



Who's disloyal?

A Capital correspondent

reports on the

methods and some of the

effects of

current investigations

WASHINGTON WORRY-GO-ROUND

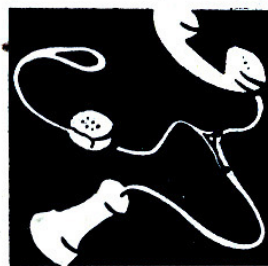
By CARROLL KILPATRICK

IF EVERY government official suspected of harboring subversive ideas or of being disloyal were fired tomorrow, Washington would be a ghost town. The Federal Bureau of Investigation has a dossier on almost everyone, and whether the dossier is "good" or "bad" is purely a matter of interpretation.

Attention has been focused on this problem and fine theories have been spun regarding the rights of the government worker. But most of the debate has been at the high level of the Loyalty Review Board created by the President to examine such cases. Little

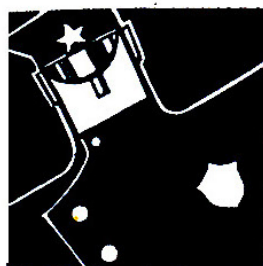
Carroll Kilpatrick, a veteran Washington reporter, is now on the staff of the *San Francisco Chronicle*, which, he points out, is a Republican newspaper.

attention has been drawn to the investigating officer. Yet he is the man, often inept, often prejudiced, whose opinion apparently decides just what is "disloyalty" and what isn't. In my work as a newspaperman, I have encountered a fair number of these investigators. The case histories I relate here are based on my own experience or direct investigation. I can personally vouch for all the facts.



NOT LONG AGO THE FBI submitted to Secretary of State Marshall a report on an Assistant Secretary of State he had appointed. The report contained, as damaging information, a statement that

the FBI had heard a man in a telephone conversation say that Marshall had made a good appointment. The man who said that (in a casual telephone conversation which the FBI just happened to be overhearing) was suspected of having once been a Communist. That made the new Assistant Secretary a dangerous character, too.



RECENTLY, A HIGH government official, once a Republican governor, told me he had invited a former associate to join his staff. The FBI put its foot down. "The FBI did not suggest that Joe was a Communist," the official told me, "but it did say that he had been associated with too many liberal groups." The offer to Joe was withdrawn.

I asked the official if that was not too much power to give to a police organization. "No," he said, "somebody has got to take the responsibility."



THE STORY OF THE State Department employees dismissed last June is now well known. They may all have been Russian agents, for all I know, but the State Department furnished no proof. In private conversations with the officials who handled the firings, the only thing I have been able to

learn is that the former employees had been found in the company of persons whose loyalty was under suspicion.

In one case, the Department acknowledged it had little incriminating information and voluntarily permitted the man to resign. He received the following letter from Arch K. Jean, chief of the Division of Departmental Personnel:

"Your resignation is hereby accepted effective as of the close of business June 24, 1947.

"In accepting your resignation without prejudice, we take this opportunity to record the fact that your services have been excellent, and that you may be proud of the efforts you put forth in the difficult field of_____. The Department wishes you well in any future endeavor."

This individual was not reinstated. His attempts to obtain jobs in other government departments have been futile, once because of the direct intervention of the Cabinet officer heading that department, who explained that he could not risk congressional criticism by employing a person once fired on the suspicion of being disloyal.

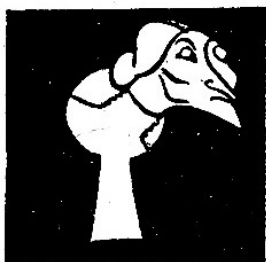
Should that person be permanently branded as disloyal if the information against him was so meager that the State Department could have reversed its position

and written him a helpful letter of commendation?



ANOTHER OF THE men dismissed by the State Department found that his neighbors would have nothing to do with him, and would not permit their children to play with his children. Even the neighborhood baby-sitter was prevented from going to his house.

That man was branded as guilty, in the eyes of his neighbors, of an odious crime, yet no charges were made against him and he was permitted no defense. His story is not unlike that of his fellows in this unlucky group.



A MEMBER OF THE President's Cabinet, known for his conservative views, invited a young man whom he knew well and who had loyally served his country overseas, to join the Department's staff. The FBI said No; there were grave doubts about the man's loyalty. The Cabinet officer demanded proof. The evidence was the testimony of a lady from Montana who ran a boarding house in Washington. Back in 1940, she had told the FBI, the man in question had frequently spoken disrespectfully of Senator Burton K. Wheeler. That was the only derogatory information the FBI

could produce against this individual. He now holds an important government post only because a Cabinet officer defied the FBI.



