10V 10 1942 A8-5/LL

MEMORANDUM FOR Commander W. S. Wharton.

SUBJECT:

Proposed Executive Order entitled "Establishing Interdepartmental Board to Consider Cases of Subversive Activity on the Part of Federal Employees".

- 1. Attention is invited to the letter of the Attorney General dated October 26, 1942, accompanying the proposed Executive Order.
 - (a) Justification for the establishment of the board swings on the experience of the Department of Justice in administering provisions of the appropriation acts which provide for funds for the Federal Bureau of Investigation "to investigate employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government by force" and requires that the Bureau shall "report the findings forthwith to Congress."
 - (b) The Board is to be advisory.
 - (c) The Board proposes to assure fair consideration to Federal Employees and at the same time assure adequate protection to the Government of the United States.
 - (d) The War and Navy Departments are excepted from the provisions of the proposed order.
- 2. Apparently the proposed order is aimed at regularizing and standardizing the procedure for the removal of Federal employees suspected of subversive activity, thereby improving security conditions, and at the same time assuring the employee fair consideration.
 - (a) Membership on the board is not qualified. Thus, where a removal from an agency closely allied to the war effort should be effected, such as the War Production Board, for purposes of military security no consideration would be given such factors unless there was a representative of the Army or Navy, or both on the board. In any event the vote of the board for military reasons would be a minority, with the proposed five man committee.
- Experience with other government departments has indicated that none of them have the least conception of what constitutes military security. Downright subversive disclosure of classified information and actions bordering on subversion have repeatedly taken place, cloaked under the guise of "progressiveness" or "liberality" or "new dealism". In war, ignorance of the requirements of military security is no excuse for the

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justification of a national policy which protects elements who ought not to be employed in the Government. In other words, the requirements of military security in the War Production Board or for that matter in the Department of Justice are given no consideration in the proposed order less it be by negation.

- 4. The Navy Department now relies on Rule 12 of the Civil Service Commission for the removal of persons suspected of subversive activity, since the lapse of Public #671 of the 76th Congress. The routines are well established and the mechanism operates satisfactorily.
- 5. This order has been discussed with Mr. Timms of the Federal Bureau of Investigation, who stated that it was the work of Dean Dickinson, a special assistant to the Attorney General.
- 6. This order is similar to a proposal of the Department of Justice in connection with the discharge of subversives in industry, and which was given full consideration during the summer and fall of 1941 and resulted in the agreement between War Department, Navy Department and labor representatives.
- 7. The undersigned is at loss to understand why the same Rule 12 will not apply equally well to removals in other government agencies.
- 8. However, this problem appears to be a concern of the Federal Bureau of Investigation and if that agency is in accord with this Executive Order, except for the objections as noted, the Office of Naval Intelligence ought not to object.

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DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

WASHINGTON, D. C.

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1st Endorsement on ltr. from Bureau of the Budget, dated 11-3-42.

From:

The Judge Advocate General.

To:

The Assistant Secretary of the Navy (Shore

Establishments Division)

Via:

- The Vice Chief of Naval Operations.
- The Director of Civil Personnel.

Subject:

Proposed Executive Order entitled "Establishing the Interdepartmental Board to Consider Cases of Subversive Activity on the Part of Federal Employees."

1. . Referred for comment.

W.B.WOODSON

H.A.HOUSER By direction.



EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON, D. C.

J. Olen James

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Herewith are copies of a letter of October 26, 1942, addressed to the President by the Attorney General, and of a proposed Executive Order entitled "Establishing the Interdepertmental Board to Consider Cases of Subversive Activity on the Part of Federal Employees".

The Director of the Bureau of the Budget will appreciate receiving an expression of your views in the premises.

Very truly yours.

Assistant Director Legislative Reference

The Honorable,

The Secretary of the Navy.

Enclosures.

OFFICE OF THE ATTORNEY GENERAL Washington, D.C.

