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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 84TH CONGRESS)

WASHINGTON, D.C. 20510

March 29, 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Harold:

Researchers had more trouble than expected in locating the articles that you wanted; unfortunately the New York Herald Tribune for that period is not accessible by index. I am happy to send you the series by Bert Andrews, comprised of his articles dated November 2, 4, 6, 9 and 13, 1947.

Perhaps you have in your library a copy of Andrews' book. If not, you would be interested, I am sure, in Washington Witch Hunt, Random House: New York (1948), 218 pp., Library of Congress: JC 599.U5A6, particularly his account of the case of Mr. "Blank" and six others handled by the law firm of Arnold, Fortas & Porter.

I am glad to know that your work on the King assassination has been rewarding and I look forward to hearing from you about your progress in that field.

Thank you for your good wishes. I hope that your health is improving and that your doctors are giving you cause for optimism.

With best wishes,

Charles McC. Mathias, Jr.
United States Senator

Enclosures

A State Department Security Case

The Story of an Employee Dismissed After 8-Month F. B. I. Investigation, With the Nature of the Charges Against Him Never Revealed

By Bert Andrews

WASHINGTON, Nov. 1.—A detailed description was obtained today of the methods used by the State Department and the Federal Bureau of Investigation to rid the department of persons believed to be disloyal or had security risks. It is the first such description to be published.

It deals with the case of one individual who was summarily dismissed from his State Department job.

He was regarded by the department, on the basis of a report from the F. B. I. on the results of eight months of shadowing him, as a bad security risk. He was not accused of disloyalty.

The name of the individual cannot be revealed because, according to his associates, he is afraid of "reprisals." They do not say what he means by "reprisals."

The description of what happened to this man comes entirely from documents which will be quoted from here. Some documents contain his own statements. Some are from State Department sources or from a State Department hearing.

Because the department has never revealed—even to him—the nature of the charges against him, there is no way for any one outside the top echelon of the department to know just what he did or is accused of having done.

There is no way for any one outside the top echelon to know whether the individual is a victim

of a "witch hunt" or is a man guilty of offenses that might warrant even greater punishment than dismissal.

This descriptive article, therefore, is not to be construed as criticism or defense of the State Department's action or as criticism or defense of the record of the man involved.

It is, rather, a point-by-point story of how the investigation was conducted by the F. B. I. and of what the State Department did—a story entirely based on documents.

Some inquiries were made today at the State Department concerning the case and other similar cases. Three developments ensued.

First, the State Department takes the stand that in such cases it cannot reveal the nature of the charges to the individual concerned lest it thereby "give away" all that it may have learned about him and let it tip the investigators' hand to other persons with whom the individual may have associated.

Second, a State Department source acknowledged that it was entirely conceivable that an entirely innocent man might be made the victim of a frame-up, granting the unilly possibility that sufficient enemies ganged up on him. The source acknowledged something even more important—that under present procedure such an innocent man would have no more recourse, no more chance of demanding and getting the

charges against him, than would, say, an individual guilty of disloyalty and violating security.

Third, the Department said it would be very glad if some system of review could be established which would insure any accused individual of the right to have a real review made of his case—a review that would satisfy every one that no violation of civil liberties had been committed.

Some such system may be worked out.

Meanwhile, on the basis of the documents in the one case, here are some of the major things that emerged:

1. The man worked for the government from February, 1942, to the date he was "severed"—June 23, 1947.

2. He worked successively for the Office of Price Administration, the War Production Board, the Foreign Economic Administration and the State Department.

3. In the late summer of 1946 the F. B. I. put two agents on him. They kept close watch on his "daily comings and goings." They learned the identities of people he talked to. They took a picture of him one day as he crossed the street with a woman employee in the office he was in at the time. Subsequently they showed the picture to his wife—in his presence.

4. In April, 1947, the agents visited him and his wife. They questioned them closely about their past years and the people

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The Documents in the Case

The documents from which come the description of how the State Department and the F. B. I. functioned in the case are these:

1. The affidavit given by the man to persons interested in his case. It will be reproduced here in full, save for names.

2. The transcript of the State Department "hearing." It will be reproduced in part.

3. A subsequent affidavit made by the man.

4. A paragraph from a letter by a State Department official to an associate of the man.

Text of Affidavit

The text of the affidavit in which the man tells of his questioning by the F. B. I. and subsequent developments follows in full except for deletion of all names:

"On the evening of April 15, 1947, two F. B. I. agents visited my home from 7:30 to 9:30 p. m., and they charged my wife and me with having been members of the Communist party in Harlem, N. Y., some time about the year 1935 and further stated that I was a hoodlum. (Note: I had not yet met my wife in 1935.) The charge was also made that we were subsequently transferred to Washington, D. C.

"They gave no indication whatsoever as to the source of the information except to say that they were in the good information. I denied the allegation, and told them I never had spent time in

Harlem except to use the subway when I went to College because at that time I was living in the Bronx.

"Most of the evening was spent in recalling my daily comings and goings for the past eight months since they had followed me. They knew with whom I had lunch, who visited my home and whom I visited. They questioned me about the occasions when I handed material to any one, which invariably turned out to be my thesis (for a Ph. D. degree).

Lunch and a Concert

"They questioned me about whom I met at W.P.B. I had lunch with him occasionally, visited him once with my family and attended a concert with him and his wife once. He was one of the persons to whom the F. B. I. saw me give a copy of my dissertation. I was also questioned about whom I got to know only from her correspondence when she was abroad on the mission because I took her place when he was in Japan. Upon her return she visited my house twice; we visited her twice.

"Questions were also asked about whom I knew at college and who was assigned to my division after he was discharged from the Army. I had lunch with him occasionally but never saw him socially.

