Jay Noff told me confidentially last evening that Magnuson, on June 1, appointed a subcommittee of the Senate Judiciary Committee to draft legislation with respect to disloyalty in peace time. Said subcommittee consists of Magnuson, chairman, Graham and Ferguson.

Magnuson has yet announced the subcommittee's appointment, because he wanted first to work out a carefully-prepared statement of what the committees will cover and extend to have ready an outline of their program. In his tentative view, as reported by Noff, Magnuson expects to cover about the same ground as the proposed Presidential Commission on internal security and individual rights — i.e., to consider what general legislative action we need in the face of communist (and other subversive) activities, and within that general field, what sort of loyalty program the Government should have. Whether the Magnuson committee will cover government security matters also, I do not know.

Magnuson tentatively plans to invite a panel of distinguished private citizens to serve with the committee, and make a report with recommendations (along the lines of theenstein-gallier report on social security prepared for the Senate Finance Committee). After this is done, presumably around the end of the year, the subcommittee would be prepared to hold hearings early next year. This plan makes the parallel with the proposed Presidential Commission even closer.

From what Noff said, Magnuson wants to do the kind of job we would like to see done. He urged the appointment of such a subcommittee partly because he was persuaded to vote to report out the Smith-Hixon bill, and has regretted it ever since. Furthermore, he is being attacked in his campaign as being "soft" toward communism, and is asserting that we have a firm and positive program to defeat communism, at home and abroad, by removing the conditions which the communists can use to their advantage. Within such a framework, there
is the specific job of being sure that we are protected both against
disloyalty and against repressive actions which would undermine our own
ideals. This is the job he sees for his subcommittees, as I understand it.

Magness asked Hoff to consult with us about his plans, and I told
him Springfield was the man he should talk to. I have checked with Steve,
who is busy till Monday, but expects to call Hoff then and arrange to
meet with him. I did not tell Hoff of our idea for a Presidential
Commission, but did tell him we were much interested in this subject
and that Steve particularly had been thinking about it.

It seems to me that the establishment of this subcommittee presents
a real opportunity for constructive action. While I am sure he (and Graham)
have the right intentions, the appointment of a counsel for the subcommittee is
obviously especially important. Furthermore, we should discuss it,
seems to me, their idea of a subcommittee "commission" in relation to
the possible Presidential Commission, before Steve talks to Hoff.

My own first thought was to discourage Magness from having his
own commission. On second thought, it seems to me quite possible that
his commission and the President's might include similar types of
people and come to generally similar conclusions, which would be
a very helpful result. In any event, I am not sure we could or should
deter Magness from his plan unless he pre-empts all the good people
I do not believe his action would be harmful to the President's plans.

As a matter of fact, while Magness wants to announce his plan
next week, he will not, presumably, have his panel chosen soon, and it
is quite possible that the Presidential Commission could be signed up
first. Under these circumstances, the President's Commission should
be in a position to take the spotlight and the ball, and Magness's
commission would follow along with legislative action which could be
very well guided by what the President's Commission reports. The
least we could expect on the legislative side would be a reasonable
blow at the Amity-Union Mill, which would itself be a considerable
advance over what we are now.

I suggest we talk among ourselves about these matters when
convenient.

David M. Bell

[Signature]

[Notation: Original did not come to file.]