

Journal

Office of Legislative Counsel

Wednesday - 14 July 1954

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1. At the request of Mr. Johnson, of the staff of the House Post Office & Civil Service Committee, I attended a meeting with him and Mr. Karper, of the House Legislative Counsel's office, to review a draft of a proposed bill which would deny Government pensions or annuities to Government employees who refused to testify or produce documents before Federal Grand Juries, Federal Courts, or Congressional Committees on the ground of self-incrimination. In addition, the bill would deny pensions to Government employees convicted of certain felonies or violations of the criminal code. Mr. Johnson wanted to make certain that the draft of the bill would not harm CIA personnel who might not be able to testify for security reasons. Mr. Houston and I agreed that the reason for non-testimony by a CIA employee would in all probability be predicated on directive from the DCI and that the possibility that we would require an employee to take the Fifth Amendment is so remote as not to warrant attempting to write in an exception for CIA personnel. Similarly, the section regarding conviction for committing certain felonies could be handled through Presidential pardon if necessary. The bill as presently drafted does not include conviction for contempt (under which most CIA or FBI cases would arise); but I told Mr. Johnson that if an amendment were to be added which would include contempt, we would then have to request consideration of an amendment which would exclude those cases where the witness stood silent for security reasons.

2. Mr. Schroeder, of the staff of the Senate Immigration Subcommittee, has made available to me on a confidential basis some 600 pages of testimony in the case of

3. In connection with the assistance we have been rendering Mr. Arens, Counsel to the Senate Immigration Subcommittee, in the case of I have made available to Mr. Arens certain contradictions in testimony before the Immigration & Naturalization Service in 1947 and before the Subcommittee in 1954. I have informed Mr. Arens that we are unable to furnish a live witness in this case, but that the pattern of evidence which we have made available to him lead us to the conclusion that in all probability is a poor security risk. Mr. Arens then asked how he might best dispose of the case in the absence of final proof, pro or con, and I suggested he might wish to consider kicking it back to the Immigration Service for the

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Summer. The alternative would be to tell [redacted] lawyer, former Senator Kem, that intelligence services of the Government had derogatory information of such a nature that [redacted] would be inadmissible, which would eventually bring Senator Kem around to see the Director. I pointed out to Mr. Arens that CIA did not wish to become involved in such a matter, and this led to the suggestion to refer the case back to Immigration. [redacted], of SE Division, who discussed the case with me on 12 July, informed me that the Desk felt very strongly regarding [redacted] past activities as making him a poor risk.

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4. The House Judiciary Committee has reported out H. R. 8334, a bill to grant permanent residence to [redacted] two of the five "Freedom Fliers". In addition, the Senate Immigration Subcommittee is about to take action on S. 3032, for the relief of [redacted] a third member of the group. I have discussed this matter with Col. Edwards and [redacted] in view of the Immigration Service insistence that we Section 8 these cases. If that were the Immigration Service view, then they should not have reported the cases to the Congress. We are now in a position of having informed Senator Dirksen's office to drop the bills as we proposed using our special authorities. Now that bills for three of the five "Freedom Fliers" are approaching passage, it is my recommendation to Col. Edwards that we hold up Section 8 proceedings.

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