FROM: SIGNAL CENTER, WASH., D.C.

TO: MR. DAWSON:

FOLLOWING IS A DRAFT OF A LETTER TO SENATOR TYDINGS, WHICH WAS PREPARED IN ACCORDANCE WITH OUR CONFERENCE OF YESTERDAY WITH MR. SETH RICHARDSON. THE DRAFT HAS BEEN SUBMITTED TO MR. RICHARDSON AND HAS HIS APPROVAL.

/s/ J. HOWARD MCGRAITH, ATTORNEY GENERAL

QUOTE

HONORABLE WILLARD E. TYDINGS
UNITED STATES SENATE
WASHINGTON, D.C.

DEAR SENATOR TYDINGS:

SINCE THE TIME OF THE APPROVAL OF S.RES. 231 BY THE SENATE ON FEBRUARY 22, 1950, I HAVE BEEN GIVING CAREFUL CONSIDERATION TO AND HAVE BEEN GRAVELY CONCERNED ABOUT THE QUESTION OF THE PRODUCTION FOR YOUR SUBCOMMITTEE OF THE INVESTIGATIVE FILES RELATING TO THOSE GOVERNMENT EMPLOYEES WHO ARE OR HAVE BEEN EMPLOYED IN THE DEPARTMENT OF STATE AND AGAINST WHOM CHARGES OF DISLOYALTY HAVE BEEN MADE BEFORE YOUR SUBCOMMITTEE. I NOTE THAT UNDER THE PROVISIONS OF S. RES. 231 HEARINGS WITH RESPECT TO ANY PARTICULAR INDIVIDUAL ARE TO BE HELD ONLY UPON ACTUAL CHARGES MADE OF DISLOYALTY, AND I PRESUME, THEREFORE, THAT YOUR SUBCOMMITTEE IS NOT INTERESTED IN THE FILES RELATING TO
PERSONS AGAINST WHOM CHARGES OF DISLOYALTY HAVE NOT BEEN MADE.

IN MARCH OF 1948 I ISSUED A DIRECTIVE TO ALL OFFICERS AND
EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT DIRECTING
THAT ALL REPORTS, RECORDS, AND FILES RELATING TO THE EMPLOYEE
LOYALTY PROGRAM BE KEPT IN STRICT CONFIDENCE, EVEN IN Instances
WHERE SUBPOENAS WERE RECEIVED. AS YOU KNOW, THIS DecISION WAS
CLEARLY WITHIN MY POWER TO MAKE, AND I MADE IT ONLY AFTER THE
MOST CAREFUL CONSIDERATION AND AFTER I HAD SATISFIED MYSELF BEYOND
ANY DOUBT THAT ANY OTHER DECISION WOULD HAVE RESULTED IN THE
COLLAPSE OF THE LOYALTY PROGRAM ITSELF AND WOULD HAVE RENDERED
IT A VAIN AND USELESS GESTURE. AT THAT TIME I ISSUED A RELEASE IN
WHICH I POINTED OUT THE LONG STANDING PRECEDENTS REGARDING THE
PRODUCTION OF CONFIDENTIAL FILES AND THE REASONS FOR MY DECISION.
I REFERRED, AMONG OTHER THINGS, TO A LETTER FROM FORMER ATTORNEY
GENERAL ROBERT H. JACKSON, DATED APRIL 30, 1941, TO THE CHAIRMAN
OF THE HOUSE COMMITTEE ON NAVAL AFFAIRS, DECLINING TO FURNISH THAT
COMMITTEE WITH CERTAIN REPORTS OF THE FEDERAL BUREAU OF INVESTIGATION,
WHICH LETTER WAS WRITTEN WITH THE APPROVAL AND AT THE DIRECTION OF
PRESIDENT ROOSEVELT. THAT LETTER FORCEFULLY POINTED OUT THE SERIOUS
CONSEQUENCES THAT WOULD HAVE RESULTED FROM COMPLIANCE WITH THE
REQUEST OF THE HOUSE NAVAL AFFAIRS COMMITTEE. AMONG OTHER THINGS,
ATTORNEY GENERAL JACKSON STATED:

MOREOVER, DISCLOSURE OF THE REPORTS WOULD BE OF SERIOUS
PREJUDICE TO THE FUTURE USEFULNESS OF THE FEDERAL BUREAU OF
INVESTIGATION. AS YOU PROBABLY KNOW, MUCH OF THIS INFORMATION IS GIVEN IN CONFIDENCE AND CAN ONLY BE OBTAINED UPON PLEDGE NOT TO DISCLOSE ITS SOURCES. A DISCLOSURE OF THE SOURCES WOULD EMBARRASS INFORMANTS--SOMETIMES IN THEIR EMPLOYMENT, SOMETIMES IN THEIR SOCIAL RELATIONS, AND IN EXTREME CASES MIGHT EVEN ENDANGER THEIR LIVES. WE REGARD THE KEEPING OF FAITH WITH CONFIDENTIAL INFORMANTS AS AN INDISPENSABLE CONDITION OF FUTURE EFFICIENCY.

