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## SOME OBSERVATIONS ON THE LOYALTY- SECURITY PROGRAM\*

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I AM GOING to talk tonight about the procedures of the federal government in dealing with loyalty and security risk cases. I can sum up my general position by saying that I regard an effective security program as essential in the posture of world events today; but that in my opinion the present program works needless injustice upon innocent men and women, and by its excesses impairs some of the most vital sources of our national strength; and that substantial reforms can and must be made which will not weaken our security but will actually promote it.

The security program in its entirety is much broader than the segment of it which I shall be talking about. It includes all sorts of measures besides procedures for dealing with accused people. These measures include security checks of all federal employees, both civilian and military, running into the millions; security programs administered by war contractors and also some non-war contractors, like the moving picture industry; requirements for loyalty oaths which numerous states and municipalities exact from teachers and other public servants; congressional investigations and investigations by state legislative committees; and various laws both state and federal dealing with espionage and sabotage and with membership and activities in subversive organizations.

This far-flung security system has resulted in the building up of a large establishment of secret police, the creation of a new profession of security officers with vested interests in perpetuating the existing regimes, the discouragement of some people from entering the service of the government, and the spreading abroad of a sense of timidity and fear—fear of speaking out publicly, fear even of speaking out privately on controversial topics, and fear of joining associations and organizations which have anything to do with controversial subjects. These

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tendencies are certainly not healthy in a democracy, which lives, in its most virile form, upon freedom of opinion, freedom of discussion, and freedom to join all sorts of groups and organizations for the discussion and promotion of differing political and social views.

That part of the security program which I am now about to discuss poses a basic difficulty. The charge of disloyalty or even of being a security risk has become in the setting of today so serious that it is almost like a charge of crime. The Supreme Court of the United States has said that exclusion from public employment on disloyalty grounds constitutes a "badge of infamy,"<sup>1</sup> and I would remind you also of the language of Magna Carta that "No free-man shall be seized, or imprisoned . . . or in any way destroyed . . . excepting by the legal judgement of his peers, or by the laws of the land." (Emphasis mine.)<sup>2</sup> Findings of disloyalty destroy human beings in a very true sense. And since charges of this sort are so serious, some form of quasi-judicial procedure for sifting them becomes essential. But then this procedure, since it operates at the administrative level, cannot have all the features of a criminal trial in court, and it therefore lacks certain basic elements of due process to which we have long been accustomed.

These basic missing elements of due process are five in number: (1) there is no clear definition of the crime itself—the standards of conduct which constitute disloyalty or being a security risk are very loose and broad; (2) there is no grand jury to sift the accusations before they are made against the individual concerned; (3) in all too many cases there is no adequate statement of the particular charges; (4) there is no right of confrontation and cross-examination of the witnesses against the accused; and (5) the functions of prosecutor and judge are mingled.

It is true that the accused is given the right in all of the federal loyalty procedures to summon witnesses on his behalf, to have counsel present who may actively participate, and even to submit affidavits on his behalf which wouldn't be accepted in a court of law; but in all other respects, the elements of due process are lacking. So we have what amounts in substance, although not technically, to the trial of a man for a crime without due process of law, and the question is, what if anything can be done about this given the practical necessity of protecting the country against espionage, sabotage and the subversion of its government in the interests of a foreign power. The present executive order,<sup>3</sup> under which the loyalty and security risk cases are handled, recognizes the stigma that attaches to the charges in question; by lumping together loyalty cases and se-

<sup>1</sup> *Wieman v. Updegraff*, 344 U.S. 183, 190-91, where the Court said: "There can be no dispute about the consequences visited upon a person excluded from public employment on disloyalty grounds. In the view of the community, the stain is a deep one; indeed, it has become a badge of infamy. Especially is this so in time of cold war and hot emotions when 'each man begins to eye his neighbor as a possible enemy.'"

<sup>2</sup> Magna Carta, sec. 39; Barrington, *The Magna Carta* 239 (1899).

<sup>3</sup> Executive Order 10450, of April 27, 1953.

curity risk cases under a broad standard to the effect that an employee's retention should be in the "interests of national security,"<sup>4</sup> it was hoped that when men were discharged under the order they would not necessarily be regarded by the public as having been found guilty of the most serious charge, namely, disloyalty to one's country. Therefore, by softening the blow, it was hoped that the due process deficiencies would seem less important. But I think that in practical effect the blow has not been softened. When the ax falls I don't think that the public takes any softer view of the individual than it took before, when the loyalty cases were quite sharply differentiated. The man is pretty well destroyed simply because he has been put through the wringer.

