

GREENE v. McELROY.

Opinion of the Court.

district of Columbia asking for a declaration that the revocation was unlawful and void and for an order restraining respondents from acting pursuant to it.²⁰ He also asked for an order requiring respondents to advise ERCO that the clearance revocation was void. Following the affirmation of the EIPSB order by the Industrial Personnel Review Board, petitioner moved for summary judgment in the District Court. The Government cross-filed for dismissal of the complaint or summary judgment. The District Court granted the Government's motion for summary judgment, 150 F. Supp. 958, and the Court of Appeals affirmed that disposition, 103 U. S. App. D. C. 87, 254 F. 2d 944.

The Court of Appeals recognized that petitioner had suffered substantial harm from the clearance revocation.²¹ But in that court's view, petitioner's suit presented no "justiciable controversy"—no controversy which the courts could finally and effectively decide. This conclusion followed from the Court of Appeals' reasoning that the Executive Department alone is competent to evaluate the competing considerations which exist in determining the persons who are to be afforded security clearances.

²⁰ The complaint was filed before the establishment of the Industrial Personnel Security Review Board. See note 18, *supra*.

²¹ The Court of Appeals stated: "We have no doubt that Greene has in fact been injured. He was forced out of a job that paid him \$18,000 per year. He has since been reduced, so far as this record shows, to working as an architectural draftsman at a salary of some \$4,400 per year. Further, as an aeronautical engineer of considerable experience he says (without real contradiction) that he is effectively barred from pursuit of many aspects of his profession, given the current dependence of most phases of the aircraft industry on Defense Department contracts not only for production but for research and development work as well. . . . Nor do we doubt that, following the Government's action, some stigma, in greater or less degree, has attached to Greene." 103 U. S. App. D. C. 87, 95-96, 254 F. 2d 944, 952-953.