May 22, 1950

DE memorandum


Senator Tydings and Senator Mahon, in their capacity as members of the Tydings Subcommittee on State Department loyalty cases, have proposed to the President that a Presidential commission of distinguished citizens be established to consider and report on the 38 State Department loyalty cases, on which the files have already been made available to the Tydings Subcommittee. Their proposal is based on the premise that the Tydings Subcommittee is going to split along Party lines, and the country will regard any conclusions which a majority of that Subcommittee reaches as political and will not be satisfied with them. This is particularly true because of the election this fall and because three members of the Subcommittee (Tydings, Mahon and Hickenlooper) are up for re-election.

In a full page editorial this morning (May 22), the Washington Post proposes the establishment of a Commission on National Security. Attached is an excerpt from that editorial.

The Post proposal is that this Commission on National Security survey "the major aspects of national security — the internal menace of the fifth column, civilian defense, development of new weapons, the size and use of military expenditures, economic restoration of our friends and allies." It seems to me that there is a real need for a Presidential commission in the area of internal security but that on the one hand the Post proposal is much too broad and, on the other hand, the Tydings-Mahon proposal is too narrow.

The area in which a Presidential commission is greatly needed at this time is the internal security field. Such a commission should not be limited to one relatively small segment of this field, such as the State Department loyalty cases, nor should its functions be so inflated in scope that the problems of internal security are lost in one corner of the great hall.

With this thought in mind, I propose the establishment of a Presidential Commission on Internal Security and Individual Rights. This commission would be assigned three areas of study:
(1) the Government Employee Loyalty Program, (2) the Government Employee Security Program (including, notably, the sexual perversion problem), and (3) the formulation of a national policy with respect to internal security legislation, such as the current version of the Murut-Nixon bill of the 80th Congress and H. R. 10, the Hobbs bill relating to the deportation of aliens.

The Commission's job would be to examine these three areas and to recommend a policy in each which would strike a proper balance between the needs of internal security and the consideration of individual rights. The Commission should start with the premise that our internal security must be adequate but that, at the same time, excessive encroachments must not be made on individual rights in the name of internal security, else (as the President said in his Federal Bar Association speech) we would run the risk of turning the United States into a right-wing totalitarian country in order to meet a left-wing totalitarian threat — a net gain of nothing.

Another such field which could be considered for assignment to the Commission would be the governmental handling of classified information, particularly in the atomic energy and defense areas. Here, similarly, the need for security must be balanced against the need for interchange of information among scientists and inventors — the cross fertilization of ideas — if we are to have the scientific progress that is one of the cornerstones of true national security.

A Commission of this character should be composed of distinguished citizens with national reputations in different areas of American activity and thought and should include a number of Republicans, probably about half the whole Commission. It should also include strong Catholic representation, since the information I receive is that the charges of disloyalty and homosexuality among Government employees have made the greatest inroads among Catholics. The Commission should be large enough to afford the representation needed but not so large as to be unwieldy — 12 or 15 members at the most, I should think. The Commission should probably not include persons who have become participants in the current controversy over the McCarthy charges. On this basis, for example, Henry Stimson would probably not be eligible because of the fine letter he wrote the New York Times about the McCarthy charges back in March.

The following are thrown out as some names that might be considered for inclusion in such a Commission:

[Names redacted]
This Commission might well operate on a panel basis, with a separate panel making an intensive study of each separate area within the Commission's jurisdiction.

The basic job of the Commission would be to examine our internal security legislation and administrative procedures, as well as pending proposals in this field, to determine whether or not they strike the proper balance between internal security and individual rights. While, therefore, the Commission's primary job would not be to consider individual loyalty cases, I think that it definitely should have authority to do so, so that it could determine on the basis of a sampling of case histories whether or not our internal security legislation and procedures are sound.

The Commission would be an executive one, appointed by the President and there would, therefore, be no precedent involved if he chose to make available to it Executive Branch loyalty files.

Finally, I wish to note that the type of Commission proposed by Senators Tydings and McMahon would not fit the bill because its subject area is too limited. The Commerce Department, as well as State, is having loyalty investigation problems. Other departments are likely to have the same trouble before November if the Republicans have anything to say about the matter. In addition, there is the Hill-Burley resolution just adopted by the Senate for an investigation of charges of sexual perversion among Government employees. In addition, there are a lot of internal security measures pending in Congress, some of them sound and others (such as H.R. 20 and the current version of the Mundt-Nixon bill) very drastic, indeed.
I believe that the proposed Commission would have a
wide appeal in Congress and the country generally, would serve a
very useful function, and might help substantially to allay fears by
many Americans of both parties as to whether or not these important
problems are being properly handled.

S.J.S.