

7 Dropped as Loyalty Risks Say State Department Pursues Them Protest Impairment of Their Job Opportunities; Civil Service Head Sees Truman; 18 Approved as Members of Federal Review Board

By Bert Andrews

WASHINGTON, Nov. 3.—Counsel for seven State Department employees who were summarily dismissed as bad security risks filed a new demand tonight on the department to "stop pursuing them into private life with charges against which you give them no opportunity to defend themselves."

This development came soon after the now celebrated case had been brought to the personal attention of President Truman through a call paid by Harold B. Mitchell, president of the Civil Service Commission.

After his visit Mr. Mitchell said the President had approved eighteen nominations for membership on the Loyalty Review Board for Federal employees, which will pass on the results of investigations of the loyalty of government workers. Mr. Mitchell said the board is divided politically. He said the names will not be made public at this time because there are several who have not definitely consented to serve.

Following Mr. Mitchell's statement, a new letter to Robert A. Lovett, Acting Secretary of State, was sent by the law firm of Arnold, Fortas & Porter, which is representing without fee the seven men dismissed from the department. The firm members are Thurman Arnold, former Assistant Attorney General; Abe Fortas, former Under Secretary of the Interior, and Paul A. Porter, former Administrator of the Office of Price Administration.

The letter was in reply to one sent by Mr. Lovett in which he rejected an earlier appeal from the law firm that the seven men either be allowed to resign without prejudice or be given a complete statement of the charges against them and a hearing on the charges. (The Lovett letter, under date of Friday, Oct. 31, and bearing a postmark of 5 p. m., Saturday, Nov. 1 was in answer to one sent

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Loyalty Risks

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by the law firm on Oct. 30 to Secretary of State George C. Marshall. Members of the law firm said tonight they doubted the department would ever have answered the Oct. 4 letter if it had not learned late Friday that the New York Herald Tribune had agreed to publish pertinent documents concerning the case of one of the seven men.

Tonight's letter to Mr. Lovett from the law firm made it clear that the firm did not regard the pending establishment of a review board as sufficient to protect the men involved from "a violation of the spirit of the Bill of Rights." The firm pointed out that the Civil Service Commission has informed it that it will not be able to release the charges against the men unless the State Department gives it permission to do so.

The text of the new letter, in which the law firm again demanded that the accused men be allowed to resign without prejudice, follows:

"My Dear Mr. Secretary:
In answer to your letter of Oct. 31 in which you refused to permit certain individuals discharged from the State Department for security reasons to resign, we would like to call your attention to certain important facts to which we do not think you have given sufficient consideration.

In June, 1947, the Department of State announced in a press release that ten employees had been dismissed for security reasons. On July 30, Secretary of State elaborated on this release by a statement that these employees had been secretly associating with representatives of foreign powers. The names of the individuals have since been published. They were published in "The Washington Times-Herald" of Sept. 21, but the names have not been confirmed by the State Department. The department has also given information to prospective employers, one of them a university, that it has a reasonable doubt that these men are good security risks.

So far as we know, the publication of such accusations against members of the staff of the State Department without specifications, and accompanied by the statement that evidence will be made available upon request,

The precise issue raised, therefore, is whether it is proper for a great government department to publish the most damaging statement which can be made about an American citizen today, to wit, that he is disloyal to this country, without giving him a chance to be confronted by the witnesses against him. Thus we say as a violation of the spirit of the Bill of Rights.

You say in your letter that perhaps he may appeal to the Civil Service Commission. But the inquiry was done by the press releases of the State Department and only the State Department can correct that inquiry. Further, the Civil Service Commission has informed us that unless you permit

me to reveal the evidence against these men it will be unable to allow them to defend themselves in the traditional American way. And according to your letter the evidence can never be disclosed. Under these circumstances what kind of a hearing can the Civil Service Commission give?

Your defense as stated in the department's letter to a prospective employer is that "when a reasonable doubt is raised as to whether the continued employment of an individual would constitute a security risk it is the policy of the department to resolve such doubt in favor of the government." Assume the necessity of such a policy. Does it mean that a reasonable doubt as the reliability of an individual justifies the department in publicly accusing him and at the same time withholding the evidence which is the basis of your accusation? This is exactly what the department has done.

Again Asks Hearing

"The purpose of the State Department in ridding itself of suspected members of its staff is fully served when such men terminate their employment. We had not thought that it was the duty of the department to pursue such men into private life with unproved accusations. But if indeed, the department has such a responsibility, the least protection which should be given is to give the accused individual opportunity to defend himself against those accusations and to be confronted with the witnesses who make them. Your officials have admitted that such accusations may be untrue since they are not tested by a full hearing. The accused individuals are no longer employed. Why then should accusations be made against their loyalty when the department is unwilling to accord them a hearing?

"We earnestly request that you change your present policy of pursuing them into private life with charges against which you give them no opportunity to defend themselves.

"We repeat, we are not asking you to continue these men on your staff. We are only asking that they be given a hearing in an American way or else that they be permitted to resign. Surely one or the other of these alternatives

mer consideration whether the department desires to exercise such a privilege in view of the obvious dangers to civil liberty which it carries with it. We respectfully repeat our request for a personal conference with the Secretary.

Sincerely,
"ARNOLD, FORTAS & PORTER."
"THURMAN ARNOLD."
"ABE FORTAS."
"PAUL A. PORTER."

Mr. Mitchell said the new review board will meet for the first time some time next week. He said the Civil Service Commission made an effort to select board members who would be unbiased and who would help protect the rights of individuals as well as ridding the government of "known Communists."

Any individual discharged may appeal to the board. The board is to work in panels of three members. Whether it remains at eighteen members or will be enlarged

will depend upon the amount of work which may develop for the board. Mr. Mitchell said he anticipated the number might eventually reach twenty-five.