May 24, 1951

Memorandum for: Charles Murphy

From: The President

Attached is a memorandum and letter from Francis Middel, together with copy of my reply, regarding the action of some of our Loyalty Boards.

I have been very much disturbed with the action of some of these Boards and I want to find some way to put a stop to their un-American activities. I wish you would have one of our staff boys look into this situation very carefully and make a recommendation to me.

Of course, it was my intention to have the Middel Commission go into these matters but it looks now as if we are not going to get any Middel Commission.

/s/ H.S.T.
May 24, 1951

Dear Francis:

I appreciated most highly your letter of the twenty-second and I am also most happy to have the memorandum which I requested you to send me regarding the actions of the Loyalty Boards.

I was highly pleased with our meeting Monday night and I believe we are starting in the right direction to keep the Democratic Party the Party of the people as it always has been.

Sincerely yours,

HARRY S. TRUMAN

Honorable Francis Biddle
National Chairman
Americans for Democratic Action
777 K Street, N.W.
Washington 6, D. C.

Envelope was marked personal.

RAC
The President
The White House

My dear Mr. President:

The ADA officers deeply appreciated the opportunity to meet with you last night and discuss the urgent problems confronting our nation and you as the Chief Executive. I can assure you that every member of our delegation went away from Blair House with renewed determination to see that the people understand the fundamental issues of the day and the need, in your own phrase, for the continuation of liberal government in America.

I am taking the liberty of sending you the enclosed memorandum on the loyalty program. I do so because of the great interest you expressed in it last night. The officers and members of the ADA are deeply concerned with many of the injustices of the present program.

Again, the thanks of our entire delegation for last evening, and our renewed assurances of support in your leadership of the American traditions of decency and of freedom.

Respectfully,

/s/ Francis Biddle

Francis Biddle
National Chairman
MEMORANDUM FOR THE PRESIDENT CONCERNING
SOME ASPECTS OF THE LOYALTY PROGRAM

The President's veto message on the McCarran Bill was an historic statement of the fundamental principles of civil freedom. The McCarran Act is already evidencing in practice the very vices pointed out in the veto message.

Unfortunately, various aspects of the loyalty program seem to us not unlike the things that are going on under the McCarran Act. During the discussion last night, we mentioned only a very few of the hundreds of cases about which we have information. Of course, for every case about which we have information, there are dozens of others involving unfairly accused Government employees who have no support and who just fade out of the Government.

In addition to wrongs being done to individuals the present operation of the loyalty program is weakening the fiber of Government. Many fine individuals will not join the Government for fear of some unfair "smear" through the loyalty program. Others have left Government service. Above all, the program is creating a pervasive feeling of fear among Government employees which keeps them from saying exactly what they believe.

We were therefore delighted that the President appointed the Nimitz Commission to go into these problems. Unfortunately, the Nimitz Commission is completely stayed at present. It is for this reason that we urge the appointment of someone in whom the President has implicit confidence to go into these matters and report to the President on the operations of the program.

We would urge the following as initial subjects of investigation:
(1) The personnel of some of the loyalty boards, and particularly of
the Fourth Regional Loyalty Board sitting in Washington, D. C. Many of
the worst abuses have been under this Board. It has been reversed many
times by the Review Board. But the reversal does not wipe out the stigma
of a finding of disloyalty.

(2) The effect which the change of the standard of disloyalty from
"reasonable grounds" to "reasonable doubt" is having on the loyalty program.
We believe this change will be treated in many agencies as an open in-
vitation to start the very "witch-hunt" the President has been so anxious
to avoid. Presidential reaffirmation of the need for protecting the indi-
vidual would help to prevent this.

(3) The procedures of the loyalty boards. Employees are found dis-
loyal today on the statements of anonymous accusers who are not subject to
any cross-examination and whose identity is often not known to the Board
finding the accused disloyal. In this connection we call to your attention
the recent decisions of the Supreme Court in which Justices Jackson, Black,
Douglas and Frankfurter in strong language found such procedures to be in
violation of our Bill of Rights.

(4) The listing of subversive organizations. This serious problem of
"guilt by association" must be reexamined in the light of the Supreme Court
decisions. It is doubtful whether any listing, with or without hearings,
is advisable. The information about organizations can always be furnished
to the Departments and to the Civil Service Commission. At present these
lists are used as blacklists by State un-American Activities Committees
throughout the country, and even by private employers.

(5) The "security" program. There is a tendency in the Government today
to use the "security" program as a means of avoiding even the most rudimen-
tary procedures of the loyalty program. For example, an employee dealing
solely with public information without any security aspects at all was
ordered discharged on "security" grounds after a complete loyalty clear-
ance.

It is suggested that an investigation, made for your own information,
would not take very long, perhaps six to nine weeks, we should think. The
information is readily available. This would really be in the nature of a
spot check. Its success depends largely on the man that you might appoint
to do it, who should be someone pretty familiar with the workings of the
Government, in addition to sharing your human and liberal outlook on these
problems.