

See this file 27 Jul 68, Thomas H. Carter.

Off-the-Job Privacy

There used to be a soap commercial that claimed it left clothes "whiter than white." This colorful but impossible state is brought to mind by the cases of the F.B.I. clerk in Washington and the New York City policeman, both bachelors, who have been fired for sharing their respective bedrooms with a female friend.

The F.B.I. gave as ground for dismissal "conduct which could reflect discredit upon the bureau." The New York City Police Department said that "cohabiting with a female, also unmarried . . . brought adverse criticism on the department." We could think of a lot of other things that have brought a good deal heavier criticism—without anyone being fired.

The clerk has just won the right to a jury trial as a result of a ruling by the Court of Appeals in the District of Columbia. As the judge declared, the F.B.I. had not made it clear that its employees stood to be discharged for such conduct (or, as a spokesman for F.B.I. director J. Edgar Hoover put it, "carrying on"). And the policeman is appealing his case, as he certainly should.

The issue is more than a matter of sex and the single man. What is at issue here is the invasion of privacy by an employer—governmental or otherwise—in the after-hours life of an employee. Admittedly, in certain sensitive Government jobs where security is involved, unorthodox sex life of employees can lay them open to threats of blackmail—but even in these cases the danger is more likely to be theoretical than real.

In any event, the current instances do not seem to involve the security question. They smack more of prurience in the guise of morality. The invasion of privacy is the real question. As a normal rule, government employees should not have to be "whiter than white" or holier-than-thou.

NYT. 2 AUG 68