P.S. to the NEWS
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RELEASE: MAY 30, 1980

PUBLIC AND PRIVATE EMPLOYEE SECURITY

Do American citizens have the right to know that members of the Communist, Nazi, KKK, or Trolskyite parties are not hired as government employees? Or that terrorists are not hired at a nuclear plant? Do hospital patients have the right to know that hospital employees are not rapists or arsonists? Do banks, accountants, or insurance companies have a right to know that their employees are not embezzlers?

Or, on the contrary, do such persons have the right to secrecy so that their background is concealed from prospective employers? Twenty years ago, one would have thought such questions ridiculous. Today, those questions must be faced and answered if we are to survive as a stable society.

Under current regulations, applicants for Federal employment may not be asked whether they are members of the Communist Party or other extremist organizations. It is also forbidden to make intelligence entries about such membership based on information received from third-party sources (unless the person has actually been indicted on that information).

The Civil Service Commission handbook instructs investigators that, if an applicant for federal employment is suspected of being a member of an organization which has bombed an ROTC building, they may ask the applicant if he was involved in the bombing but may not ask if he is a member of the organization that did the bombing.

The Federal Employee Security Program has thus for all practical purposes been nullified. According to Senator Orrin Hatch, "known members of subversive organizations cannot be denied Federal employment, even in positions considered as sensitive."

Alan K. Campbell, chairman of the U.S. Civil Service Commission, testified that applicants cannot be denied Federal employment, even in sensitive positions, on the basis of what is called "mere membership" in organizations such as the Communist Party, the Trotskyite Socialist Workers Party, the KKK, or the American Nazi Party.

The dismantling of the Federal Employee Security Program is the result of (1) the termination of the Attorney General's list and the Subversive Activities Control Board,

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(2) a series of regulations issued by the Civil Service Commission, (3) the privacy legislation.

The nullification of employee security in the private sector is due to the privacy legislation and the rash of law suits under it. Hospital employees cannot be effectively checked out to make sure their records are free from rape or arson. Insurance and other companies cannot check out employees to make sure they have no embezzling in their records.

There is no legal ban on background checks on employees in the private sector. But a de facto ban does exist as a result of the Federal privacy legislation, particularly the Fair Credit Reporting Act, the Privacy Act, the Freedom of Information Act, the so-called Buckley Amendment, and similar legislation enacted by states.

Just as important is the climate of fear and uncertainty engendered by the tendency of the courts to rule in favor of personal privacy in privacy-related cases. No one knows what information can be released without violating the law or making one liable to a civil suit, so closed mouths and closed records seem the safer course.

Businesses and institutions avoid prosecution especially of white collar crime, partly out of the fear it may boomerang in a suit for damages. Worse still, companies do not pass on to other employers any adverse information about employees dismissed for good cause, who are then able to get other jobs from new employees.

Robert B. Ross, director of Security and Safety for Trinity Lutheran Hospital, Kansas City, testified that his personnel department would not tell other employers that "Jane Doe" was fired for theft or "John Brown" was fired for using drugs on the job. Why? Because the hospital was afraid of a law suit.

Ross recited a long list of hospital horror stories involving murder, rape, theft, and arson. In each case, the criminal had a prior criminal record, but the hospital had no way of finding out until after a crime had been committed or attempted on its own premises.

Frank Carrington of Americans for Effective Law Enforcement tells the story of a fire in a Chicago nursing home in January 1976 which killed 15 people. The police then discovered that one female employee had previously worked for several institutions where suspicious fires had occurred; she had been questioned about them and then terminated.

Privacy legislation had protected her and tied the hands of her employers. But who was protecting her arson victims?

The innocent citizens' right to privacy and safety should rank higher on our scale of priorities than the privacy rights of criminals.

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