(The big chapter which the President, Bill and I will do as a separate operation is the question of security. What did we do right and wrong and what was the main philosophy from the standpoint of protecting the nation and individual rights under the Presidency of Harry S. Truman in setting up this whole operation. If you can recall the origin of the set-up, what the President’s instructions were...?)

(When did we first get concerned about it, and why?)

Mr. Perman: There’s a lot before my time. I came in at the end of July, or the first of August, 1947, and this program, the President's loyalty program had been set up in March of that year. I didn’t come there until several months after it had been set up. You probably knew already, but he had an interdepartmental committee, and that committee worked out a program for him. And that had been incorporated in an executive order in, I believe, March 1947, and it was under way when I came in. I talked...
with people, of course, who had had a lot to do with it, with a lot of
those people who had served on the committee that set it up. There was
this pressure from the Congress and from the people around him to set up
some method by which the government could be better assured that there
were no subversives in the government, or if there were, to get rid of
them. And this was the plan which was incorporated in his executive or-
der - the one they worked out. You have that already; you've been told
all that, but that's...

(Please go on. You have a style that's so simple that...)
I mean, it wasn’t by any means a perfect instrumentality, but by and large it did give anyone who was accused about as fair an opportunity to have their cases adjudicated as was possible under the climate of opinion that then existed. Under it, when a person was accused of belonging to a subversive organization or of engaging in any activities that would be called subversive or disloyal, he was given a hearing in the first instance before a loyalty board, and he was allowed to have counsel before that board. He was given a resume of the charges which they thought sufficient to acquaint him with the information that they had, always, of course, keeping out anything that might be considered to be confidential. And in many instances he was confronted with, or he was told who had made the charges, particularly when the FBI from their reports felt it would be well for them to appear and their names used. He had a hearing before the departmental loyalty board, and they were named by the head of the department. I don’t know that the number was uniform in all departments, but it was something like five or seven, or whatever the head of the department determined. Then that board made a recommendation to the head of the department, and the head of the department could either accept it
or reject it. But from the head of the department or agency, whatever

it was, she had an appeal to the regional board. That was set up in re-
gions throughout the country by the Civil Service Commission, and the

board was appointed by the President. I think it was the President. I
can't remember. It was a top organization, selected because of their known

ability in different walks of life - top people, executives, prominent

lawyers, people who had won their way to the top in their professions

or businesses. The interesting thing is that during the Truman admin-

istration that board was always headed by a Republican. It just so hap-
pended that way. Seth Richardson, for instance, who was a very prominent

Republican. Following Richardson, he had Kingman, who had been Senator

from Connecticut. Both solid, conservative people. They were the "left-

wingers" you hear so much about. And they worked at it. They weren't

just chairmen in name only. They devoted their full time to it. I know
Richardson did. They were all the time at the Department of Justice for interpretations on what their duties were and how far they could go. They took an intense interest in working out this program. I suppose you have the figures on it - on how many cases were tried, the appeals taken, and the like? Also, they did a lot of post auditing. When the different loyalty boards in the departments, bureaus, or agencies made a finding, afterwards it was post-audited by the Loyalty Review Board to determine whether they thought a mistake had been made. There were complaints about that - as a result of that program - from people who were dismissed under it, but by and large I think it was, under the circumstances, a reasonably fair way to deal with the subject matter which was debated so generally throughout the country, and the fact that there were such cases as Miss, and others, with so much notoriety - and then the campaign of publicity indulged in by the House Un-American Activities Committee and the things that were charged all during the 80th Congress made it necessary, or advisable, that some action of this kind be taken. I think it was taken rather reluctantly, because it was the first time the government of the United States had undertaken to set up a general program to protect
itself from those who were accused of being subversive or disloyal, and it was done with the idea of affording all the protections to those under charges that could be afforded under the circumstances. There were changes made in it. When Hingham was chairman, the standard was changed to "a reasonable doubt of loyalty."

(What was the distinction between that and the measures which were in operation within the government during the war years when no one could be hired if they didn't have a security check. Was there not enough coverage there in the matter of security in the existing operation, together Civil with what the Service did to [MISSING] qualify an employee...?)

