

the officers or counsel—and that this was bringing the Police Department back into the Constitution. That is a comment by policemen. We have not researched it.

Mr. JACOBS. Let us take up page 2 of this bill, H.R. 14448, which states the contemplated new police organization would assume the duties with respect to the White House Police. Do you see any problem there in separation of powers?

Mr. MARGOLIUS. You are asking my opinion now?

Mr. JACOBS. Yes, sir.

Mr. MARGOLIUS. No, I do not. I think that is an administrative function just like parks and grounds. Just because it happens to be at the White House does not take it out of the jurisdiction of Congress.

Mr. JACOBS. As I understand, the classic constitutional law concept on the theory of separation of powers, is that except for policing its own institution, the Congress is legislative, whereas the Executive is constituted to execute the laws that the Congress passes.

I should think perhaps some research would be warranted into that question before this legislation is seriously considered.

Beyond that, as a practical matter, I just wonder how it would work out. Every once in a while the Congress and the Executive have differences of opinion, and here the Congress would have charge of the "Palace Guard" at the White House. Do you think that would present any practical problem?

Mr. MARGOLIUS. I never thought about it. It may be. As a practical matter, I would not think so. Perhaps it would.

Mr. JACOBS. It is something we ought to think about.

I am somehow reminded of a bill introduced a few years ago—it was before my time here, so it is a matter of hearsay. Somebody told me a bill was introduced to create a special flag for Congress. Maybe some of the older Members may recall that. Somehow or other, I find this rather reminiscent. It seems to me it is proposed that Congress create its own police force. The proposal for that flag bill did not pass, as I understand.

You stated in your testimony that it was the opinion of many police officers—and I assume the opinion of yourself, sir—that by being controlled by the Congress, the police force would attain greater professionalism.

Mr. MARGOLIUS. That is not my opinion. I have no opinion on that. I am not a professional policeman. I do not know.

Mr. JACOBS. I just wonder, if you took into account the Rayburn Building and the way it was built, if you could come to the conclusion that greater professionalism can result from the committee kind of executive that is contemplated in this bill; that is, the chairman of this committee and the chairman of the counterpart in the other body and the Speaker of the House and the President pro tem of the Senate. That is approximately the arrangement by which the Rayburn Building was built.

Would you see any contradiction there in reality with what is assumed by these police officers?