"They asked why I handed a letter to ——. It was his own mail from the University of — concerning a position which he subsequently obtained. Since he had no permanent residence in Washington because he was contemplating leaving, he used my home as a mailing address and also stayed with us for a short time, late in the summer of 1946. I worked with him at — in government agency.

"I was asked about —. I don't know him at all, having met him only on two occasions, both business meetings attended by other members of the State Department.

A Check for Nursery School

"They asked me about a check which they saw me receive from — whose wife had worked with my wife. I borrowed some money to make an advance payment for nursery school two days before pay day. One week later I repaid him, and have the canceled check.

"They accused me of trying to evade them one day at the Social Security Building because I went down and up from the — floor to the lunchroom twice. I was looking for the two girls whom I had hired to type my thesis. I couldn't find them in their offices, and was told they were in the lunchroom. I ran down there, couldn't find them, dashed up again and then down again. Went back and took down my thesis. I never suspected that I was being followed, then or any other time.

"They also photographed me with a girl from the office when she and I crossed the street for coffee. They pulled this picture out and showed it to my wife.

"The day following the F. B. I. visit, I reported it to my supervisors — and — offering to resign if this accusation should result in a lack of confidence in me. On my way to work that morning I rode with — told him about it. He said that, based on his long experience as an administrator, I was a dead duck, whether innocent or guilty, because of the widespread hysteria in Washington at this time.

Offer to Resign Refused

"I turned down my offer to resign and assured me of his complete confidence. He consulted with — over the phone, who was out due to illness and who expressed similar confidence in me. Mr. — and Mr. — saw — in place of — who was out. Mr. — told them the department would conduct its own investigation, keep — informed and if there were any doubt I would have ample opportunity to resign.

"The State Department security officers examined me for a total of twelve hours at intervals during May and June of 1947. I told me to co-operate fully, and this I did. They questioned me on my opinions, friends, interests, jobs, associates, etc. I offered them twenty-nine specimens of my published and unpublished writings from 1933 on. Nothing in these interviews appeared to incriminate me in any way.

"During the period from April 15 to June 23, when my job was terminated, the office had so much confidence in me and my ability that steps were taken for my promotion. In the early part of June I was given a private office, with a staff and secretary, and put in charge of —.

"On June 23, 1947, at 5:30 p. m. I was handed a letter by an administrative officer and signed by — to the effect that as of that moment my services were terminated in the interest of the United States. This I was summarily fired without a hearing or knowledge of charges or necessity.

Barred From Office

"When I returned the following morning to collect my personal belongings, the administrative officer told — to get me out of the office. To this day I have not gained access to my desk to clear out my personal goods.

"Reaction among my colleagues and superiors was one of

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(Continued from page one)

they knew. That was when they showed her the picture.

5. In June, 1947, he was dismissed "without any statement of charges."

6. He received a "hearing" in July before four State Department superiors. He was told then that it was not in the nature of an appeal, but that the case was closed as far as the department was concerned, but that the law did not prohibit his employment by any other agency of the government.

7. He insists that he is not a Communist, as the F. B. I. agents alleged when they called on him, and that his only "association with representatives of foreign powers" was in the course of his official duties at the State Department. The talk of the F. B. I. men was never formalized in charges.

8. He feels he is entitled to learn the charges against him and have an opportunity to answer them. He offered, at the "hearing," to send additional information, and was told to go ahead—"you send it over and we'll slap it in the file."

9. He was denied the right to resign.

10. He was denied the right to see George C. Marshall, Secretary of State.

These are the major undisputed facts.

bewilderment, consternation and resentment against the procedure. Messrs. _____ and _____ went to _____ at various times to express confidence in me and to discover the basis for the action and to try to obtain a hearing for me. Nothing ever came of this. I have in my possession copies of letters sent by my colleagues to Messrs. _____ and _____ expressing their confidence in me.

"8. I sent a letter on June 30, 1947, to Mr. _____ protesting the action and asking for a fair hearing. So far I have received no reply.

"9. Shortly after the dismissal of the personnel division of the department telephoned me to appear within a day before a committee of three, including himself, to make a statement. When I asked him what the charges were on which to base the statement, he read me the de-

partment's press release. When I appeared before the panel the next day and again asked for the charges, again I heard the press release. They said they would neither ask nor answer questions. I was to say anything I pleased which I believe brought on the action. I spoke for about a half an hour stating that I was innocent of anything which could reflect on my loyalty. I also requested an interview with Mr. Marshall.

Calls Marshall in Error

"10. A news article appeared about the next day in 'The Washington Post' in which Mr. Marshall stated that all ten dismissed persons knew why they were dismissed and that none had appealed to him personally. He was in error on both these points. Editorials in 'The Washington Post' on July 3 and 11 severely criticized

the department for the arbitrary dismissal of the ten persons.

"11. At present I am bending every effort to obtain a hearing. In all my efforts I get at most from responsible members of the department those well meaning statements about a possible hearing at some vague future time."

The "hearing" to which the man involved referred in his point No. 9 was held on July 2, 1947, before a four-man panel. It was headed by Hamilton Robinson, director of the Office of Controls of the State Department. On it were three of his subordinates, Arch K. Jean, Saxton Bradford and Thomas E. Hoffman.

Mr. Robinson began by reading a State Department press release of June 27, which said:

"The State Department has terminated the services of ten em-

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employees against whom derogatory information has been developed through investigation. In taking this action, the department followed its policy of dropping employees from its rolls where substantial doubts exist as to their security. In a few of these cases, other administrative considerations entered into the decision to terminate the employees concerned."

