

Dear Dr. Chisholm,

For some time I have wanted to seek your guidance on an important matter but I have hesitated to take up your time at a period when the Health Assembly was necessitating a great deal of extra work. I still feel reluctant to impose upon you, and I am doing so because it seems to me that the circumstances provide justification.

In your letter of 11 February 1953, and in conversation while you were in New York during March, you said that the World Health Organization was not requesting its staff members who were U.S. citizens to fill out any forms or to comply with other procedures mentioned in Presidential Executive Order 10422. You said in the course of conversation that you were not interesting yourself in whether or not such staff members complied with the procedures, because in your view this was a matter exclusively between a Government and its citizens and did not involve the World Health Organization. I understood from your remarks that the reason for your refusal to distribute the forms and request staff members of U.S. nationality to fill them out was that such an action on the part of the Director-General would have violated the letter and the spirit of the Constitution of WHO and would have compromised the independence of the Secretariat.

Subsequently, I received a communication at my residence from an official of the U.S. Mission to the United Nations, which was sent to me, seemingly, as a private citizen. The request contained in this letter, that I should submit information about myself in the form of a questionnaire and that I should also be fingerprinted, appeared to me to be entirely improper and to represent an attempt to circumvent your own ruling that such an enquiry by a Member State was not compatible with the Constitution of WHO. It seemed to me that my Oath of Office committed me, as an international civil servant, to respect scrupulously the provisions of the Constitution of the Organization, especially those pertaining

Dr. Brock Chisholm, Director-General
World Health Organization
Palais des Nations
Geneva
SWITZERLAND

to the inviolability and independence of the Secretariat, and that to comply with the request of the U.S. Mission would be entirely improper for the same reasons that had led the Director-General to refuse to distribute these questionnaires and fingerprint charts to staff members of U.S. nationality. Clearly, no Member State has the right to determine my qualifications for employment, but any Member State has the right to request information of the Director-General. However, any request for information which is rejected by the Director-General as being improper cannot, by virtue of being readdressed to a subordinate staff member, become proper. The duty of that staff member would be, clearly, to adopt the same position as that taken by the Director-General. Any claim that this request was sent to me not as a member of the staff of WHO but only as a citizen of the United States of America would be insupportable, because the letter that I received specifically referred to Presidential Executive Order 10422 as the basis for the request. That Executive Order restricts the applicability of its provisions to U.S. citizens employed or being considered for employment by the United Nations and the Specialized Agencies and depends upon an arrangement between the executive heads of the international organizations and the U.S. authorities.

In the light of these considerations, I reached the conviction that the only proper course compatible with my obligations as an employee of WHO was to refuse to comply with the request. I therefore replied to the U.S. Mission in a letter dated 16 April 1953, a copy of which is attached for your information. I should like to assure you, Dr. Chisholm, that my action was motivated entirely by considerations of principle and not in the smallest degree by fear of investigation.

I therefore feel that I have acted not only within my rights but in accordance with the obligations of my post. Yet, in the absence of any official directives on this matter, I feel that I should inform you of my action and the considerations upon which it was based, with the hope of obtaining your guidance. If there are factors which I have omitted from consideration through lack of knowledge, I hope that I may still be informed of them and have an opportunity to take them into account. My decision as reflected in my letter of 16 April 1953 was made in good faith, out of concern with principle and considerations of conscience. It would reassure and relieve me greatly to know that you consider that I have acted in conformity with the obligations of my post.

Yours sincerely,

Sylvia Meagher
Liaison Officer