

Civil Liberties of Scientists

On December 30, 1947 the AAAS Council passed a resolution instructing the President of the Association to appoint a Special Committee on Civil Liberties for Scientists. Maurice B. Visscher was named chairman, and with Philip Bard, Robert E. Cushman, Richard L. Meier, and James R. Newman as members, and Walter Gellhorn as consultant, the Committee completed its investigations and submitted a 77-page report of findings and recommendations in December 1948. The full text

was referred to the Council, which voted by an overwhelming majority to publicize the findings, and it is planned ultimately to make the complete report available at cost to those who want access to it. Announcement will be made in Science when Maurice B. Visscher and E. C. Stakman have concluded editorial revisions and the report is ready for distribution. Meanwhile, by vote of the Executive Committee at its meeting July 7, the conclusions and recommendations are published herewith.

THERE IS AT PRESENT a tendency in public thinking to relate scientific activity almost wholly to military activity, exposing scientists more than most occupational groups to sustained and stringent limitations upon their professional freedom. Fearful lest these limitations exceed justifiable bounds, jeopardize the national welfare, and infringe the rights of scientists, the American Association for the Advancement of Science, in December 1947, created a Special Committee on the Civil Liberties of Scientists.

The present report embodies its conclusions and recommendations with respect to three main areas:

1. Restrictions on research and scientific information;
2. Measures to assure the personal reliability of scientists having access to confidential data;
3. Inquiries relating to the "loyalty" of scientific workers in federal employment.

CONCLUSIONS

I

Secrecy is damaging to both science and democracy. In both, progress and the detection of error depend upon open discussion and free interchange of ideas among widely divergent and widely separated groups.

Yet today, in the United States, we have within the body of science large regions of secrecy. We endorse the statement of the President's Scientific Research Board, which in its 1947 Report on Science and Public Policy said: "Strict military security in the narrow sense is not entirely consistent with the broader requirements of national security. To be secure as a Nation we must maintain a climate conducive to the full flowering of free inquiry. However important secrecy about military weapons may be, the fundamental discoveries of researchers must circulate freely to have full beneficial effect. . . . Security regulations, therefore, should be applied only when strictly neces-

sary and then limited to specific instruments, machines or processes. They should not attempt to cover basic principles of fundamental knowledge."

II

No matter how the area of secrecy may be delimited, there will undoubtedly remain some matters of scientific cognizance which should be kept confidential. So long as national policy dictates that secrecy be observed, the reliability of persons to whom these matters are entrusted must be assured; hence inquiries into the character and attitudes of these persons are warranted.

If national as well as individual interests are to be protected, however, improvements must be achieved in the policies and procedures of our present security clearance programs as they affect scientists who will be entrusted with classified information.

The Atomic Energy Commission and the National Military Establishment are the chief agencies concerned with the trustworthiness of scientists who have access to "restricted" or "classified" data. Neither of these agencies furnishes the affected scientist any statement of the reasoning underlying a conclusion which is adverse to him; neither one sets forth charges in a precisely formulated fashion; neither one requires that testimony used against an individual be made known to him, or that even casual and non-official informants be identified and produced for examination; neither one provides for the making of specific findings of fact; neither one undertakes to record and publish its opinions in a way which makes possible any public understanding or analysis of the determinations made.

In some respects the procedures of the Atomic Energy Commission are more fully elaborated than those of the National Military Establishment, though the military clearance of the latter may affect literally millions of employees of private industry engaged in the planning or production of articles for military

use. A military determination that clearance should not be granted a civilian scientist is subject to appeal to the Industrial Employment Review Board (IERB), composed of Army, Navy, and Air Force officers. Proceedings of the IERB are themselves "classified," which means that even the immediately affected employee is forbidden to discuss them, keep notes about the handling of his own case, or possess a copy of the record of the hearing. Despite the fact that its decisions have a drastically important impact upon the lives and careers of civilians entirely outside the public service, the tribunal is exclusively military in its composition and there is no opportunity for review of its judgments by an appellate body differently constituted. Such subjection of the destinies of civilians to military tribunals is contrary to national tradition. Quite apart from procedural inadequacies, the present organization for deciding security clearance cases is open to basic criticism.

The Atomic Energy Commission has recently manifested a tendency to require security clearance not only for those scientists who themselves have access to restricted data, but also for their fellow scientists with whom they may have personal contact. This is graver in its implications than even the serious procedural and administrative imperfections already noted. At Brookhaven National Laboratory, for example, where only perhaps one-tenth of the scientific personnel works within the area of secrecy, all scientists must be cleared as a condition of employment. This apparently reflects a yielding to uninformed or sensationalist legislators and others who tend to exaggerate the problem of "keeping our atomic secrets." The effect of the excessive precautions is to discourage participation in important research activities closely linked to the nation's well-being. Scientists are increasingly reluctant to commit their personal and professional reputations to those who have brought frivolous charges against respected colleagues. Moreover, the delays and expense often involved in obtaining security clearance deter qualified persons from entering the atomic energy program.