A Portion of the "Hearing"

Mr. Robinson went on to say that Mr. Blank, as he will be called hereafter, could say anything he wanted for the record, since the law did not prohibit his employment by any other government agency. He emphasized, however, that the proceedings were final as far as the department was concerned. Enough of the subsequent talk at the "hearing" is described herewith to give the flavor of the proceedings.

Mr. Robinson: "And so we are delighted to listen to any statement that you care to make on that basis."

Mr. Blank: "As I told Mr. Jean when he phoned me yesterday, it is very difficult to make a statement, as I am completely bewildered by what it's about. You gentlemen can appreciate that the press release doesn't say very much, anyway, in any one specific case. I did have the opportunity of being called by the department security people, I think for about twelve hours of detailed questioning, at which I believe I supplied most of the information. . . ."

"I really, frankly don't know what to say, since I don't know what the charges are. The result of these hearings—I don't think anything came out that I would consider to be a charge. I mean, I can make a general statement as to what I think my own loyalty position is. I have no doubt in my own mind as to my own loyalty. I don't think I have ever been tempted in that direction or ever committed any act that would be considered disloyal to the government. I have never jeopardized the security of the department of the government."

Handled Aircraft Data

"I came down here over five years ago to work for the government to help the war effort. I found the kind of work that I was interested in, the encouragement I got from my superiors, in other words, and my present one, indicated their willingness to see me continue, and at no time did any question ever arise as to my loyalty. . . ."

"In the middle of the war, not only did I handle production data, but I handled design data of not only the contemporary aircraft, but of future aircraft. I think I blackballed me from earning a liv-

ing in the future. I don't know where to turn."

Mr. Robinson: "I think you can be assured that the department was not unaware of those aspects of it."

Mr. Blank: "On what basis has the department done something like that, without even telling me? I am just bewildered about it. I am trying to be as frank as a possibly can."

Mr. Robinson: "The only way I can suggest helping you is that you just go ahead and spill your feelings about all the things that you might think might have been involved."

Mr. Blank: "It's very difficult. I mean, I once helped edit a pamphlet on 'What Price Milk?' which criticized milk companies for their large profits. My whole career has been in teaching and working; it is extremely difficult for me to make any statement. I wish you gentlemen could help me by asking questions. I realize you are tied down by a law."

Mr. Jean: "You mentioned that you were associated, through a car club, with some people."

Mr. Blank: "Well, I don't know. I am not associated. I don't know whether they came out of a car club. They asked me about certain people I worked with at F. E. A. There is a rumor going through Washington that they are after Treasury people and people who worked on the so-called 'Morgenthau plan.' I am just in the dark about this. I wish somebody would tell me what it is about. I don't mean—I am just bewildered about this whole thing. Perhaps there are some people I have met and know whose reputations aren't exactly the best, according to certain people, but there is nothing in my actions toward them or toward anything else that would indicate anything that I can see. I mean, my very work in the department should be some indication of that."

Secs "Something Going On"

Mr. Blank: "Well, as you appreciate, I have been thinking about anything in my career in the past that could be subject to question, and I frankly don't see anything. I think there is something going on in Washington which the F. B. I. is interested in if which I have no idea. I have heard they have seen from forty to sixty people. They are after something. They questioned me in detail about certain people I knew, people I had worked with, mainly at F. E. A. and W. P. B. What they are after I don't know. There is something that is bothering them, and I am bewildered by what they are after. Because there is something going on; I feel if there is, I am outside the picture."

"By some accident or quirk, I have worked with some of these people whom I didn't even see socially. I happened to get into a car club with somebody the question came up about. I am at a loss to go into any detail. They accused me . . . of being a Communist, but, as I pointed out to the security people, I have denied that point. There was no evidence raised. I admitted that when I went to . . . when I taught there, I attended all kinds of meetings that were held on the campus, but never joined any organization."

Worked Day and Night

"As I understand it, nobody whom I have worked with or worked for has been called in on this. I have worked on the program and they gave me the job of programming it. I was the one who prepared the first material on the staff. They took my material, they know exactly what I have done since I have been in this department and I am positive they are willing to testify as to that. They are as mystified as I am about it. My reaction has been completely in accord with what the government has been doing, not only toward but working day and night toward the end. The F. B. I. followed me and they admitted that they had to come Saturdays and Sundays and nights. They were a little disturbed about my working on these programs."

Mr. Jean: "You say you number among your friends people who are frowned upon by others?"

Mr. Blank: "Well, I don't know whether they are frowned upon

was cleared by G-2. I have never been questioned by anybody. I was cleared by F. E. A. have always been cleared, so that I have no idea of anything concrete. . . ."

"So you do have this detailed knowledge of what I have done in the past. I don't know whether I brought the attention of the department or whether they had the information themselves, as to the fact that—I forget the date, about two months ago—the F. B. I. visited me and I gave the department all the details, but there was nothing concrete brought out in any of that information I thought I had satisfied every question they brought up."

Mr. Robinson: "Well, we realize the difficulty you are in. On the other hand, I'd suggest that you might think back over your own career and perhaps in your own mind delve into some of the factors that have gone into your career, which you think might have been subject to question and see what they are and see whether you'd like to explain or make any statement with regard to any of them, that is about the best I can do as far as helping you along that line."

Mr. Blank: "Well, as you appreciate, I have been thinking about anything in my career in the past that could be subject to question, and I frankly don't see anything. I think there is something going on in Washington which the F. B. I. is interested in if which I have no idea. I have heard they have seen from forty to sixty people. They are after something. They questioned me in detail about certain people I knew, people I had worked with, mainly at F. E. A. and W. P. B. What they are after I don't know. There is something that is bothering them, and I am bewildered by what they are after. Because there is something going on; I feel if there is, I am outside the picture."