Mr. Perlmutter: Legislation was passed as far back as 1939 - the Hatch Act, and provisions were put into appropriations bills making it a criminal offense for anyone to come into the government who belonged to an organization that advocated the overthrow of the government by force and violence. A number of such measures were passed by the Congress, some related to particular departments - Defense, War, Air and Navy - where they were given summary authority to take action against any employee that they wanted to dismiss. And those provisions were in addition to the
had usual provisions that existed for a long time under the Civil Service acts - the different ones. It might be interesting to state this. In 1950 the Congress passed an act that is part of the Internal Security Act under which they added to the number of departments or agencies that had been given special statutory authority to deal with the cases of individual employees that they wanted to dismiss, without regard to the usual procedure set up under the Civil Service organization. The 1950 act was an amendment which added some additional departments to it. And in 1950 Congress also put in a provision that authorized the President of the United States, whenever in his judgment it was necessary, to add different departments or agencies to the list of those who could act summarily. The President acted only once under that authority when he added the Panama Canal Zone and railroad, and he did that in one executive order. That was the only time he exercised the President's authority to add to those departments or agencies which were given special authority by Congress. The reason I mention that now is that the - Eisenhower's so-called Security Program, which is incorporated in the executive order he issued in April 1953, undertook to seize on that authority as
make every agency of the Federal government a sensitive agency, a step
never contemplated by the Congress and a step that actually violates
the reports made by both the Senate and House committees that passed on
this act of 1950 was not intended to abolish or interfere with President
Truman’s loyalty program. And they said it flatly. Both said they didn’t
see how it was possible to put cases of loyalty and security in the same
legislation, and they didn’t want it done. But that is exactly what
Eisenhower has done. They said it wasn’t possible to treat people that
way. I have those reports. I had intended to write something on this.

In fact, I did write something I hoped the New York Times would print in
its magazine section, but they didn’t want to print a controversial sub-
ject in that section. They had had one in it and they got a reaction from
it. Recently they asked me about it again, but those facts have not been
printed because no one thought to go back and look at those reports. It
violates the intentions of the Congress, and a good argument can be made
against this whole program, that it’s invalid. Congress never intended
that act of 1930 to be used to sweep the whole government. In addition, 

has abolished all the protective features incorporated in the Truman 

loyalty program. They don't exist anymore. There's no appeal from the 

head of an agency or department. These boards are the boards set up within 

the departments where the charges are made, and from them there is no 

appeal to Civil Service; there's no regional board; there's no overall 

review loyalty board; there's nothing except dismissal. Another feature 

is that in very few cases I don't think more than eight or ten all to- 

together in the whole government - was anyone dismissed or suspended with- 

out notice and without a hearing. But that is being done today in every 

department in the Federal government. That is what has happened. The 

procedure today is this: A charge is brought by a security officer. Every 

department has a security officer, sometimes more than one - a legal offi- 
cer and some other kind. We didn't have people under that designation. 

You didn't hear of that before. Each government agency has its own Gestapo. 

When a security officer brings a charge now, the employee affected in most 
cases is suspended without notice and without pay. That happens immediately. 

