Book Reviews

Loyalty and Security. Employment tests in the United States. Ralph S. Brown, Jr. Yale University Press, New Haven, 1958. xvii + 524 pp. $8.

At least one person out of five in today's 65-million-man U.S. labor force has survived some form of security or loyalty test in his current employment. In what Ralph Brown, professor of law at Yale University, describes as "the security-ridden professions"—some 600,000 scientists, engineers, and public administrators—one out of two (50 percent) is dependent for the opportunity to practice his profession or hold his job on his ability to meet loyalty-security criteria.

Is this bad? Brown's scholarly answer is neither a strident "yes!" nor a complacent "no."

The realities of coexistence with Soviet communism require that we maintain a security system that brings us close to the severities of a garrison state. At the same time we desire to maintain our prized constitutional freedoms and "those human decencies that we prize beyond the Constitution." The search for equilibrium between these competing needs poses problems for statesman, citizen, and professional that have troubled the best minds of our country for more than a decade.

"Our name for problems is significant. We call them headaches. You take a powder and they are gone. These pains . . . are not like that. They are like the pain of earning a living. They will stay with us until death. We have got to understand that all our lives the danger, the uncertainty, the need for alertness, for effort, for discipline will be upon us."

The words are Dean Acheson's; the quotation is a theme of Brown's book. To Acheson's evaluation he makes one significant addition: of equal weight with the need for alertness and discipline is the need to cherish respect for human dignity and individual freedom.

Capitalizing on today's relative calm, which has succeeded the storms of the mid-fifties, Brown applies that sober second thought, which is one of his profession's great contributions to society, to the tangled issues of loyalty and security as they affect employment in all areas of American economic life.

Tests of loyalty, as Brown sees them, are fundamentally tests of disloyalty and, specifically, of "a preference for communism." The attack on disloyalty thus defined has, however, widened in practice to include people who share with communists any preference that to some influential groups seems disloyal, or even politically objectionable. There is room within this formula for attacks on "the whole cloudy constellation of New Dealers, civil libertarians, internationalists, and eggheads." Since disloyalty thus conceived is at bottom a state of mind—as compared to the crime of treason, which requires for conviction proof of an overt act—tests for such a condition require an examination of beliefs.

"The desirable thing to do with loyalty programs is to get rid of them," says Brown—largely, I gather, because of their damping effect on that freedom of thought and expression to which honest opposition ought to be entitled if our democratic, open society is to maintain vitality. Conceding realistically, however, that this prescription is not likely to gain support even in the cooler air of 1958, he recommends at least a retreat to a policy which would require loyalty tests only for federal and state government employees—including public school teachers, members of the bar, and officers and staff members of labor unions. That such would be a retreat may surprise some readers, who have not heard that boxers and wrestlers, before they can appear in Indiana, must subscribe to a loyalty oath.

Security programs, by contrast, Brown sees as essential. To some extent security programs and loyalty programs cover the same field since judgments about past, present, and future disloyal conduct are part of the decision that a particular individual will conduct himself in the future in a way significantly harmful to a substantial national interest. Thus Brown concedes that, even if loyalty programs as such were abandoned, the thorny problems raised in any examination of beliefs would plague us still. They would be ameliorated, however, he argues, by putting them in the focus of a narrower question: Is this person one who *may* —with more than average probability —injure the nation? And he would sharply reduce the numbers involved by restricting security tests to employment in sensitive positions: those in which the holders could substantially injure national security.

To confine the excesses of loyalty employment tests within reasonable bounds, Brown sees it as essential that the accused employee be entitled to all of the procedural elements of a fair trial, including specific charges, an opportunity to confront those on whose testimony reliance is being placed, a fair hearing, a reasoned decision based on the record, and an opportunity for review of arbitrary decisions. For security programs, Brown recognizes that the analogy to decisions about suitability for employment generally is controlling and that due process must be measured by less rigorous standards: "the question is essentially the confidence of one man in another." Security programs are tolerable if their coverage is reduced, if standards and criteria are revised to emphasize "the whole man," if security officers are kept in an advisory role, and if hardship is minimized by "a forceful policy of providing other jobs for those who are excluded from security-sensitive positions."

Perhaps the most important parts of this book are not its conclusions but the material it collects, organizes, and presents and the care with which its analyses are reasoned. Its encyclopedic coverage and scholarly footnotes provide a wealth of guidance for those who must suffer the headaches in this troubling area of our national life, whether as security officers, counsel, board members, judges, legislators, executives or citizens. Its penetrating and exhaustive examination of every relevant facet and significant incident—loyalty tests in unclassified research, the employment policies of universities, the impact of security and loyalty on scientists and engineers, and many others—insures that it will have a permanent place in the literature of our political science. Its moderate and balanced tone makes it a guide to equity and reason in a field where both are all too rare.

WILLIAM A. W. KREBS
Arthur D. Little, Inc.,
Cambridge, Massachusetts

Matter, Earth, and Sky. George Gamow. Prentice-Hall, Englewood Cliffs, N.J., 1958. xiii + 593 pp. Illus. $10.

George Gamow is deservedly acclaimed one of the foremost interpretive writers in the field of science today. A number of his books and articles have been translated into as many as 16 languages, and he was awarded the Kalinga prize by UNESCO (1956) for his popularization of science. His success stems not only from the zest with which he