84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1870

AUTHORIZING APPOINTMENT OF BRIG. GEN. EDWIN B. HOWARD, UNITED STATES ARMY, RETIRED, TO A CIVILIAN POSITION IN THE DEPARTMENT OF JUSTICE

MARCH 12, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. VINSON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 1271]

The Committee on Armed Services, to whom was recommitted the bill (S. 1271) to authorize the appointment in a civilian position in the Department of Justice of Brig. Gen. Edwin B. Howard, United States Army, retired, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to permit Brig, Gen. Edwin B. Howard to forego his present retired pay as a brigadier general and accept a civilian position as Assistant Commissioner in charge of the Field Inspections and Security Division of the Immigration and Naturalization Service in the Department of Justice for which he would be paid a civilian salary. Section 2 of the bill would permit him to resume his retired status upon the termination of such civilian employment.

This legislation was introduced at the request of the Attorney General.

With certain stated exceptions, section 2 of the act of July 31, 1894, as amended (5 U. S. C. 62), requires the enactment of special legislation to enable a retired Army officer to accept civilian employment with the United States at a salary or annual compensation of $2,500 or more. It has been necessary, therefore, from time to time, to enact measures such as the pending legislation in order that the Government may avail itself of the civilian services of retired military personnel.

The Committee on Armed Services held additional hearings on the proposed legislation on February 8, 1956, at which time Gen. Joseph

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Swing, the Commissioner of Immigration and Naturalization, appeared, as well as the Deputy Attorney General, Mr. William Rogers.

The testimony revealed that prior to the time Brigadier General Howard was appointed on a consultant-fee basis of $50 per day on October 1, 1954, the rate of illegal entrants into this country was running approximately 3,000 a day. The illegal entrants rate has now been reduced to less than 200 per day.

Because the authority to employ General Howard has been questioned, in view of the nature of the work that he was performing, he has not been in the employment of the Immigration and Naturalization Service since September 30, 1955. In addition, since under Public Law 600, under which General Howard was employed, consultants are only permitted to receive $45.36 a day, General Howard has been required to repay to the Government $483.05. In this connection, the Commissioner of Immigration and Naturalization testified that General Howard was employed "as the Attorney General, under advice of his own administrative officer, felt was proper at the time."

The testimony also revealed that the present Commissioner of Immigration and Naturalization examined the files of the senior civil-service employees of the Immigration and Naturalization Service in an effort to find a civil-service employee who might be qualified to occupy the position of Assistant Commissioner of Immigration and Naturalization. The Commissioner stated in his testimony that he could not find any civil-service employees who were qualified for the position nor has he received any application, verbally or otherwise, from any present civil-service employee of the Immigration and Naturalization Service who is desirous of being considered for the position. The position to which General Howard would be appointed, upon enactment of the proposed legislation, is a schedule C position and according to the testimony, any civil-service employee who accepts the position of Assistant Commissioner would lose his civil-service status.

The Commissioner of Immigration and Naturalization also testified that there is now an Acting Assistant Commissioner who is a civil-service employee but that he has not requested appointment as Assistant Commissioner. Testimony further revealed that this civil-service employee may later be qualified for the position.

In this connection, General Swing, the Commissioner of Immigration and Naturalization, in reference to the two positions to be filled, one under the proposed legislation, S. 1271, and the other under similar legislation for Major General Partridge, S. 1272, stated as follows:

> I found two gentlemen whom I am quite sure will, not too far in the future, substitute eminently for these two officers I have in mind. I repeat that the two gentlemen do not want those positions at this time, and I would not endeavor to force them.

In answer to further questioning in this connection, as to how the Commissioner had determined that these individuals were not willing to accept these appointments, the Commissioner testified as follows:

> I didn't make the determination. They volunteered that information to me.

The testimony further revealed that the proposed legislation will not involve additional expenditures but in fact will save money since General Howard will not be allowed to draw his retired pay, which now amounts to $8,705 a year, while serving as Assistant Commissioner of Immigration and Naturalization. The salary of the Assistant

Commissioner of Immigration and Naturalization is $11,610 annually. Thus, for practical purposes, the Government will be obtaining the services of General Howard for $2,905 per year.

The Committee on Armed Services was deeply impressed by the facts and figures which were revealed to the committee concerning the problem of illegal entrance into this country, which showed a tremendous decrease following the employment of General Howard as a consultant in the Immigration and Naturalization Service.

While General Howard has not been employed by the Immigration and Naturalization Service since September 30, 1955, nevertheless it is obvious that through his efforts, and the efforts of Major General Partridge, who was also employed on a consultant-fee basis until May 16, 1955, the illegal entrants rate into this country has been reduced from 3,000 to less than 200 per day. While the organization and system which has been put into effect by General Partridge and General Howard has undoubtedly brought about this tremendous increase in the effectiveness of the border patrol, nevertheless the Committee on Armed Services is concerned that if these two individuals are not allowed to be appointed to the positions for which they are so eminently qualified, that the Immigration Service may lose its present effectiveness and eventually revert to the high illegal entrants figure of approximately 3,000 per day.

