

Mar. 3, 1967

~~CONFIDENTIAL~~

Honorable Henry M. Jackson  
Chairman, Committee on  
Interior and Insular Affairs  
United States Senate  
3106 New Senate Office Bldg.  
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your requests of January 24 and 30, 1967, for the comments of the Bureau of the Budget on S. 449, "To provide for the popular election of the Governor of Guam, and for other purposes" and S. 450, "To provide for the popular election of the Governor of the Virgin Islands, and for other purposes."

The general purpose of these two bills is stated in their titles. While we fully support this purpose and the provisions of the bills designed to accomplish it, there are two aspects of the legislation that concern us. These two aspects relate to Presidential powers--removal of the Governor and veto of the acts of the territorial legislature.

Our concern stems from the fact that S. 449 and S. 450 will not alter the status of Guam and the Virgin Islands as unincorporated territories of the United States. Hence, these bills would not diminish the responsibilities of the Congress and the President under the Constitution with respect to making and executing rules and regulations for these territories. The territories would continue to be the responsibility of the Federal Government, and it would continue to be accountable to the United Nations for the protection and welfare of their inhabitants.

In addition, despite the proposed change in their method of selection, the elected Governors would continue to have a responsibility not only for the execution of territorial laws but also the execution of certain Federal laws applicable to the territories. Chief among the latter are the organic acts themselves.

For the foregoing reasons, we believe that the President's capability to discharge effectively his responsibilities within the territories must be retained. These responsibilities involve foreign policy, national security, Federal property, and other matters significantly affecting the interest of the United States.

We recommend, therefore, that the President be given the authority to remove a territorial Governor or to veto an act of the territorial legislature when he determines such action necessary either from the standpoint of United States foreign policy or national security, or when necessary to protect Federal property or other significant interests of the United States. These criteria for Presidential action could be specifically written into law or they could be spelled out in the legislative history of the bills.

Our recommendation for a veto that would be applicable to all territorial laws goes beyond the present authority of the President to veto only certain territorial laws that have been previously vetoed by the Governor. The present authority is appropriate where, as now, the Governor is an appointed official, but it is not adequate to enable the President to meet his responsibilities when the governorship becomes an elective office. To avoid undue delay, the legislation could provide that territorial acts would take effect if not vetoed by the President within 60 days after notification of enactment.

We recognize that the continuing authority that the Congress and the President would have with respect to the territorial governments could be characterized as limiting the concept of territorial self-government. In our judgment, however, the legislation, amended as we recommend, would provide the maximum degree of self-government consistent with the need for the effective discharge of Federal obligations and responsibilities in these areas.

Accordingly, if amended in the manner recommended above, the Bureau of the Budget would strongly recommend the enactment of S. 449 and S. 450.

In addition, we recommend that the Committee give favorable consideration to the amendments to the bills proposed by the Interior Department in its reports.

Sincerely yours,

(Signed) Wilfred H. Rommel

Wilfred H. Rommel  
Assistant Director for  
Legislative Reference