

JAMES C. HAGERTY, PRESS SECRETARY TO THE PRESIDENT

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE-ORDER NO. 10422 OF
JANUARY 9, 1953, PRESCRIBING PROCEDURES FOR
MAKING AVAILABLE TO THE SECRETARY GENERAL
OF THE UNITED NATIONS CERTAIN INFORMATION
CONCERNING UNITED STATES CITIZENS EMPLOYED
OR BEING CONSIDERED FOR EMPLOYMENT ON THE
SECRETARIAT OF THE UNITED NATIONS

WHEREAS Executive Order No. 10422 of January 9, 1953, prescribes procedures for making available to the Secretary General of the United Nations and the executive heads of other public international organizations certain information concerning United States citizens employed or being considered for employment by the United Nations or other public international organizations of which the United States is a member; and

WHEREAS the said Executive Order No. 10422 incorporates by reference certain of the procedures provided or authorized by Executive Order No. 9835 of March 21, 1947, as amended; and

WHEREAS Executive Order No. 9835, as amended, has been revoked by section 12 of Executive Order No. 10450 of April 27, 1953, effective thirty days from that date:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution, statutes, and treaties of the United States, including the Charter of the United Nations, and as President of the United States, it is hereby ordered as follows:

1. Paragraphs 3, 4, 5, and 6 of Part I of Executive Order No. 10422 are amended to read as follows:

"3. The preliminary investigation conducted by the Civil Service Commission shall be a full background investigation conforming to the investigative standards of the Civil Service Commission, and shall include reference to the following:

- (a) Federal Bureau of Investigation files.
- (b) Civil Service Commission files.
- (c) Military and naval intelligence files as appropriate.
- (d) The files of any other appropriate Government investigative or intelligence agency
- (e) The files of appropriate committees of the Congress.
- (f) Local law-enforcement files at the place of residence and employment of the person, including municipal, county, and State law-enforcement files.
- (g) Schools and colleges attended by the person.
- (h) Former employers of the person.
- (i) References given by the person.
- (j) Any other appropriate source.

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However, in the case of short-term employees whose employment does not exceed ninety days, such investigation need not include reference to subparagraphs (f) through (j) of this paragraph.

"4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in Part II of this order, the United States Civil Service Commission shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such person: Provided, that in all cases involving a United States citizen employed or being considered for employment on the internationally recruited staff of the United Nations for a period exceeding 90 days, the investigation required by this Part shall be a full field investigation conducted by the Federal Bureau of Investigation.

"5. Reports of full field investigations shall be forwarded through the United States Civil Service Commission to the International Organizations Employees Loyalty Board, established by Part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in Part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by Part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in Part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

"6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary General, in as much detail as the Board determines that security considerations permit, the derogatory information disclosed by investigation. This shall be for the purpose of assisting the Secretary General in determining whether or not he should take action with respect to the employee, or the person being considered for employment, prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein."

2. Paragraph 1 of Part II of Executive Order No. 10422 is amended to read as follows:

"1. The standard to be used by the Board in making an advisory determination as provided for in paragraph 5 of Part I of this order with respect to a United States citizen who is an employee of, or is being considered for employment by, the United Nations, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States."

3. Executive Order No. 10422 is further amended by adding the following new part at the end thereof:

"PART IV -- INTERNATIONAL ORGANIZATIONS EMPLOYEES
LOYALTY BOARD

"1. There is hereby established in the Civil Service Commission as International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Commission.

"2. The Board shall have authority in cases referred to it under this order to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations in such cases, under the standard set forth in Part II of this order, for transmission by the Secretary of State to the executive heads of the international organizations coming under the arrangements made pursuant to Parts I and III of this order.

"3. The Board shall make necessary rules and regulations, not inconsistent with the provisions of this order, for the execution of its functions. There shall be included in such rules and regulations provisions for furnishing each person whose case is considered by the Board:

(a) A written statement of the alleged derogatory information, in as much detail as security considerations permit.

(b) An opportunity to answer or comment upon the statement of alleged derogatory information, in writing, and to submit affidavits.

(c) An opportunity for hearing before the Board, or a panel thereof of at least three members, including the right of the person to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information: Provided, that the Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security.

"4. Based upon all the evidence before it, including such confidential information as it may have in its possession, the Board shall make its determinations in writing, and shall send to each person who is the subject thereof a copy. In cases in which hearing or other action is by a panel of three members, the action or determination of the panel shall constitute the action or determination of the Board, except that rules and regulations pursuant to paragraph 3 of this part shall be adopted by action of the Board as a whole.

"5. Except as otherwise specified in this order, the Civil Service Commission shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

"6. All cases arising under this order which are pending before the Regional Loyalty Boards and the Loyalty Review Board of the Commission on the effective date of Executive Order No. 10450 of April 27, 1953, shall on that date be transferred to the Board".

This order shall become effective on May 27, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

June 2, 1953

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