

10-7 Herald Tribune
**Marshall Says 'Security Risks'
 Can Appeal; Won't Tell Charges**

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**Declares That Dismissed Employees Can Go to
 Civil Service or Loyalty Boards but That He
 Lacks Control Over F. B. I. Files**

By Bert Andrews *p 1, 18*

WASHINGTON, Nov. 5.—The security question involving State Department employees who were dismissed as "potential security risks" took a new turn today when Secretary George C. Marshall said that they could appeal to two agencies, but left it doubtful that they would even then be able to learn the nature of the charges against them.

Secretary Marshall's statement brought sharp comment from Thurman Arnold, of the law firm of Arnold, Forst & Porter, which is representing seven of the employees without fee because it believes that the civil rights of the employees have been violated.

"The Secretary is now merely passing the buck to two agencies outside the department," Mr. Arnold said. "We still stick to one simple request—that the individuals be given a hearing in the American way or be allowed to resign."

Names of the employees have never been made public. Secretary Marshall, during his press conference today, was informed by one of his assistants that eleven employees, rather than ten, have been dismissed.

Secretary Marshall discussed the case at a press conference. He said it played an incidental part in his return to Washington from the Lake Success meeting of the United Nations, but emphasized that it was not the major reason for his return. Asked if he intended to review the whole situation himself, he turned to a press attaché, received a typewritten copy of a statement, said it would be mimeographed and distributed, and then read it aloud.

After the reading a reporter,

Marshall

(Continued from page one)

The written statement was, in effect, a reaffirmation of the department's stand that it could not give the employees a full statement of charges because the dismissals were based "on highly classified material not under its control." He acknowledged that "without charges a true hearing was impossible." He said that appeal to an appropriate authority outside the department which would have the right to disclose charges was contemplated.

He pointed out that the Civil Service Commission has the right to determine the eligibility of the dismissed persons for employment in other government agencies. He said the loyalty review board now being established could consider an appeal "to permit the employee affirmatively to establish his loyalty."

Then, in a passage which made it clear that the Department would supply these agencies only with material "fully under the control of the department" and that this would not include any information gathered by the Federal Bureau of Investigation or other investigating agencies, Secretary Marshall said:

"Security clearance of any other material in the file will be the responsibility of the commission or the board."

Secretary Marshall's statement follows:

"On June 23, 1947, the department dismissed ten employees which it considered, after thorough administrative investigation, to be potential security risks to the department.

This was in an effort to protect them against inaccurate assumptions. It was only after the matter had been reported in the press that the department made its press statement (on June 27). The department has never released the names of the employees against whom the action was taken. The department's action was, in large part, based on highly classified material not under its control. For this reason, the department determined that it could not give the employees a full statement of charges. Without charges, a true hearing was impossible. Appeal to an appropriate authority outside the department which would have the right to disclose charges was contemplated.

Employees Notified

"A special committee of three was established and the employees concerned were notified that they might, if they wished, make a statement for their record to this committee. The department did not consider this a hearing, nor did it represent it as such to the employees.

"On July 9 the department established a personnel security board of three departmental officers. At the first meeting of that board the department requested the members to review the files of the employees who had been dismissed and to make a recommendation as to whether they should be permitted to resign. In view of the fact that it continued to be impossible to specify charges. On Oct. 3, the board recommended that three persons be permitted to resign without prejudice. It further recommended that the discharges of all the others listed above be allowed to stand and that none of these former employees be now permitted to resign without prejudice."

"Subsequently the board established policies and procedures which were made available to the press. In discussing those principles and procedures, I have stated that it is the department's policy that employees will, wherever possible, be given written

dismissed employees, it is the department's position that further review must come from established appeal bodies with authority to use classified documents and information. The department has already stated that the statute under which it acted established the Civil Service Commission as the body to determine the eligibility of such persons for employment in other government agencies.

"Further, in announcing the Personnel Security Board (July 9), the department stated: 'Individuals will be permitted to appeal to the Loyalty Review Board, established under executive order 9835 of March 22, 1947, or any other review board established pursuant to law. The purpose of such appeal will be to permit the employee affirmatively to establish his loyalty.' The department is informed that a Loyalty Review Board, contemplated under the executive order referred to above, is now being established.

"The department will make available to the commission or to the board its files with respect to any employee appealing to the commission or to the board. Any information in that file fully under the control of the department may be made available to the employee as specific charges. Security clearance of any other material in the file will be the responsibility of the commission or the board.