

Policy Matters: Executive Order: Abolishment of War Refugee Board

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FFC-76  
(11-42)

CROSS REFERENCE ON . EXECUTIVE ORDER: ABOLISHMENT OF  
WAR REFUGEE BOARD

FOR:

- Amendment to this License . . . . .
- Extension of this License . . . . .
- Renewal of this License . . . . .
- Correspondence concerning this application .
- Other (Specify)

1. Material regarding this file

SEE: 1. WAR REFUGEE BOARD (Breakdown 41)

October 31, 1944

Mr. Pehle

Mr. White

Re: Liquidation of the War Refugee Board

Conference held in Mr. Marks' office on October 31, 1944, at 9:30 a.m.

Present: Messrs. Anthony Bryan and Clyde Dunn, Bureau of the Budget; Messrs. James Dent and Frank Gatchell of the Budget and Finance Section of Foreign Funds Control; and Messrs. White and Marks of the War Refugee Board.

Mr. Dunn, Liaison Officer between the Bureau of the Budget and the War Refugee Board from its inception, is resigning from the Bureau. He requested that this meeting be held in order that Mr. Bryan, his successor, obtain first-hand knowledge of the problems involved in the contemplated liquidation of the Board.

The representatives of the Bureau of the Budget stated that if the War Refugee Board were to remain in operation after January 31, 1945, it would be necessary under the Russell Amendment as they interpreted it, to obtain either a Congressional appropriation or an authorization from Congress permitting the expenditure of funds by the Board. Any such request would, in the opinion of Messrs. Dunn and Bryan, have to be presented before December 1 of this year. They emphasized, therefore, the necessity for determination by the Board whether it intends to request a Congressional appropriation or authorization for the expenditure of funds. Both representatives of the Bureau of the Budget were in agreement that no appropriation or authorization from Congress was necessary if the Board's activities, after January 31, 1945, were restricted to the liquidation of obligations incurred previous to that date.

I have since received a telephone call from Mr. Bryan who stated that he raised the above question with Mr. Carr, one of the members of the Legal Division of the Bureau of the Budget. Mr. Carr advised Bryan that the Bureau of the Budget is now preparing the various appropriation bills and intends to have them before the Congressional Committees by November 14, in order that Congress may have time to consider and act on these bills before December 15. Mr. Carr seemed to be of the opinion, according to Bryan, that unless requests for a Congressional appropriation or authorization were presented to the Bureau of the Budget before November 14, it would be extremely difficult to obtain favorable Congressional action in time. Mr. Bryan urged, therefore,

that the Board come to a decision within the next two weeks.

Mr. Bryan also raised with Mr. Carr the question of liquidation of obligations incurred previous to January 21. Although Mr. Carr was not too certain on this point, he was inclined to divide previously incurred obligations into two categories:

- (1) An obligation such as an agreement to purchase a typewriter, which is concluded before January 21, but which cannot be executed until after January 21;
- (2) An obligation such as a promise to a foreign government to reimburse it for expenses incurred in the care of refugees admitted into that country.

Carr apparently felt that in order to liquidate obligations of the second type after January 21, it might be necessary to obtain a Congressional appropriation or authorization, as such obligations might take years to liquidate and might therefore be used as a means of circumventing the Russell Amendment.

September 23, 1944

MEMORANDUM FOR THE FILES

Re: Certain problems in connection with the winding up of the War Refugee Board.

Mr. White, Mr. Dent, and myself conferred informally with Mr. Thomas, an attorney-conferes, at the General Accounting Office in connection with the above matter.

We raised with Mr. Thomas the question of how to make provision so that those employees on the rolls of the War Refugee Board at the time of its abolition would not lose any credit for their unused annual leave. According to certain decisions rendered by the Comptroller General it appeared that upon the termination of an agency its personnel were considered automatically separated from the Federal Service and could not be paid for any unused annual leave existing at the date of the termination of the agency.