Beyond this is the testimony of the Commissioner of Immigration and Naturalization who, when asked why the two Acting Assistant Commissioners, who are civil-service employees, would not be continued in their present temporary positions, replied:

> Because I am not satisfied that the condition cannot be improved. I am not going to testify in public on the Canadian border. But there is a situation up there which must be remedied.

It should be reiterated that these two civilian employees, now acting as Assistant Commissioners, have requested that they not be given appointments as Assistant Commissioners.

The Deputy Attorney General, in commenting on the outstanding work performed by General Partridge and General Howard, stated:

> Now if we want to continue the excellent performance that we have had in the Immigration Service we would like very much to have these bills passed. This is not an effort to get these people because they are military men, but in spite of the fact they are military people. They are very well qualified and we urge your support.

At a later date, it is hoped that this position, as well as the position to which General Partridge would be appointed under S. 1272 if enacted, will be able to be filled by career employees of the Immigration and Naturalization Service. However, since there are no present applicants and since no senior civil-service employees of the Immigration and Naturalization Service are now desirous of occupying either position, it is essential that the proposed legislation be enacted so that General Howard may accept the appointment.

The Committee on Armed Services also wishes to add that had General Howard been retired for disability there would be no need for this proposed legislation, since officers retired for disability are excluded from the prohibition contained in the act of July 31, 1894.

The action of the Committee on Armed Services with respect to the proposed legislation does not establish a precedent. The Congress on previous occasions has authorized the employment of retired officers as

an exception to the provisions of section 2 of the act of July 31, 1894, as amended; for example, in the cases of Lt. Gen. Graves B. Erskine, Col. Leland Hazelton Hewitt, certain officers employed by the Central Intelligence Agency, and in other cases.

The Committee on Armed Services by an overwhelming vote recommends enactment of the proposed legislation.

The letter of the Attorney General, addressed to the Speaker requesting the introduction of this legislation, together with a brief memorandum of General Howard's background, are attached hereto and made a part of this report.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 17, 1955.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to authorize the appointment in a civilian position in the Department of Justice of Brig. Gen. Edwin B. Howard, United States Army, retired, and for other purposes.

With certain stated exceptions, section 2 of the act of July 31, 1894, as amended, requires the enactment of special legislation to enable a retired Army officer to accept civilian employment with the United States at a salary or annual compensation of $2,500 or more. It has therefore been necessary, from time to time, to enact measures such as the enclosed in order that the Government may avail itself of the civilian service of retired military personnel particularly qualified in certain fields of endeavor.

Among the units of the Immigration and Naturalization Service of the Department of Justice is that known as the Field Inspections and Security Division. This Division, under the executive direction of the Commissioner and Deputy Commissioner of Immigration and Naturalization, is responsible for the inspection, analysis, and evaluation of all of the activities of the Service at the seat of the Government and in the field establishments, for the purpose of making recommendations to the Commissioner and his staff for securing the most effective method for insuring adherence to prescribed standards, and observance of Service policy at all levels of organization. It is also responsible for securing strict compliance with documentary, communication, property, and personnel security requirements. This Division develops and initiates training courses to secure operating efficiency, and interrelates training programs with the functions of other divisions. Among the functions of this Division is the representation of the Service in dealings with other Government agencies on matters relating to the activities of the Immigration and Naturalization Service. In view of the enormity of the problems facing the Immigration and Naturalization Service, which bear a direct relationship to the internal security of the country, it is essential that an aggressive person with mature judgment and with broad experience in administrative and intelligence matters be appointed to this position.

As indicated in the attached brief summary of his military career and experience, Brigadier General Howard, in the course of more than 31 years of active military service, has had numerous assignments in which he has had the opportunity to demonstrate exceptional organizational ability, aggressiveness tempered with mature judgment, and administrative and executive capacities. He has had extensive experience in administrative work of high level and has demonstrated superior ability in organizing, analyzing, and coordinating the many complex phases of intelligence activities. His exercise of initiative and sound judgment in intelligence activities is demonstrated by the citation which accompanies the award of the Legion of Merit, and the British Empire Award, predicated upon his outstanding ability and efficiency in regard to intelligence operations in North Africa and Italy during World War II. Furthermore, by reason of certain of his military assignments, he has a personal and intimate familiarity with the conditions which pose problems for the Immigration and Naturalization Service and the Division which he is to head.

