceding the date of his appointment, served as an officer or employee of the Department of Justice shall be appointed as a preliminary hearing officer.

(e) The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible consistent with national security, the evidence supporting a finding of reasonable ground for detention in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary to promote the effective administration of this title. No such regulation shall require or permit persons detained under the provisions of this title to perform forced labor, or any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this title. (50 U.S.C. 814)

DETENTION REVIEW BOARD

SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of one year each, three for terms of two years each, and three for terms of three years each, but their successors shall be appointed for terms of three years each, subject to termination of the term upon expiration of this title, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall within a reasonable time dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security. (50 U.S.C. 815)

SEC. 106. (a) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose. (50 U.S.C. 816)

SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States. (50 U.S.C. 817)

SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this title. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act. (50 U.S.C. 818)

SEC. 109. (a) Any Board created under this title is empowered—

(1) to review upon petition of any detainee any order of detention issued pursuant to section 104(d) of this title;

(2) to determine whether there is reasonable ground to believe that such detainee probably will engage in, or conspire with others to engage in, espionage or sabotage;

(3) to issue orders confirming, modifying, or revoking any such order of detention; and

(4) to hear and determine any claim made pursuant to this paragraph by any person who shall have been detained pursuant to this title and shall have been released from such detention, for loss of income by such person resulting from such detention if without reasonable grounds. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

(b) Whenever a petition for review of an order for detention issued pursuant to section 104(d) of this title or for indemnification pursuant to the preceding subsection shall have been filed with the Board in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the petitioner and the Attorney General at a place therein fixed, not less than fifteen days after the serving of said notice and not more than forty-five days after the filing of such petition.

(c) In any case arising from a petition for review of an order for detention issued pursuant to section 104(d) of this title, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner of the Board may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses.

(g) In any proceeding before the Board under this title the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agencies and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present. The testimony taken before the Board or its hearing examiners shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

(h) In deciding the question of the existence of reasonable ground to believe a person probably will engage in or conspire with others to engage in espionage or sabotage, the Attorney General, any preliminary hearing officer, and the Board of Detention Review are authorized to consider evidence of the following:

(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or whether such knowledge has been acquired 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, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

(i) The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous subsection shall not be construed as a direction to detain any person

as to whom such evidence exists, but in each case the Attorney General or the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee probably will engage in, or conspire with others to engage in, espionage or sabotage.

(j) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention. (50 U.S.C. 819)

ORDERS OF THE BOARD

SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued pursuant to section 104(d) of this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking the order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity; and shall forthwith serve a copy of such order upon such claimant. If upon all the testimony taken in any proceeding involving a claim for indemnity or for the ascertainment of any such claim, the Board shall determine that the claimant is not entitled to receive such indemnity, the Board shall state its finding of fact in sufficient detail to apprise the claimant of the grounds for its decision and shall issue and serve upon the claimant an order denying such claim and dismissing his petition so far as it pertains to such claim.

(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within

such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it. (50 U.S.C. 820.)

JUDICIAL REVIEW

SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

(b) In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review or enforcement in any United States court of appeals for the circuit wherein the petitioner is detained or resides by filing in such court within sixty days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of sixty days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered, the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by reliable, substantial, and probative evidence, shall be conclusive.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the

facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by reliable, substantial, and probative evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

(e) The commencement of proceedings by the Attorney General for judicial review under subsection (b) of this section shall, if he so requests, operate as a stay of the Board's order.

(f) Any order of the Board shall become final—

(1) upon the date of entry thereof by the Board, if such order is not subject to judicial review; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if such order is subject to judicial review and no such petition has been duly filed within such time; or

(3) upon the expiration of the time allowed for filing a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(4) upon the denial of a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(5) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such order is subject to judicial review and such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

(g) Nothing contained in this section shall be construed to deprive any person of any relief to which he may be entitled under the Administrative Procedure Act. (50 U.S.C. 821)

CRIMINAL PROVISIONS

SEC. 112. Whoever, being named in a warrant for apprehension or order of detention as one as to whom there is reasonable ground to believe that he probably will engage in, or conspire with others to engage in, espionage or sabotage, or being under confinement or detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from confinement or detention ordered and instituted pursuant to this title, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (50 U.S.C. 822)

SEC. 113. Whoever knowingly—

(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there

is reasonable ground to believe that such person probably will engage in, or conspire with others to engage in espionage or sabotage; or

(b) advises, aids, assists, or procures the escape from confinement or detention pursuant to this title of any person so named; or

(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such confinement or detention; or

(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (50 U.S.C. 823)

SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both. (50 U.S.C. 824)

DEFINITION

SEC. 115. For the purposes of this title, the term "espionage" means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this Act, and the term "sabotage" means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this Act. (50 U.S.C. 825.)

SEPARABILITY OF PROVISIONS

SEC. 116. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby. Nothing contained in this title shall be construed to suspend or to authorize the suspension of the privilege of the writ of habeas corpus. (50 U.S.C. 811 note, 826.)