Mr. Thomas pointed out that under the new time and leave regulations (Executive Order No. 9414, dated January 13, 1944), section 2.4 directs that an employee who is to be separated from the service shall be entitled to the unused annual leave standing to his credit, that the date of his separation shall be so fixed as to permit him to take such leave and that in no case shall the separation become effective on a date prior to the date of termination of such leave, unless the employee forfeits such leave in writing. Mr. Thomas felt that in view of the above regulation, the War Refugee Board had, at the least, a moral obligation to see to it that none of its employees lost their unused annual leave upon the termination of the agency. One way to provide therefor, he pointed out, would be to postpone the date of abolition of the agency until the annual leave of its employees had expired. I suggested as an alternative a provision in the Executive Order for the transfer of all personnel carried on the rolls of the War Refugee Board on the date of its abolition to the Treasury Department, which as liquidating agent could make provision for the separation of the personnel from the Federal Service (that is, if they could not obtain new Federal jobs within thirty days from the date of the Board's abolition) and in doing so pay them in full for their unused annual leave. Mr. Thomas saw no reason why this couldn't be done and thought it would be more effective if, in the Executive Order, we made a specific reference to section 2.4 so that there would be no question of what it was intended to accomplish. Accordingly, I have prepared such a provision in a draft of an Executive Order terminating the War Refugee Board.

We also had occasion to discuss with Mr. Thomas the effect of the Russell amendment on the payment by the Treasury Department, as liquidating agent, from the Board's funds of obligations incurred by the Board prior to its termination. Mr. Thomas was of the opinion that the Russell amendment did not forbid the liquidation of such obligations by their payment after

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January 22, 1945. This agrees with the conclusion heretofore reached by Mr. Friedman and Mr. Marks. When I questioned Mr. Thomas further as to whether he thought that the Board's funds could be used by the Treasury Department to pay the Board's former personnel after January 22, 1945, Mr. Thomas apparently didn't wish to commit himself because he avoided a direct answer.

*Milton Sargoy*

**DRAFT**

**EXECUTIVE ORDER**

**TERMINATING THE WAR REFUGEE BOARD**

WHEREAS the War Refugee Board was established in the Executive Office of the President by Executive Order 9417, dated January 22, 1944, to take all measures within its power to rescue the victims of enemy oppression in imminent danger of death and otherwise to afford such victims all possible relief and assistance consistent with the successful prosecution of the war; and

WHEREAS the victories of the United States and the other United Nations by crushing Nazi tyranny and aggression have halted the further murder, torture and oppression of innocent victims by the Nazis, their functionaries, subordinates and satellites and have made possible the punishment of those guilty of these abominable crimes;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The War Refugee Board is abolished.
2. The Immigration and Naturalization Service is charged with War Relocation Authority

the over-all responsibility for the Emergency Refugee Shelter at Fort Ontario, Oswego, New York. The Immigration and Naturalization Service War Relocation Authority shall also have joint responsibility with the Department of State and the War Relocation Authority Department of Justice for formulating plans pursuant to which the refugees in the Emergency Refugee Shelter shall be returned to their homelands after the war or admitted to such countries as may be willing to accept them as immigrants.

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OFFICE OF THE  
DIRECTOR OF THE  
WAR REFUGEE BOARD  
WASHINGTON, D.C.

3. The American National Red Cross is charged with the over-all responsibility for the project of procuring, packing, and shipping 285,000 food parcels to the International Committee of the Red Cross for distribution to unassimilated persons in concentration and refugee camps located in enemy or enemy-occupied territory in Europe. If in the opinion of the American National Red Cross changing circumstances render the continuance of such project infeasible or undesirable, that agency is authorized to dispose of the balance of such food parcels in any manner it sees fit, provided that such disposition shall be made in accordance with the terms and conditions of the appropriation for Foreign War Relief, Second Deficiency Appropriation Act, 1944 (Public Law 375 - 78th Congress).

