

dismissal for security reasons of one in a nonsensitive job although such action could conceivably be sustained where disloyalty is involved. Of course when disloyalty exists it is rarely discovered prior to some overt act by the employee; further it is extremely difficult to prove.

I hesitate to venture an opinion as to what sort of a screening program the Supreme Court would sustain. The Court has said it recognizes the right of Government to protect itself—yet it seems reluctant to uphold security programs. The Court has said the Government can protect itself against saboteurs and espionage agents, but that seems to relate only to persons who are known to have committed espionage or sabotage. Such persons wouldn't be hired in the first place.

If the Court is going to hold that active membership in an organization that advocates anarchy or overthrow of Government by force and violence is insufficient to support a dismissal, then our screening programs will be that in name only. If the Court intends to require the Government to also prove that the particular employee *intends* to advance or carry out the illegal purposes or objectives of the organization of which he is an active member then the Government will not be able to successfully bring charges against employees it has reasonable grounds to believe are disloyal or who may commit serious offenses against the Government. In this area evidence of intent is practically never available until after some overt act has been committed.

For example, the Nationalist Party of Puerto Rico (NPPR) has for years taught and advocated the necessity of resorting to violence to overthrow the United States Government or the Government of Puerto Rico or any subdivision thereof and to use violence against established governmental authority. However, based on present Supreme Court decisions as we understand them, if in the summer of 1950 the two Puerto Ricans who in November attempted to assassinate President Truman had been employees of the Federal Government, we would not have been able to discharge either of them on security grounds even though they were active members of the NPPR. We had no evidence whatever that they intended to carry out the purposes and objectives of the organization.

The same would have been true in the case of the Puerto Ricans who fired shots from the gallery in the House of Representatives in March of 1954. Had they been on the Government payroll shortly before that event and subject to a screening program, we could have shown only that three of them were active members of the NPPR. We could not have proved that any of them had specific intent to carry out the objectives of that organization.

The same problems of proof exist as to members of the Communist Party, U.S.A., or the American Nazi Party or the Klan or any group of anarchists. Even when we can prove a person is an active member of such a group, evidence that he intends to carry out the objectives of the organization simply isn't available. The more dedicated an organization is to the proposition that this Government or any of its subdivisions must be destroyed or overthrown by force and violence, the more difficult of course it is to obtain usable evidence regarding it and its members.

Q. What evidence is there, if any, that American citizens are more likely to commit acts of espionage and subversion for ideological reasons than for other reasons such as *monetary gain*? To the witnesses' knowledge, how many acts of espionage or subversion have been committed by United States citizens who had *not* been cleared by screening programs similar to those now in effect or proposed to be authorized by the pending legislation?

A. I don't know that there is much evidence, certainly there is no conclusive evidence, that American citizens are more likely to commit acts of espionage for ideological reasons than for other reasons such as monetary gain. Up until a few years after the war it appeared that most Americans who had engaged or attempted to engage in espionage against their own country had done so for ideological reasons. Since that time increasing numbers seem to be motivated by monetary reasons. Frequently it is a combination of the two. We know of a few instances in which American citizens turned over classified information to representatives of a foreign government rather than to submit to exposure of a compromising situation in which they had been caught. When a defendant refuses to testify or a subject refuses to be interviewed, it is not easy to determine what his motivation had been.

Acts of espionage are seldom committed by persons who had not been cleared under a screening program since some sort of screening is usually involved if a person has access to sensitive information. However, shortly after the Second