DISCLOSURE OF INFORMATION CONTAINED IN THE REPORTS MIGHT ALSO BE THE GROSSEST KIND OF INJURIES TO INNOCENT INDIVIDUALS. INVESTIGATIVE REPORTS INCLUDE LEADS AND SUSPICIONS, AND SOMETIMES EVEN THE STATEMENTS OF MALICIOUS OR MISINFORMED PEOPLE. EVEN THOUGH LATER AND MORE COMPLETE REPORTS EXONERATES THE INDIVIDUALS, THE USE OF PARTICULAR OR SELECTED REPORTS MIGHT CONSTITUTE THE GROSSEST INJUSTICE, AND WE ALL KNOW THAT A CORRECTION NEVER CATCHES UP WITH AN ACCUSATION.

THREE ELEMENTS--THE SERIOUS PREJUDICE TO THE EFFECTIVENESS OF THE FEDERAL BUREAU OF INVESTIGATION AS AN INVESTIGATIVE AGENCY, THE RESULTING EMBARRASSMENT AND DANGER TO CONFIDENTIAL INFORMANTS, AND INJUSTICE AND UNFAIRNESS TO INNOCENT INDIVIDUALS--LED ME TO THE INESCAPABLE CONCLUSION THAT THE SINGLE MOST IMPORTANT ELEMENT IN AN EFFECTIVE AND AT THE SAME TIME JUST AND FAIR LOYALTY PROGRAM WAS THE PRESERVATION OF ALL FILES IN CONNECTION THERewith IN THE STRICTEST CONFIDENCE. I CANNOT OVEREMPHASIZE THIS POINT.
DURING THE LAST MONTH I HAVE BEEN REEXAMINING WITH UTMOST CARE THIS ENTIRE PROBLEM, AND IN THIS CONNECTION, I HAVE ASKED THE ATTORNEY GENERAL, THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, AND MR. SETH RICHARDSON, CHAIRMAN OF THE LOYALTY REVIEW BOARD, TO GIVE THEIR CAREFUL CONSIDERATION TO THIS MATTER. THEY HAVE UNANIMOUSLY ADVISED ME THAT DISCLOSURE OF LOYALTY FILES WOULD BE CONTRARY TO THE PUBLIC INTEREST AND WOULD DO MUCH MORE HARM THAN GOOD. THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION IN A REPORT TO THE ATTORNEY GENERAL HAS OUTLINED THE VERY SERIOUS CONSEQUENCES THAT WOULD RESULT FROM ANY SUCH DISCLOSURES, AND I KNOW OF NO COUNTERVAILING BENEFITS. THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION STATED:

1. THE PUBLIC DISCLOSURE OF FBI REPORTS WILL REVEAL INVESTIGATIVE PROCEDURES AND TECHNIQUES. IF PUBLICIZED, CRIMINALS, FOREIGN AGENTS, SUBVERSIVES, AND OTHERS WOULD BE FOREWARNED AND SEEK WAYS AND MEANS TO CARRY OUT THEIR ACTIVITIES, THUS AVOIDING DETECTION AND HAMPERING THE EFFICIENCY OF AN INVESTIGATIVE AGENCY. THE UNDERGROUND OPERATIONS OF CRIMINALS AND SUBVERSIVES ALREADY ARE MOST DIFFICULT OF DETECTION AND I DO NOT BELIEVE THE SECURITY OF THE NATION WOULD BE FURTHERED BY APPLYING ANY ADDITIONAL SHACKLES TO THE FBI.

2. FOR THE PAST 25 YEARS, THE FBI HAS REPRESENTED TO THE AMERICAN PUBLIC THAT THE FBI WOULD MAINTAIN THEIR CONFIDENCES. TO MAKE PUBLIC FBI REPORTS WOULD BE TO BREAK CONFIDENCES AND PERSONS INTERVIEWED IN THE FUTURE MIGHT BE EVEN MORE RELUCTANT
U. S. S. WILLIAMSBURG
U. S. Naval Gum Factory
WASHINGTON, D. C.

