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Twelfth Regional Investigations Division Recommended Rating Action

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Porter, Bern, "Twelfth Regional Investigations Division Recommended Rating Action" (1959). *Security Files*. 24.

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TWELFTH REGIONAL INVESTIGATIONS DIVISION

121-200130
(6-56)

TO : CHIEF, R&P SECTION

DATE: 8-14-59

FROM

SUBJECT: - RECOMMENDED RATING ACTION

| | | |
|--------------------------------------|---|-----------------|
| Case Subject: PORTER, Bernard Harden | DOB: 2-14-11 | CSN: |
| Position: Engineer | () L/S | () O/M () SSD |
| Agency : APPLICANT | Application Date : 10-14-58 | |
| EOD | Type of Appointment: Annct.#12-95-1(59) | |

NOTE: Subject's NACI-SENS case 12.59.27284 is awaiting "notification" closing action per CSC 483 dtd. 7-30-59; his pending application identified above was submitted on 12RD-411 on 8-4-59 per Region's request.

The current NACI case initiated per SF 85 request from LENAval Shipyd dtd. 4-28-59 for a "--POSTAPPOINTMENT NACI FOR A SENSITIVE-NONGRITICAL POSITION WITH AN ADVANCE REPORT OF NAC." Pursuant to that request, requesting agency was furnished FBI reports (not full field) together with previous 1958 rpt. of invest. by CSC.

Under date of 7-28-59, Long Beach Naval Shipyd advised us that "following receipt of the Investigative File in this case, management of this shipyard decided against effecting the appointment of Mr. Porter to the position mentioned above. Mr. Porter has been notified of our decision."

FO 9 dtd. 7-28-59 refers subject's 7-11-59 ltr. to the Commission wherein he states LENS on 7-8-59 advised him that he "had been found unemployable, that I could not know the reason why, that the records would follow me wherever I went." Subject requests to be informed as to who accuses him and the charges of accusation; he adds it is his intention to protest "--this all the way to the Supreme Court."

Apart from the loyalty matters inquired into by FBI's 5/59 investigation (inquiry) under EO 10450 and which did not warrant full field investigation, the investigative file contains generally favorable information re subject's character suitability fitness except as follows:

From 5/56 to 10/56 employed by CONVAIR, San Diego- when, according to records he "Quit-personal affairs". However, testimony of 2 witnesses reflect that he was asked or forced to resign because of "unprofessional conduct" in that he furnished, in violation of company policy, information to a friend connected with a radio. (see CSC Rpt. for San Diego- pgs. 3 & 4 tabbed in file). Applicant denies this forced ~~Conclusions and/or recommendations~~ resignation in applications.

Subject was last employed by CAA at Anchorage, Alaska from 3-1-58 to 9-8-58 resignation "on advice of physician". FBI report reflects that in opinion of several witness subject was mentally ill; Dr. Leong stated that from his observation, subject appeared to be quite unhappy and a very "depressed person."

OVER--

Based on facts summarized above, recommendation is

Approved

Modified or changed as indicated:

In 'als and Date

FBI's Los Angeles rpt. (pg 1) reflects that [REDACTED]

[REDACTED] (The FBI rpt. does not in fact state that this person is identical to our subject out states that one Bernard H. Porter who stated "he was an itinerant and would give no residence address--". The individual's name, and reference to position with CAA and date of termination therefrom, reasonably identifies him as the same as our subj.)

Witne [REDACTED] gave conflicting testimony to CSC & FBI investigators re [REDACTED] opinion that subject was a homosexual. (her testimony to FBI & CSC tabbed). No other evidence raised regarding morals of investigation.

CONCLUSION & RECOMMENDATION:

The circumstances surrounding subject's 10/56 reported forced resignation from CCNVAIR are not considered sufficiently materially derogatory as to disqualify for Federal employment at this time. ([REDACTED] stated that after subject left CCNVAIR, a Master Index which was being prepared by the Dept. was missing; witness stated he was not inferring subj. deliberately took said index and that he did not know that such was the case, but that the index was missing and subject was the last one to have it - pgs 4 & 5 of SAC San Diego rpt.)

Subject's actions preceding his 9/58 resignation from CAA as described by witnesses in FBI rpt. would appear to relate more to a question of his mental fitness rather than a character defect.

It is recommended that entire case be referred to Regional Medical Officer for a determination of subject's mental and/or physical fitness. If medically suitable, I would recommend "acceptance" of pending application insofar as suitability (other than loyalty) is concerned.

Sept. 17, 1959

Upon referral of entire case to Regional Medical Officer, he informs under date of 8-18-59 that applicant is "medically acceptable."

DI 72A dated 6-22-59 reflects that the FBI returned this case indicating that it does not propose to conduct a full field investigation now "on the basis of the facts at hand." CCID's said form further instructed that (providing case was not discontinued) results of the complete NACI were to be furnished agency unless additional information was developed which would warrant conversion to full field. In view of this determination by CCID on basis of "facts at hand" and since no additional information has been developed which warrants FBI conversion- and since RMO has found "medically suitable", I recommend "acceptance" of pending application.