

News of Science

Government Security

After a year and a half, the Commission on Government Security [*Science* 124, 383 (31 Aug. 1956)] has completed its report to the President and Congress. The report, an 800-page volume, was prepared by a 12-member bipartisan commission chosen by the President, the President of the Senate, and the Speaker of the House. The membership of the commission follows: Loyd Wright, Los Angeles attorney, chairman; Sen. John Stennis of Missouri, vice chairman; Sen. Norris Cotton of New Hampshire; F. Moran McConihe (to replace Carter I. Burgess), Commissioner, Public Buildings Service, General Services Administration; Rep. William M. McCulloch of Ohio; former Attorney General James P. McGranery; Gov. Edwin L. Mechem of New Mexico; Franklin D. Murphy, chancellor of the University of Kansas; James L. Noel, Jr., Houston, Tex., attorney; Susan B. Riley of the George Peabody College for Teachers, Nashville, Tenn.; Louis B. Rothschild, Under Secretary of Commerce; and Rep. Francis E. Walter of Pennsylvania.

Besides recommending major revisions in the current loyalty-security programs for civilian Government employees, the armed forces, dock workers and seamen, American employees of international organizations, and people engaged in atomic energy or other defense enterprises, the commission suggests changes in passport regulations, the control of aliens, and the classification of confidential documents.

In addition, the report outlines a new program of clearances to increase protection for civilian air lines and airports.

Central Security Office. The commission proposes the creation of a Central Security Office within the executive branch of the Government, independent of any existing agency. Loyalty-security cases of Government employees are now heard by panels of volunteers who still hold full-time jobs with the agencies that offer their services as examiners. According to the commission, the Central Security Office would provide trained hearing examiners in sufficient number to cut

down the delays in decision, now sometimes running to a year or more.

The central office would also provide a three-man review board to hear appeals in loyalty cases. At present there is no appeal beyond the department or agency head.

The proposed office, which would be advisory in function, would also be a coordinating agency to bring uniformity to the security requirements of the various Government agencies. The new office would furnish trained examiners to preside over the hearings that are guaranteed to unsuccessful applicants for industrial clearance.

A recommendation which would consolidate the industrial security program in the Office of the Secretary of Defense would provide that a plant working on separate defense contracts for the Army, Navy, and Air Force would have to follow only one set of security regulations instead of two or three different sets as is now the case. The commission's plan would also eliminate duplication in clearances, investigations, fingerprinting, and the execution of various printed forms by some 3 million employees working on the 22,000 contracts covered by the Department of Defense industrial security program.

Loyalty and Security. Under the commission's recommendations, cases of possible disloyalty are separated from other cases currently classed as security risks. "A man who talks too freely while in his cups," the report declares, "and a pervert who is vulnerable to blackmail, are both security risks, although both may be loyal Americans."

"Persons removed from their jobs because of personal aberrations or unfortunate associations where loyalty is not an issue" would be guarded under the recommendations "from an unjust stigma of disloyalty." Cases of Government employees fired for disloyalty would be handled through the proposed Central Security Office, while other security matters would be treated as general questions of job suitability and left to the hiring Government department.

Right of Confrontation. Should charges of disloyalty reach the hearing stage, the commission recommends other safe-

guards to the person involved. The constitutional guarantee that "In all criminal cases, the accused shall enjoy the right . . . to be confronted by the witnesses against him," has never applied to administrative inquiries or loyalty hearings. However, the consequences of a person's being declared disloyal are so grave that the commission felt justice and fair play require that he be permitted to confront and cross-examine witnesses who have furnished derogatory information against him, whenever it may be done without harm to the national security.

The commission has therefore recommended that in cases of doubtful loyalty, no derogatory information, except that supplied by a confidential Government agent whose identity may not be disclosed without destroying his usefulness in intelligence work, may be considered over the objection of the individual charged, unless he is given the opportunity to cross-examine the witness under oath. This means that the evidence of an anonymous informant—a neighbor or fellow employee who refuses to disclose his identity—may not be considered by the hearing examiner and would not appear on the record handed on to the Review Board in case of appeal.

Subpoena Power. The commission also recommends that the hearing examiners in loyalty cases be given subpoena power to compel the appearance of witnesses except regular undercover Government agents or informants who have made statements only on condition that they not be called to testify. At present neither the Government nor the person under investigation can subpoena witnesses. The commission recommends that the Government pay travel and per diem expenses of witnesses called by the hearing examiner to ascertain all the facts in the case. If the person under investigation wishes to call other witnesses, he would be required to deposit sufficient funds to cover the witnesses' costs should the decision be unfavorable to him. Should he be cleared by the hearing, his deposit would be returned.

The commission recommends equal treatment in cases involving charges of disloyalty or unsuitability for both veterans and nonveterans in Federal employment.

The same rights of confrontation and subpoena would apply to military personnel in loyalty cases, if the commission's recommendations are carried out. The commission also recommends that the right of hearing now given draftees rejected on security grounds be extended to cover enlistees rejected on loyalty grounds; that the same standards and criteria be applied to both civilian and military personnel; and that the Govern-

ment pay hearing costs, including the use of military counsel for the individual charged with doubtful loyalty.