GEORGE F. KENNAN, director of the State Department's Policy Planning Staff, invited a well-known former government official, now a college professor, to join his group. Professor A agreed. He had his bags packed to go to Washington when Kennan notified him that the offer had been withdrawn.

The reason: A had testified in court at the trial of Carl A. Marzani, an alleged Communist who worked during the war for the Office of Strategic Services. Marzani was convicted of having falsified his application for the job and was sentenced to prison for a period of one to three years. Professor A, who had supervised some of Marzani's work in OSS, was subpoenaed by the defense. Under cross-examination, he told the court that Marzani was a capable worker (a point not in dispute) and so far as he knew, was a person of good character.

Asked whether he would still have had a good opinion of Marzani had he known Marzani was a Communist, Professor A replied in the negative. When Kennan learned of that testimony he frankly explained to A that he did not

want to run the risk of congressional attack. The professor stayed home.

Then the State Department offered a similar post to A's colleague, who was thought above attack. Professor B, however, declined the offer. Here is part of his letter to the Department:

It did not occur to me until after I spoke with you on the telephone Saturday that my going to work for the State Department . . . might with some justice be construed as condoning the Department's action in the [A] case . . . After considerable reflection, I concluded that I ought to use this occasion to register my indignation and alarm at the Department's shocking conduct, pathetically weak though the gesture may be.

We are all deeply troubled by the [A] episode. Having served my time in Washington, I would be the last to argue the case in terms of the futile and largely bogus debate over ends and means; but when, in order to win the momentary good will of a few basically hostile congressmen, the Department of State is willing, almost as a matter of routine, to act as an accessory to the harassment and intimidation of witnesses in the courts of law, and to victimize an individual for the conscientious performance of one of the duties of every citizen, I think it is high time for a departmental soul-searching. . . . It is time to consider whether the Department is not getting perilously close to the posi-

tion of sacrificing any principle, however large, for any tactical advantage, however small.



RECENTLY AN OLD friend of mine, whom I will call Smith, telephoned me in great agitation to say that he had been blocked from going on a Navy assignment because the FBI had labeled him a Communist. I had known the man for about eight years. He was an able reporter who had worked for the *New York Herald Tribune*, *PM*, and *Fortune* magazine, in that order. I regard him as a liberal.

The Navy asked Smith to go to the Pacific for six months to write a report. (Smith had not sought the assignment.) After discussing the problems involved—including salary—he accepted, said good-bye to his family, and proceeded to Washington, where he was to spend two weeks at the Navy Department before flying to the Pacific.

When he reported to the Navy he was met by a civilian official who informed him, for the first time, that he had "not been cleared." My friend was told: "Because you worked for *PM*, you have a black mark against you."

Within a few hours Smith produced press clearances previously granted him by the Army and Navy during the war and showed

them to the Navy officer in charge of the Pacific mission. This officer told him they looked all right and not to worry.

But a week later the officer reported to Smith: "I have bad news. The FBI has just told me that you are a member of the Communist Party and I can't take you along."

"I was so outraged I could scarcely be coherent," Smith told me. "In his presence, I grabbed the phone, called my wife, told her to get — and — to intervene with J. Edgar Hoover and Secretary of the Navy Forrestal."

The civilian official urged Smith to press his fight and assured him there still was time to go on the trip. "He also assured me that, come what may, I would get every penny due me under the contract," Smith related. "At his suggestion, I holed up at the Statler Hotel and began a telephone campaign in behalf of my own clearance. You can imagine the expense incurred.

"The precise FBI evidence

against me, I later learned, was phrased something like this: 'Subject was declared by confidential informant of unknown reliability to be a member of the Communist Party.'

"At the Navy Department, Captain — and Commander —, both regulars and Annapolis characters, were outraged by the whole affair. Largely through them my case was brought to the attention of Admiral —, who prevailed upon the FBI to conduct a thorough investigation."

Smith still is trying to clear his name. The final FBI report is withheld from him, of course, but he hopes that somehow the investigator's charge against him will be erased.

"I have a kind of ambivalent feeling about the much-abused FBI," Smith said. "I don't think such a flimsy allegation as the original one against me should be allowed to stand in the record. Either it should never have been

IN THE EYES OF THE FBI

[The author's estimate of how various organizations are classified by J. Edgar Hoover's investigators.]

SUBVERSIVE: Communist Party, American Youth for Democracy, American League Against War and Fascism, German-American Bund, Ku Klux Klan.

