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In Defense of the Nation

On pages 210–212 we reprint the recommendations of the Special Committee on the Federal Loyalty-Security Program of the Association of the Bar of the City of New York. The authors of this report have kept clearly in focus the central issue of the whole security problem. This problem is not to defend scholars, foreign visitors, or any other special group. Neither is it, fundamentally, to attack communistic or other subversive influence. The real problem is to safeguard the nation, all of it, its military and industrial strength and the ideals and traditions on which it has grown great. The report is a thoughtful, tempered analysis of the communist threat to the free world, of the achievements and the costs of the federal loyalty-security program, and of the changes recommended by the committee to improve that program. The report is a welcome addition to the literature on the security problem, both for what it says and, even more, for who said it.

Defects in the underlying philosophy and in the administrative practices of our several loyalty-security systems have been pointed out repeatedly since the inception of these programs. In many instances, the recommendations of the bar association parallel earlier recommendations by other groups. Many of the earlier reports—for example, those written by scientists—came from groups that were directly affected by the programs they were criticizing. Because science has become increasingly closely linked with military strength, and because science is more international than are most other pursuits, scientists, more than most groups, have been directly affected by loyalty and security programs. Consequently when scientists have criticized existing policies and practices, it has been easy to accuse them of special pleading.

The bar association is not open to this accusation. Members of the bar have had primary responsibility for the development of our body of law and the administrative procedures under which the laws are applied. In the field of public policy, the legal profession enjoys high prestige. With minor exceptions, the bar has escaped the charge of communist infiltration that could be used as an excuse for charging its recommendations with bias. Thus this report will undoubtedly seem persuasive to readers who would discount the same recommendations from many another source.

The timing is also fortunate. After the report was completed but before it was published, the Supreme Court ruled that the intent of Congress in establishing the federal security program was to restrict its provisions to sensitive areas and not to blanket the entire Civil Service.

A few persons, both in Congress and in the Executive branch of the Government, reacted to the Supreme Court decision by recommending passage of a new law that would classify all federal positions as involving national security. Such haste is more political than necessary, for, as the Supreme Court pointed out, there remains ample authority to dismiss employees on loyalty grounds and to handle security problems. We can, therefore, more advisedly let new legislation wait until after members of Congress have had an opportunity to consider the bar association report and the report of the Commission on Government Security that Congress established last year. If that report follows the impartial pattern of the bar association study, it too—and for similar reasons—will be a powerful influence in clarifying our present badly muddled set of security systems and regulations.—D. W.