June 26, 1950

CONFIDENTIAL
BY SPECIAL MESSAGE

Honorable Donald S. Dawson
Administrative Assistant to
The President
The White House
Washington 25, D.C.

Dear Mr. Dawson:

The press Sunday morning carried a story suggesting that the
President had in mind a plan to appoint a Commission whose duty it
would be to study the Government Loyalty Program and to make ulti-
mate findings and recommendations thereon concerning.

May I respectfully suggest that you acquaint the President,
at a suitable time, with my own views on this important subject.

The Loyalty Program which is built upon Executive Order 9835
has been in operation for nearly three years. It constituted the
first major attempt to make a loyalty check of the employees in
the Executive Department, and for the first time in history pro-
vided for employees, the right to hearings before they could be
discharged for disloyalty.

The Loyalty Review Board was formed to carry into effect,
Executive Order 9835, and pursuant thereto it has formed and de-
volved a carefully built system designed to carry into effect
the President's Order. All of the operations of the Board have
been non-partisan to the highest degree. The public acceptance
of the Program has been quite remarkable. Early criticisms dis-
tracted toward the Program no longer engage the public interest,
press comments throughout the country have been universally favor-
able, employee fears and suspicions have been largely allayed,
with the result that employee morale has been strengthened in-
stead of diminished as a result of the loyalty check. I think
there has been a general appreciation that if a loyalty check is
to be authorized, the current Program is a good one and has been
properly and intelligently administered. Presently only persons
and groups fundamentally opposed to any form of loyalty check,
together with a few persons with a personal ax to grind, continue
to be active as opponents of the Loyalty Program. The recent
criticisms of the program by the New York Grand Jury has no pertinency whatever. The point made by the Grand Jury was that the Loyalty Program should be broadened to include all questions of security and, as you know, that jurisdiction has been intentionally withheld and was not included within the Executive Order. Consequently the Loyalty Program viewed as a loyalty check, would not fall within the criticisms made by the Grand Jury.

The distinguished persons who have been associated with me in this Program and who have for the most part borne the burden of the actual carrying on of the Program, have labored diligently, impartially and in a truly non-partisan spirit, in a thorough effort to protect the Government, while, at the same time, carefully guarding the interests of the multitude of employees affected by the Program. I feel very strongly that my associates upon the Loyalty Review Board have, as a result, become experts in the treacherous and difficult field of employee loyalty.

Moreover, all the main phases of the Loyalty Program are now before the Supreme Court, upon certiorari, and these cases will be heard and determined early this fall. In my opinion, an unfavorable decision on any of these main points, will, in all probability and the operation of the Loyalty Program as it has presently been developed and operated. For instance, the invalidation of the so-called Attorney General's list, the President's constitutional right to initiate a loyalty check, the necessity of disclosure of confidential evidential sources by the FBI, and the right of a court to review the merits, executive decisions concerning employees, are all questions essential in the continued life of the Loyalty Program. Disapproval by the Supreme Court of any one of them would prevent further operations under the program.

The sharp public discussion which has grown out of the subjects under examination by the Tydings Subcommittee, does not, and should not, involve the operation of the Loyalty Program, and I believe the few criticisms pointed out by the Loyalty Review Board, or myself as Chairman, have been generally found without substance. In the meantime and without reference to public clamor, the Board has continued to carry on its duties under the Program in the same manner as it has heretofore operated.

With these thoughts in mind, may I suggest my measured objection to the appointment of any such Commission as was forecast in the press stories noted above: (1) the members of such a Commission would be entirely without experience in the difficult field of employee loyalty; (2) no sufficient criticism of the Program or of the Board is extant to warrant any investigation by any such proposed Commission; (3) until the Supreme Court either approves or disapproves the Program legally, any review
by any empirc Commission would be highly premature, prejudicial
to the Government interests and would constitute, in effect, a
direct reflection upon the Program itself as well as the various
persons who are presently operating it; (4) the board members,
out of their long, detailed and thoughtful attention to the
Employee Loyalty Program, are, beyond any reasonable doubt, the
most highly equipped persons available to the Government in con-
nection with the operation of any loyalty check program. I believe
that to submit them and their carefully worked out procedures, to
a review by a proposed Commission, would, in my opinion, impair
the operations of the Program, injure its public reputation, and
let loose a flood of inexperienced, unwise and impromptu discus-
sions concerning the Program, the board and the way in which the
Program has been administered. At the same time, the members of
the Loyalty Review Board would be subjected, as a result, to em-
arrassment and discomfiture, without proper cause or reason.

May I suggest that after the Supreme Court has spoken, if
any program at all remains, then having in mind what the Court
may say concerning loyalty checks, it might be well for the Presi-
dent to take stock of the whole loyalty situation, consider its
necessity, its wisdom, whether it should be broadened or re-
stricted in scope, whether a permanent board should be formed
to administer it, whether the existing test standard should be
in any wise modified, together with many other questions concern-
ing the Program which have been brought to light under the experi-
ence of the Board during its administration of the Program. But
to throw all these debatable questions presently before an inex-
perienced Commission at this stage of the situation, complicated
as it is by the current flood of charges and counter-charges
which are disturbing the public and which do not, in any real
sense, involve the Loyalty Review Board or the Loyalty Program,
would, in my opinion, be quite unwise, unnecessary and inappro-
tionate. It would be a yielding on the part of the President to
the sporadic enemies of the Loyalty Program which would have the
most detrimental effect upon the Program and which could not avoid
being submitted by the members of the Board as anything other than an
Executor loss of confidence in both the Board and the Loyalty
Program.

I hope you can see your way clear to so report to the President.

Respectfully yours,

[Signature]

Seth H. Richardson
Chairman
Loyalty Review Board