October 26, 1942

Through the Bureau of the Budget,
Through the Division of the Federal Register.

The President, entitled appropriation and now and a few proposed bearing the most The White House, hereit. Shift the peaking of the proposed beard Widear Mr. President. In he believed that they are administrative as

Tem transmitting herewith a draft of a proposed Executive order entitled "Establishing the Interdepartmental Board to Consider Cases of Subversive Activity on the Part of Federal Employees."

The proposed order has been prepared in this Department with the cooperation of the Interdepartmental Committee on Investigations in order to give effect to recommendations incorporated in my letter to the Congress of September 1, 1942, transmitting a report of the Federal Bureau of Investigation made pursuant to the appropriation act of June 28, 1941 (Public Law 135, 77th Congress).

Public Law 644, 77th Congress, approved July 2, 1942, provides that of the appropriation for the Federal Bureau of Investigation "\$200,000 shall be available immediately to investigate the employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations

PORTO TRANSPORTATION AND TO THE PORTO TO THE PROPERTY OF THE P START CASES OF SERVICE DESCRIPTION THE PARTY. or advocate the overthrow of the Federal Government by force" and requires that the Bureau shell "report the findings forthwith to By pires of him subjective verses to me by series if it Congress." Experience in administering a similar provision incorthe Series broketes of the Octor States, 21922 2 of the Piret porated in the earlier appropriation act has indicated clearly the Far Person ten, 1940 (Rubits the 39%, 77% Compress), and Di need for a permanent board. While the powers of the proposed board President of the Solites Whitee, it is hereby unlessed as follows will be advisory only, it is believed that they are adequate to as-1. There is becoby extendictors the indeplete stronged Board sure fair consideration of the interests of Federal employees and to echalder cames of subservice assisting on the part of Teducal to protect the interests of the Government of the United States. tuningson, bereinstree referred by is the Rosei, to seed at al I recommend that you issue the proposed order.

Respectfully.

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ESTABLISHING THE INTERDEPARTMENTAL BOARD TO CON-SIDER CASES OF SUBVERSIVE ACTIVITY ON THE PART A. Drong of Or FEDERAL PRINCIPLES of the Life of the Colonial Colo

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Season about 7 years of mill imposed before yearing me in By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States, Title I of the First Wer Powers Act, 1941 (Public Lew 554, 77th Congress), and as is Spring recognistical Properties and application of a proving agency. President of the United States, it is hereby ordered as follows: acada proclama de caractela altra como de cama de caractela de caractela como con como con como con como con c

- 1. There is hereby established the Interdepartmental Board resultation me missas (15 solida interpretario) estisio, i se compussione estisione to consider cases of subversive activity on the part of Federal Careta Garacetaba a for man aname. The Rough of what want on the employees, hereinafter referred to as the Board, to consist of soli travanii lia varannarii sid ta angli galee digalaraan a five members appointed by the President.
- carrior, or isological archief archief archief archief 2. The officers of the Board shall consist of a chairman. THE PATE TYPESPEERS OF ACTION PROGRESS FOR PARKEY. The Core remains to a vice-chairman, and an executive scoretary. The executive scoreremailer, and independent exhibition cuts appeared for beyone titary may be selected from the membership of the Board or otherwise not be the the they there is appealable to be provided for the as the Board in its discretion shall determine.
- strong and the complete and a recommentation of the dependence and the laterage and 3. The Board shall serve as an advisory and goordinating in my capa for less than has save following the five or exagency in all matters pertaining to the investigation and disposithe englocies rose was bottles of the property if we style tion of complaints of subversive activity on the part of employees The sould Curredo medical an observed may be entered for soul. of the executive branch of the Federal Government and shall initiate the block often property therefor in Files. such measures as are best suited in its judgment to assure fair and B. Therefore the real residence of Libertal scorting experience prompt disposition of complaints and to protect the interests of to the house to sever have the affiliated will among the second of Was Development of the Unifood Starter Properties, townser, that the

of the for an the Department of Ver execut upon request from the the give to the legeral lugger of invaritgation in the Begartmant completely, begishing with old-arealished insprincipal perterning party an of paragraph & of this order, horotopher referred to as

