SENATE

THURSDAY, JULY 18, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. C. Leslie Glenn, D. D., rector of St. John's Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, who alone gavest us the breath of life and alone canst keep alive in us the holy desires Thou dost impart, we beseech Thee, for Thy compassion's sake, to sanctify all our thoughts and endeavors, that we may neither begin an action without a pure intention nor continue it without Thy blessing.

And grant that, having the eyes of the mind opened to behold things invisible and unseen, we may in heart be inspired by Thy wisdom, and in work be upheld by Thy strength, and in the end be accepted of Thee as Thy faithful servants. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 17, 1946, was dispensed with, and the Journal was approved.

NOTICE OF INTENTION TO ADDRESS THE SENATE

Mr. CONNALLY. Mr. President, I wish to announce that tomorrow, immediately after the Senate convenes, if I am able to obtain recognition, I expect to address the Senate on the recent Conference of the Council of Foreign Ministers in Paris and related subjects.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 661. An act for the relief of Harold H. Rhodes;

S. 706. An act to amend Veterans Regulation No. 9 (a), as amended, so as to increase the limit of amounts payable thereunder in connection with the funeral and burial of deceased veterans;

S. 1132. An act for the relief of Aeronautical Training Center, Inc.;

S. 1748. An act for the relief of Ivor E. Nichols; and

S. 2291. An act to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report covering the operations of that Corporation from its organization on February 2, 1932, to March 31, 1946, inclusive (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF OFFICE OF PRICE ADMINISTRATION

A letter from the Administrator, Office of Price Administration, transmitting, pursuant to law, the seventeenth report of that Administration, for the period ended March 31, 1946 (with an accompanying report); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITION AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate the following petition and memorial, which were referred as indicated:

A resolution adopted by the Pennsylvania State Association of Boroughs, Reading, Pa., favoring the enactment of the bill (H. R. 6680) providing for payments in lieu of taxes upon certain surplus property and the payment of taxes thereon when leased or sold to private interests by conditional sale, and authorizing the taxation and assessment thereof for State and local purposes; to the Committee on Finance.

A telegram in the nature of a memorial from Dr. J. F. Clancy, of Hammond, Ind., remonstrating against the enactment of the bill (S. 1318) to provide for the general welfare by enabling the several States to make more adequate provision for the health and welfare of mothers and children and for services to crippled children, and for other purposes; to the Committee on Education and Labor.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DONNELL, from the Committee on Immigration:

H. R. 2485. A bill for the relief of Moses Tennenbaum; with an amendment (Rept. No. 1732); and

H. R. 5278. A bill to legalize the admission to the United States of Virginia Harris Casardi; without amendment (Rept. No. 1733).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 4362. A bill to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes; without amendment (Rept. No. 1734); and

H. R. 6298. A bill to protect and facilitate the use of national forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes; without amendment (Rept. No. 1735).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

H. R. 4608. A bill for the relief of Mrs. Mary D. Johnson; without amendment (Rept. No. 1736).

By Mr. ANDREWS, from the Committee on Public Buildings and Grounds:

S. 2412. A bill to provide for site acquisition and design of Federal buildings, and for other purposes; with amendments (Rept. No. 1737).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

H. R. 3593. A bill relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas; without amendment (Rept. No. 1738).

By Mr. GURNEY, from the Committee on Public Lands and Surveys:

H. R. 7004. A bill to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes; without amendment (Rept. No. 1739).

By Mr. GEORGE, from the Committee on Finance:

S. J. Res. 166. Joint resolution to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes; without amendment (Rept. No. 1740).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2437. A bill to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II; without amendment (Rept. No. 1741).

By Mr. FULBRIGHT, from the Committee on Immigration:

H. R. 434. A bill to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state; with amendments (Rept. No. 1742).

INTERNATIONAL CANCER RESEARCH—REPORT OF A COMMITTEE

Mr. PEPPER. Mr. President, from the Committee on Foreign Relations I ask unanimous consent to submit a report (No. 1743) to accompany the bill (S. 1875) to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts, and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer, which was reported to the Senate on yesterday from that committee with a favorable recommendation.

I desire to state that the Senator from South Dakota [Mr. GURNEY] concurs in this report.