TO FURNISH INFORMATION. IN RECENT MONTHS ON NUMEROUS OCCASIONS, SOME CITIZENS, SHIRKING THEIR RESPONSIBILITY, HAVE REFUSED TO FURNISH INFORMATION ON THE GROUNDS THAT IT MIGHT BE MISUSED AND HAVE GONE SO FAR AS TO DECLARE TO FURNISH INFORMATION, EVEN IN APPLICANT INVESTIGATIONS, CLAIMING THEY WOULD DO SO ONLY IF FORCED BY A SUBPOENA.

3. A PUBLIC DISCLOSURE OF FBI REPORTS WOULD REVEAL THE IDENTITY OF SOURCES OF INFORMATION AND IN SOME CASES AT LEAST, WOULD PLACE IN JEOPARDY THE LIVES OF CONFIDENTIAL SOURCES OF INFORMATION.

4. DISCLOSURE OF INFORMATION CONTAINED IN FBI REPORTS MIGHT RESULT IN AN INJUSTICE TO INNOCENT INDIVIDUALS, WHO FIND THEMSELVES ENTRAPPED IN A WEB OF SUSPICIOUS CIRCUMSTANCES, WHICH CAN BE EXPLAINED ONLY BY FURTHER INVESTIGATION, AND DISCLOSURES MIGHT BE MADE UNDER CIRCUMSTANCES WHICH WOULD DENY THE Accused TO PUBLICLY STATE THEIR POSITIONS.

5. A PUBLIC DISCLOSURE WOULD WARN PERSONS WHOSE NAME APPEAR IN FBI REPORTS OF THE INVESTIGATION AND SERVE AS AN EFFECTIVE MEANS OF ENABLING THEM TO AVOID DETECTION, TO APPROACH WITNESSES, TO BRING ABOUT THE DESTRUCTION OF EVIDENCE, OR PERMIT THEM TO FLEE THE COUNTRY.

6. PUBLIC DISCLOSURE OF FBI REPORTS WOULD CONTRIBUTE TO BLACKMAIL OF PERSONS INVESTIGATED OR COULD RESULT IN DEGRADING PERSONS WHO HAVE MADE A MISTAKE OR FALLEN PREY
TO FALSE PROPAGANDA.

7. DISCLOSURES MIGHT REVEAL HIGHLY RESTRICTED INFORMATION VITAL TO THE NATIONAL SECURITY AND OF CONSIDERABLE VALUE TO A FOREIGN POWER.

8. A COMPLETE AND THOROUGH INVESTIGATION IN CERTAIN TYPES OF CASES, OF NECESSITY MUST REVEAL ADMINISTRATIVE PROCEDURES, TRADE PRACTICES, AND MANUFACTURING OPERATIONS WHICH, IF PUBLICIZED, WOULD ENABLE PERSONS WITH A SUBVERSIVE OR ULTERIOR MOTIVE TO MISUSE INFORMATION.

9. FBI REPORTS ARE PREPARED FOR OFFICIAL USAGE ONLY AND IN SETTING FORTH FULL DETAILS SECURED FROM A WITNESS, IF PUBLICIZED, COULD BE SUBJECT TO MISINTERPRETATION, QUOTING OUT OF CONTEXT, OR USED TO THWART TRUTH, DISTORT HALF TRUTHS, AND MISREPRESENT FACTS.