TITLE III—PERSONNEL SECURITY PROCEDURES IN NATIONAL SECURITY AGENCY

REGULATIONS FOR EMPLOYMENT SECURITY

SEC. 301. Subject to the provisions of this title, the Secretary of Defense (hereafter in this title referred to as the "Secretary") shall prescribe such regulations relating to continuing security procedures as he considers necessary to assure—

(1) that no person shall be employed in, or detailed or assigned to, the National Security Agency (hereafter in this title referred to as the "Agency"), or continue to be so employed, detailed, or assigned; and

(2) that no person so employed, detailed, or assigned shall have access to any classified information;

unless such employment, detail, assignment, or access to classified information is clearly consistent with the national security. (50 U.S.C. 831).

FULL FIELD INVESTIGATION AND APPRAISAL

SEC. 302. (a) No person shall be employed in, or detailed or assigned to, the Agency unless he has been the subject of a full field investigation in connection with such employment, detail, or assignment, and is cleared for access to classified information in accordance with the provisions of this title; excepting that conditional employment without access to sensitive cryptologic information or material may be tendered any applicant, under such regulations as the Secretary may prescribe, pending the completion of such full field investigation: *And provided further*, That such full field investigation at the discretion of the Secretary need not be required in the case of persons assigned or detailed to the Agency who have a current security clearance for access to sensitive cryptologic information under equivalent standards of investigation and clearance. During any period of war declared by the Congress, or during any period when the Secretary determines that a national disaster exists, or in exceptional cases in which the Secretary (or his designee for such purpose) makes a determination in writing that his action is necessary or advisable in the national interest, he may authorize the employment of any person in, or the detail or assignment of any person to, the Agency, and may grant to any such person access to classified information, on a temporary basis, pending the completion of the full field investigation and the clearance for access to classified information required by this subsection, if the Secretary determines that such action is clearly consistent with the national security.

(b) To assist the Secretary and the Director of the Agency in carrying out their personnel security responsibilities, one or more boards of appraisal of three members each, to be appointed by the Director of the Agency, shall be established in the Agency. Such a board shall appraise the loyalty and suitability of persons for access to classified information, in those cases in which the Director of the Agency determines that there is a doubt whether their access to that information would be clearly consistent with the national security, and shall submit a report and recommendation on each such a case. However, appraisal by such a board is not required before action may be taken under section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22–1), or any other similar provision of law. Each member of such a board shall be specially qualified and trained for his duties as such a member, shall have been the subject of a full field investigation in connection with his appointment as such a member, and shall have been cleared by the Director for access to classified information at the time of his appointment as such a member. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary (or his designee for such purpose) shall make a determination in writing that such employment, detail, assignment, or access to classified information is in the national interest. (50 U.S.C. 832).

TERMINATION OF EMPLOYMENT

SEC. 303. (a) Notwithstanding section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22–1), or any other

provision of law, the Secretary may terminate the employment of any officer or employee of the Agency whenever he considers that action to be in the interest of the United States, and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of that officer or employee cannot be invoked consistently with the national security. Such a determination is final.

(b) Termination of employment under this section shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the United States Civil Service Commission.

(c) Notwithstanding section 133(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both. (50 U.S.C. 833)

DEFINITION OF CLASSIFIED INFORMATION

SEC. 304. For the purposes of this section, the term "classified information" means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution. (50 U.S.C. 834)

NONAPPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

SEC. 305. The Administrative Procedure Act, as amended (5 U.S.C. 1001 et seq.), shall not apply to the use or exercise of any authority granted by this title. (50 U.S.C. 835)

AMENDMENTS

SEC. 306. (a) The first sentence of section 2 of the Act of May 29, 1959 (50 U.S.C. 402 note), is amended by inserting", without regard to the civil service laws," immediately after "and to appoint thereto".

(b) Subsection (b) of section 2 of the Performance Rating Act of 1950 (5 U.S.C. 2001(b)) is amended—

(1) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(14) The National Security Agency".

PART 2: COMMUNIST CONTROL ACT OF 1954

(§§ 1–5)[44]

To outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, 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 may be cited as the "Communist Control Act of 1954". (50 U.S.C. 841 note.)

FINDINGS OF FACT

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve either policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed. (50 U.S.C. 841)

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[44] Part 2 consists of sections 1 through 5 of the Communist Control Act of 1954, Public Law 637, 83rd Congress, 2nd Session, 68 Stat. 775, and are independent of the Internal Security Act of 1950. However, sections 6 through 11 of the 1954 enactment, amended the 1950 statute and are covered in Part 1. See, in particular, sections 3, 5(a)(1), 5 note, 6 note, 10, 11, 12(e), 13 note, and 13A. Section 12 of the 1954 law contained separability provisions which provided that "If any provision of this title [sic] or the application thereof to any person or circumstances is held invalid, the remainder of the title [sic], and the application of such provisions to other persons or circumstances, shall not be affected thereby."

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. (50 U.S.C. 842)

SEC. 4. Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended, as a member of a "Communist-action" organization.

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof. (50 U.S.C. 843)

SEC. 5. In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

(1) Has been listed to his knowledge as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(4) Has executed orders, plans, or directives of any kind of the organization;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated. (50 U.S.C. 844)

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