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The investigation brought out that I knew somebody, whom I see occasionally, who works for Russian War Relief. But I knew him because we lived in the same house. I knew many other people in the

same house, and I gave the names of other people whom I saw more often than I saw him. As I pointed out to these people, it is not a question of the few people certain people may have something about.

but it is a question of all the people I know that should be taken into consideration. But, apparently, the interest is just for the few who are not thought of well. (Continued on next page)

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and I don't know why these people aren't.

The Mysterious Thesis

"Mrs. — I think they questioned me a lot about her—I knew her because she was in the office and came to my house once or twice and I was in her house once or twice; it was a purely social thing. Why they questioned me about her I don't know.

"They questioned me about giving things to certain people; in every case I pointed out it was on my thesis. I finished my doctor's thesis and went around visiting economists in Washington—who could read it.

"Once they asked me why I got a check, for example, at lunch. My little boy went to nursery school and I had to pay a \$50 bill three days before pay day, and I called a friend of mine and I borrowed \$100 and I paid him back a week later. It's things like that that just seem to me to be silly, that are important to other people. I'd like to know what all that means."

Mr. Jean: "Do these people you mention, to your knowledge, express an ideology that differs from American philosophy?"

Mr. Blank: "I frankly have never got that far with them."

Mr. Jean: "Have you seen Mrs. recently?"

A Dinner Engagement

Mr. Blank: "Yes, her husband got fired and I called her up, and she said they were leaving and I invited them for dinner before they left for New York. I told the security people I called her up because I had heard she had gone to the hospital when she heard her husband was fired. Why that happened I don't know. I just think it is unfortunate that I have come in contact over the last year with

certain people that I know nothing about."

Mr. Robinson: "Now, you have said several times 'certain people,' but so far you have only mentioned one or two."

Mr. Blank: "The fact is I gave the security people a terrific list of names. . . . You didn't miss seeing anybody. I'll try."

Mr. Robinson: "No, if you have already given it—I just wanted to give you the chance to say that if you wanted to."

Mr. Blank: "The fact is, I brought in a typewritten list; not only that, I brought in copies of fifteen specimens of what I wrote since 1933, at least two pieces for each year which I believed would be an indication of the way I thought over a period of years.

"I believe the security people analyzed those documents. I brought in, beginning with 1933, did you not?"

Mr. Robinson: "Well, you can be sure everything you have submitted has been considered."

"Completely Bewildered"

Mr. Blank: "So that is why I am completely bewildered about the whole situation. Did I leave anything out that you think I ought to bring up? We are trying to get the facts out in this, I presume. Do you think I ought to mention anything else? I assume you gentlemen are trying to get at the facts."

Mr. Robinson: "I don't think we can suggest to you things that you ought to discuss. I think it's up to you to decide. As I say, we are trying to help by making suggestions to you, in a general way, which may make your record more complete when it all comes together. But so far as having you ought to talk about this or you ought to talk about that, I don't see how we can do that. This is your opportunity to say anything that you want."

Mr. Blank: "Gentlemen, it's my opportunity to say anything, but

really, to be frank—you gentlemen aren't responsible—it's really not an opportunity. I don't know what to talk about, I mean, I am. . . ."

Mr. Robinson: "All right, I withdraw the statement it was an opportunity, if you prefer."

Mr. Blank: "I am not blaming you gentlemen; you are held within certain rules and regulations, but I'd like to know what to talk about and what to say. It's extremely difficult in such a situation. I don't know who said anything about me or what has been said about me, and the press release makes it even worse; I mean, the kind of statement where nothing has been developed. I mean, I am not trying to get mad or anything, I appreciate the situation, but I am involved in a very disastrous way in this. You mentioned about having an opportunity to insert additional stuff—will I get an opportunity after this?"

Tells of Reassurances

Mr. Robinson: "Anything you want to put in?"

Mr. Blank: "Well, I care to make it as complete as possible. The fact is, I came the very next morning that the F. B. I. visited me and went to my superiors and told them the complete story. Mr. . . . said I would have nothing to worry about in this thing, that the charges in this consideration

were not true, that the security people would look into it, that I should co-operate with the security people, and that if anything did arise I would be called before them. The fact is, I even offered my resignation that very first day, for two reasons: One, I asked the advice of some people and they said with the present state of things in Washington, whether you are right or wrong, once this thing gets started you are out; and secondly, I was in the midst of some very delicate negotiations with gentlemen on the geographic desks, and I told them I didn't want this charge hanging over me to hurt the division in our relations with the geographic people, and they had my resignation and they told me no, they refused to accept it because they felt the charges were unwarranted and if there were anything that I would be given time to resign, and you can verify that."

Mr. Robinson: "I think I might just say for the record here one thing which I believe is worth pointing out, that is that it is fairly clearly indicated in the press release that this action was taken on the ground of a doubt as to security, and what I would like to say for the record is that we carefully bear in mind in all these cases that there is a very definite difference between the word 'security' and the word 'loyalty.' I

just want that to be on the record."

The Difference Explained

Mr. Blank: "May I ask what the difference is? It's not clear to me."

Mr. Robinson: "There's a vast difference between security and loyalty."

Mr. Blank: "I think—may I ask that question?"

Mr. Robinson: "Yes."

Mr. Blank: "To clear up the difference between them, I mean to me, I think one—"

Mr. Robinson: "Well, I'll point out a difference. I think loyalty must necessarily be a conscious proposition. Security, or the lack of it, might be conscious or unconscious. And I think that probably serves the purpose of what I am trying to do, but I am making that statement for the record without any implication as to any conclusion that you should draw from that statement, but you made several statements about that, and I just want to make clear that this action was based, as the press release states, as a matter of security."

