Dear Mr. President:

Because of the honor you did me and the confidence you reposed in me by appointing me to the Commission on Internal Security and Individual Rights, I feel I should add to my brief formal resignation, which you have most kindly decided to accept, some expression of my personal views on the problems presented to the Commission, in the hope that they may be of service to you.

First, about the reason for resignation of the Commissioners in a body, it would of course be absurd to suggest that there is any real conflict of interest between the duties you called upon the members of the Commission to perform and their private employments. The Commission was to study the problems of loyalty and national security on the one hand, and of individual rights and civil liberties on the other. The Commission was to have no business to transact for the Government, no contracts to let, no funds to distribute, and no executive functions to perform whatever. But the so-called conflict-of-interest statutes are so many and their language is so sweeping and indiscriminate that, though no conflict of interest exists in principle, it was thought they might be held technically to apply even to the Himitz Commission, as to the Hoover Commission and the Defense Production staff, and others, and to necessitate the same waiver, as had been granted in those cases as a matter of course. And indeed the House of Representatives did pass the
waiver legislation for the Minitz Commission promptly and without hesitation.

Certainly neither the President nor Congress should be limited, in their choice of persons to conduct such an inquiry as you called upon the Minitz Commission to make, to office holders, civil servants and members of Congress. At times it is desirable, and it was in the present case, to obtain an outside point of view, and to seek the part-time services of private citizens, men of large affairs and wide interests and experience, men not on the government payroll, including lawyers in active practise and company officers, who cannot and should not altogether divorce themselves from their private affairs to undertake a brief and temporary government service.

Indeed it was I suppose precisely because the question was whether legislation of Congress and the administration of the Executive Departments, in regard to internal security and individual rights, left something to be desired, that you sought to obtain an outside point of view from persons detached from the ordinary business of government, and appointed a commission including such busy private citizens. In such a case surely a waiver of the conflict-of-interest statutes is fully justified.

Much the same is true of the lawyers and experts who should be employed by such a Commission. It should not be limited to Government employees or to elderly persons, retired from active life, to academic persons, and to persons whose law practise, or practise as experts, is so restricted that, in these days when the Government has its eyes on everyman's business and its hands in everyman's pockets,
neither they nor their partners have any business with the Government for themselves or their clients. A Commission of Rip Van Winkles, staffed by Rip Van Winkles, would hardly have served your purpose in establishing the Commission.

On the other hand, the customary form of waiver adopted by Congress is so sweeping that it might be taken to sanction, or permit, the most unethical conduct, such as sitting on both sides of the table in one transaction, acting for the Government and for a private interest at the same time or in the same connection, or using information and associations, gained in the service of the Government, against it during or after retiring from such service. Such conduct is obviously wholly indefensible. What seems to be needed is a discriminating revision of the conflict-of-interest statutes, instead of the present legislation with its blanket prohibitions and blanket waivers.

In regard to internal security the primary task of the Government is of course to insure the loyalty and security of the sensitive services of the Government; and the safety of the plants and industries which make things for the armed forces, including private plants, and the communications, utilities and water supplies of the country; to guard against treason, espionage and sabotage. In these times of grave national peril this task is of the utmost importance.

This is primarily a task for the government departments and agencies themselves. But they are hobbled by our laws, which seem to reflect unduly the views of employees' associations and civil
liberties associations. They tend to give permanent tenure to government job holders, and to make it more difficult to discharge an employee because of doubt of his loyalty, or as a security risk, than to discharge him for incompetence or ordinary misconduct. The procedure which turns every such discharge into a lawsuit, with a series of appeals, is both inefficient and inhumane. There is no constitutional right to get or to keep a government job. It is bad organization, and inefficient and unsafe, to relieve the heads of departments and agencies of responsibility for their own staffs, and to compel them to keep on employees whom they distrust. It is inhumane because they must blast a man's honor in order to discharge him.

The law should be simplified and the responsibility placed where it belongs, on the executive departments themselves. It is not possible to enact loyalty and security by any statute or regulation; and certainly not possible for any temporary commission to insure it. It is not possible to devise a formula to extirpate crime, to put an end to treasonable acts, much less treasonable thoughts, among the millions of government employees, and more millions of private employees engaged in government work. Only ceaseless vigilance by the responsible officers of government will defend us against our subtle, unscrupulous and sleepless enemies. The responsible officers of government have the responsibility and they should have the power.

The other side of the question is whether individual rights are limited more than they should be by existing law and
administration. There is a big difference between taking the safeguards required for national security, which should, and indeed must, be adequate, whatever the cost to individual freedom, and policing the opinions of private citizens or public servants. What good is a public servant who dare not express his true opinion about foreign policy, for instance, for fear of offending his superiors or Congress or the public, or for fear of the hue and cry of the rabble-rousers? And how good is a citizen who dare not tell what he thinks? Are we to send our thoughts to the mint to be stamped with the stamp of the prevailing opinion of the day? Or shall the stamp be that of the government itself as in Russia? We seem lately to be devoting too much attention to suppressing foolish but open talk and thought by insignificant persons, which, bad as it is, does little harm to anyone but themselves.

Yet, in view of the proven cases of treason and espionage in the United States, Great Britain and Canada, the best way, and perhaps the only way, to protect and to restore our precious freedoms, including the freedom to think and talk nonsense, is to make sure, and to satisfy the people, that our defense effort is not being sabotaged, and the wells of thought are not being poisoned, by the friends of our enemy, Russia. Employee tenure, and civil rights generally, will have to be subordinated to the right of the nation to defend itself against Russia, which is the enemy of all civil rights and all the freedoms. Freedom of speech and freedom of thought do not include freedom for those who have surrendered their freedom of thought and of speech to the Kremlin, to parrot the teachings of the
Kremlin in our schools and colleges and newspapers and over the air. The country must be safely guarded against spies and traitors and saboteurs, and against the ventriloquists who preach and teach with the voice of Moscow.

The situation has changed materially since you appointed the Himitz Commission in January. Supreme Court decisions and your own executive orders and directives have clarified the problem. The passage of time, and intervening events and investigations, and loyalty reviews and re-reviews, have made the need and indeed the usefulness of such a Commission seem to me questionable. If, however, you do reconstitute the Commission, I respectfully suggest that the reconstituted commission be instructed to study only the general principles of legislation and administration in relation to internal security and individual rights, but be not required to undertake a new review of the individual cases of persons dismissed for doubtful loyalty, or as security risks, or acquitted of such charges. There have been plenty of investigations, and hearings and re-hearings, and reviews and re-reviews, already. The marvel is that anyone is willing to work for the Government under the system of perennial inquisitions now existing. I think the State Department, and the other agencies of the Government, should be given a vacation from outside investigation, and an opportunity to do their own housecleaning, if any more be needed, and to get back to their business. I think the responsibility should be concentrated in them.

Trusting these few thoughts of mine may be of some service to you, I am, my dear Mr. President, with great respect,

Faithfully yours,

The President
The White House
Washington, D. C.
May 8, 1951

The President
The White House

My dear Mr. President:

In accordance with Admiral Nimitz's letter of May 6, and for the reasons given in that letter, I respectfully present to you my resignation as a member of your Commission on Internal Security and Individual Rights.

With warm appreciation of the trust and confidence you have reposed in me, and with great respect, I am

Faithfully yours,

[Signature]

Russell C. Leffingwell