The PRESIDENT pro tempore. Without objection, the report will be received.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 2453. A bill to provide for the carrying of mail on star routes, and for other pur-

poses; to the Committee on Post Offices and Post Roads.

(Mr. WHERRY introduced Senate bill S. 2454, to amend sec. 3797 (a) (2) of the Internal Revenue Code, as amended, with respect to the definition of the term "partner", which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. McMAHON:

S. 2455. A bill to include American Veterans' Committee (AVC) among the organizations which shall be recognized by the Administrator of Veterans' Affairs in the presentation of claims; to the Committee on Finance.

(Mr. FERGUSON (for himself, Mr. MEAD, and Mr. MORSE) introduced Senate bill S. 2456, to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time Reorganization Plan No. 2 became effective, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. O'DANIEL:

S. J. Res. 178. Joint resolution amending the Settlement of Mexican Claims Act of 1942 to provide for the consideration of any claim decided by the General Claims Commission in which the United States filed a petition for rehearing; to the Committee on Foreign Relations.

By Mr. BYRD:

S. J. Res. 179. Joint resolution to authorize the coinage of 50-cent pieces in commemoration of the settlement of Jamestown Island, Va., and in celebration of the opening of the Jamestown Drama; to the Committee on Banking and Currency.

AMENDMENT OF INTERNAL REVENUE CODE RELATING TO TAXATION OF FAMILY AND OTHER PARTNERSHIPS

Mr. WHERRY. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to provide that family and other partnerships which are recognized by local law shall also be recognized equally in all States for the purposes of taxation by the Internal Revenue Department.

In other words, where a legal partnership is recognized within the State, it shall be so recognized by the Federal Government for purposes of taxation. It is not so recognized today, except in those States that are so-called community property States. If the Federal Government for purposes of revenue is to recognize a partnership between husband and wife in 11 States in the Union, it is my belief they should also recognize legal partnerships between husband and wife in the other 37 States of the Union for purposes of revenue.

Many States, in order to correct this inequity, have become community property States, and other States are taking steps to become community property States for this very reason. It is my opinion that States of the Union should not be forced to become community property States for the sole purpose of equalizing Federal taxation.

From the Internal Revenue Department, which has given considerable study to this question itself, I obtained some examples to show the preference enjoyed by partnerships in the community property States as compared with those which are not recognized as a community property State.

In the case of a partnership with $5,000 taxable income, the amount of tax in Nebraska would be $844 while in California it would be $810, or a saving of $34.

In the case of a $10,000 taxable income, the tax in Nebraska would be $2,300, and in California it would be $1,940, making a preference of $360 in favor of California residents.

In the case of a family partnership where the husband and wife both are in business, of which there are many cases, a taxable income of $50,000 would in Nebraska require payment of $26,820 Federal income taxes, while in California the Federal income tax would be $20,300, or a saving of $6,520.

There being no objection, the bill (S. 2454) to amend section 3797 (a) (2) of the Internal Revenue Code, as amended, with respect to the definition of the term "partner" introduced by Mr. WHERRY, was received, read twice by its title, and referred to the Committee on Finance.

REESTABLISHMENT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Mr. FERGUSON. Mr. President, at the time when the reorganization plans were before the Senate I stated that I opposed the plans for specific reasons. I am in favor of reorganization, but I was not in favor of the plans, for specific reasons.

I now send to the desk a bill to provide for the reestablishment of the United States Employees' Compensation Commission, with the same functions which it had prior to the time reorganization plan No. 2 became effective. I am of the opinion that this agency should be reestablished. The junior Senator from New York [Mr. MEAD] joins me in this bill. So in behalf of myself and the junior Senator from New York I ask unanimous consent to introduce the bill and to have it referred to the appropriate committee.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MORSE. I shall be very happy to join the Senator from Michigan in the sponsorship of the bill if he would care to have me join with him and the junior Senator from New York.

Mr. FERGUSON. I shall be very glad to add the same of the Senator from Oregon to the bill.