Mr. Blank: "You mean that the punishment for an alleged violation of security is more severe

than questions of loyalty? What I mean is, assume this whole thing is true about my security, isn't the punishment to deprive me literally of a livelihood in the future one of the severest penalties you could pay? What have I done, assuming, and I'll assume that you are correct in what you state, I mean, you have completely deprived me of the only things I can do, either working for the government, going back to teaching, or working for private industry—what am I going to tell employers? You are not going to find me lying about it, because they would catch up with me, and I wouldn't lie about it, either. Could I explain this difference between security and loyalty to some kind of college where I am trying to get a teaching job?"

Material for the File

Mr. Robinson: "I am not suggesting that I am not even suggesting the distinction is proper in your case; I am merely suggesting one is not necessarily synonymous with the other. I think if you feel that, I don't know whether you feel there is anything you wish to add to this as a statement."

Mr. Blank: "You say I have the opportunity in the future to add things?"

Mr. Robinson: "Yes, you send it over and we'll slap it in the file."

Mr. Blank: "I understand the Secretary is a reasonable man, is

it possible for you gentlemen to make an appointment for me to see him?"

Mr. Robinson: "I'm afraid that isn't our function."

Mr. Blank: "Well, I am making a request anyway. I am not casting aspersions of course on anybody here, but I'd like to get in touch with the final authority on this matter."

Mr. Robinson: "Well, certainly, there is no reason in the world why you shouldn't, but I am afraid we are not in a position to be able to do anything about that. Just as a suggestion, you might want to get some of the people you say have confidence in you, and so forth—"

Mr. Blank: "Well, they are attempting to see certain people. You know that I am trying to do something on my own, of course. Are there any questions?"

End of the "Hearing"

Mr. Robinson: "Do you have anything further, Arch?"

Mr. Jean: "I have nothing further."

Mr. Robinson: "Do you have any phase of it?"

Mr. Blank: "Well, I'd just like to close by reiterating again what I have said before, that, in my own mind and in my own conscience,

I have no question as to my own loyalty and my own responsibility to the security of this government. I have a clear conscience completely, so I can only state my sincerity. This whole thing has me completely bewildered."

Mr. Robinson: "Well, I'll just add that if, at any time, you want to add anything further to this, just get in touch with Tom Hoffman and send anything over to him you want to incorporate in the record; that will be all right."

Mr. Blank: "Well, I think they wrong me dry in twelve hours of questioning which I brought on myself."

Mr. Robinson: "O. K."

Mr. Blank: "Thank you."

Two Final Documents

There were two other documents. One was a formal affidavit from the accused man. In it he denied all suggestions that he was a security risk or disloyal, and asked for a hearing.

"I have never done anything to merit the destruction of my reputation, and have always been completely devoted to my country and the State Department," he said in this affidavit.

The other document was a letter from a State Department official to an associate of the accused

who had protested the dismissal. This letter said in part:

"Although I believe Mr. . . . was generally familiar with the reasons for his dismissal, it was not possible to explain the charges to him for reasons of security. . . . The department is one of the most sensitive agencies of the government, and, consequently, 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."

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 D. 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

(Continued on page 14, column 1)

Loyalty Risks

...the law firm... Secretary of State... Members of the law firm said that they doubt the department would ever take any action... the New York Herald Tribune is ended to publish pertinent documents concerning the case of one of the seven men.

Tonight's letter to Mr. Lovett from the law firm makes it clear that the firm did not expect 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 firm of the new letter in which the law firm again demanded that the accused men be allowed to resign without prejudice follows:

Mr. Lovett, 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 23, the Secretary of State elaborated on this release by a statement that those employees had been "freely associating with representatives of foreign powers." The names of these 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 of them a university that it had 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 withheld is unprecedented. It is idle to say that these accusations are not an attack on the character of these individuals. Everyone who reads the accusation is bound to believe that in the opinion of the State Department these men are tainted with Communism. Indeed, the real purpose in giving nationwide publicity to these accusations is to prove to the public and to Congress that the State Department is zealous in getting rid of persons whose divided loyalty to the United States could not be depended upon.

As you know, the inevitable result of these accusations thus publicly released is to impair and indeed probably to destroy the ability of the accused individuals to make a livelihood, particularly in academic life, a career which most of them have chosen. We can discover no way that these individuals can answer such charges.

"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. This we say is 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 injury was done by the press releases of the State Department and only the State Department can correct that injury. Further, the Civil Service Commission has informed us that unless you per-

mit it 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 should be open to them. Surely such a policy will give the maximum freedom to the department in the light of its staff. All you will lose is the opportunity to spread accusations you are unwilling to prove against men who are willing and anxious to leave your service."

"We would appreciate your fur-

ther 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 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.

N.Y. Herald Tribune
**Marshall Says 'Security Risks'
 Can Appeal; Won't Tell Charges**
 11/6/47

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 2, 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, Fortas & 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 General Assembly on 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)

mindful that the wording did not clearly open the way for any of the accused to get a full statement of the charges against him, asked Secretary Marshall: "How can an employee establish his loyalty if he doesn't know what his disloyalty is supposed to be?" The Secretary said he would stand on the written statement.

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 employer 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.

"The department neither made nor contemplated making a public announcement of the action with respect to these employees.

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 23). 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. 2, 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 notice of charges, the right to representation by counsel, and formal hearing.
 "In the case of the previously

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 9825 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."

U. S. Loyalty Board Is Named to Hear Dismissal Appeals

20 on Panel to Review All Federal Employee Ousters Since Oct. 1

F. B. I. Co-operation Pledged by Hoover

Offer Counters, Marshall Hint the Agency Would Not Divulge Findings

By Best Andrews
WASHINGTON, Nov. 8.—A far-reaching action, which, on the face of it, will give an employee discharged by any government agency the right to appeal so that he can learn the charges against him and present his defense, was taken today by the United States Civil Service Commission.

