

Honorable James O. Eastland
Chairman
Committee on the Judiciary
United States Senate
Washington 25, D.C.

Dear Senator Eastland:

You have requested our views on S. 1489, "A Bill to amend Title 28 of the United States Code to provide for certain judicial review of administrative removals and suspensions of Federal employees."

When Senator Keating introduced S. 1489, it was stated that the primary purpose of the bill was to give to all U.S. District Courts the jurisdiction which had previously been reserved to the District Court for the District of Columbia in cases involving dismissals of employees. This would avoid instances where hardship resulted from requiring all Government employees to file such suits in the District of Columbia. It was also stated that the bill would give the U.S. District Courts jurisdiction to consider both the reinstatement and claim for back pay in the same action.

As written, S. 1489 could be construed so as to authorize a review on the merits by U.S. District Courts in every case without regard to the basis for the determination to suspend or separate. This would expand the current practice based on existing law of reviewing only those cases where there is a constitutional question or showing of arbitrary and capricious action. The possible questions thus presented are proper subjects for comment by other departments and agencies such as the Civil Service Commission and the Department of Justice. In addition, I am concerned that if enacted in

its present form, S. 1489 could be construed so as to qualify the authority granted the Director of Central Intelligence by the Congress in Section 102 (c) of the National Security Act of 1947, as amended.

If you desire further information, I shall be pleased to discuss it with you personally or members of your committee staff may contact my Legislative Counsel, Mr. John S. Warner.

The Bureau of the Budget has no objection to the submission of this report.

Sincerely,

Allen W. Dulles
Director

OGC:JGO