There being no objection, the bill (S. 2456) to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time reorganization plan No. 2 became effective, introduced by Mr. FERGUSON (for himself, Mr. MEAD, and Mr. MORSE), was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS OF RAILROAD RETIREMENT ACTS—AMENDMENTS

Mr. HAWKES submitted two amendments intended to be proposed by him to the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF NATIONALITY ACT OF 1940—AMENDMENT

Mr. TAYLOR submitted an amendment intended to be proposed by him to the bill (H. R. 511) to amend the Nationality Act of 1940, which was referred to the Committee on Immigration and ordered to be printed.

PRINTING OF REVIEW OF REPORTS ON THE LOUISIANA-TEXAS INTRACOASTAL WATERWAY (S. DOC. NO. 242)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a review of reports on the Louisiana-Texas Intracoastal Waterway with a view to modification of the existing project for the Plaquemine-Morgan City route, and I ask unanimous consent that it be referred to the Committee on Commerce and be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO THE LATE JOHN R. KISSINGER

Mr. ANDREWS. Mr. President, in these days, when so many things are happening, we are likely to forget some who have made the greatest of sacrifices for humanity, and particularly for the people of our country.

On last Saturday there died in Dunedin, Fla., John R. Kissinger, 68, who has been cited by our Government as "the man who performed the greatest single act of courage in Army annals."

When Maj. Walter Reed's experiments indicated that mosquitoes were the carriers of yellow fever, Private Kissinger and John J. Moran volunteered to be bitten by infected insects. Both were stricken with the disease, thus proving the correctness of Major Reed's theory. Both recovered, but Private Kissinger was paralyzed as a result of his experience, and never recovered.

Private Kissinger was believed to be the sole survivor of several soldiers and Cubans who volunteered in different phases of the experiments.

In 1926 Paul de Kruif dramatized the voluntary offer in his best selling book, the Microbe Hunters. In his account he stated, " 'The one condition on which we volunteer, sir,' said Private Kissinger, 'is that we get no compensation for it.' "

"To the tip of his cap went the hand of Maj. Walter Reed, 'Gentlemen, I salute you,' he said."

I present a short newspaper account of the passing of Private Kissinger, which I request be placed in the CONGRESSIONAL RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY HERO WHO RISKED HIS LIFE IN YELLOW-FEVER TESTS DIES—JOHN KISSINGER, 68, CITED FOR "GREATEST ACT OF COURAGE"

The death Saturday, at Dunedin, Fla., of John R. Kissinger, 68, cited as the man who performed "the greatest single act of courage in Army annals," was reported yesterday by the Associated Press.

When Maj. Walter Reed's experiments indicated that mosquitoes were the carriers of yellow fever, Private Kissinger and John J. Moran volunteered to be bitten by infected

insects. Both came down with the disease, and that proved it. Both recovered.

Private Kissinger, who was paralyzed by the disease, was believed to be the sole survivor of several soldiers and Cubans who volunteered in different phases of the experiments.

For years a negligent War Department and Congress allowed Private Kissinger to live on a pension of $12 a month while his wife took in washing in their home at Huntington, Ind. Finally a $200 pension was voted him, and he was given the Congressional Medal of Honor.

In 1926 Paul de Kruif dramatized the voluntary offer in his best selling book, "The Microbe Hunters." His account was: "'The one condition on which we volunteer, sir,' said Private Kissinger, 'is that we get no compensation for it.'

"To the tip of his cap went the hand of Maj. Walter Reed, 'Gentlemen, I salute you,' he said."

Yellow fever had killed thousands more than bullets in the Cuban campaign of the Spanish-American War. It had killed one-third of the officers of Gen. Leonard Wood's staff. General Wood thought cleaning up Havana and establishing sanitary conditions would help cut the ravages of disease. But it didn't, and General Wood then sent for Major Reed.

Dr. Carlos Finlay, a Cuban physician, held that the mosquito was the carrier. But his experiments had not worked out, because he did not know that it took a period for the virus to develop within the mosquito and that the mosquito had to bite a victim several days sick with the fever to become infected itself. Major Reed decided to give Dr. Finlay's idea a new test.

It was after Dr. Jesse Lazear, one of the physicians conducting the experiments, had died of an accidental mosquito yellow-fever infection that Private Kissinger and Mr. Moran volunteered. The experiments were conducted under scientific conditions. Other volunteers, sleeping in the bedclothes of yellow-fever victims, and exposing themselves to the disease in every way other than the mosquito bite, did not get it.