The day he gets the information that charges have been made against him is
the day he is suspended without notice and without pay. If he wants to
fight this action, he has to do it, in many instances, by drawing on what
little accumulations he has. Many of them are dependent upon their sal-
aries for their entire support, and their income is cut off. Worse
than that, under the procedure now established everyone against whom
charges are brought is guilty until he proves himself innocent. They have
reversed the principle under which this government was founded. Under
Truman’s loyalty program a man remained on the payroll, and he was given
a hearing before a board where he was regarded as innocent until they had
proof of his guilt or it was established in some way. That’s not so now.
He is suspended and remains suspended until dismissal unless he can prove
his employment, or re-instatement is consistent with the security of the
country. He has got to prove that. After Eisenhower’s program was
adopted, the Attorney General – Brownell – drafted sample regulations
and sent them to each department for guidance. Some adopted his regula-
tions; others made changes in them. Some departments, like the ARS and
Defense where they have special legislation – they don’t have to follow
some particular regulations from the Attorney General. But they have
different procedures in different departments. Some changed the Attorney
General's to some extent. In the Justice Department, for instance, when
charges are brought against you, you can ask for a hearing. A hearing
board is appointed and that board hears the case. One is given an oppor-
tunity to put up what defense he can. One of the main features, however,
that is worthy of note is that in the Justice Department you are not told
what that board decides so that when that board has a hearing and makes
a recommendation to the head of the department, you don't know, when the
head of the department acts, whether he is affirming the board or if he
is ignoring the board. That I don't think is true in all departments, but
I know it's true in Justice, and it may be true in others. The regula-
tions tell the boards or the department heads that they should only give
an accused person so much information as they think consistent with the
security interests of the United States. That is rather vague particularly
when so many departments and employees who are brought up under charges
have no relationship with anything that factually can be determined to
be sensitive or security. Agriculture, for instance. There were four
cases that happened to be in my office, men who are lawyers who have been
with that department for 13 or 14 or 15 years...suddenly suspended without notice and without pay. They were all loyal, conscientious chapmen.

They were suspended on information on which they have been cleared three or four times in years gone by. Small matters like someone gave a contribution to what he thought was a philanthropic endeavor, which turned out to be subversive. Now his livelihood has been taken away from him after years of service with the United States government. He's married with a family...Under President Truman's program they had virtually no protection, whereas now, because they had successive appeal provisions which now don't exist. You have a hearing now but no appeal. Oh, it had defects in it. One of the things about this kind of a program - done in the climate it was - is that the person accused doesn't have an opportunity to view his accuser or he doesn't know the immediate thing he is charged with. He is given a summary or as much information they think they can tell. There are a lot of things that have happened to make the present program one of the worst things that have ever happened to the nation. That's the present program. This wrapping of security up with loyalty so that everyone leaving the government is considered to be
diplomat and a stigma placed upon him. Another thing is the use of these figures of dismissals to make it appear that the government was populated with disloyal people during the previous administration. It's being used for political purposes. They have built up these phony numbers, no doubt about it. The number used by Nixon was 6,000 Communists, subversives and security risks. He lumped them all together so you can't tell how many were Communists — maybe none — but he adds them all together, but they all boil down to the security risk, determined in the regulations of

the President's executive order which makes it cover anything from bad
careless conduct — you can think of anything — and the motive behind many of
the charges is purely political.

(Let's go back to our Attorney Generals. What was the thinking behind the subversive list. What did the President feel about it?)

Mr. Perman: This thing had been established before I came into office. There was a list that had been formulated as far back as the days of Francis Biddle. He had a small list. Then there was the executive order setting up the program which referred to membership in subversive organizations. So immediately, the departments asked the Attorney General, "What are these subversive organizations?" So Clark started
with this list that was already in existence before he came in. He had reports from the FBI on subversive organizations, and he had, I think, information that was either sound or unsound gathered by the House Committee on Un-American Activities. A lot of the organizations the FBI reported on had been found to be subversive, or disloyal, or whatever designation they gave to it by the House committee. If the Attorney General did designate on his list a certain organization which appeared on the House committee's list, you might get a report that an employee belonged to an organization that had been criticized by the House committee. I was there when the work was done on that list by Clark. He took all the names of the organizations from all the reports of the FBI and he distributed them to about thirty lawyers in the Department of Justice. All those thirty lawyers were supposed to have read the reports on all those organizations to advise him which ones in their opinion, based solely on those reports, should go on a list which the Attorney General then would have so he could advise the departments when they asked him if any organization was subversive...I don't remember now the number of names on that first list. It was not a great number...The original one
had not more than ten or fifteen organizations on it — that was Middle's report. I can remember seeing it — the page is right in front of my eyes — and there weren't any more than ten or fifteen names. But Clark's, however, he took all the reports of the FBI on every organization, and he asked them to advice — after the President's loyalty program had been established — as to the formulation of a list of subversive organizations which would be used to advise the different departments as to whether they were considered subversive or not. My recollection is that there were...it ran into a considerable number. It may have been 100 or 200 or more — the different organizations that were named. I don't remember the exact number or even the approximate number. I think there may have been thirty or forty — the various organizations named on Clark's thirty or forty-name list. That list was published in the Federal Register as the official list of the Attorney General....I know that out of this group of thirty lawyers, it got down to where Attorney General Clark had his Assistant Attorneys General in there...there finally to screen them down, and whatever the number was that was finally issued was the number arrived at in that way, with the advice and approval of the Assistant Attorneys General...and all the others he had asked to participate...
in that work. He was criticized by the House Committee because the list was too small. They said it should have contained about 200 names instead of his number. There were additions made to that list from time to time and, in all instances, based on reports made by the FBI. Some which had been omitted in the first instance were added later on. I don't know what the total was when Clark went out of office, but it was added to by McGrath. What they did was, when the FBI program was first established by Truman and Congress had made that appropriation, the first thing the FBI did was to make a name check. They check all their files on the names of all Federal employees to determine whether there was any derogatory information about any government employee. Wherever there was derogatory information, that fact was reported, and then it was determined whether the information was important enough to warrant a full field check, a full field investigation. There were investigations made in every case, or in those cases where the information warranted it. That was decided either by the head of the department or by the Attorney General. There were special provisions set up for the war agencies. I don't think that
was true of all government agencies...Until the program was established
no full field investigations were made as a general practice. There were-
Some of the sensitive agencies...had their own procedures, which were
related to that agency....I was going back to the Hatch Act which made
it a criminal offense to become a government employee if you belonged to
an organization that advocated the overthrow of the government by force
or violence...