What then should be done? The most radical proposals have involved doing away with the trial procedures altogether, in one of two ways.

One proposal has been that the federal government should summarily discharge persons suspected of disloyalty or of being security risks, without charges, without answers, without all these trappings of a trial which make the community think that the accused must indeed be very dangerous if after this procedure he is discharged. The idea is to do away with the trials altogether and just quietly let the man out. This has a superficial attractiveness to it, but the trouble is, I think, that you would have to treat all federal employees in the same way; if you just singled out the security risks and loyalty cases and made them subject to summary dismissal, while giving all other employees the procedural protections under the Civil Service Act,<sup>5</sup> you would be drawing attention to them just as is done today. On the other hand, if department heads are to be free to fire all employees at will for any cause or for no cause, you would be going straight back to the abuses of the spoils system which Congress sought to end as far back as 1883, in the first Civil Service Act.<sup>6</sup>

The second proposal would do away with all procedures in which a man is judged solely by his associations and expressions of opinions, as distinguished from tangible, identifiable, overt acts of disloyalty to the government. I think there is much to commend this proposal. It would at one stroke eliminate

<sup>4</sup>In the model regulations formulated by the Department of Justice at the time of the issuance of the order, for the guidance of the other departments, national security was defined to include the "military, economic and productive strength of the United States."

<sup>5</sup>By Executive Order 101 of July 27, 1897 (Eighteenth Annual Report of the United States Civil Service Commission, 1902, p. 282) President McKinley ordered that removals should not be made "except for just cause and upon written charges filed with the head of the Department, or other appointing officer, and of which the accused shall have full notice, and an opportunity to make defense." In 1912 the Lloyd-La Follette Act, 37 Stat. 555, enacted the substance of this order into the Civil Service Act by providing that employees be notified of the charges and "be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof. . ." The Act provided that "no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal . . ."; and this provision was continued in the 1948 revision of the Act, 62 Stat. 354, 5 U.S.C. § 652. It is my understanding, however, that in actual practice the various departments do not deny employees a hearing when hearings are actually requested.

<sup>6</sup>22 Stat. 403 (1883).

all but a very small handful of cases and would enable the government to concentrate all its efforts on protecting the positions which really counted from a security point of view. On the other hand, I must say that it seems to me unduly confining to require the federal government, particularly in departments and agencies where jobs are sensitive, to retain a man who gives every indication of being a dedicated member of the Communist Party, until he does something overt for which he may be charged. And once you say—as I for one think you must—that this would be confining the government too rigidly, that the government shouldn't have to go on employing apparent members of the Communist Party in sensitive positions until they have done something overt, you are right back where you started from and faced again with the basic problem of procedure, because there is no way of finally determining who are and who are not members of the Communist Party or giving adherence and allegiance to it, doing its bidding and its will, except by going into questions of associations and expressions of belief that are typically involved in loyalty cases.

On the other hand, the present system is vastly more extensive in its coverage and its operations than needs to be the case. Under the Truman loyalty boards, which were done away with by the present administration, over 17,000 cases were heard and about 97 per cent of the employees involved were cleared of disloyalty.<sup>7</sup> This would seem to indicate that many more cases were instituted against innocent people than should have been the case. And much harm was done thereby. Because—and I would like to stress this point as hard as I can—once an employee has been through one of these ordeals, even though he comes out with flying colors and is restored to his job, that man is deeply damaged for a long, long time to come, perhaps forever. They are gun-shy, they are timid, they've been scarred and humiliated; their neighbors and even some of their friends have looked upon them with a question mark. The one thing they want to do is to keep quiet and be let alone.