Mr. De Kruif's book led to the production of the play, "Yellow Jack," and the movie of that name. Mr. Kissinger, here in 1938 for the movie opening, told a Star reporter:

"I volunteered because—it's hard to explain. If they'd told me to go try to bomb a regiment of Spaniards I'd have done it, even if I was sure the Spaniards would get me. And here was a chance to risk my life to save the lives of a lot of other people instead of killing them."

THE PEACE CONFERENCE IN PARIS—LETTER FROM JOSEPH M. STACK

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD a letter dated July 11, 1946, addressed by Joseph M. Stack, commander in chief of the Veterans of Foreign Wars of the United States, to the President of the United States, which appears in the Appendix.]

HUMAN RIGHTS AND THE LAW—ADDRESS BY JUSTICE EDWARD S. DORE

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address on human rights and the law, by Justice Edward S. Dore, from Life magazine, which appears in the Appendix.]

SHED NO TEARS OVER OPA—ADDRESS BY ED WIMMER

[Mr. STANFILL asked and obtained leave to have printed in the RECORD a radio address on the subject of price control by Ed Wimmer, editor of Forward America, on June 29, 1946, which appears in the Appendix.]

McKELLAR ACTS IN TIME—EDITORIAL FROM THE NASHVILLE BANNER

[Mr. STEWART asked and obtained leave to have printed in the RECORD an editorial entitled "McKELLAR Acts in Time," from the Nashville Banner of July 16, 1946, which appears in the Appendix.]

INDEPENDENCE DAY ADDRESS BY WILLIAM E. LEAHY AND POEM BY JOHN CLAGETT PROCTOR

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an Independence Day address by William E. Leahy, director of selective service of the District of Columbia, before the Oldest Inhabitants of the District of Columbia, and an original poem by John Clagett Proctor, which was read on the same occasion, which appear in the Appendix.]

POLITICAL ETHICS AND LIBERALISM—ADDRESS BY SENATOR MORSE

[Mr. MORSE asked and obtained leave to have printed in the RECORD an address entitled "Political Ethics and Liberalism," delivered by him before the Cleveland Park Congregational Church, Washington, D. C., on June 30, 1946, which appears in the Appendix.]

LIBERALS ON LIBERALISM—ARTICLE BY ERIC GOLDMAN AND MARY PAULL

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "Liberals on Liberalism," by Eric F. Goldman and Mary Paull, published in the June 22, 1946, edition of the New Republic, which appears in the Appendix.]

THE OPA—EDITORIAL FROM THE DENVER POST

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Let's Not Destroy Our Bounty," written by Palmer Hoyt, editor of the Denver Post, and published in the edition of July 11, 1946, which appears in the Appendix.]

ABOLISH THE FILIBUSTER—EDITORIAL FROM MEDFORD (OREG.) MAIL-TRIBUNE

[Mr. MORSE asked leave to have printed in the RECORD an editorial entitled "Abolish the Filibuster," written by Robert W. Ruhl, and published in the Medford (Oreg.) Mail-Tribune, which appears in the Appendix.]

PORTLAND'S HALF-PINT POST OFFICE—EDITORIAL FROM PORTLAND (OREG.) DAILY JOURNAL

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Portland's Half-Pint Post Office," published in the Portland (Oreg.) Daily Journal of July 1, 1946, which appears in the Appendix.]

PLIGHT OF THE JEWS OF PALESTINE

Mr. MEAD, Mr. WHERRY, and Mr. WILEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York.

Mr. MEAD. Mr. President, I rise to call attention——

The PRESIDENT pro tempore. The Chair wishes to state that he is advised that there was a unanimous-consent agreement entered into last evening that the Senator from Maryland [Mr. RADCLIFFE] was to proceed this morning.

Mr. RADCLIFFE. Mr. President, I appreciate very much the courtesy of the Chair, and I yield to the Senator from New York.

Mr. MEAD. I will say to the Presiding Officer that I mentioned to my distinguished colleague from Maryland my desire to speak for a few moments at this time.

Mr. President, I rise to call the attention of the Senate to what I term "unfinished business" following the approval of the United States loan to Great Britain.

