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Excerpts From U. N. Tribunal's Loyalty Ruling

Special to THE NEW YORK TIMES.

UNITED NATIONS, N. Y., Sept. 1.

Following are excerpts from a decision handed down today by the United Nations Administrative Tribunal ordering the reinstatement of Miss Ruth E. Crawford, one of twenty-one United States citizens who had been dismissed from the staff as a result of loyalty investigations:

The tribunal has made a careful study of the pertinent facts and, in particular, has perused the documents contained in the applicant's personnel file. The tribunal is convinced that the decision to terminate the applicant's appointment was taken only because of the circumstances relating to her appearance before the [Senate] subcommittee on 15 October, 1952.

The tribunal is fortified in this opinion by the fact that the Secretary General [then Trygve Lie] was so insecure in his own views that on 11 February, 1953, he voluntarily caused her to be invited to complete forms with a view to submission to the United States Government as if she were a fresh applicant for employment with the United Nations.

The tribunal reaches the conclusion that this indicated that the Secretary General, in the light of later information, realized that his original decision to terminate the applicant was not sufficiently considered, being open to the suggestion of misuse of power.

One Question at Issue

There was only one issue on which the applicant had refused information in the proceedings of the subcommittee. Of the three answers refused in the public proceedings, the applicant had given adequate answer to two questions in executive session, leaving only one question unanswered. This question was as to

The Proceedings In the U. N.

YESTERDAY

(Sept. 1, 1953)

SECURITY COUNCIL

Council continued with question whether it should take up Asian-African charges that France had intervened illegally in Morocco.

GENERAL ASSEMBLY

Committee on Information from Non-Self-Governing Territories—Completed examination of educational conditions in such territories; decided to refer matter of change of status of Puerto Rico to Assembly.

SCHEDULED FOR TODAY

(Sept. 2, 1953)

SECURITY COUNCIL

Council continues study of Asian-African request for general debate on Morocco—3 P. M. (Open).

GENERAL ASSEMBLY

Committee on Information from Non-Self-Governing Territories—2:30 P. M. Subcommittee on Education—10:30 A. M. (Both open).

Special Committee on Question of Defining Aggression—10:30 A. M. (Open).

All meetings at Manhattan Headquarters. Reservations may be made, when available, by telephoning PLaza 4-1234, Extension 634, between 9 A. M. and 4 P. M.

who, in 1935, had asked her to join the Communist party.

The applicant already had refused to furnish the names of those who were in the party with

her, in the course of her affidavit to the F. B. I. in 1939, prior to her eight years' service in the United States Government.

It is not clear to the tribunal in what way the services of any staff member can be of less value in her employment with the United Nations by reason of declining to name some one person who had invited her, many years before the creation of the United Nations, to join the Communist party—a membership which she had terminated within just over one year—particularly in the light of the fact that her previous refusal to give such information to the F. B. I. had not precluded her employment by the United States Government.

Secretary General's Ruling

The tribunal feels, therefore, that the main motivation behind the decision of the Secretary General on 7 January, 1953, must have consisted only of his knowledge that in 1935 she had been, for just over one year, a member of the Communist party.

Staff Regulation 1.4 recognizes the right of staff members not to give up their political opinions. So that membership of any particular party would not, itself, be a justification, in the absence of other cause, for dismissal.

In this case the staff member, as was given by her in evidence to the subcommittee, is registered as a member of the Progressive party, and the membership of the Communist party which she freely admitted commencing in 1935 terminated in 1936.

A decision based on such premises is a violation of an inalienable right of staff members and represents a misuse of power.

For these reasons the tribunal decides that the decision to terminate the applicant's appointment is ultra vires [exceeding legal power] and must be declared illegal.

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(over)