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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10055

AMENDMENT OF EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, RELATING TO THE HOLDING OF LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

WHEREAS the unincorporated community of Norris, in Anderson County, Tennessee, was transferred to private ownership by the United States, acting by and through the Tennessee Valley Authority, on August 31, 1948; and

WHEREAS it has been deemed necessary by the local residents to organize the Norris community into an incorporated municipality in order to provide essential services and functions, some of which were provided formerly by the Tennessee Valley Authority, and for which no permanent arrangements have been established; and

WHEREAS on April 8, 1949, a Private Act of the legislature of the State of Tennessee was approved, under which a charter of incorporation has been granted creating the municipality styled City of Norris, Tennessee; and

WHEREAS a substantial number of the residents of the said City of Norris, Tennessee, are officers or employees of agencies of the Federal Government, so that the establishment and successful administration of local self-government in the new City of Norris would be seriously jeopardized if such residents were to remain ineligible to become candidates for, and to hold, local municipal offices:

NOW, THEREFORE, by virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and as President of the United States, Executive Order No. 9 of January 17, 1873, as amended, prohibiting with certain exceptions Federal officers and employees from holding state, territorial, county, municipal, or other local offices, is hereby further amended so as to permit officers and employees of departments, offices, and agencies, including corporations, in or under the executive branch of the Government of the United States who are residents of the City of Norris, Tennessee, to hold municipal office under the laws of the State of Tennessee and the ap-

plicable laws and ordinances of the City of Norris, Tennessee: *Provided*, that in each instance the Federal agency concerned shall approve the holding of such office by the Federal officer or employee involved and shall determine that the holding of such office will not in any manner interfere or conflict with the performance of the duties of such person as an officer or employee of the Federal Government.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 6, 1949.

[F. R. Doc. 49-3729; Filed, May 6, 1949;
11:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 200—STATEMENT OF THE LOYALTY REVIEW BOARD

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

PART 220—DIRECTIVES TO DEPARTMENTS AND AGENCIES; CASES OF INCUMBENT AND EXCEPTED EMPLOYEES AND EXCEPTED APPLICANTS

PART 230—DIRECTIVES TO REGIONAL LOYALTY BOARDS; CASES OF APPLICANTS AND APPOINTEES IN THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. The fourth unnumbered paragraph in § 200.1 is amended by the addition of the following at the end of the paragraph after the words "certain organizations": "In view of subsequent opinions and designations by the Attorney General, the Loyalty Review Board applies the foregoing policy to all organizations other than those within the purview of section 9A of the Hatch Act or those which seek to alter the form of government of the United States by unconstitutional means."

2. Section 210.11 (a) is amended to read as follows:

§ 210.11 *Grounds for determination of disloyalty*—(a) *Standard*. The

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standard for the refusal of employment or the removal from employment in an Executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. The panel shall reach its decision on consideration of the complete file, arguments, brief and testimony presented to it. In making its decision in every unfavorable case, the panel shall state in writing whether or not the case falls within the purview of section 9A of the Hatch Act and the applicable appropriation act.

3. Section 210.14 (b) is amended to read as follows:

§210.14 *Post-audit and review of files.*

(b) The Board, or an executive committee of the Board, shall have the right, in its discretion, to call up for review any determination or decision made by any department or agency loyalty board or regional loyalty board, or by any head of an employing department or agency, even though no appeal has been taken. Any such review shall be made by a panel of the Board, and the panel, whether or not a hearing has been held in the case, may affirm the determination or decision, or remand the case with appropriate instructions to the agency or the regional loyalty board concerned for hearing or for such further action or procedure as the panel may determine. In exceptional cases, particularly upon the recommendation of the panel, if in the judgment of the Board or an executive committee of the Board public interest requires it, a panel may be named to hold a new hearing in the case and after such hearing, affirm or reverse the determination or decision.

4. Appendix A is amended by the addition of the following:

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

By letter of April 21, 1949, which was disseminated to all departments and agencies on April 25, 1949, the Attorney General furnished the Loyalty Review Board with a list of additional organizations designated under Part III, section 3, of Executive Order No. 9835. The Attorney General stated that as had been stated in his letter of November 24, 1947, the organizations heretofore named do not represent a complete or final tabulation. The study of investigative reports of the Federal Bureau of Investigation is a continuing one. The organizations named herein as coming within the scope of Executive Order No. 9835 are designated as a result of the same careful review of recommendations made by officials of the Department of Justice which has been outlined to the Loyalty Review Board previously.

The organizations designated below are classified in accordance with the categories set forth in section 3, Part III, of Executive Order No. 9835. As in the case of organizations previously submitted, the designation is predicated upon the dominant characteristics of each. It must be borne in mind, of course, that while an organization may fall within more than one of the specified categories, it is necessary for the purposes of the Executive order to segregate them on the basis of dominant characteristics.

The organizations designated are:

Fascist:

American Nationalist Party.
American National Labor Party.
American National Socialist League.
American National Socialist Party.
Committee for Nationalist Action.
National Blue Star Mothers of America.
Nationalist Action League.