IT IS MY DESIRE, HOWEVER, THAT ANY CHARGES OF DISLOYALTY MADE BEFORE YOUR SUBCOMMITTEE WITH RESPECT TO ANY INDIVIDUAL BE GIVEN THE MOST THOROUGH AND COMPLETE INVESTIGATION, AND IT IS MY PURPOSE TO COOPERATE WITH YOUR SUBCOMMITTEE TO THE GREATEST EXTENT POSSIBLE, BEARING IN MIND AT ALL TIMES MY RESPONSIBILITY TO TAKE CARE THAT THE INVESTIGATIVE ACTIVITIES AND EFFICIENCY OF THE FEDERAL BUREAU OF INVESTIGATION REMAIN UNIMPAIRED, THAT INNOCENT PEOPLE--BOTH THOSE UNDER
INVESTIGATION AND THOSE WHO HAVE PROVIDED INFORMATION—NOT BE
UNNECESSARILY PREJUDICED, AND THAT THE EFFECTIVENESS OF THE EMPLOYEE
LOYALTY PROGRAM AS A WHOLE NOT BE INTERFERED WITH. I HAVE, THEREFORE,
ASKED MR. SETH RICHARDSON, CHAIRMAN OF THE LOYALTY REVIEW BOARD, TO
HAVE THE BOARD ARRANGE FOR A COMPLETE AND DETAILED REVIEW AS SOON AS
POSSIBLE OF ALL CASES IN WHICH CHARGES OF DISLOYALTY HAVE BEEN MADE
BEFORE YOUR SUBCOMMITTEE (INCLUDING RE-EXAMINATION OF SUCH CASES
HERETOFORE REVIEWED BY THE BOARD), AND HAVE ASKED HIM TO GIVE ME
A FULL AND COMPLETE REPORT IN EACH CASE AFTER REVIEW. THIS REVIEW WILL
INCLUDE ALL EVIDENCE OF DISLOYALTY MADE AVAILABLE TO THE LOYALTY
REVIEW BOARD, INCLUDING, OF COURSE, ANY EVIDENCE PRODUCED BEFORE
YOUR SUBCOMMITTEE. UPON RECEIPT OF THOSE REPORTS FROM MR. RICHARDSON
I WILL ADVISE YOUR SUBCOMMITTEE FURTHER AND IF NECESSITY REQUIRES
WILL FURTHER CONSIDER WHETHER THE PRODUCTION OF THE INVESTIGATIVE
AND LOYALTY FILES WOULD BE IN THE PUBLIC INTEREST AT THAT TIME.
I AM SURE THAT YOU CAN COUNT ON THE FULL COOPERATION OF THE LOYALTY
REVIEW BOARD IN THIS MATTER, CONSISTENT WITH THE VIEWS I HAVE
EXPRESSED IN THIS LETTER.

FOR YOUR INFORMATION, I AM ATTACHING HERETO A LIST OF THE
MEMBERS OF THE LOYALTY REVIEW BOARD.

SINCERELY YOURS,

/3/ HARRY S. TRUMAN
Don -

1. The reference to the legacy/revenue board does not state the terms it is to report. It might be thought desirable to report to the President and the committee.

See state's memo as marked.

RECEIVED
MAR 17 1950
DONALD S. DAWSON
MEMORANDUM FOR HONORABLE MATTHEW J. CONNELLY

DEPARTMENT OF JUSTICE HAS SUGGESTED FOLLOWING CHARGES IF SUGGESTED STATE DEPARTMENT STATEMENT IS USED BY PRESIDENT:

IN PARAGRAPH THREE OMIT THIRD SENTENCE AS FOLLOWS: QUOTE A PROMPT DECISION AS TO WHETHER THESE CHARGES ARE TRUE OR HAVE BEEN MADE IN BAD FAITH IS A MATTER OF GREAT IMPORTANCE TO THE UNITED STATES AND TO THE WORLD. UNQUOTE.

DEPARTMENT FURTHER SUGGESTS THAT PARAGRAPH THREE SHOULD POINT OUT THAT FILES WERE MADE AVAILABLE IN 1947 TO HOUSE APPROPRIATIONS COMMITTEE ON A CONFIDENTIAL BASIS BUT THAT DESPITE THIS EXTRACTS WERE MADE WHICH HAVE BEEN MADE PUBLIC BY THE CONGRESS.

SUGGEST YOU ALSO SEE MEMORANDUM SENT TO PRESIDENT ON TELETYPE BY ATTORNEY GENERAL TODAY.

DONALD S. DAWSON
Administrative Assistant
to the President

DSDawson:js
March 17, 1950

MEMORANDUM FOR THE PRESIDENT

It is my understanding that the Department of State has asked you for permission to reveal to the Subcommittee of the Senate Foreign Relations Committee established pursuant to S. Res. 231, 81st Congress, the contents of the investigative files concerning those persons against whom Senator McCarthy has preferred charges before the Subcommittee.

As you know, there is no question as to your authority to withhold these files from the Subcommittee. The only question is whether, as a matter of policy, you deem it advisable to make them available. I strongly urge that you withhold permission to make the files available to the Subcommittee. Your directive of March 13, 1948, to all officers and employees in the executive branch of the Government pointed out that the efficient and just operation of the Employee Loyalty Program required that all reports, records, and files in connection with the program be preserved in strict confidence. You pointed out that this was "necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the dissemination of unfounded or disproved allegations." Unless there are special reasons, of which I am
not aware, existing at the present time which compel a different practice, I suggest that the confidential nature of these loyalty files be maintained and preserved. It seems to me that any deviation from this policy, even under the conditions outlined by the Department of State, would create an unfortunate precedent and would do much more harm than good.