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- 5. Upon request from the Department of Justice, the Board shall consider particular complaints or classes of complaints and the second that the contract the property of the contract and advise concerning the investigation of such complaints.
- and the and and and the second second 6. Upon reference from the Department of Justice, the endings as who is the most of an ended only another in a provincial section of the Board shall receive all investigative reports on complaints and shall advise the departments, agencies, and independent es-The Third special by Element and the first specially alimin appeals. tablishments concerning procedures for determining action thereon.
- ent. Liveraggraphiae, myl epison engareteller av 18 mar deler-7. Upon request from an employing department, agency, or greet, an electrical and more energy missioners from properties of each independent establishment, or upon request from an employee with enturniet, erzert enter entre en respect to whom disciplinary action is proposed, made before era o cresidente a un que estanten en la la proposició del persona de la composició de la reconstrucció de esta final disposition in any case, the Board shall review the record ar minde was file allemen and partitions have when men a properties of the according since and transmit its recommendation to the employing department, aleadorem dante loga by para degregologicos, regalerdore, en facilización de agency, or independent establishment. In order that employees LARE FOR THE PROPERTY CONTRACTOR OF THE PROPERTY OF THE PROPER may have opportunity to file request for review, the departments, readis no las varies differentials. Marie parases or siste season and is secured to agencies, and independent establishments concerned are hereby diernegt standarde enny et periode tringrametrat and was en northerne spilling titlerane ser rected to stay final disposition for a period to be fixed by the Company and an indicate seasons from Alleria and the contraction of the contractions and the contractions of the contraction of the contractions of the contraction of the employing department, agency, or independent establishment, but The All commenced to the borne made he goest as working. in no case for less than ten days following the date on which महर्षिक क्षेत्रक हैं के इस हो है है के कामक के उन्हें के किए की किए की की की की कामक के साथ कामक के कार्य कर क the employee receives notice of the proposed disposition, and for such further period as the Board may require for review of the free house, their was too moved and the case after request therefor is filed.
- Live this employees with the and appropriate to the Coddest 8. Whenever the requirements of internal security appear Cranical representation margin related the course of the throwing calls and years. to the Board to have been insufficiently considered in connection

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- 10. Nothing contained in this order shall be construed as limiting the authority of any department, agency, or independent establishment to suspend any employee as provided by law.
- 11. The Board is hereby authorized to employ such cleri-The first test things in a first section with the oal, stenographic, and other assistance as it may deem necesmily to their regulations and bloom recommendings sary, to incur all necessary expenses for personal and other rese til sammin etta sin sine et ett ett ett services, travel, and supplies, and to fix the salary of its The second of the second of executive secretary, if specially employed for that purpose, at The state of the state of the a sum not to exceed \$7,500 per annum. Members of the Board and er of the court to the the military of others detailed by the departments, agencies, or independent es-Sharing as specifical To secure tablishments to serve with the Board shall serve without compen-THE REPORT OF A SECTION OF STREET sation in such capacity. Employees of the Board shall receive THE VER WILL MARY IMPORTANT such travel and other allowances as civilian employees of the United States receive generally by law.
- 12. All expenses of the Board shall be paid on vouchers approved by the chairman or, in his absence, by the vice-chairman, from allocations to be made to the Board for that purpose from the Emergency Fund for the President.
 - 13. All executive officers and agencies of the United
 States are hereby authorized to furnish the Board with such personnel, facilities, services, supplies, and cooperation as it
 may request from time to time.
 - li. The Board shall report to the President annually regarding its activities and shall make such special reports as the President may request.

THE WHITE HOUSE,

Att Brown from

. 19/12.