DUBIOUS: National Lawyers Guild, Southern Conference for Human Welfare, American Veterans Committee, CIO, Progressive Citizens of America, American Civil Liberties Union, Committee to Abolish the Poll Tax.

SAFE: American Legion, National Association of Manufacturers, American Bar Association, Chambers of Commerce, American Farm Bureau Federation, Native Sons of the Golden West.

entered, or its mere fact of entry should have given top priority to an immediate investigation, without waiting for the request of Admiral —.

“I also believe that the investigation finally made was very good. All people interviewed felt that the investigator was no fool, and they said I need not be afraid he would fail to understand the difference between a liberal and a Red.”

In addition to clearing his name, Smith would like to collect some money from the Navy. “This business has been terribly painful for me and my family,” he said. “I have never received a single cent for the \$400 this little venture into government service has cost me.”



THE FOLLOWING story, under a Berlin dateline, went out over the wires of the United Press

when the Washington hysteria was at its height:

The employment contract of George R. Wheeler, American military government manpower specialist labeled a “Communist” by Representative George A. Dondero, Republican of Michigan, has not been renewed, it was announced today.

Colonel James T. Duke, chairman of the Military Government’s loyalty board, said Mr. Wheeler would not be retained despite the

board’s failure to find evidence that he is “either a Communist or disloyal to the United States.”

An earlier statement by General Lucius D. Clay said Mr. Wheeler had been “cleared.”

There was no indication why his contract had not been renewed.

Last week Heinz Norden, also a Dondero target, was told his contract as editor of the illustrated magazine *Heute* (“Today”) would not be renewed. He, too, had been cleared by the loyalty board.



CLIFFORD J. DURR, member of the Federal Communications Commission, has risked the ire of

J. Edgar Hoover by disclosing the character of the information reported against individuals by the FBI. In unsolicited reports to the FCC on applicants for radio broadcast licenses, the FBI, according to Durr, presented this “derogatory information”:

An unidentified source reported that an applicant for a broadcast license was in contact, in 1944, with an unidentified individual “who was suspected of possible pro-Russian activity”; an unidentified “reliable source” provided a reprint of an article by an applicant in *The New Republic*, which article “is reported to be an indictment of antilabor radio broadcasts, including news commentators and sponsors of such pro-

grams"; and another applicant had been reported by an unidentified source to have been on a committee formed to greet the late president of a large labor union.

PRESIDENT TRUMAN'S Committee on Civil Rights has been critical of such practices. "We firmly believe," the Committee said, "that the Government has the obligation to have in its employ only citizens of unquestioned loyalty. Yet our whole civil liberties history provides us with a clear warning against the possible misuse of loyalty checks to inhibit freedom of opinion and expression." The moral of the government worker already has been seri-

ously affected by Washington's witch hunt. Some live in real fear, knowing that wire tapping, for example, is the rule rather than the exception. They know that those who have been branded as security risks have found it as hard to get private employment as to find new jobs in civil service.

No one will deny that the Government must have the power to protect itself against disloyal persons, and that high officials must have discretion in selecting and rejecting federal employees. But the police state is not a part of the American heritage. It would be hard for Thomas Jefferson—or Franklin D. Roosevelt—to pass a government loyalty test today. ~~48~~

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Footnote

"LOYALTY" IN THE COURTS

The legal questions involved in the Government's loyalty check of employees have been only partially answered by Seth W. Richardson, chairman of the Loyalty Review Board. The accused is permitted a hearing, legal counsel, and the right to appeal, first to a regional board and then to the Loyalty Review Board. However, he is not permitted to confront or cross-examine accusers. The Board still depends upon the FBI for its investigative work, and the FBI insists that its work be kept confidential. Even the Board itself will not know the identity of informants.

Mr. Richardson's own group associations are: the Republican Party, the American Legion, and the Elks.

No provision is made for court review of loyalty cases. In a speech, however, Supreme Court Justice William O. Douglas expressed views which may foreshadow his opinion when civil liberties cases reach his tribunal. "A more accurate measure of the vitality of our Bill of Rights," he said, "is not in the sporadic rulings of our highest tribunals but in the day-to-day attitudes of the lower courts . . . The executive and legislative branches of government also have responsibilities for enforcement of the Bill of Rights." Justice Douglas here listed the administration of elections, city ordinances, and "the habits of the police." Then he added: "A people indifferent to their civil liberties do not deserve to keep them, and in this revolutionary age may not be expected to keep them long. A people who proclaim their civil liberties but extend them only to preferred groups start down the path to totalitarianism."

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