4. The Foreign Funds Control, Treasury Department, is designated the liquidating agent to wind up the affairs of the War Refugee Board. For this purpose, there shall be transferred to the Foreign Funds Control, Treasury Department, the War Refugee Board's property, records, equipment, funds (including all unexpended balances of allocations or other funds available) assets, obligations and liabilities of every kind. Upon the completion of the liquidation of the Board, all remaining funds shall be transferred to the Emergency Fund for the President.

5. To permit compliance with section 2.4 of Executive Order No. 9414, dated January 13, 1944, all personnel carried on the rolls of the War Refugee Board as of \_\_\_\_\_, 1944, including those on terminal leave, shall be transferred to the Treasury Department where provision may be made for their separation from the service, provided that such separation shall not become effective prior to the date of termination of any unused annual leave standing to the credit of such personnel.

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the resolution of the Board

**DEATH**  
**EXECUTIVE ORDER**

**TERMINATING THE WAR REFUGEE BOARD**

WHEREAS the War Refugee Board was established in the Executive Office of the President by Executive Order 9417, dated January 22, 1944, to take all measures within its power to rescue the victims of enemy oppression in imminent danger of death and otherwise to afford such victims all possible relief and assistance consistent with the successful prosecution of the war; and

WHEREAS the victories of the United States and the other United Nations by crushing Nazi tyranny and aggression have halted the further murder, torture and oppression of innocent victims by the Nazis, their functionaries, subordinates and satellites and have made possible the punishment of those guilty of these abominable crimes;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly the Act of December 18, 1941, entitled "First War Powers Act, 1941" (Public Law 354-77th Congress), as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The War Refugee Board is abolished.
2. The War Relocation Authority shall be charged with the over-all responsibility for the Emergency Refugee Shelter at Fort

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Ontario, Canada, New York. The War Relocation Authority shall also have joint responsibility with the Department of State and the Department of Justice for formulating plans pursuant to which the refugees in the Emergency Refugee Shelter shall be returned to their homelands after the war or admitted to such countries as may be willing to accept them as immigrants.

3. (a) The Treasury Department, Division of Foreign Funds Control, is hereby designated the liquidating agent to wind up the affairs of the War Refugee Board. For this purpose, there shall be transferred to the Treasury Department, Division of Foreign Funds Control, the War Refugee Board's property, records, equipment, funds (including all unexpended balances of allocations or other funds available) assets, obligations and liabilities of every kind.

(b) To permit compliance with section 2.4 of Executive Order No. 9414, dated January 13, 1944, all personnel carried on the rolls of the War Refugee Board on the date of its abolition, including those on terminal leave, shall be transferred to the Treasury Department where provision may be made for their separation from the service, but in no event should such separation become effective prior to the date of the termination of any unused annual leave standing to their credit.

(c) The funds (including all unexpended balances of allocations or other funds available) transferred by the War Refugee Board to the Treasury Department, Division of Foreign Funds Control, shall be kept separate and apart from other Treasury Department funds and may be used for the payment of all obligations and liabilities incurred by the War Refugee Board including the compensation of any amounts due for unused annual leave to any personnel transferred as above set forth. *the*  
~~the balance~~

*Balance*

of such funds remaining after the complete liquidation of the Board shall be transferred to the Emergency Fund for the President.

4. The American National Red Cross shall be charged with the over-all responsibility for the project of procuring, packing, and shipping 285,000 food parcels to the International Committee of the Red Cross for distribution to unassimilated persons in concentration and refugee camps located in enemy or enemy-occupied territory in Europe. Should the American National Red Cross be of the opinion that changing circumstances have rendered the continuance of such project not feasible or unwise, that agency is authorized to dispose of the balance of such food parcels in any manner it sees fit, provided that such disposition is made in accordance with the terms and conditions of the Foreign War Relief appropriation.

5. Any provision of any prior Executive Order or memorandum of the President in conflict with this order is superseded to the extent of such conflict.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

1944

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