The commission, in a release issued just one week after the New York Herald Tribune had revealed the details of the case of one State Department worker who was summarily dismissed and never told why, announced the appointment of nineteen men and one woman to serve as members of a Loyalty Review Board to hear appeals involving individuals accused of being disloyal or bad security risks.

The new board, created under an executive order issued by President Truman, is headed by Beth W. Richardson, Assistant Attorney General under former President Hoover and former attorney for the Congressional committee which investigated Pearl Harbor.

This board can be appealed to in all cases of employees dismissed since Oct. 1, 1947.

It is not certain whether the new board itself will have jurisdiction over the cases of seven State Department employees dismissed prior to that time.

Certainties in Situation
It is certain, however:

That the Civil Service Commission will have the right to hear the cases of the eleven—if they file appeals.

That the commission intends to ask the State Department for documents and charges under the department's control involving these individuals—if the individuals file appeals.

That the commission will also ask the Federal Bureau of Investigation and other government investigating agencies for any additional and pertinent documents and charges.

And that the commission, if it deems it necessary, may ask the new Loyalty Review Board to consider the "old" cases, even though they arose before the date designated in the President's executive order.

One other thing became certain today—a thing that had been in doubt because of a statement made by Secretary of State George C. Marshall at his press conference on Wednesday.

No F. B. I. Objection

This new certainly was that the Federal Bureau of Investigation will not object if the State Department chooses to turn over to the Civil Service Commission, or the Loyalty Review Board, any material developed by the F. B. I. in its investigation of any of the eleven who choose to appeal.

J. Edgar Hoover, director of the Federal Bureau of Investigation, told the New York Herald Tribune that the F. B. I. would co-operate to the fullest with the Civil Service Commission and the new Loyalty Review Board, and would make available to either or both all pertinent information in the F. B. I. files.

This would mean that the Civil Service Commission and the new board could get from the F. B. I. all documents in the cases—documents which the State Department had previously indicated the State Department could not make available because they were not "under the department's control."

Secretary Marshall said on Wednesday that much of the State Department case against the man was based "on highly classified material not under the department's control."

Ho said: "Security clearance of any other material in the file will be the responsibility of the (Civil Service) Commission or the (Loyalty Review) Board." The inference all reporters drew from this was that the State Department was saying in effect: "We'll gladly give the review bodies all the stuff we've got but we can't give them anything from other investigating agencies because those other agencies won't permit it."

Now it is apparent that at least one other agency, the F. B. I., is entirely willing for the commission or the board to have anything it has furnished the State Department, and that if such material is held back it is not due to any order by the F. B. I.

Thus, on the face of today's developments, the eleven fired by the State Department have achieved complete, or almost complete, restoration of the civil right of any American to know what he is charged with and to not be convicted on anonymous or unreviewed testimony.

Clarification Lacking
The words "on the face of today's developments" seemed a necessary qualification to newspaper men because of the lack of complete clarification.

Harry B. Mitchell, president of the Civil Service Commission, referred to the standing of the individuals named to the new Loyalty Review Board and to the fact that panels of three will sit in individual cases, said:

"The great advantages of the new review board is that the public will have confidence in the decisions the panel will make."

Mr. Mitchell said also:

1. That if any of the cases of the eleven previously dismissed come before the Civil Service Commission the commission will ask the State Department for its files.

2. That if the commission deems it necessary to ask the F. B. I. or any other investigating agency for its files it will ask for them and believes it will get them.

3. That the Civil Service Commission would not have the right to order the State Department to reinstate any individual, since the State Department and Atomic Energy Commission have complete authority from Congress to fire any one for any reason.

4. That the Civil Service Commission, however, would have the right to rule, in the cases of the eleven, and the Loyalty Review Board, in cases occurring after Oct. 1, that accused individuals should be reinstated as far as employment in other agencies was concerned.

Brighter Outlook Seen

Thus, "on the face of the developments," the situation seemed brighter for the dismissed individuals and for many, many others who, in the opinion of objective reporters, have been living in fear that some such thing might happen to them.

The flaw in the argument was pointed up by Abe Fortas, of the law firm of Arnold, Fortas & Butler, which is representing seven of the eleven discharged State Department employees because the firms think their civil liberties were violated when they were discharged without knowing the nature of the accusations against them.

Mr. Fortas pointed out that the President's executive order provides:

"The charges shall be stated as specifically and completely, as the discretion of the employing department or agency security considerations permit."

Mr. Fortas added: "The crucial question is whether despite the bold language in the Civil Service Commission statement setting up the Loyalty Review Board, the employing department or agency will specify its charges against a man but will make them subject to restrictions on material in the agency files which came from other investigating agencies."

Mr. Fortas was saying, in effect: "The test will be whether the State Department, in the cases of our clients, will supply the Civil Service Commission or the Loyalty Review Board with documents it has obtained from the F. B. I. and other investigating agencies, as well as documents it had obtained by itself."

The answer as to whether F. B. I. files would be available to the commission or the Review Board came from J. Edgar Hoover, director of the F. B. I., who said:

The Federal Bureau of Investigation will lend its fullest co-operation to the Civil Service Commission and the Civil Service Commission's Loyalty Review Board.

This will include making available to the commission and to the Review Board the contents of its files where pertinent."