It is not uncommon for statesmen to choose between the national interest and that of the group, and then vote in behalf of the greater interest.

Men like Representative BLOOM and Rabbi Stephen S. Wise deserve commendation for their demonstrated American patriotism when they favored and urged the loan to Great Britain for her economic rehabilitation at a time when the British Govergnment is engaged in cruel brutal action toward the Jews in Palestine and the persecuted and homeless Jews of Europe.

I wish to draw the attention of the Senate to the grave state of affairs which has arisen in Palestine, a country in which the Government and people of the United States have during recent years taken an ever-growing and constructive interest. I am afraid that we are witnessing in Palestine a new phase of the traditional methods of British imperialism. It is evident that the British Government, after having found itself compelled to withdraw from Syria and Egypt, has made up its mind to make Palestine its military base in the Middle East. In this scheme there is apparently no room for a Jewish national home, and so the British Government has decided to liquidate the policy to which it pledged itself 25 years ago in the Balfour Declaration and for which it was entrusted with the mandate over Palestine. It is determined to get rid of that obligation and to break the back of the Jewish national home, to deprive it of the spirit and of the institutions of self-government, and to reduce the Jews to the position of a helpless and cowed minority. There would then be, of course, need for British troops to defend them. The pattern of the policy is very old; it has been tried in many places, in Ireland, in India, in Africa, and it has everywhere produced discord, bloodshed, and hatred of Great Britain.

In order to justify its present assault upon the Jewish national home, the British Government has used the old pretext that it has to restore law and order and rid the country of terrorism. Mr. President, I think that the attention of the Senate should be drawn to the fact that the British military forces have during the last few weeks not attacked any terrorist organization, but their present exploits are directed against the responsible, democratically elected and internationally recognized organs of Jewish self-government in Palestine. The men who have been arrested and thrown into concentration camps are not terrorists, but, as Prof. Albert Einstein has just reminded us, the leaders of the Jewish community, the very men who stood by Great Britain in her darkest hour; the men who raised 30,000 Jewish volunteers for the British Army, who sent their best men—men like those now arrested and tortured—to join the British commandos on those dangerous missions from which very few returned. No, Mr. President; the British Army is not engaged in suppressing terrorism in Palestine; it is itself engaged in a campaign of terrorism. It is terrorizing a peaceful and hard-working people whose constructive achievements have aroused the admiration of the civilized world.

What irony that a labor government should send in bulldozers to destroy the great achievement of a labor community in the Middle East. What irony that it is a labor government which is clamping down on the trade-unions of Palestine.

We read a great deal in the papers of the arms which the British forces found in a Jewish colony. What are these arms—what are they for? These arms and this self-defense organization which the British Government has set out to destroy are there for the purpose of protecting Jewish life and property. These arms serve the same purpose as those which our grandfathers carried when they went forth on their perilous work of settlement in the West. These Jewish pioneer settlers have been compelled to build up their own self-defense organization because in the past the British Government could not or would not give them adequate protection against marauders and gangsters. How many times have they been attacked? How many of them have fallen victims of Arab bullets? With your permission, Mr. President, I should like to read a few sentences from the authoritative report of the Palestine Royal Commission of 1937 on this subject:

> The first of all conditions necessary for the welfare of any country is public security. It is evident that the elementary duty of providing public security has not been discharged. If there is one grievance which the Jews have undoubted right to prefer it is the absence of security. Their complaints on this head were dignified and restrained.

Mr. President, that is why Jews had to build up this self-defense organization and to collect these arms which are now being taken away from them with such ruthlessness on the pretext of a campaign against terrorism. Who will protect these settlers, their wives, and children when these arms have been taken away, when the defenders have been locked up in concentration camps? Who will protect them against Arab gangs which may at this very moment be in the process of reorganization by the Nazi-collaborating Mufti who has been brought back conveniently to the Middle East at this very moment? What is the British Government up to? Is it preparing the ground for a new Arab massacre of disarmed and unarmed Jewish pioneers? Mr. President, we have heard a great deal lately about the British Government needing an American division to help them maintain order in Palestine if the plea of our President for the admission of 100,000 Jewish refugees from Europe is answered. The British Army is not in need of American reinforcements for the purpose of breaking down the Jewish national home and handing the Jews over to the mercies of the Mufti.