It is pertinent at this time to repeat once again the very appropriate statement made by former Attorney General Jackson in a letter dated April 30, 1941, to the Chairman of the House Committee on Naval Affairs, declining to furnish that Committee with certain reports of the Federal Bureau of Investigation:

Moreover, disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. As you probably know, much of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants—sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency.

Disclosure of information contained in the reports might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation.

Disclosure of the documents here in question would, it seems to me, seriously impair the effectiveness of the Employee Loyalty Program. It would make it extremely difficult, if not impossible, for the Federal Bureau of Investigation to perform its investigative duties under the
program. And it would also subject the persons in question to a type of
double jeopardy which is contrary to sound concepts of good government,
fairness, and justice.

In this connection I should like to point out to you the views of
the Director of the Federal Bureau of Investigation which he submitted to
me in a recent report:

1. The public disclosure of FBI reports will reveal inves-
tigative procedures and techniques. If publicised,
criminals, foreign agents, subversives, and others would
thus be forewarned and seek ways and means to carry out
their activities, thus avoiding detection and hampering
the efficiency of an investigative agency. The underground
operations of criminals and subversives already are not
difficult of detection and I do not believe the security
of the nation would be furthered by applying any additional
resniks to the FBI.

2. For the past 25 years, the FBI has represented to the
American public that the FBI would maintain their con-
fidences. To make public FBI reports would be to break
confidences and persons interviewed in the future might
be even more reluctant to furnish information. In recent
months, on numerous occasions, some citizens, shirking
their responsibility,have refused to furnish information
on the grounds that it might be misused and have gone as
far as to decline to furnish information, even in applicant
investigations, claiming they would do so only if forced
by a subpoena.

3. A public disclosure of FBI reports would reveal the identity
of sources of information and in some cases at least, would
place in jeopardy the lives of confidential sources of in-
formation.

4. Disclosure of information contained in FBI reports might
result in an injustice to innocent individuals, who find
themselves entangled in a web of suspicious circumstances,
which can be explained only by further investigation, and
disclosures might be made under circumstances which would
deny the aggrieved to publicly state their positions.

5. A public disclosure could warn persons whose names appear
in FBI reports of the investigation and serve as an effective means of enabling them to avoid detection, to approach witnesses, to bring about the destruction of evidence, or permit them to flee the country.

6. Public disclosure of FBI reports could contribute to blackmail of persons investigated or could result in degrading persons who have made a mistake or fallen prey to false propaganda.

7. Disclosures might reveal highly restricted information vital to the national security and of considerable value to a foreign power.

8. A complete and thorough investigation in certain types of cases, of necessity must reveal administrative procedures, trade practices, and manufacturing operations which, if publicised, would enable persons with a subversive or ulterior motive to misuse information.

9. FBI reports are prepared for official usage only and in setting forth full details secured from a witness, if publicised, could be subject to misinterpretation, quoting out of context, or used to distort truth, distort half truths, and misrepresent facts.

As an alternative to permitting the Subcommittee to inspect the files, it is my suggestion that you might, in the interest of making it clear to the public that you do not wish to withhold the information in question, transmit the files to the Loyalty Review Board, as to whose competence and impartiality in these matters there can be no question, and request the Board to review the files and report its findings, with respect to each person against whom Senator McCarthy has brought charges, in the light of the factual evidence adduced before the Subcommittee. I believe that the constitution of the Board and its record are such that the public as well as the Congress is entitled to have complete confidence in its integrity and operations. There could then be no charge that the people
being investigated were the very people making the decisions as to the
merits of the charges, and turning the files over to the Board would be
in keeping with existing procedures, which are intended to safeguard both
the integrity of the Loyalty Program and of investigative procedures and
the rights of individuals.

Should you decide, notwithstanding the views herein expressed, that
reasons of policy exist for making the files in question available to
the Subcommittee, I strongly urge that, in order to do a minimum of harm
to the public interest, no file with respect to any individual be made
available unless and until the Subcommittee advises you in writing that
Senator McCarthy has made out to the satisfaction of the Subcommittee a
prima facie case of disloyalty with respect to that particular individual.

Respectfully,

J. Howard McGrath
Attorney General