

The Only Real Issue - Justice

We pride ourselves in this country that we do not place the State above the Individual. If this is true in general, there certainly is one important exception: A man who works for the Government may be found to be a security risk, when in fact he is not; or he may be in fact a security risk through no fault of his own. In either case he will lose his job, and if he is, for instance, an expert on atomic energy, he may be thrown out of his profession.

Scientists, by and large, have a keen sense of justice and they are deeply disturbed.

Clearance procedures are in need of improvement. But no amount of improvement of these procedures will solve the basic problem; for there will always be border-line cases where suspicion can neither be proven nor be dispelled, and we may take it for granted that in such cases a man may be removed from a position which gives him access to secret information.

There is only one real issue here. Shall the burden imposed by the needs of national security - real or assumed - be carried by the individual who happens to be affected, or shall it be carried by the community?

Clearly, if we value justice, there is only one possible answer. Men who have violated no law and have not been convicted in court must be financially compensated for the loss, moral and material, which they suffer if they are removed from a sensitive position because they are considered a security risk. Such a man may be transferred to a non-sensitive position which fits his professional capabilities - if this is practicable. Otherwise, he ought to be given a leave of absence with pay until such time as

as he decides to accept another position, even if it takes several years before this happens.

There is no conflict here between the needs of the State, so far as security is concerned, and the rights of the individual, even though there may be a conflict between the requirement of "justice to the individual" and the Government's desire to save the taxpayer's money. The consequences of the present disregard for the requirement of justice are no less serious because they are difficult to assess in an actuarial sense, and the attitude of scientists towards taking Government positions would be very different today if justice had prevailed.

The approach here proposed would not cost the Government very much. Few of those removed from their position and given leave of absence would wish to remain idle for long, and most of them would find, within a year or two, some acceptable position. It must be admitted, though, that there would be some who would enjoy basking in the California sunshine at the Government's expense, and there might be malingerers who would simulate disloyalty even though they are perfectly loyal. In order to catch such malingerers, the F.B.I. would have to be instructed to look for evidence of loyalty as well as evidence of disloyalty in their investigations of individuals engaged in secret work. This, of course, would be all to the good, for it would introduce the kind of balance and sense of proportions into the loyalty investigations of the F.B.I. which these investigations lack at present.

To Mr. A. ...

Leo Szilard

February 17, 1955

Please use these suggestions
L. R.

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There is no conflict ^{here} between the needs of the State, ^{SO FAR AS SECURITY IS CONCERNED} and the rights of the individual, even though there may be a conflict between the requirement of "justice to the individual" and the Government's ~~(ill-advised)~~ desire to save the taxpayer's money. The consequences of the ^{present} ~~wanton~~ disregard for the requirement of justice ~~which has been practiced in the past~~ are no less serious because they are difficult to assess in an actuarial sense, and the attitude of scientists ^{now & then} about taking Government positions would be very different today if justice had prevailed.

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One might ask why such an obvious solution for satisfying the demands of justice has not been adopted long ago or, at least, why it has never been vigorously advocated. The answers are not too difficult to find, but they lie outside the scope of this presentation.