(The Truman administration had gotten a bad name because of the use
of the "red herring," Hiss' operations, and the allegations of the Un-
American Activities Committee. At the time you were where you were was
anyone anxious or excited about subversion in government or espionage?
Was there any alert, or was it business as usual?)

Mr. Perelman: I think they thought they were doing everything that
possible could, and should be done, particularly when this program was set up
in 1947 as a result of things that had happened and the propaganda cam-
paign that was conducted, and the fact that in these reports from the FBI
there were continuing and increasing statements and allegations about
Federal employees, some of whom had left the government and others...
might have been still in government. There was considerable alertness
to it for which the administration has never been given credit. For
instance, it was during that period that a lot of work was done in the
Department of Justice to put the Smith Act into operation. The eleven
heads of the Communist Party of America were indicted as a result of a
lot of intensive work done by the Department of Justice. The FBI is part
of the Department of Justice. People seem to forget that and treat it as
an autonomous agency. That's the idea that has been fostered by the people
who want to criticize the Department of Justice. But it did operate under
the Attorney General and the things done in this connection were di-
rected by him. The Truman administration prosecuted the heads of the
Communist Party of America and obtained their conviction. One of the
most unusual things was done when that trial took place in New York City
because the administration was so alert to the situation. People were
sent from the Department of Justice to participate and help the District
Attorney to try the case so that there would be complete information in
the Department of Justice on what was done in the trial and all the points
that might be made in the future in case that case was appealed. We had
a man who sat with the lawyers and the District Attorney. Hodges was
the District attorney who tried the case, and then we sent one from my
office to help in the preparation of the case for the Court of Appeals
so that they could help in the argument and the preparation of briefs in
the Court of Appeals and we would be ready when that case reached the
Supreme Court, if it ever did. I argued that case in the Supreme Court,
and we convicted not only the top eleven officials of the Communist Party
but we afterwards sustained the conviction of their lawyers. The Carl
Harzani case which is one of the cases that has been talked about a lot
was watched carefully by the Department of Justice. That was brought to
the FBI from the New York City police department. That case was prose-
cuted by the department and it went to the Court of Appeals and the Su-
preme Court. We were in it from beginning to end, and we won it. And
there were convictions in the Hechtel case, and there were others, cases
that involved contempt of Congress by those who refused to produce records

(The record is conclusive on this. We have the material, and we have the
administration never has gotten the credit for it.)

(The allegations that there were spies - did the FBI know about His-
before it was brought out by Chambers?)