We don't have statistics under the present administration comparable to those that I have just mentioned, but I think it is the consensus of view of the Washington lawyers who have had to do with these matters that under the present administration the majority of the cases that have come up for hearings have resulted in acquittals. Now the sheer multiplicity of the cases is in itself harmful; it is harmful in spreading fear and suspicion, and it impairs the morale of the departments and agencies where the cases arise. I had to do with one case in the course of which I had occasion to talk with some of the employees in a particular department about a fellow employee who had been suspended on charges which they did not believe to be valid, and I got from them a sense of shame that a person they had worked with for so many years and had come so highly to respect should now be put through this needless ordeal. I say needless,

<sup>7</sup> At the termination of the Truman loyalty program in August, 1953, the action of the loyalty boards had resulted in the clearance of 16,503 persons. Only 560 persons had been removed or denied employment on grounds relating to loyalty. U.S. Civil Service Commission Annual Report, pp. 29-32.

because in the first place the position in question was completely non-sensitive and secondly the charges were so flimsy that after many months of suspension the man was restored to his job without the necessity of a hearing. But the experience was a great hardship to him and distressing to his co-workers who had to sit by and watch the process taking place without being able to protest effectively against it.

The great multiplicity of cases results also in augmenting the number and diluting the quality of the security officers who administer the system. Their level of education and intelligence is all too often far less than that of the employees whose files they evaluate. They are generally picked up from the ranks of former policemen, insurance company adjusters, collectors—anybody that has had to do with investigating people's credit or claims. It seems that there is some kind of magic in being an investigator of anything, which qualifies a man to be a security officer.

Finally, the buckshot nature of the security system dissipates the energies of the security people and blurs consideration of how one should deal with the really important and crucial cases.

Now I think that the multiplicity of cases could be reduced in two ways. In the first place, the program could and should be limited to employees who are in sensitive positions—that is to say, positions where the available information would be damaging to the country if it were revealed to unauthorized persons, or positions in which the policy of the United States might be warped or molded by a person who did not have the interests of the country at heart. I don't think it would be too difficult, department by department, to make a list of the truly sensitive positions and then concentrate on them and take extra and extreme care in hiring men for them and in promoting men from the ranks into them.

Secondly, it would be well if there were a more precise definition of what we really mean by employees who constitute a risk to the government. I would like, myself, to see it limited to those who put the interests of a foreign government above the interests of this country, limited in other words to the straight, hard core of loyalty cases. It seems to me that the so-called security risk cases which in the present catalogue include habitual drunkenness, untrustworthiness, dishonesty, and so on—cases, in short, of defective character—could be nearly all dealt with quite adequately under the heading of general unfitness for employment, just as other cases of unfitness are dealt with today: cases of stealing, gross inefficiency, habitual tardiness, and all the various human failings that today make it permissible to fire an employee under the Civil Service rules. Under these rules there is a very simple, informal, departmental procedure which has worked well for nearly sixty years in the federal government<sup>8</sup> without any serious difficulties or criticisms from the employees, and I venture to believe that the so-called security risk cases which involve cases of defective character

<sup>8</sup> Note 5 supra.

could be comprehended within the same system and adequately dealt with so that this apparatus of board and quasi-judicial procedures outside of the departmental level would be limited to the hard core of loyalty cases.

Now I would like to take up the due process questions which I previously mentioned.

1. *A clearer definition of the nature of the offense.*—If you were to get rid of the varied categories of security risks which can be treated like ordinary cases of unfitness for employment I think you could then define what you mean by disloyalty with much more precision than has been achieved up to now under the catch-all test of whether or not it is in the national interests of security that the man be kept.

2. *The preliminary sifting of charges.*—Obviously a grand jury cannot be had in these administrative procedures, but something of its equivalent could be, especially if the great multiplicity of these cases were to be severely cut down. A committee of top officials in each department could be set up who would have to be satisfied, after considering the data in the files with the security officers and after talking with the employee informally, that there was enough serious substance to warrant the filing of charges against him. I can't stress too much the importance of such a reform. I have spoken of the damage done to the individual once the proceedings are started, even if he is acquitted, and I have spoken of the damage to the morale of other employees when proceedings are started against men in whom they have confidence. I believe that far too many cases are instituted in an almost casual way; the security officer finds a few so-called derogatory items in the file and goes to some official of the agency and says, "I guess we'd better proceed against Mr. X," and the official says, after only a perfunctory look at the file, "Yes, go ahead."

That should not be. It is the easy way and the safe way, but it is not just. The filing of charges should be regarded as a solemn act, inherently damaging to the employee, and therefore to be instituted only after painstaking consideration by officials at the topmost level, and only after informal discussions with the employee—without fanfare or formalities and without the knowledge of his co-workers.