Because of this special skill, acumen, and administrative and executive experience, I desire to assign General Howard to fill the vacant position of Assistant Commissioner in charge of the Field Inspections and Security Division of the Immigration and Naturalization Service of the Department of Justice. I am satisfied that he is eminently qualified for that position, and that his military training and experience will be of tremendous value to the Government in this important and sensitive task to which he is to be assigned.

Accordingly, I earnestly request the early introduction, and the prompt and favorable consideration, of the enclosed legislative proposal.

The Bureau of the Budget has advised that there is no objection to the submission of the recommendation.

Sincerely,

HERBERT BROWNELL, Jr.,
Attorney General.

BRIG. GEN. EDWIN BRITIAN HOWARD, UNITED STATES ARMY, RETIRED

Edwin B. Howard was born in Harlan, Ky., on December 26, 1901. He was graduated from the United States Military Academy, West Point, N. Y., with a bachelor of science degree and commissioned a second lieutenant of Infantry on June 12, 1923.

He was promoted to first lieutenant on August 28, 1928; to captain on August 1, 1935; to major on July 11, 1940; to lieutenant colonel (temporary) on December 24, 1941; to colonel (temporary) on July 8, 1942; to brigadier general (temporary) on May 28, 1944; reduced to colonel (temporary), March 31, 1946; promoted to brigadier general (temporary), October 20, 1950; and retired on September 30, 1954, by operation of law.

Upon graduating from the United States Military Academy, West Point, N. Y., he was assigned to Fort Thomas, Ky., for duty with the 10th Infantry, subsequently becoming a battalion adjutant. From April to August 1924, he was post adjutant, Fort Thomas, and then resumed his duties as battalion adjutant, 2d battalion. He subsequently moved in this latter capacity to Camp Knox, Ky., and served there until he was ordered to the Panama Canal Zone, where he became battalion adjutant, 1st Battalion, 42d Infantry at Camp Gaillard. He assumed command of the 39th Motor Transport Company at Corozal, Panama Canal Zone, in March 1927, and then returned to the United States the following November.

He moved to Fort Omaha, Nebr., where he joined the 17th Infantry, and in June 1928 became post adjutant. His next assignment was to the Virginia Military Institute, Lexington, Va., as instructor and adjutant, Reserve Officers' Training Corps unit, and he served there until December 1932, when he was ordered to Schofield Barracks, Hawaii, for duty with Headquarters Company, Hawaiian Division.

Returning the United States, he was assigned to the Infantry School, Fort Benning, Ga., and was graduated in June 1936. He then remained at that post to take the tank course at the Infantry School. He completed this course in June 1937, and then was assigned to the Command and General Staff School, Fort Leavenworth, Kans., in August 1937. He graduated in June 1938 and proceeded to Fort Lewis, Wash., where he joined the 15th Infantry. From August 1939 to June 1941, he served as assistant to the Assistant Chief of Staff, G–3, 3d Division, at Fort Lewis. He then became Assistant Chief of Staff, G–2, of that division.

He was ordered to Washington, D. C., in October 1941 for duty as assistant to the Assistant Chief of Staff, G–3, General Headquarters, United States Army, and 2 months later was named assistant to the Secretary, General Headquarters General Staff. He became Chief of the Statistics Division, Headquarters Army Ground Forces in March 1942, and the following June was assigned to the II Corps in England as Assistant Chief of Staff, G–2. He landed in North Africa with II Corps, where he remained until January 1, 1943, when he joined the Fifth Army as Assistant Chief of Staff, G–2. He landed in Italy in September 1943 with the Fifth Army, where he remained until June 1945, when he joined the 15th Army Group as Assistant Chief of Staff, G–2. In July 1945 he transferred to Headquarters, United States Forces in Austria as Assistant Chief of Staff, G–2, where he remained until March 1947. During the period from January 8 to February 25, 1947, he was United States military expert at the meeting of the Council of Foreign Ministers in London in connection with the negotiations on the Austrian Peace Treaty. Returning to the United States, he attended the

National War College the school year 1947–48, graduating in June 1948. Joining the 2d Infantry Division in August 1, 1948, he commanded the 23d Infantry Regiment from August 1948 to July 15, 1949. He joined the Office, Chief of Army Field Forces, on September 15, 1949, becoming Assistant Chief of Staff, G–2, November 1, 1949. On June 19, 1951, he joined the Allied Land Forces, Central Europe, as Chief of Intelligence. On April 12, 1954, he was assigned to the Office of the Chief of Staff, Army Department, where he remained until September 30, 1954, the date of his retirement.

General Howard has been awarded the Legion of Merit, the French Croix de Guerre, the Grand Ufficiale Crown of Italy, Valor Militaire, the Order of Chivalry of Saints Maurizio and Lazzaro (Italy), the Medal Ha de Guerra (Brazil), the British Empire Award (Honorary Commander of the British Empire), the Distinguished Service Medal, and the Army Commendation Ribbon.

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