Communist:

Abraham Lincoln Brigade.
Action Committee to Free Spain Now.
American Committee for Spanish Freedom.
American Jewish Labor Council.
American Russian Institute, New York.
American Russian Institute, Philadelphia.
American Russian Institute of Southern California, Los Angeles.
Citizens Committee to Free Earl Browder.
Citizens Committee for Harry Bridges.
Comite Coordinador Pro Republica Espanola
Committee for A Democratic Far Eastern Policy.
Commonwealth College, Mena, Arkansas.
Detroit Youth Assembly.
Hawaii Civil Liberties Committee.
Michigan School of Social Science.
North American Committee to Aid Spanish Democracy.
North American Spanish Aid Committee.
Oklahoma Committee to Defend Political Prisoners.
Progressive German-Americans, also known as Progressive German-Americans of Chicago.
Schappes Defense Committee.
Schneiderman-Darey Defense Committee.
United Spanish Aid Committee.
Washington Commonwealth Federation.

Organizations which have "adopted a policy of advocating or approving the commission of acts of force and violence to deny others their rights under the Constitution of the United States:"

American Christian Nationalist Party.
Association of Georgia Klans.
Knights of the White Camellia.
Original Southern Klans, Incorporated.

Organizations which "seek to alter the form of government of the United States by unconstitutional means:"

Industrial Workers of the World.
Nationalist Party of Puerto Rico.

5. Section 220.2 (h) (3) is amended to read as follows:

§ 220.2 *Directive II; initial consideration of loyalty cases.*

(h) *Determination of case after notice.*

(3) If the individual answers in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer), make its determination and notify the appropriate authority so that proper action may be taken. Before making the determination, however, a board in its discretion may, if a hearing is deemed necessary, request the individual to appear for a hearing, but the board cannot require him to appear, and no inference or presumption should be assumed by the board because of the failure or refusal of an individual to appear for a hearing.

6. The first unnumbered paragraph in § 220.3 (a) is amended to read as follows:

§ 220.3 *Directive III; manner of conducting hearings before agency loyalty boards—(a) In general.* Hearings before the boards shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. Not less than three members of the board shall be present at all hearings. The

conduct of the board members shall be characterized by fairness, impartiality and cooperativeness.

7. Section 230.2 (g) (3) is amended to read as follows:

§ 230.2 *Directive II; initial consideration of loyalty cases.*

(g) *Determination of case after interrogatory.*

(3) If the applicant or appointee answers the interrogatory in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer) and make a determination of eligibility or ineligibility. Before making the decision, however, a board in its discretion may, if a hearing is deemed necessary, request the individual to appear for a hearing, but the board cannot require him to appear, and no inference or presumption should be assumed by the board because of the failure or refusal of an individual to appear for a hearing.

8. The first unnumbered paragraph in § 230.3 (a) is amended to read as follows:

§ 230.3 *Directive III; manner of conducting hearings before regional loyalty boards—(a) In general.*

Hearings before the board and panels shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. Not less than three members of the board shall be present at all hearings. The conduct of the members shall be characterized by fairness, impartiality and cooperativeness.

9. The second unnumbered paragraph in § 230.4 (b) is amended to read as follows:

§ 230.4 *Directive IV; records of decisions and appeals.*

(b) *Notification.*

If the board rates an appointee ineligible, the employing department or agency will be informed by letter of the rating action, including debarment, if any, and including a statement as to whether or not the case falls within the purview of section 9A of the Hatch Act and the applicable appropriation act, and the department or agency will be instructed to suspend the appointee immediately pending appeal to the Loyalty Review Board and to separate him if he does not appeal. The appointee will be furnished a copy of the letter to the department or agency.

10. The second unnumbered paragraph in § 230.6 (b) is amended to read as follows:

§ 230.6 *Directive VI; records, files and reports.*

(b) *Procedure in cases of separation, withdrawal and furlough.*

The regional loyalty boards shall close such incompletely adjudicated cases of persons who voluntarily separate themselves or who withdraw by "flagging" (noting unresolved question of loyalty) their names, except that if the person has a known eligibility, the eligibility will be suspended and the eligible notified of the action taken, and the eligible will be informed that if he is interested in further employment with the Federal Government, the board should be notified so that the loyalty adjudication may be

completed, and that the suspension of eligibility will continue until the adjudication has been completed and a decision reached as to eligibility or ineligibility. If the person is not interested in further employment, any known applications or eligibilities will be canceled and the person's name will be flagged.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR 1947 Supp.)

LOYALTY REVIEW BOARD,
U. S. CIVIL SERVICE
COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 49-3645; Filed, May 6, 1949;
8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 405—LOANS, PURCHASES AND OTHER OPERATIONS

LOANS TO AND PURCHASES BY TRUSTEES

§ 405.1 *Loans to and Purchases by Trustees.* Language in Commodity Credit Corporation price support bulletins or other price support announcements to the effect that the beneficial interest in the commodity must be in the producer tendering the commodity for loan or purchase shall not be interpreted as excluding from any price support program a trustee who is otherwise eligible to participate. (Sec. 4 (d), 62 Stat. 1070)

Issued this 4th day of May 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President, Commodity
Credit Corporation.

[F. R. Doc. 49-3657; Filed, May 6, 1949;
8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 112]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.437 *Grapefruit Regulation 112—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 9, 1949, and ending at 12:01 a. m., e. s. t., May 23, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, unless such grapefruit grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, unless such grapefruit grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze, or U. S. No. 1 Russet.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of May 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-3672; Filed, May 6, 1949;
9:01 a. m.]

[Orange Reg. 165]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.436 *Orange Regulation 165—*(a)
Findings. (1) Pursuant to the market-

ing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 9, 1949, and ending at 12:01 a. m., e. s. t., May 23, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I" and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 159 (14 F. R. 501, 637). (48 Stat. 31, as amended;