

WANTED: AN EFFICIENT AND JUST GOVERNMENT
SECURITY PROGRAM

An Address
by
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Before a Luncheon Meeting of
The American Society of Public Administration
and
The American Political Science Association

I am very glad to have this opportunity to speak to you today, in a more objective atmosphere than the one to which I am accustomed, about the Government employees security program under Executive Order 10450. I should like to speak primarily about the manner in which this program has been administered.

At the outset I want to express my view very candidly that when the historians, public administrators and political scientists write several years hence, with objective and dispassionate analysis about the Government employees security program, they will undoubtedly regard it as of major significance in large part because it is a classic example of incredibly poor administration. I would go even further. The record of administration of the Government employees security program would be almost comical were it not a matter of life and death to our nation and of brutal impact upon thousands of our citizens.

I very strongly believe there is no place for partisanship in consideration of the present security problem. It is my belief that once we start with the premise that a security program is necessary, we would have pretty much the same kind of security program under the Democratic auspices as we have now under Republican auspices. Most of the difficulties in the security program exist because we have not yet come to grips with the vital tasks of defining the perils which we fear, of constructing a logical and effective security program for meeting these perils, and of deciding as a matter of conscious choice the price we are prepared to pay for security.

The Government employees security program is based fundamentally upon Public Law 733 of the 81st Congress, which was, I must point out, enacted at the request of a Democratic President to strengthen and assure the national security. This law did not provide for security investigation and clearance of all employees in the Government. It provided only that the heads of certain sensitive agencies might dismiss employees, on the basis of information which happened to be available, "when deemed necessary in the interests of national security."

Public Law 733 also provided that the President might extend its provisions to such other departments and agencies as he might "deem necessary in the best interests of the national security." Public Law 733 has been parlayed by Executive Order 10450 into universal investigation of all Federal employees in all Federal agencies and into a mandatory requirement for dismissal of all employees whose continued employment is not "clearly consistent with the interests of national security."

Executive Order 10450 was promulgated only three months after President Eisenhower's inauguration. It is apparent that it was promulgated with inordinate haste considering its profound implications. This inordinate haste is reflected in the fact that it has been amended by four separate Executive Orders since its promulgation. It is reflected also in its failure to take into consideration a number of problems which would be readily apparent upon careful consideration, such as the very real possibility that more than one agency of the Government may simultaneously have an interest in the employment and security status of an employee. The haste is reflected also in the fact that the Atomic Energy Commission, the only agency of the Government with substantial actual operating experience in carrying on a program analogous to that provided for in the Executive Order, to my knowledge was not consulted in the initial drafting of the Order.

The fact that the standards for security determinations and the minimum standard procedures are so vague, and left almost wholly to the discretion of the individual agencies and departments, is in itself an indication that Executive Order 10450 was promulgated in such great haste that a thorough workmanlike job of drafting was not feasible.

The major vice in the present security program is that it contemplates the adjudication of matters of desperate importance to the Government itself, and to the human beings who happen to be employed by the Government, without firm standards and guidelines. The President is, apparently, willing to place trust in the competence, integrity, intelligence, and judgment of the many Government officials in the various departments, and agencies who play important roles in the security program.

In the security field, it is, apparently, a Government of men and now of laws.

It is not enough that the Government security program requires that we dispose of the job, the reputation, and the happiness of Government employees without giving them a full statement of charges and without permitting them to know, confront, and cross-examine their accusers, but we also entrust the ultimate determination in these cases to human beings who are concededly fallible. The entire structure of Anglo-Saxon law is designed to guard against the uncertainties of human fallibility in matters affecting life, liberty, and property, but in the field of security human fallibility becomes the saving virtue.

We are told by the Assistant Attorney General -- who apparently is in charge of administering the security program -- if anybody is -- that the difficulties in the security program which have come to public light are attributable not to the system itself, but only to "administration" of the program. We are told by the chairman of the Civil Service Commission that all employees of the Federal Government are receiving equal and uniform treatment under the security program "subject to the variations in interpretation or decision involved as a result of the human element in administration."

