

WASHINGTON REPORT:

Witchhunting in the Federal Government

This column will appear in Civil Liberties regularly. Look to it for information on congressional actions you can influence through communication with your congressmen, the press and other action groups.

By Arlie Schardt staff member, ACLU's nat'l legislative/

It should be evident that fences, guards, safes and alarm systems are of a limited value in dealing with what is probably the most serious security problem we face today - the people problem - people who are either simply disloyal to this nation or who justify what amounts to criminal espionage on the theory that they are simply carrying out a commitment to a 'higher morality'...

Therefore, said Robert C. Mardian, Assistant Attorney General of the United States, the Department of Justice and the Civil Service Commission have placed under consideration a new set of standards for federal employment. The purpose is "to meet the challenge presented by the attempts of revolutionary terrorists and other subversives to enter federal employment," as Mardian put it in his Oct. 27 address to the Atomic Energy Commission Security Conference.

Keystone of the proposals is the firing of any employees "hired for allegedly non-sensitive positions without any investigation, who subsequently prove to be members of a subversive or revolutionary/terrorist organization." No mention was made of a hearing. No mention was made of how such a policy would square with court decisions stating that disciplinary action in security cases can be taken against a federal employee only when the government can prove he knowingly involved himself in furthering the illegal objectives of a subversive organization.

Instead, Mardian complained about the difficulty "... of demonstrating the nature of the employee's or applicant's involvement in a subversive organization..." and about "the recent tidal wave of legalisms which has clouded all personnel security programs."

Subversives List

But there is always a bright side to the worst of situations, and Mardian found reason for cheer even through that gloomy thicket of legalisms.

President Nixon, he noted "has already taken steps to eliminate the problem resulting from the fact that the Attorney General's list has not been updated for 17 years."

Indeed President Nixon has. On July 2, he issued Executive Order 11605. This action pumped new blood into the long dormant, though highly paid, Subversive Activities Control Board, enabling the SACB to add new names to the Attorney General's (black)list of subversive groups.

Congressional efforts to forestall this action, which Sen. Sam Ervin claimed was unconstitutional because only the Congress can delegate responsibilities to a congressionally created body, were vigorous but unsuccessful. The best hope at present for curtailing the revival of SACB therefore stems from an ACLU suit filed in Washington this fall. The suit charges that Executive Order 11605 is a gross violation of the First Amendment and others, and seeks to have it declared unconstitutional.

Meanwhile, with regard to the plans disclosed by Assistant Attorney General Mardian, the ACLU went promptly to work. In a letter co-signed by ACLU Executive Director Aryeh Neier and James Heller, chairman of the National Capital Area ACLU, the ACLU advised Attorney General Mitchell that "Mr. Mardian's remarks are so redolent of the witch-hunt atmosphere of the McCarthy era, and his proposals are so blatantly unconstitutional that we are somewhat hopeful that he was carried away by a rhetorical flight of fancy."

But in the all-too-likely event that such optimism was only that, the writers assured Mr. Mitchell that if a plan does indeed exist for the blanket firing of federal employees belonging to so-called subversive groups, and if such plan is put into operation, "we shall sue to enjoin its enforcement; we shall undertake the defense of every individual unjustly penalized by it; and we shall devote whatever resources we possess to protect the right of every American citizen to the freedom of speech and association guaranteed by our Constitution. We have no doubt that in this fight the rights of the people will prevail."

Equal Rights

The Equal Rights Amendment (ERA) designed to guarantee for women rights with men in all fields, passed House in late October after the Rep. Charles Wiggins to critics were defeated.

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