This last point—keeping the preliminary inquiry confidential—requires me to make a slight digression. The practice of suspending men without pay when charges are filed works a very severe hardship on them. It is said that some seven thousand employees classified as security risks have been separated from the federal government under the present administration, and that two-thirds of them resigned without ever having had any hearings at all.<sup>9</sup> Now, I think that the reason for this, in most of the cases, is the simple human fact that the employees were laid off without pay when the cases were started and they could not afford to linger around without any income while waiting for the long drawn-out processes of the security inquiries to run their courses. Men are laid

<sup>9</sup>New York Times, October 17, 1954, p. 4E. Cf. Goldbloom, American Security and Freedom 39 (American Jewish Committee, 1954).

off today by a tap on the shoulder; the security officer says: "We are sorry to have to tell you that charges are going to be instituted against you. You are now suspended and you may go home." Just like that. The employee goes home and within thirty days—often not until the thirtieth day—he gets a statement of the charges against him. Then he has thirty days in which to answer. He needs every bit of that time in which to collect affidavits from his friends and people he has worked with to rebut the charges. There are two months gone by, and after that there's no timetable provision at all. No time for when the hearing boards will be assembled, no time for when the hearings will be, no time for when the board will make its recommendation, and no time for when the department head will make the final decision. It may be four months, it may be five months, it may be six months, it may be even longer. No one knows. And somewhere along the line, these little fellows who were laid off can't afford to go on and they quit and go into something else. This practice of suspension without pay seems to me wholly indefensible.

3. *An adequate statement of the charges.*—The rules say that the employee shall have a statement of the charges against him, but too often the charges are vague and unspecified, leaving the employee confused and in doubt. For instance, a charge often says merely that the employee associated with X. It doesn't say who X is, or when the employee associated with X, or where, or what his relationships with X were supposed to have been, or what was wrong with X himself. But just that the man had associated with X. I had a case of that sort where the charge was made against the employee's wife. It was said that she had associated with a Mrs. X. The wife and the husband had no idea of who Mrs. X was; didn't recall having even heard of her. So we asked the security officer who Mrs. X was and we were told that that could not be revealed. We then thought of Mrs. Y who had a name something like X and we said maybe there's been a mistake here; we do know a Mrs. Y and there may have been a confusion of names. Two weeks went by and the answer was that there's been no mistake, it's Mrs. X. Well, we couldn't make it out and I went back again and finally the security officer suggested that I ask my client if his wife had associated with Mrs. X in a certain perfectly respectable and well-known women's organization. I asked when and where, but was told that no further information could be revealed to me. On the basis of this clue my client's wife consulted some friends of hers who had been in the organization when she had been in it several years previously. One of the friends recognized the name of Mrs. X and said that Mrs. X had resided in the other end of the county and had been on a large county committee at the same time as my client's wife. Apparently there had been some over-all meeting of the county committees where Mrs. X and my client's wife might have been together. But my client's wife could not remember ever having met or heard of Mrs. X. Well, when we reported that in great detail with supporting affidavits from friends, it seemed to be satisfactory. The question naturally arose, why all of this couldn't have been set forth in the beginning? Why couldn't the charge have read, if such things are

worthy of inquiry at all: "You are believed to have attended meetings with Mrs. X in the such and such an organization in such and such a county at such and such a time and we want to know what were your relations with her?" I think that security officials shrink from stating simply, in this fashion, the information they have because of an exaggerated fear that if they do so they will reveal the sources of that information, and that revelations of this sort will weaken the security system. Hence they water down their charges to a point where they become almost meaningless to the accused. This I think to be both wrong to the employees concerned and quite unnecessary from the point of view of the government.

4. *The right of confrontation and cross-examination of witnesses against the accused.*—This is not just a theoretically important right; it really goes to the essence of a fair trial. We know from specific cases how injurious the denial of this right can be—cases in which by accident or in one way or another the name of some secret informant has come out and with it the erroneousness of the reported matter.<sup>10</sup> Sometimes the loyalty boards have been sufficiently concerned about a particular charge to send for informants in private; sometimes the accused has guessed the name of an informant or his lawyer has come upon it in investigating all the leads. In one such way or another in some of these cases the identity of the informant has been learned, and then through questioning him, mistakes in the reported information have been brought to light.