The Attorney General's List. Among the dozen criteria which the commission suggests as bases for doubting an American's loyalty is membership in one of the 287 subversive organizations proscribed by the Attorney General's List. However, the commission recommends that the future listings be authorized only after an FBI investigation of the suspected organization and an opportunity for a hearing by examiners of the Central Security Office and the right of appeal to the Central Review Board.

The commission's report also points out that membership in proscribed organizations should be viewed in the light of the member's knowledge of the purposes of the organization. The commission further recommends that former Communists may be considered for clearance or employment if they have recanted and given convincing evidence that they no longer adhere to the aims of the Communist party or movement.

Refusal to testify on grounds of possible self-incrimination is also on the commission's list of criteria which may be considered in determining an American's loyalty. The recommendation is qualified, however, by the phrase, "unless the individual, after opportunity to do so, satisfactorily explains his refusal to testify."

Classified Documents. The report of the commission stresses the dangers to national security arising from overclassification of information which retards scientific and technologic progress and thus may deprive the nation of lead time that results from the free exchange of ideas. Consequently, the commission recommends abolishing the classification of "confidential" in the matter of documents and materials, pointing out that at present a defense contractor may clear a worker for access to "confidential" documents without reference to government security officers. "Secret" and "top-secret" classifications would be maintained. Documents previously classified "confidential" would be declassified gradually.

At present, only Government employees may be prosecuted for "willful disclosure to unauthorized persons" of classified information. The commission recommends enactment of a criminal statute that would provide penalties for anyone, in or out of the Government, who makes public the content of secret or top-secret documents. The proposed penalty is a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both.

Another piece of legislation proposed by the commission would authorize the

introduction of wire-tapping evidence that is procured by Federal officers in the investigation of criminal violations of security laws only. The specific approval of the Attorney General would be required in every case, and the Attorney General would report semiannually to the President and the National Security Council, enumerating the authorizations granted and stating the nature of each offense involved.

Seaport Security. The commission urges strengthening the present port security program by requiring that Coast Guard officers be assigned to screening duties for seamen's or dock workers' clearance on a full-time basis, and that they be trained in security techniques. Other recommendations would give the Commandant of the Coast Guard full jurisdiction over the program; place hearings in the hands of examiners from the proposed Central Security Office to promote uniformity in standards and procedures; make Army, Navy, and Coast Guard clearances for port workers interchangeable; and give detailed notice of reasons to persons who are denied clearance.

A security program similar to that governing seamen and dock workers would be set up for civilian air transport employees, if the commission's recommendations are followed. At present, only employees of the Civil Aeronautics Administration, the Civil Aeronautics Board, or other Federal agencies involved in air transport are subject to clearance. The commission proposes that all crewmen on international flights be screened and that ground personnel be denied access to restricted areas of civilian airports unless cleared by the CAB. The new program would be administered by the Secretary of Commerce and the CAB.

The commission recommends that the present loyalty program covering Americans working for the United Nations or other international organizations should be continued and extended to those who are security risks for reasons other than doubtful loyalty to the United States.

Passports. The commission has proposed a number of important changes in the present use of passports and visas as instruments to protect the national security. One recommendation would transfer the control of visas, except those for diplomatic and official passports, from the Department of State to the Department of Justice, with specially trained officials of the Immigration Service attached to U.S. embassies and consulates abroad to administer the program. This would avoid the confusion of the present dual system under which an immigrant may be granted a visa by a U.S. consul abroad but is denied admission by an immigration officer at the

port of entry. The commission also recommends continuation of the registration and fingerprinting of aliens.

The commission urges Congressional clarification of the parole provisions of the Walter-McCarran Act. It also recommends withholding change in status of refugees already admitted under those provisions until they have all been adequately screened.

The commission believes that the practice of withholding a passport as a security measure should be continued, but that the standards and criteria for denying a passport should be clarified and fixed by legislation. The commission proposes that a single fingerprint be required on both application and passport, and that, in case a passport is refused, the reasons should be stated in writing as specifically as security permits.

The commission also recommends legislation making it a criminal offense for an American citizen to travel to any country in which his passport is declared to be invalid, or to refuse to surrender a passport that has been lawfully revoked.

U.N. Report on Uses of Nuclear Energy

A United Nations report on the prospects for the use of nuclear energy by the peoples of the world has recently been issued in a limited edition. The 250-page mimeographed document, perhaps the most comprehensive of its kind prepared so far, has been submitted to the U.N. Economic and Social Council, which began consideration of its contents in Geneva on 2 July.

The volume deals with applications of atomic energy to power production, industry, and agriculture, as well as with labor problems and technical training facilities associated with the use of atomic energy.

One section of the report summarizes the current and future nuclear power programs in Canada, France, Soviet Russia, the United Kingdom, and the United States. The material was collected through questionnaires sent to the various governments.

Borden Awards

A total of 1344 college and university students have received Borden Company Foundation scholarship awards and prizes over the past 13 years. This is reported in a new Borden Company Foundation directory which, for the first time, lists all the college and university scholarship awards and prizes sponsored by the foundation. There are 176 such awards made annually. These are admin-