84th Congress } HOUSE OF REPRESENTATIVES { Report
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AUTHORIZING APPOINTMENT OF MAJ. GEN. FRANK H. PARTRIDGE, 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. 1272]

The Committee on Armed Services, to whom was recommitted the bill (S. 1272) to authorize the appointment in a civilian position in the Department of Justice of Maj. Gen. Frank H. Partridge, 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 authorize the appointment of Maj. Gen. Frank H. Partridge, United States Army, retired, to a civilian position in the Department of Justice.

General Partridge is precluded from accepting civilian employment with the United States Government because of section 2 of the act of July 31, 1894.

The Attorney General is very desirous of employing General Partridge in the capacity of Assistant Commissioner of the Border Patrol, Detention, and Deportation Division.

The former Assistant Commissioner in charge of this Division has recently retired and the Attorney General has indicated that he desires to appoint an aggressive person with mature judgment and with considerable experience in personnel and administrative matters.

The problems confronting this office are particularly serious, especially with respect to wetbacks, as indicated by the letter from the Attorney General which is made a part of this report.

General Partridge has had 36 years of active military service and among his numerous assignments are those which have presented an excellent opportunity to demonstrate exceptional organizational ability, aggressiveness tempered with mature judgment, administra-

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tive and executive skill, acumen, and imagination. He has had extensive experience in personnel work, in the organization and direction of large numbers of troops and in the direction of plans and training operations. He also has had personal and intimate familiarity with the area and the conditions which pose the greatest problems for the Border Patrol, Detention, and Deportation Division.

The type of problems and the efforts to combat unlawful entries and effect deportations are military in nature and require the direction of a person well qualified in military organization and leadership.

The Committee on Armed Services held additional hearings on the proposed legislation on February 8, 1956, at which time Gen. Joseph 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 General Partridge was appointed on a consultant fee basis of $50 per day on May 17, 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 Partridge 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 May 16, 1955. In addition, since under Public Law 600, under which General Partridge was employed, consultants are only permitted to receive $45.36 a day, General Partridge has been required to repay to the Government $395.34. In this connection, the Commissioner of Immigration and Naturalization testified that General Partridge 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 fully 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 Partridge 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. 1272, and the other under similar legislation for General Howard, S. 1271, 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 Partridge will not be allowed to draw his retired pay, which now amounts to $9,688 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 Partridge for $1,922 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 Partridge as a consultant in the Immigration and Naturalization Service.

While General Partridge has not been employed by the Immigration and Naturalization Service since May 16, 1955, nevertheless it is obvious that through his efforts, and the efforts of Brigadier General Howard, who was also employed on a consultant fee basis until September of 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, should 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 Howard would be appointed under S. 1271 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 Partridge may accept the appointment.

The Committee on Armed Services also wishes to add that had General Partridge 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 recommends enactment of the proposed legislation.

The Bureau of the Budget interposes no objection to the proposed legislation and the Attorney General recommends its enactment as indicated by the following attached letter:

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

The SPEAKER OF THE 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 Maj. Gen. Frank H. Partridge, United States Army, retired, and for other purposes.

On June 17, 1954, I addressed the then Speaker of the House of Representatives, as follows, regarding similar proposed legislation:

"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 border patrol, Detention and Deportation Division. This Division, under the executive direction of the Commissioner and Deputy Commissioner of Immigration and Naturalization, is responsible for the management of the border patrol, detention and deportation, and parole programs of the Service at the seat of government and the field establishments. This includes the planning, direction, and coordination of these programs and their integration with other Service activities. Mr. Willard F. Kelly has recently retired as Assistant Commissioner in charge of this Division. In view of the enormity of the problems which face this Division, and the nature thereof as indicated briefly below, it is essential that an aggressive person with mature judgment, and with considerable experience in personnel and administrative matters, and in the deployment of enforcement units on a nationwide scale, succeed Mr. Kelly.

"The wetback continues to pose the most serious enforcement problem of the Immigration and Naturalization Service, volumewise, one which falls squarely within the area of responsibility of the Assistant Commissioner of the border patrol, Detention and Deportation Division. The enormity of the problem is illustrated by the fact that of the 19,845 aliens deported during the last fiscal year, 85 percent of such deportations were to Mexico, and the principal ground for such deportations was entry without proper documents. Of the 885,391 voluntary departures during the same period, over 98 percent were accomplished at the

Mexican border. Further, during the fiscal year ended June 30, 1953, the border patrol effected 839,149 apprehensions, including 1,540 smugglers of aliens, and 30,000 aliens who were not in farms, but in trade and industry.

"In the course of the 36 years of active military service which preceded his retirement on December 31, 1953, General Partridge has had numerous assignments in which he has had the opportunity to develop and demonstrate exceptional organizational ability, aggressiveness tempered with mature judgment, administrative and executive skill, acumen, and imagination. As the attached short statement on his career indicates, he has had extensive experience in personnel work, in the organization and direction of large numbers of troops, and in the direction of plans and training operations. Furthermore, by reason of some of his military assignments he has a personal and intimate familiarity with the area and the conditions which pose the greatest problems for the border patrol, Detention and Deportation Division.

"I am desirous of initially assigning General Partridge to the important office vacated by Mr. Kelly. I am satisfied that his experience, background, and temperament eminently qualify him for the position, and that his military experience will stand the Government in good stead in the battle to hold the river line against the hundreds of thousands of aliens illegally entering the country each year.

"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 this recommendation."

A bill incorporating the foregoing recommendations, H. R. 9804, was passed by the House of Representatives on July 21, 1954, and was favorably reported by the Senate Committee on the Judiciary on August 3, 1954 (Rept. No. 2205 to accompany H. R. 9804).

Pending final congressional action on this proposed legislation, the services of General Partridge have been utilized by the Department of Justice in the capacity of consultant to the Immigration and Naturalization Service in its detention, deportation, and border patrol activities. Under his dynamic leadership in planning, strategy, and operations, tremendous progress has been made particularly in combating the familiar wetback situation along our Southwest border. With his advice, the physical and presonnel assets of the Immigration and Naturalization Service were marshaled, and so utilized in rounding up and deporting the illegal entrants in that area, that recent reports already disclose amazing results. For example, in 1 district alone, the number of apprehensions of illegal aliens decreased from about 65,000 in September 1953, to less than 5,000 in the same month in 1954. In October 1953 there were about 60,000 apprehensions in that district, while in October 1954 only about 5,000 could be found. Although the wetback is known to be a very determined individual, these figures are representative of the fact that he is becoming aware of the certainty that he will be found and arrested if he enters the United States illegally, and that his deportation to points far inland, within the interior of Mexico, will ensue. But it must be realized that as a consultant, General Partridge can be employed only part time; the results he has produced establish the obvious fact that he has generously contributed his own time, without pay, in behalf of the Government. The necessity for his continued employment, on a full-time basis, in the Immigration and Naturalization Service is urgent, since the early advantages gained by the Government under his direction must be consolidated and maintained.

For the reasons stated, I earnestly request the early introduction and the prompt and favorable consideration of this legislative proposal.

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

Sincerely,

HERBERT BROWNELL, Jr.,
Attorney General.

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