Sometimes the anonymous informant will have mistaken the employee for somebody else. Sometimes there are mistakes of recording; an overzealous security officer or secret agent, in translating what the informant says to him, may give it a twist or an angle or coloration which is quite misleading, so that when the person is asked about it he may say: "Well, I didn't mean it that way, what I meant was this." Sometimes things are said in malice or in spite as a result of grudges which don't bear up under cross-examination. And sometimes statements are made of a very general character about a person's opinions: "Oh, yes, I remember, now that you ask me, I remember Mr. Y; I heard him say some things that were awfully communistic, dear me, yes." But when the informant is questioned he may not be able to say what the expressions were about, or it may be that they embodied views which to the normal person would not seem "communistic" at all. The right of confrontation and cross-examination is, therefore, of great practical importance, and not just a theoretical matter.

The issue is, as I am sure you all know, before the Supreme Court of the United States now in *Peters v. Hobby*,<sup>11</sup> in which Dr. Peters of the Yale Univer-

<sup>10</sup> Numerous illustrative cases, with citations, are collected in the Brief of American Civil Liberties Union as amicus curiae filed with the United States Supreme Court in *Peters v. Hobby*, 349 U.S. 331 (1955).

<sup>11</sup> 349 U.S. 331 (1955). This case was decided after the foregoing was written, but since the decision did not dispose of the constitutional question, but merely held that the Board lacked authority under the Executive Order to review on its own initiative the previous acquittal of Dr. Peters, I have retained my discussion of the issues above.



sity Medical School was found to be a security risk on the basis only of a secret dossier against him with no evidence introduced against him whatsoever. No witnesses, no testimony by the government, nothing but a dossier which the board had which he was not permitted to look at; he brought in his own witnesses and that was the whole case. This was a nonsensitive position.

The question involves two contrasting arguments on principle, and two contrasting practical arguments. The argument on principle which the government makes is that being a federal employee is not a right but a privilege and therefore no due process questions can be raised by a discharge. This, as you probably remember, was decided 2 to 1 in the government's favor in the previous case of *Bailey v. Richardson*,<sup>12</sup> where the issues were the same as in the *Peters* case, and on appeal to the Supreme Court it was sustained on a 4 to 4 split.<sup>13</sup> Now in the *Peters* case, presenting the identical question, a slightly differently constituted Court has a chance to arrive at a decision on the merits. The contrary argument on principle is the point I mentioned at the outset, namely, that the charge carries with it such a stigma—such a “badge of infamy”—that it is equivalent in all substance to charging a crime, and therefore due process requirements are requisite.

The two contrasting practical arguments are as follows. The government says that if you permit the accused to subpoena the informants against him, the government will be giving away the knowledge of who are their secret or counter-espionage agents and informants, and also the good people of the land who now give information voluntarily to FBI agents will be frightened and will clam up if they realize that they may have to testify under oath at some later stage. The rejoinder to that practical argument is that this harm is largely imaginary and that the requirement of justice is overriding.

My own analysis of the problem is about like this. I think that in the first place, *at the very least*, one should furnish the accused with the statements against him, the reports against him, even if we assume for the moment that the name of the informant must be left blank. It would be a rare case where giving the employee the text of the report against him with the name of the informant left blank would indicate the identity of the informant. And I think that most of the problems would disappear if the accused could only see the actual report. So often he would be able to say, “Oh, I remember this incident very well, I remember all about it now, and this is the way it was. And I don't even need to summon the informant because I think I can clear it all up for you in this manner, and you can check up on this story.” I think that would happen in most cases. This business of suppressing the reports themselves is carried to such an extent that, for example, in the Oppenheimer case, interviews between Dr. Oppenheimer and FBI agents were kept secret and were not shown to the accused, even though he himself had talked to the agents and was introduced to them at the time of the talks. But the rule has become sacrosanct that no FBI

<sup>12</sup> 182 F. 2d 46 (C.A. D.C., 1950)

<sup>13</sup> 341 U.S. 918 (1951).

report under any circumstance can be shown to the accused. This is carried to a ridiculous extent.