We remove from Government service those individuals who may be fallible because of indiscretions, bad judgment, or mistakes of the past, but we extoll the virtues of the fallible men who are lucky enough to be the removers.

A word about the men who administer the security programs. Theirs is a new profession which has come into being within only the past decade. As a group, they represent one of the most powerful and influential forces within the Government itself and within American life generally. They hold in their hands the future economic well-being and personal happiness of millions of Americans, not to mention the strength and safety of our nation.

These are men, we are told, who are expected to assess the intrinsic character and value of human beings in relation to the jobs they hold, and from the standpoint of whether their activities in such jobs are consistent with the national interest. Their function requires not only wisdom, charity, patience, and intelligence but also the professional skills of the lawyer, the social scientist, the social worker, the public administrator and the psychologist, among others.

Do we have that kind of man in the corps of our security officers today? You know the answer. We do not. Most of our security officers today, as I understand it, are alumni of investigative and intelligence organizations. Important as is their functions, little in the background of such people trains them to make the kind and quality of decision which are vitally important to a sound security program. Their training and background in all too many instances is in the fight against evil. They are trained to look for evil, for the worst and most evil implications of every situation. Most of what these security officers have been doing has been shrouded from public view so it is not possible to assess and evaluate their competence. But occasionally their handiwork has blossomed forth into public view as in the Chasanow or Ladejinsky cases, and what we have seen in such cases does not inspire respect or confidence.

As pointed out in the Hoover Commission's Task Force report on personnel and civil service there are general views within the Government service that security determinations are not sufficiently judicial in character to make for valid decisions, and there is fear that honest and loyal employees can be destroyed by unsupported or trivial charges, that security officers can be stampeded, and that security charges sometimes mask political removals.

There is a very grave danger of establishing within the Government service a corps of security officers whose affirmative qualifications for this important job

are questionable and who generally lack the qualifications which thoughtful people might think they should possess. We are well aware of the tendency of bureaucracy to perpetuate itself. We can, on the one hand, rejoice in the knowledge that the job of security investigation and clearance of incumbent employees is almost completed and that, very shortly, the security function will be concerned primarily with applicants. We must, on the other hand, have some doubt whether this will come to pass.

I should like now to talk about the manner in which the security program has been administered. I think the general outlines of the program and the manner in which it operates are fairly well understood, so I would prefer discussing with you certain symptoms which strongly suggest that operation of the program is not all it should be.

If we are to rely upon the public statements of the Government officials with primary responsibilities in connection with operation of the security program for evaluation of the operation of the program, we would be forced to accept the view that the security program is operating smoothly and serenely, without necessity for substantial improvement. Assistant Attorney General Tompkins, who is in charge of the Internal Security Division of the Department of Justice, the Division which apparently has basic responsibility in connection with the security program, tells us that the program itself is sound, and that difficulties revealed in publicized cases of the past several months have not been caused by basic defects in the Executive Order, but rather are merely "a result of administration." He agrees that the security program to date has not been perfect, but minimizes the significance of this lack of perfection by pointing out that "even courts of law make erroneous decisions." I am tempted at this point to dwell at length on the analogies, or lack thereof, between security proceedings and judicial proceedings, but I shall restrain myself.

Mr. Philip Young, chairman of the Civil Service Commission, who also has important responsibilities under the Executive Order, tells us that in his view "the application of this program, in terms of uniformity and equality of decision that has been made, has been excellent." He thinks that the program has gone "exceedingly well."

Indeed, the security program has been running so well, in the view of certain Government officials, that public criticism and scrutiny of the program are taboo, superfluous, and unpatriotic. Those who criticize details of the present program or urge improvements have been linked by supposedly responsible Government officials with the Communist effort to hamstring security. I have been intrigued by newspaper accounts reflecting that the Department of Justice is trying to obtain public support for its position in the Peters case now pending before the United States Supreme Court. According to these accounts, the Department of Justice characterizes critics of the security program as well-meaning, inadequately informed, misinformed people, who know not what they do but whose efforts, if successful, will deal a death blow to the security program and perhaps to our national defense. Our Assistant Attorney General had this to say for the critics of the present security program when he suggests:

"When you read criticisms of the employees security program, you should bear in mind that it took only one spy to turn over to the Soviets the most important secrets relative to the atom bomb."

