Memorandum for: THE PRESIDENT

From: Charles S. Murphy and Stephen J. Spingura

Subject: Reply to Senator Tydings' request that you appoint a panel of distinguished citizens to assist his subcommittee in the consideration of loyalty files.

Senator Tydings has proposed that you appoint a group of distinguished citizens of national reputation as a special panel of the Richardson Loyalty Board to assist his subcommittee in its examination of the eighty-one McCarthy loyalty cases.

We have considered the matter and discussed it at length with Ben Hazen, George Elsey, Frank Park, Jack Feulner, Adrian Fisher, Sam Hoyt, Payne Ford and George Leary (a close friend of Senator Tydings).

As a result of our study of the matter, we recommend for your consideration that you answer Senator Tydings in the following fashion:

(1) You wish the Richardson Loyalty Board, as presently constituted, to go forward with the assignment you gave them two months ago of reexamining from scratch the government loyalty cases which McCarthy has made charges about. You do not think it wise to appoint a super-panel of distinguished citizens to that board for this purpose because (a) it would be a reflection on the Richardson board which has done a fine job, and (b) you are going to set up a Presidential Commission on Internal Security and Individual Rights the jurisdiction of which will include but not be limited to considering the adequacy of the Government Employee Loyalty and Security Programs from the standpoint of both the internal security of the nation and the rights of individual citizens (see (3) below).

You will ask the Richardson board to give priority consideration to the thirty-eight or forty cases of McCarthy's eighty-one, which involve current employees of the government.
As soon as the Richardson Board has completed its consideration of these cases you will turn over its findings to the Tydings Subcommittee. This is a step farther than you had previously announced you would go, since in your letter to Richardson telling him to reconsider these cases you merely asked him to report to you on the results and did not indicate what you would do with that report.

Furthermore, you will ask the Richardson Board to get together with the Tydings Subcommittee, if the Subcommittee so desires, after the Richardson Board has completed its consideration of these cases, for the purpose of explaining its conclusions on any individual cases which the Tydings Subcommittee desires to discuss.

(2) You suggest that, in the meanwhile, Senator Tydings and his Subcommittee may wish to defer their time-consuming examination of individual files until such time as the Richardson Board has reported on these cases, and you will be glad to make the files available again to the Tydings Subcommittee at that time. You appreciate the enormous amount of work involved in personal examination of these numerous files and the difficulties that the Senators have in finding time to do this as the session approaches and the legislative load becomes increasingly heavier. The arrangement you suggest will conserve the valuable time of the Senators to the maximum extent possible.

Possibly Senator Tydings and his Subcommittee may wish to issue an interim report to the Senate explaining the procedure they are now adopting (if they decide to cease firing while the Richardson Board completes its consideration of these cases) and the reasons for this procedure. Such an interim report might appropriately state, among other things, that the Subcommittee has examined the files sufficiently to determine that they are the same loyalty files which were furnished several Congressional committees during the Republican 80th Congress and that these committees did not find any basis for action at that time.

(3) As a part of this general picture but with a much broader base than the Tydings Subcommittee jurisdiction, you propose to set up at once a Presidential Commission on Internal Security and Individual Rights. This Commission will be composed of a number of the nation's most highly respected citizens with affiliations with both major Parties, as well as some who are entirely non-political. The Commission's task will be to examine existing internal security laws and administrative procedures, and to consider what changes, if any, need to be made in order to achieve the twofold purpose of protecting the security of the Government and the rights of individual citizens.
Specifically in this connection the Commission will —

(a) reexamine the Government Employee Loyalty Program;
(b) reexamine the Government Employee Security Program;
(c) study existing internal security legislation and pending proposals for changes in these laws; and
(d) reexamine the Government's practices and procedures relating to the handling of secret and confidential information.

So far as the Government Employee Loyalty and Security Programs are concerned, the Commission's primary task will be to determine whether these programs are sound from both standpoints indicated above. If its authority were, however, to be broad enough to authorize it to examine individual cases if it chooses to do so, as a basis for determining whether existing procedures are sound or for other reasons.

Thus, this Commission's jurisdiction will be broad enough to cover not only the loyalty charges but also any charges against employees of other departments (a Congressional employee loyalty investigation of Commerce is already scheduled) and such matters as the investigation sponsored by Senators Hill andERRY of homosexuality among Government employees. It will also consider whether our existing internal security laws are adequate to protect the nation and whether or not pending proposals for changes in them (notably the current version of the anti-sicil bill of the 80th Congress and H.R. 10, the Roberts bill relating to the deportation of aliens) go further than a democracy can go in encroaching on individual rights.

(Whether this Commission should or should not be requested to make at least an interim report by say October is a question on which we would be glad to have your judgment.)

(b) If you approve the above proposals, we suggest that you authorize Mr. Benson and ourselves to discuss these with Seth Richardson. Following that they should probably be discussed by us with Senators Tydings and McMahon before you formally convey your decision to them.