Next I think one should carefully distinguish between three different types of informants. First is the casual or volunteer informant, the next-door neighbor and the like. I believe that if the right to call these people were granted, very few would ever be called, especially if the number of cases were drastically reduced as I have suggested, if the charges were made more specific so that the accused would know what the government was talking about, and if the statements of the informants were furnished so that the accused could answer them in detail. The residue of people who would have to be subpoenaed for cross-examination would be very, very few; too few to hurt the system. It is hard to believe that people would suddenly stop talking with FBI agents just because somebody somewhere had been subpoenaed to tell his story in person.

The next group are the paid informants, the professional witnesses, whether on salary or on per diems. The testimony of these men is so untrustworthy, as our courts have recognized from time immemorial, and as we have recently had occasion to note once again,<sup>14</sup> that I don't think it ought to be used at all. If it is used, surely the accused should as a matter of course have the right to summon the witness for cross-examination.

The third type of informant is the FBI or other intelligence officer, a full-time career man. I think that in the exigencies of the situation we face it must be considered that cases may arise where to reveal the name of an undercover agent who was in this particular category would be harmful to the country. I do think, however, that in such cases the board itself should examine that man and be satisfied that it would be in fact injurious to the national interest to put him on the stand, and the board should then give the accused the maximum chance to know what the evidence was and to rebut it in all its details. This much of a compromise with the strict requirements of courtroom due process I would be willing to make for the sake of overriding national interests. I believe that these cases would be few and far between.<sup>15</sup>

5. *Separation of prosecutor and judge.*—If in the field of labor relations we

<sup>14</sup> The reference is to the well publicized Matusow matter. Consult Hearing before the Subcommittee of the Senate Committee on the Judiciary To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, S. Res. 58, 84th Cong. 1st Sess. (1955).

<sup>15</sup> Since I wrote the foregoing, I have reflected further on the question of the right of an accused to be confronted by the witnesses against him. I now think that no exception to this right should be made, not even where the witness is a full-time undercover agent. I believe that, in such cases, sufficient evidence which would not require testimony of the witness would normally be procurable by the government. Pending the acquisition of this other evidence, it seems to me that the government could adequately protect itself by surveillance of the suspected employee, by warning his superiors, and, if necessary, by shifting him to another position. The need of adhering to principle in such cases has impressed itself upon me increasingly as the country has become more and more case-hardened to the inequities and the vast sweep of the security system, and more and more forgetful of the dangers inherent in departing from our time-honored traditions of liberty under law.

have thought it necessary to separate the prosecutor from the judge, how much the more so should we do this in the field of security cases, which affect the lives, the fortunes, and the honor of the individuals involved? But in these cases the mingling of functions is complete. Where the record is complex, as in the Oppenheimer case, the board and counsel assigned to present the case may spend many days together before the hearing, going over the dossier and familiarizing themselves with it, without the right of the accused or his counsel to be present at any stage. It is not enough that the board members should be honorable men striving to be fair. The principle of separating the judge from the prosecutor is to guard against the unconscious bias of the most honorable and fair-minded men when they and the prosecution in effect share the case together. In little cases, involving short and simple dossiers, the board itself without any counsel at all may present the case and informally perform both the function of questioning the employee and passing judgment on him. Where the file is small, and all the accusations are revealed to the employee, and the proceedings are short and informal, this may be all right. There are questions of degree, but the safest rule would be, even in the simplest cases, to assign a staff member to present whatever is in the file, and for the board to come to it fresh at the same time that the employee does and to remain separate from the assistant who presents the evidence, before, during, and after the case.

I have mentioned now the five chief respects in which the federal loyalty procedures fall short of affording due process, and I have suggested ways of meeting these deficiencies. I have also urged the abandonment of the unfair practice of suspending employees without pay. And I have advocated a drastic simplification and reduction in scope of the whole system by (a) separating loyalty cases from so-called security risk cases, (b) treating the latter by the same departmental procedures now used in determining the fitness of employees generally, and (c) limiting loyalty cases to positions which are truly sensitive either because of the secret nature of the information available to their occupants or because of the capacity of their occupants to mold national policy.

Each of the reforms would in my judgment be practical and, while they would not cover all the defects of the system, they would go far to make it just and equitable. And by concentrating administrative efforts on the relatively few cases of actual importance to the country they would strengthen our national security, which is dependent in the last analysis upon two things: a vigilant government on the one hand, and on the other a robust people unafraid of taking positions on controversial issues and ready to join together to promote ideas whether popular or unpopular.