Mr. Perlman: I think they did. One of the things debated in the newspapers has been the fact...and Hoover in his testimony before the Senate Internal Security Committee, with Brownell spoke of the reports the FBI made to the Attorney General about allegations that there were spy rings in the Federal government, and he did make those reports from time to time. One of the things you ought to know about this to get the picture - Elizabeth Bentley made a lot of these charges to the FBI, and after she made them, the FBI or the Attorney General investigated XX down hill. Every person whom she mentioned was summoned before a grand jury in New York City. The whole story that she had told, and the stories of everyone available that she had mentioned -

known to the Department of Justice, and to the FBI of course. A chap named Donagan, who had been with the FBI and who was an assistant to the Attorney General, appeared before the New York grand jury in this connection. He prepared a lot of the cases, or helped to prepare them. The story told by Bentley which involved a lot of people who had been employed by the government was known to the FBI at least 18 months before it became public.
Some of these Congressional committees found out about Miss her, and it was a race between the Senate committee and the House committee to see which one would put her on the stand first, apparently so that the committee who won the race would get full benefit of the publicity that was attached to it. Efforts were made to get these committees to realize that when they put her on the stand all hope of getting the necessary corroboration was destroyed. Up to the time she testified publicly before a Congressional committee the hope was that corroboration would be forthcoming. They didn't have it. They had her story unsupported by any documents or evidence. That was one reason it was impossible to take any action.

(What about the Miss thing?)

Mr. Perlman: All I know is what I learned from discussion in the office at the time. It was not in the purview of my particular office - the Miss case. Miss was...Chambers told his story about Miss to the House Un-American Activities Committee, and of course you know the story there, the different hearings they had, and the confrontation of Miss and Chambers. The interesting thing about it - when that committee finished with Chambers and Miss, Miss was so much in the clear that he filed a
suit for libel against Chambers. That's a circumstance most people don't remember. Up to that point Chambers had sworn to the FBI, to the Grand Jury and to the committee that he had no corroborating, no documents. But when he was the defendant in this libel suit, at one of the hearings at which depositions were taken he produced papers for the first time although afterwards admitted he had himself denied he had any such documents. The myth that has been created is that Nixon is responsible for the conviction of Hiss - those papers were produced during the libel trial, and Nixon wasn't present there. He didn't know anything about it. The day it happened I was Acting Attorney General. Marbury called me on the phone and told me, "Something's happened here that should be brought to the attention of the Department of Justice." I sent the head of the criminal division over, and they got the papers that were produced at that time. The FBI was notified subsequently by the head of the criminal division and the Deputy Attorney General. I had nothing further to do with it because it went to James Ford, who was Assistant in the Deputy Attorney General's office at the time. About ten days later Richard Cleveland,
the son of President Cleveland, who represented Whitaker Chambers, called me on the phone. He said, "I want to tell you that the House committee has asked Chambers to come in. They would like to talk. I wanted to tell you he's going to Washington and he's going there." I said, "All right." I suppose I told the lawmen about who were handling the matter. We went down within a few days to Washington and to the committee, and I think they served him with a subpoena and started questioning him. They may have said, "Until now, and until that night at Westminster, where he produced the pumpkin papers, they were a sequel to the first papers. I don't know whether Nixon took that trip out there or not, but anything that happened then was a sequel to what the department already knew and was at work on at the time. The myth that Nixon was responsible is hardly justified.

("Did the FBI have an inside about spy rings on which they could work? An area of fuminess?

Mr. Perlman: They had Bentley's story in 1941, and they had stories about Miss and stories about spy rings, which are incorporated in the reports they made to the Attorney General and the President. They..."
made reports, but not those made to Vaughan, and I don't know whether you have seen those reports or not. In the one that was given the greatest attention by Ironsall, during the hearing before the committee the day he and Hoover testified, it was stated in that report that there was not any evidence upon which a conviction could be had. That was stated in that report, that the NRE itself in those days didn't have enough to go on. They didn't have any information. They started to make these reports after Bentley's stories. They may have had some other, sporadic things here and there. About Miss, I think some reports were made on Miss.

(There were reports made on everybody to the President?)

Mr. Perlman: Yes, they had some things.