What are we in America going to do about it? Are we going to stand by while men and women and children from the age of 10 upward are being dragged into concentration camps? Are we going to be silent when torture proceedings on approved Nazi lines are being set up in Palestine to break the will of free men? I say we would be betraying the trust which has been handed down to us by our forefathers from the day when they fought the same British tyranny and against the same methods.

I have stood by Great Britain during all her recent trials and in her hour of peril. I voted for the British loan in the interest of her economic rehabilitation and world peace. But I must warn the British Government that they are making it very difficult for Britain's friends to support her, if they continue this oppressive policy and these repulsive methods.

President Truman last year took the initiative in pleading for the admission of the 100,000 Jewish refugees from Europe to Palestine. His plea has now been unanimously endorsed by the Anglo-American Committee of Inquiry; but I see that the British are bent on thwarting the President's humanitarian design. They negotiate with our experts about details hoping thereby to stall, but they clearly have not the faintest intention of acting on the report of the Commission of Inquiry. Permit me to quote from a report from London which appeared in the July 4 issue of the New York Herald Tribune:

> First there will be political consultations on a "governmental level" between the two countries Then the Arab and Jewish responses to the report will have to be studied separately by each government. Then they will have to be examined in consultation. Then, perhaps, there will be a statement, but it must be remembered that the recommendation for the admission of 100,000 Jews is only one of nine recommendations, and the report must be acted upon in its entirety.

Mr. President, it is for the people and Government of our country to tell the British Government to stop this ghastly mockery. Let them carry out without further delay the recommendation for the admission of the 100,000 refugees. And, for God's sake, stop this regime of brutality and repression in Palestine, this punitive expedition against a great work of civilization; or the British will lose the respect and the moral support of this country and of the whole civilized world. I urge and pray that the British Government at once release all those peaceful Jews that are now languishing in the cruel concentration camps of Palestine.

Mr. President, I ask for immediate action.

ORDER OF BUSINESS

Mr. WILEY and Mr. AIKEN addressed the Chair.

Mr. RADCLIFFE. I yield to the Senator from Wisconsin.

Mr. AIKEN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. AIKEN. As I understand, the Senator from Maryland has the floor.

The PRESIDENT pro tempore. He has.

Mr. AIKEN. He is not making any remarks on the pending question, but is parceling out the time, and I object. I object to the Senator from Maryland having the floor for an indefinite period of time and parceling out the time to whatever Senator he sees fit to give it to.

The PRESIDENT pro tempore. A Senator holding the floor can yield only for a question.

Mr. RADCLIFFE. Mr. President, the Senator from Maryland was very willing to accommodate the Senator from Wisconsin, but, of course, if the Senator from Vermont objects, then I cannot accommodate him.

Mr. AIKEN. Mr. President, I shall frankly state the reason. I have tried for 4 days to get the floor for a few minutes, and have been unable to do so.

The PRESIDENT pro tempore. The Senator will certainly get the floor if he rises first. The Chair will recognize any Senator who rises and addresses the Chair.

Mr. AIKEN. Mr. President, if one Senator holds the floor all the time and yields so that other Senators can make speeches, it will be impossible to do that.

The PRESIDENT pro tempore. Does the Senator object to the Senator from Maryland yielding to another Senator to put something in the RECORD?

Mr. AIKEN. No; I shall not object to that. I object to any speeches whatsoever in the time of the Senator from Maryland.

Mr. WILEY. Mr. President, there recently appeared——

The PRESIDENT pro tempore. Senators will bear in mind what the Senator from Vermont has said. As the Chair understands, the Senator from Vermont has no objection to the Senator from Wisconsin putting something in the RECORD, and he will be allowed to do that.

Mr. WILEY. Mr. President, there recently appeared in Life magazine an address by Justice Edward S. Dore, of the New York Supreme Court, on human rights and the law. What he has said has had the attention of philosophers down through the ages.

Our Nation was founded on the idea of the supremacy of law. It will be remembered that Edmund Burke said:

> There is but one law for all; namely, that law which governs all law—the law of our Creator, the law of humanity, justice, equity—the law of nature and of nations.