Is the program as good and as well administered as we are led to believe in the self-satisfied assurances of our Government officials? I think not.

In the course of the recent hearings into the operation of the Government's security mechanism which I had the privilege of conducting as Acting Chairman of the Subcommittee on Reorganization of the Senate Committee on Government Operations, we heard from the principal Government agencies and Government officials responsible for the Government security mechanism. As a result of these hearings, the confusion, and the inconsistency inherent in the present security program could not be hidden and spoke for itself. It took a little probing at times but the truth finally became exposed, for the first time, to public scrutiny.

I am being a little inaccurate with you today in telling you that I am discussing "the security program". There is no security program, but only a mass of security programs -- as many programs as there are agencies. There is no uniformity no real coordination. It is true that all of these programs (except perhaps that of the Atomic Energy Commission which appears to be exempted from just about everything in the security field) operate under a uniform standard, uniform categories

of derogatory information, and so-called "minimum standard" procedures. But all of these are so vague as to be meaningless, and in actual practice there are almost infinite variations.

Does not a gulf of almost infinite breadth separate the security standards of Scott McLeod, who reviewed the Ladejinsky file and saw no question of security risk, from the standards of his counterpart in the Department of Agriculture who reviewed the same file and saw a horrendous degree of security risk?

Does not a gulf of almost infinite breadth separate the security standards of the Assistant Attorney General, who is primarily responsible for interpretation of Executive Order 10450 and who says this Order does not apply to occupants of non-sensitive positions concerning whom there is derogatory information as to character and habits, from the security standards of numerous other agencies of the Government who have consistently exercised the authority of Executive Order 10450 in dismissing such non-sensitive employees because of derogatory information about character and habits?

The divergencies in actual procedures are even more striking. It is almost incomprehensible to me how anyone can say, as did the Chairman of the Civil Service Commission, that there is "relatively uniform application" in the security program. It is not completely incomprehensible because, if I learned anything at all in our hearings, it is that no one in the Government really knows or is interested in what is going on in the security program beyond the point of his own nose. Every official wraps himself up in his own security responsibilities, defined as narrowly as possible, and chants the virtues of the status quo even though he is wholly unable to justify it and does not even understand it.

It is readily apparent that the security program under Executive Order 10450 is being administered without genuine coordination or uniformity. I must confess that after several days of hearing representatives of the executive branch testify on this problem, I was completely unable, despite diligent effort, to find out what if anything is being done about coordination. The Department of Justice suggested that the Civil Service Commission is the principal coordinator. The Civil Service Commission suggested that the Department of Justice was primarily responsible for coordination. The Department of Defense apparently thinks that both the Civil Service Commission and the Department of Justice have substantially equivalent roles in this regard. In fact, Mr. Young of the Civil Service Commission was able to give the Subcommittee considerable information about what Mr. Tompkins, the Assistant Attorney General, is doing in the area of coordination that we were unable to extract from Mr. Tompkins himself. There is no doubt that coordination is the top secret of the security program.

I detect reflections of this lack of coordination, uniformity, and consistency in some of the fragmentary statistics which have become available concerning operation of the security program. Although I am not a very good statistician, I think my statistician friends would agree that in a universe of two million Federal employees subject to the security program scattered among some 60 or 70 agencies of Government, there ought to be some statistical correlation or pattern apparent. Available figures reveal no such pattern. The best statistics available are those of the Atomic Energy Commission, which is generally regarded as having both an enlightened and effective security program. The AEC had since 1946 approximately 504,000 full background investigations conducted for it, the bulk of which were for applicants for AEC employment or security clearance. The AEC reports that of these only 5,532 or about 1.1% raised any question as to eligibility of the individual for AEC security clearance, and of this number 1,622 were finally granted clearance. Of the remaining 3,910 - 3,416 were not processed to conclusion for one reason or another, and only 494 or just about 0.1% were actually denied clearance.

