A NEW ISSUE RISES

A new issue is rapidly rising between the Congress and the Executive branch of the government. It concerns the question of whether or not, the Congress can remove a person from the Federal payroll on the ground that he is unfit for public service, by prohibiting the payment of a salary or expenses to such a person. This issue has great possibilities. It will doubtless be resolved some day by the Supreme Court and it might be interesting to set forth the background of this issue.

CONGRESS VERSUS COMMUNISM

Nearly ten years ago, Members of Congress took cognizance of persons placed on the Federal rolls who were known to have ultra radical views. Those views were labeled as un-American. In many cases, they were the views of persons who were active in the cause of Communism, even though they were not enrolled members of the Communist Party. There were countless speeches on the subject and at long last, Congress created a Committee under the chairmanship of Pop John McCormack of Mass. to investigate such un-American activities. This committee made a report and recommended several measures to deal with persons who were disloyal and who sought to overthrow the government. But the friction between Congress and the radicals continued and finally the Dies Committee was created. That group was supplied with ample funds and undertook a thorough investigation of the matter. It investigated Fascist and Communist organizations and then turned its attention to persons on the Federal payroll who had been affiliated with Communist organizations or with the so-called "front" organizations which furthered the Communist cause. The Committee repeatedly stated that it had the names of 1200 persons in its files who should have the attention of Congress. But nothing much was done. Then things happened.

POWER OF THE PURSE

In early February, while an appropriation bill was pending before the House, an amendment was offered to prohibit any of the funds in the bill from being used to pay the salaries or expenses of 38 persons (all of whom were named in the amendment) who were charged by the chairman of the Dies committee with being un-American. The House was in the mood to adopt the proposal. The issue was now clearly drawn. It must be met. It was met by an agreement that these persons on the Federal rolls who were regarded as un-American and unfit to continue in Federal employment should be brought before a special committee of the Appropriations Committee. Evidence from the Dies Committee, the Department of Justice, the FBI and other agencies would be submitted and the accused persons would have an opportunity to defend themselves. If the special committee found them to be unfit for public service, it was agreed that an amendment could be offered to any appropriation bill to prevent public funds from being used to pay their salaries or expenses.

THE FIRST TEST

After more than sixty days, the special committee finally made its first report to Congress and recommended that Dr. Goodwin Watson and Dr. William E. Dodd of the Federal Communications Commission and Dr. Robert Moses Lovett of the Department of Interior were unfit to continue on the rolls because of subversive activities. The committee found after examining the evidence and hearing the testimony of the men involved that they had been associated with various organizations which the Department of Justice had branded as Communist-Front groups. After long and furious debate, the amendment to keep them from receiving public funds was adopted by a huge majority. Meanwhile, the special committee will continue to hold hearings and report on other alleged radicals who have been associated with organizations regarded as un-American. So the issue is drawn and it remains to be seen what will happen.

THE REAL ISSUE

In the course of the debate on this matter, it was contended by certain members of the House that this action was unconstitutional, that Congress as the legislative branch had no authority to remove employees in the Executive branch from the rolls, that it was an invasion of the right of free speech, that it was in violation of the Bill of Rights. But the real issue is whether Congress, which is the constiutional body, or the courts, which is to interpret the constitution, is the keeper of the public purse can prevent the use of the people's money for the payment of the salary of an employee of government whom Congress deems unfit to be in public service because he has been guilty of conduct which may be reasonably regarded as subversive and un-American. If this issue goes to the courts and the position of the House of Representatives is sustained, it would give Congress a real weapon with which to remove from government those persons whose sympathies seem to lie with some form of government other than our own and become a real salutary force for the preservation of the Republic.