Members Named

The twenty members of the Loyalty Review Board named today, with brief biographies, follow:

GEORGE W. ALGER: Member of law firm of Alger, Peck, Andrews, Roberts, New York. Drafted second New York compulsory liability act and many amendments to child labor laws; served by special appointment of Governor of New York as commissioner to investigate operation and management of the state prisons of New York and the operation of Board of Parole; served as impartial chairman from 1931-1935 of Commission on Cloak and Suit Industry.

JOHN HARIAN AMEN: Member of law firm of Parker and Durfee, New York. Served as special prosecutor to investigate governmental practices in New York City; special assistant to the United States Attorney General in cases involving violations of Federal anti-trust laws 1928-38; associate trial counsel for the

United States at the Nuremberg trials.

HARRY A. BIGELOW: Professor and dean emeritus, Law School, University of Chicago. Noted author of case books on the law of property.

AARON J. DRUMBAUGH: Vice-president, American Council on Education; formerly president of Mt. Morris College; dean, College of Arts, Literature and Science, University of Chicago.

JOHN KIRKLAND CLARK: Member of law firm of Clark and Welch, New York; President New York State Board of Law Examiners since 1921; special counsel in connection with numerous investigations in New York City.

HARRY COLMERY: Practicing attorney Topeka, Kan.; past national commander of American Legion.

TOM J. DAVIS: Practicing attorney in Butte, Mont.; served as president of the United States delegation to United States delegation at San Francisco United Nations meeting, 1945.

BURTON L. FRENCH: Professor of government, Miami University, Oxford, Ohio; served for twenty-six years in House of Representatives from the State of Idaho, fourteen of which as member of Committee on Appropriations.

META GLASS: President Sweetbriar College from 1925 to 1947; president Association of American Colleges, 1928-'29 and 1932-'33.

EARL HARRISON: Professor and dean, Law School, University of Pennsylvania, Philadelphia; formerly member of law firm of Saul, Ewing, Remick and Harrison, Philadelphia; served as United States Commissioner of Immigration and Naturalization 1942-1944.

GARRETT HOAG: Member of law firm of Foley, Hoag and Elliot, Boston.

WILBUR LARGE JR.: Practicing attorney in Washington; moderator, Presbyterian Church in the U. S. A.; formerly chief examiner, Interstate Commerce Commission.

ARTHUR M. MACMAHON: Eaton professor of public administration, Columbia University; editor, New York City Charter Revision Commission, 1921-'23; staff, President's Committee on Administrative Management 1938; consultant Department of State, 1943-'45.

CHARLES E. MERRIAM: Professor of political science, University of Chicago; member of Hoover Commission on Recent Social Trends, member National Resources Board 1933-'43; member President's Committee on Administrative Management, 1938; former president, American Political Science Association.

HENRY PARKMAN JR.: Member of law firm Hemenway & Barnes, Boston; trustee, Metropolitan Transit Authority, Boston; member, Massachusetts Senate 1929-'36 corporation counsel, Boston, 1936-'40.

BETH W. RICHARDSON: Member law firm Davies, Richberg, DeCoe, Busck & Richardson, Washington; formerly Assistant Attorney General of the United States; served as attorney for Congressional committee investigating Pearl Harbor.

ALBERT M. JAMES: Served as judge, United States District Court for State of Arizona from 1931 until 1947.

CHARLES SAWYER: Member of law firm Dinwiddie, Shohl Sawyer & Dinwiddie, Cincinnati; formerly served as Lieutenant Governor of Ohio and as American Ambassador to Belgium.

MURRAY SEASONOOD: Member of law firm, Paxton & Seasonood, Cincinnati; chairman, Committee on Civil Service, American Bar Association, 1934-'35; Mayor of Cincinnati 1926-'30; president, National Association of Legal Aid Organizations since 1943.

HENRY L. SHATTUCK: Member of firm of Shattuck & Brooks; trustee, Boston; treasurer, Harvard College, 1929-'38; Senior Fellow of President and Fellows of Harvard College since 1938; member of Massachusetts House of Representatives 1920-'30 and since 1943.

How It Will Operate

The Civil Service Commission said that the loyalty program would operate in the following manner. In accordance with the President's executive order, in so far as incumbent employees are concerned:

1. The names of all persons who were on the pay roll prior to Oct. 1, 1947, will be submitted to the Federal Bureau of Investigation at the rate of approximately 15 per cent a month. All names will have been submitted by March 31, 1948.

2. The Federal Bureau of Investigation will search both its fingerprint and name files for loyalty information on these incumbent employees.

3. Whenever the check of the Federal Bureau of Investigation files develops a question of loyalty relative to an incumbent employee, the Federal Bureau of Investigation will immediately launch a full field investigation.

4. The results of this full field investigation will then be sent to the Civil Service Commission by the Federal Bureau of Investigation.

5. The Civil Service Commission will make a record of the receipt of the report, and will then transmit it at once to the department or agency in which the employee is working.

6. When the report is received by the department or agency in which the employee is working it will be referred to an agency loyalty board appointed by the head of the department or agency concerned.

Right to a Hearing

Under the provisions of the President's executive order, the employee concerning whom the investigation was made will have a right to an administrative hearing before the agency loyalty board.

Also, under the provision of the President's executive order, the employee must be served with a written notice of the hearing to be

conducted by the agency loyalty board and must be informed in the written notice of the nature of the charges against him in sufficient detail so that he will be enabled to prepare his defense.

The executive order provides specifically that "the charges shall be stated as specifically and completely, as in the discretion of the employing department or agency security considerations permit, and the officer of employee shall be informed in the notice (1) of his right to reply to such charges in writing within a specified reasonable period of time, (2) of his right to an administrative hearing on such charges before a loyalty board, and (3) of his right to appear before such a board personally to be accompanied by counsel or representative of his own choosing and to present evidence on his behalf through witnesses or by affidavit."