We may compare these figures with analogous data reported by the Department of State indicating that the State Department denies employment on security grounds to approximately 1.45% of all applicants investigated. This means that the Department of State denies security clearance in a larger percentage of cases than the AEC finds even raise a security question.

There are other interesting statistics. The Foreign Operations Administration, which has two-thirds as many employees as the United States Information Agency, reports that it has fired 184 employees for security reasons between May 28, 1953, and September 30, 1954 as compared with the United States Information Agency's report that only two employees have been fired for this reason within the same period.

Similarly, the Department of Interior which employs approximately 50,000 employees reports that it has terminated 140 employees for security reasons, while the Department of Agriculture with 70,000 employees reports that it has fired only 102.

It is difficult to find a shred of statistical correlation among the various agencies with respect to the relationship between total employment and total security dismissals.

A similar absence of correlation is to be found in the relationship between the number of employees, listed as fired for security reasons and the number of employees who are listed as having resigned before a security determination was made in cases known to involve derogatory information. For the Government as a whole, for the period May 28, 1953, to September 30, 1954, it is reported that 3,002 employees were fired for security reasons, while 5,006 resigned before security determination was completed where derogatory information was in the file. The Foreign Operations Administration reported that seven times as many employees were fired as resigned. The State Department, on the other hand, reported that 46 times as many employees resigned as were fired.

If these figures have any meaning at all they must be regarded as indicating an astonishing variation in the resolution of security cases among the various agencies and departments. It is astonishing also that the Chairman of the Civil Service Commission, under these circumstances, could say that "there has been relatively uniform application."

I am terribly concerned that responsible officials of the United States Government have evidenced too little interest in or concern over obvious danger signals such as these statistical data and other evidences of poor administration of the security program. The greatest tragedy of the security program is that these officials close their eyes to the facts and to constructive criticism, and defend the status quo blindly, almost as a reflex action.

It is no answer to the criticisms of the security program, or to the obvious deficiencies which are found in it, to say that the security program does not stigmatize Government employees who fail to meet its tests, to say that an individual has no right to Government employment and should, therefore, be grateful for the scraps of procedural privileges thrown to him, and to say that security proceedings are administrative in nature and not "judicial" or "adversary" proceedings. These are the shibboleths of the security program. They are demonstrably false. I regret that times does not permit me to go into the demonstration of their falseness. Suffice it to say, the security program has a profound and lasting effect upon the individuals subject to it over and above the immediate effect upon their employment by the Government.

Individuals who fail to meet the tests of security are subject to very substantial deprivation. A responsible Government should exercise extreme caution, judgment, and restraint in imposing such deprivations upon its citizens, even in the name of national security. I must report with sorrow that I have seen no indication that the officials presently responsible for conduct of the security program have adequate appreciation of the responsibility of our Government to its citizenry in security matters.

I believe the time has come to take stock of where we stand in our quest for security. I personally believe that we need a realistic and effective personnel security program. I have serious doubts that our present program is realistic or effective. I believe that it can be made more effective and more realistic, and at the same time can be made to operate with greater compassion, justice and fairness. I firmly believe that there is an urgent necessity for calm, objective, non-partisan appraisal of our entire security mechanism, including the personnel security aspects, and that a proper personnel security program can emerge only from such an appraisal.

That is why Senator Stennis and I have joined in sponsoring a joint resolution, S.J.Res. 21, to establish a Commission on Government Security, to study comprehensively all phases of the Government security mechanism and to submit appropriate recommendations. It is my sincere belief that this resolution is one of the most important pieces of legislation presently before the Congress. I hope and urge that it receives the support of all thoughtful citizens. I pray that the Congress, Democrats and Republicans alike, will demonstrate its concern for the human element in Government by accepting our resolution.



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