Executive Order 9835, signed by President Truman on March 21, 1947, established a loyalty-security program for the executive branch of the federal government. Federal employees were required to take a political test to identify "subversive" affiliations or tendencies. Past or present members of the Communist Party as well as anyone with a "sympathetic association" with it or any other "subversive" organizations or individuals were disqualified or dismissed. These terms were often deliberately vague; the charges against this postal worker included owning "Communist literature and art." The employee was dismissed from his job, and his appeals to the Civil Service Commission resulted in rulings upholding the dismissal. The FBI's often secretive handling of the program's investigations (despite the Executive Order's delegating of that duty to the Civil Service Commission) ensured that successful appeals of this kind were nearly impossible.

In late February 1954, the employee was working in a clerical capacity as a substitute postal employee. He performed no supervisory duties. His tasks were routine in nature.

One year prior to the initiation of proceedings, the employee had resigned from his position as an executive officer of a local union whose parent union had been expelled from the CIO in 1949 as Communist dominated. The employee had served as an officer for one year prior to the expulsion, had helped to lead his local out of the expelled parent and back into the CIO, and had thereafter remained in an executive capacity until his resignation in 1953. He resigned from that position upon being appointed a substitute clerk with the United States Post Office in early 1953.

In the last week of February 1954, the employee received notice, by mail, that he was under investigation by the Regional Office of the United States Civil Service Commission. . . .

[The employee immediately answered the first set of charges against him only to be suspended without pay at the end of March on the following charges.____Ed.]

“3. In January 1948, your name appeared on a general mailing list of the Spanish Refugee Appeal of the Joint Anti- Fascist Refugee Committee. . . .

“5. Your wife . . . was a member of the . . . Club of the Young Communist League.

“6. In 1950, Communist literature was observed in the bookshelves and Communist art was seen on the walls of your residence in .


The employee had a hearing four months later, in July 1954. The members of the Board were three (3) civilian employees of military installations. None of them were attorneys. The Post Office establishment was represented by an Inspector, who administered the oath to the employee and his witnesses, but did
not otherwise participate in the proceedings. There was no attorney-adviser to the Board. There was no testimony by witnesses hostile to the employee, nor was any evidence introduced against him. . . .

. . . Before the employee testified, he submitted a nine-page autobiography to the Hearing Board. . . .

. . . The autobiography set forth in some detail the employee’s activities as an officer of his local union, and discussed particularly his role therein as an anti-Communist, and his opposition to the pro-Communist policies of the National Organization with which his local was affiliated. The autobiography recited that when his National Union was expelled from the CIO, he and his supporters successfully won a struggle within his local and as a direct result thereof, caused the said local to disaffiliate from the expelled parent, and affiliate with a new organization established within the CIO. The employee’s autobiography recited that the aforesaid struggle directly involved the question of Communist domination of the local’s parent union, that the victory of the employee and his supporters represented a victory over Communist adherents in the local, and that the employee was the frequent target of threats and slander by the pro-Communist faction of his local. . . .

With respect to the third charge against the employee (that his name had been on a general mailing list of the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee), the employee reiterated his denial of any knowledge concerning it, and his counsel reminded the Board that no Attorney General’s list existed in January 1948—the date contained in the charge. The employee testified, further, that he had no recollection of ever having received any mail from the organization involved. . . .

With respect to charge No. 5 against the employee (that his wife had been a member of the Young Communist League), the Chairman of the Hearing Board advised the employee that the date involved was March 1944. The employee testified that he and his wife were married in February 1944, and that the charge was ridiculous. He testified, further, that he had no independent recollection that his wife was ever a member of the said organization.

In addition, the employee testified that he had never lived in the neighborhood in which the organization was alleged to have existed, and that he had never heard of said organization. . . .

The Chairman then read charge No. 6 in which it was alleged that Communist literature was observed in the employee’s bookshelves at home. . . .

Counsel for the employee then questioned him concerning his courses in college, and the books which he was there required to read for those courses. In this connection, counsel for the employee asked whether books had been recommended as part of study courses by instructors, and whether one of these books had been Das Kapital by Karl Marx, and whether the employee had bought Das Kapital, following such a recommendation. The employee responded that certain books had been recommended by his instructors, that Das Kapital was one, and that he had bought the Modern Library Giant Edition of Das Kapital. . . .

Thereafter, in response to counsel’s question, the employee testified that he had not read Das Kapital in its entirety, that he had been required to read “a chapter or two for classwork,” and that “he had found it a little dull and tedious.” . . .
The Chairman read charge No. 7, in which it was alleged that the employee’s signature appeared on a Communist Party nominating petition in 1941 municipal elections in the employee’s home city. The employee had answered this charge by stating that he had signed such a petition; that in 1941, the Communist Party appeared on the initial ballot; that his recollection was that on the cover page of the petition it stated that the signers were not members of the Communist Party, and that prior to 1941 and at all times thereafter, the employee had been registered as a member of one of the two major political parties, and that he had no recollection of voting for any political party other than one of the two major political parties.

Thereafter, counsel for the employee objected to the charge on the ground that the signing of a petition for a party which had a legal place on the ballot in 1941 had no relationship to present security. The Chairman then asked the employee to recall the circumstances in which his signature had been solicited in 1941. The employee responded by stating that, so far as he could recall, someone came down the street and seeing him working on the premises asked him to sign the petition, after explaining the petition to him. In response to a question by a member of the Board, the employee stated that he did not know the person who had solicited his signature, and that he had never seen or heard from him thereafter, nor had he thereafter heard from the Communist Party.

. . . In early September, 1954, and without notice as to whether the Board had reached a decision in his case, the employee received notice from the Post Office Department that the Postmaster General had ordered the employee’s removal. . . . The employee [also] received a letter from the Regional Office of the United States Civil Service Commission. This letter advised the employee that he had been rated ineligible for Civil Service appointment, and that he was barred from competing in Federal Civil Service Examinations for a period of three years.