

Why House Upset McCarran Riders

By Jack Steele

WASHINGTON.

The House of Representatives in an unexpected and unusual revolt against its Republican leaders and the Eisenhower administration, voted last week to kill the so-called McCarran riders to give the Secretaries of State and Commerce and the Attorney General "absolute" powers to dismiss any employees of their departments in the interests of the United States. The rejection by the House of the McCarran riders, by the close vote of 181 to 168, will almost certainly touch off a battle in the Senate—one which may shed more light on what use has been made in recent years of these riders in the shadowland of the government's evolving loyalty and security program.

The House action was unexpected because there has never before been a serious attack against these riders, even though they have previously given the State, Commerce and Military Secretaries—but not the Attorney General—the most sweeping powers ever conferred on executive officials by Congress to dismiss government employees. Employees, dismissed under

the riders need be given no reasons and have no right of appeal. It is clear, however, that Congress intended that the riders be used only against employees suspected of being disloyal or poor security risks.

Veterans Unite

The action was unusual in that the powerful veterans' organizations, which have always been in the forefront of the campaign for a more stringent government security program, united to urge the repeal of the McCarran riders and were chiefly responsible for the House vote. These veterans' groups—the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans—joined forces to oppose the riders on these two major grounds:

1. The riders are no longer necessary because the Administration's new loyalty program gives the heads of all government agencies adequate powers to get rid of any employees held to be security risks.
2. The riders might be used by some department heads to oust employees for political patronage reasons or for incompetence, and thus subvert the veterans' preference laws and destroy the civil service system.

Available evidence indicates that the McCarran riders have been used rather sparingly for the actual dismissal of employees, but have been used more widely as "threats" to force employees suspected of being poor security risks—notably homosexuals—to resign.

A government employee thus threatened with dismissal under the McCarran riders has little choice but to resign. Such a dismissal carries a clear "security onus" which imperils the chances of any one dismissed under the riders of getting future private employment. The employee so threatened has no chance of appeal and a public protest only makes his plight worse.

Fear and Suspicion

The House action made it evident that there are growing fears or suspicions in Washington that some new Cabinet officials, in their zeal to clean house, might use the riders—or the threat to use them—to get rid of employees for purely political reasons or to circumvent both civil service and veterans' preference procedures to dismiss persons they consider incompetent.

Such fears and suspicions have been fostered by circumstantial evidence which has

been the subject of numerous reports in veterans' and labor organizations.

One of the first to use the term of Attorney General Herbert Brownell Jr. in asking that the riders be extended for the first time to the Department of Justice at the same time he was announcing publicly that he intended to rid the department of thousands of incompetent or inefficient employees.

Another was the recent resignation of a number of Justice Department employees, at least some of whom reportedly quit under the implied threat that they would be dismissed otherwise under unpleasant circumstances.

Still another bit of evidence was widespread rumors that Sinclair Weeks, Secretary of Commerce, planned to make considerable use of the riders to "clean up" his department, and reports that he had already used them to oust a number of employees.

Official Denials

Messrs. Brownell and Weeks both have vigorously denied any intention of using the McCarran riders for political dismissals or to destroy or circumvent civil service and veterans' preference laws. Republican leaders appealed in vain to the House to put faith in assurances that the riders would be used only against "subversives."

One Department of Commerce employee ousted under the riders brought suit in Federal District Court here last week in an effort to get a Supreme Court test of the constitutionality of the riders. Several others have brought complaints to this reporter that they had been ousted under the riders after having previously been cleared for loyalty.

The McCarran riders have an interesting and little-known legislative history.

They were first placed in a State Department appropriation bill seven years ago, after James F. Byrnes, then Secretary of State, informed the Appropriations Committee that he had no way of dismissing twenty-nine suspected Communists who had been transferred to the department as employees of such war agencies as the O. W. I. This was before any over-all government loyalty program was in effect.

The Senate Appropriations Committee is expected to restore the riders to the State-Commerce - Justice appropriations bill, and Sen. Pat McCarran, D., Nev., their original sponsor, to lead the battle for them on the Senate floor.