7. If the agency loyalty board recommends the removal of the employee, he will be entitled, under the executive order, to appeal to the head of the employing department or agency, or to such person or persons as may be designated by the head of the department or agency.

May Ask Advisory Opinion

8. When the head of the agency receives a recommendation from the agency loyalty board, he may request the Loyalty Review Board, just appointed by the Civil Service Commission, for an advisory opinion.

If such a request is made, the

employee will be notified by the Civil Service Commission a Loyalty Review Board and appropriate steps will be taken to insure a complete presentation of all of the facts in the case to the members of the Loyalty Review Board who may be assigned to the particular case.

If the head of the department or agency accepts a recommendation from the agency loyalty board for removal of an employee, the employee may, if he so desires, appeal to the Loyalty Review Board in the Civil Service Commission. The board will then take appropriate steps to consider his case.

10. Upon the completion of the consideration of a case, the commission's Loyalty Review Board will make an appropriate recommendation to the head of the department or agency concerned who has the responsibility for taking final action in the case of all incumbent employees.

Case of New Appointees

The loyalty program will operate in the following manner, the commission said, in so far as new appointees are concerned:

1. All employees appointed to the executive branch of the Federal government subsequent to Oct. 1, 1947, have been and will be appointed "subject to the results of an investigation."

2. As soon as the new appointees are placed on the rolls the Civil Service Commission will be notified and, in conformity with the provisions of the President's exec-

utive order, the commission will check these persons against the following sources of information:

(a) Federal Bureau of Investigation files.

(b) Civil Service Commission files.

(c) Military and naval intelligence files.

(d) The files of any other appropriate government investigative or intelligence agency.

(e) The files of the House Committee on Un-American Activities.

(f) Local law enforcement files at the place of residence and employment of the new appointee, including municipal, county and state law enforcement files.

(g) Schools and colleges attended by the new employee.

(h) Former employers of the new employee.

(i) References given by the new employee.

3. Whenever the checks which are made against these sources of information bring to light derogatory information with respect to loyalty the case will be referred immediately to the Federal Bureau of Investigation for a full field investigation.

4. When the Federal Bureau of Investigation has completed its investigation the report will be referred to the Civil Service Commission.

5. The Civil Service Commission will then refer the report to an appropriate regional loyalty review board located in one of its fourteen regional offices.

These boards will be constituted

in substantially the same manner as the central Loyalty Review Board which has just been appointed by the commission.

6. The regional loyalty boards will provide the new appointee with a statement of the derogatory information bearing on loyalty which has been developed, and will likewise provide him with an opportunity to present his side of the case. In this connection, he will have the opportunity of be-

ing represented by counsel and will likewise have the right to present evidence in his own defense through witnesses or by affidavit.

7. Any action taken by a regional loyalty review board in the case of a new appointee may be appealed to the central Loyalty Review Board which, in turn, may make a recommendation to the members of the Civil Service Commission who will have the responsibility for making the final decision.

Marshall Plans Study of Ouster Of 7 as 'Risks'

Counsel for Discharged Employees Pushes Fight for a 'Real' Hearing

By Bert Andrews

WASHINGTON, Nov. 12.—Secretary of State George C. Marshall said today that the State Department will "study" the enigma presented by the cases of seven dismissed employees whose only present chances of "appeal" lie with one body which has no legal jurisdiction over the cases or another which has no authority to order their reinstatement.

Secretary Marshall's statement was made at a press conference at which he was asked five questions about the now famous issue growing out of the fact that the seven were fired as "potential security risks" without ever being told the nature of the charges against them.

His promise of a "study" was followed by indications that the firm of Arnold, Fortas & Porter, which is representing the seven without fee because it believes the civil rights of the men have been violated, will again demand of Secretary Marshall that the men be granted a "real" State Department hearing and allowed to resign without prejudice.

The first question on the subject at Secretary Marshall's press session was:

"Last week you said the department would make available to the Civil Service Commission or the new loyalty review board the department's files with respect to any of the employees appealing to those bodies. But you left the

inference that the department could not make available information furnished by the Federal Bureau of Investigation. Since that time the F. B. I. has indicated it is completely willing for the commission or the review board to have pertinent material supplied by the F. B. I. Will the State Department make it available to the commission or the board?"

Secretary Marshall replied that that would be a matter between the commission and the F. B. I. He said that the F. B. I. had original copies of all its information in its own files. He said the questioner must remember that he, the Secretary, did not say last week that all the material not under the State Department's clearance control came from the F. B. I.

"Did it come from the Army or Navy?" a reporter asked.

Secretary Marshall's attention was caught by another question on another topic and he did not answer the one about the Army or Navy.

"The loyalty review board appears to have no jurisdiction in the cases of the dismissed State Department men and the Civil Service Commission does not have the power to reinstate them," another reporter said. "Is it fair procedure, then, to submit their cases only to those bodies?"

Secretary Marshall replied in these words—We will study the matter.

"You mean there will be a reconsideration of these cases in the light of the limitations of the commission and the board?" a reporter asked.

Secretary Marshall said that no, he did not say the cases would be reconsidered. He said he would tell department officials what the reporter had said about the limitations on the commission and the board, and would have a study made of the matter. He said that after all, it was not just a question of the dismissed men, but how far the matter went. Presumably he

was implying that in his opinion the case might have ramifications extending beyond the men.

The reason the loyalty review board has no jurisdiction in the case of the dismissed State Department employees is that they lost their jobs before Oct. 1, 1947, and the board is empowered to hear the appeals only of those persons dismissed since that date.

"Do you expect to talk personally to the men who were dismissed?" a reporter asked.

Secretary Marshall replied in these words—I have no comment on that now.