So far as disclosures of evidence reveal, the problem of faithless scientific personnel in this country appears to be markedly less grave than the public has been led to suppose. Moreover, informed scientists are in broad agreement that restricted data cannot be readily transmitted to unauthorized persons. In the circumstances which exist rather than those which are fancied to exist, the stringent application of personnel security clearance should be limited to smaller numbers of scientists rather than extended to ever larger groups. If nothing is done to reverse the present trend to require security clearance of sci-

tists who do not have or desire to have access to restricted data, it is likely that many of the most penetrating and original scientific minds will be turned to pursuits unrelated to further development of the atomic energy program. Work in that field will be shunned by men of ability and pride if they are constantly treated as objects of suspicion and possible calumny.

III

Executive Order No. 9835 provides that no person shall be employed in a federal post if he is believed to be disloyal to the government of the United States. This Loyalty Order does not supplant existing provisions for summary removal of employees on security grounds. Entirely without reference to security considerations, the Order seeks to assure "complete and unswerving loyalty to the United States" on the part of all those who are in its service.

No one doubts the importance of faithful discharge of duty by public officials. No one questions the propriety of the government's demanding that its employees be loyal to their jobs and to the democratic institutions they serve. The Loyalty Order is, however, basically objectionable because it seeks to determine the employee's loyalty by inquiring into his supposed thoughts and attitudes, which are established in large part by imputing to him the beliefs of his associates.

If the Loyalty Order is to be retained, a drastic revision is essential. Instead of focusing on an employee's associations, it should focus on his behavior in overt acts. Legislation already on the statute books amply protects the federal service against retention of employees who advocate overthrow of the government.

Insofar as the Loyalty Order purports to deal with such matters as espionage, sabotage, and disregard of instructions, it is wholly superfluous, since conduct of that character is not only criminal but is also fully subject to administrative disciplinary action under existing law and regulations. The failure to confine the Loyalty Order to matters of objective proof has engendered a feeling of insecurity in public employment and may be expected to lessen the vigorous intellectual independence which is a prime condition of sound scientific work as it is of an imaginative civil service. "Experimentation there may be in many things of deep concern," Judge Cardozo once wrote, "but not in setting boundaries to thought, for thought freely communicated is the indispensable condition of intelligent experimentation, the one test of its validity." Unless there is elimination of the Order's present emphasis on attitude rather than conduct, the

nation will suffer heavily from the present loyalty program.

Even if the Loyalty Order were to be continued without revision of its underlying philosophy, important changes in administrative methods are urgently needed. The present loyalty boards discharge simultaneously the functions of advocacy and adjudication. The content of the charges they issue and the conduct of the proceedings over which they preside do not assure that the facts and their implications will be fully explored. The organizations with which an employee may be identified are finally and conclusively characterized by the Attorney General without either the employee's or the organization's having any opportunity whatsoever to establish that the Attorney General was not fully informed. These and other procedural deficiencies can be corrected readily. So long as they remain, they accentuate the possibility of error in the loyalty program.

The fundamental shortcomings in the Loyalty Order, however, are not procedural. Rather, they are to be found in the very conceptions which the Order expresses. Refinement of administrative methods and gentility of official behavior are important, to be sure. But they are not basic. Until the Loyalty Order deals with the way employees act, rather than with the way they supposedly think, we shall inhibit the freedom and encourage the insecurity of our public servants. The cost will in the end be borne not by the employees who are deprived of their normal freedom to believe and behave as they wish within the limits law has set. It will be borne by the nation as a whole.

As President Truman recently asserted, "Continuous research by our best scientists is the key to American leadership and true national security. This work may be made impossible by the creation of an atmosphere in which no man feels safe against the public airing of unfounded rumors, gossip, and vilification."

Challenge to Social Science

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THE INDUSTRIAL REVOLUTION is a term that the elder Toynbee used to describe the historical shift in the basis of human culture from agrarian to industrial. The student generally learns a few names of men associated with this period—Watt, Whitney, Hargreaves—and their respective inventions, but only rarely does he discern their relationship to the problems before which the world now trembles. The fact is, however, that the revolution is moving on more rapidly during his lifetime than ever before, and engineering, chemistry, electronics, aviation, biology, and many other sciences are contributing to it.

The intellectual equipment for making this change was perfected by the labors of a host of men, scattered over a period of two thousand years. The scientific method that they applied to the material world has loosed a torrent of discoveries.

Many results of these discoveries were beneficial and brought higher standards of living. Mass production could succeed only on a base of mass power to consume, more leisure, and the broadened knowledge and experience that stemmed from mass communication and transportation.

One profound change has been the shift from independence to interdependence. When the simple life prevailed, contacts were individual, relationships were uncomplicated and characterized by a high degree of self-sufficiency and independence. Today we know the paralysis that can occur with the breakdown of any of the numerous lines of supply within a nation.

Nations are as interdependent as their citizens. Vitally needed products must be exchanged throughout the world, and an economic depression in any leading nation means that all others will be similarly affected. Any science or organized knowledge is the joint product of men all over the world.

This interdependence has led to an extension of moral values from the personal and community level to the national and international level. Individual morality becomes inadequate when it is possible for a person to refrain from stealing from his neighbor, lying to him, cheating or killing him and yet advocate national or international policies that lead to mass destruction of peoples. The most humane and kindly individuals may be greatly disturbed at the suffering of one child but innocently contribute to wholesale suffering and death thousands of miles away.