It was of that law that the Apostle Paul spoke when he said——

Mr. AIKEN. A point of order.

Mr. WILEY. I am merely putting an article in the RECORD.

Mr. AIKEN. I make the point of order that the rule is not being observed.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. AIKEN. Mr. President, I ask that this article be printed in the Appendix of the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The article submitted by Mr. WILEY appears in the Appendix.)

Mr. WILEY. Mr. President, I suggest that in order that we may accommodate the distinguished Senator from Vermont, the Senator from Maryland yield to him in order that he may have his own way and not upset the apple cart for the rest of us. I suggest that as an accommodation.

The PRESIDENT pro tempore. The Senator from Maryland has the floor.

Mr. TUNNELL. Mr. President, will the Senator from Maryland yield?

The PRESIDENT pro tempore. To put something in the RECORD?

Mr. TUNNELL. Yes.

Mr. RADCLIFFE. I yield for that purpose.

The PRESIDENT pro tempore. The Senator from Vermont does not object to Senators interrupting to put something in the RECORD.

(At this point Mr. TUNNELL asked and obtained leave to have a letter printed in the RECORD, which appears in the Appendix.)

Mr. WILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. RADCLIFFE. I yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, I am in the position of one who is trying to harmonize. I suggest to the Senator from Maryland, therefore, that he yield for the purpose of permitting the Senator from Vermont to have his way. I shall make no objection or point of order, because I have already released some remarks to the press, on the OPA, and I think they are very important. The Senator was kind enough to say he would accommodate me without upsetting the apple cart. Now I return the compliment, to see if we cannot get things in order.

The PRESIDENT pro tempore. The Senator from Vermont has made no such request.

Mr. AIKEN. I do make such a request. I will say to the Chair that what few remarks I have to make were released Monday, and I am being called about every 5 minutes to find out whether they can be used.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Vermont?

Mr. RADCLIFFE. I understand that the Senator from Vermont desires to make remarks which will consume about 5 minutes.

Mr. AIKEN. No, about 30 minutes.

Mr. RADCLIFFE. About 30 minutes?

Mr. AIKEN. About 30 minutes.

Mr. RADCLIFFE. Mr. President, I wish to consider the wishes of Senators, but the joint resolution is the unfinished business, and it seems to me a pity, when it is before us, to have these long digressions.

The PRESIDENT pro tempore. Under the circumstances, the Chair will have to ascertain whether there is objection to the Senator from Maryland yielding to the Senator from Vermont for 30 minutes. Is there objection? The Chair hears none, and the Senator from Vermont is recognized for 30 minutes.

THE RAILROAD LOBBY

Mr. AIKEN. Mr. President, on June 18, two of my colleagues, the Junior Senator from Montana [Mr. MURRAY] and the present Senior Senator from Alabama [Mr. HILL] in addressing this body made some very revealing statements regarding the activities of the power lobby.

While referring to the propaganda efforts of the power interests against the public development and marketing of power, the Senator from Montana said:

> It is a well-planned and efficiently executed campaign highly financed and unique only in that the power interests have summoned to their aid more outside organizations than ever before.

Mr. President, this matter of having so-called "outside organizations" aid the vested interests in their propaganda campaigns has undoubtedly reached such a serious stage as to have become a new and menacing threat to the general welfare of the Nation.

I was very much impressed with what my two colleagues had to say on this point, and I have strong reason to believe that the power lobby is one of the most active lobbies in Washington.

But, there is still another lobby that, to my way of thinking, is even stronger than the power lobby. I refer to the railroad lobby.

Like the power lobby, the octopus-like railroad lobby, with its far-reaching tentacles, works through a veritable maze of organizations.

Last fall I had occasion to make a speech in Boston, before the Boston City Club, on the St. Lawrence seaway and power project. I am sure I do not need to tell my colleagues here today that I am greatly interested in this project, and have been for some time. I might add that I hope my efforts to impart some of my enthusiasm for this project to more of the Members of this body may not always be in vain.

Now, with reference to my speech in Boston, I mention this merely to point out that in it I called attention to the fact that the main opposition to the St. Lawrence project is engendered by the eastern trunk-line railroads and power companies, "both intimately connected with the higher echelons of finance in New York."

I should like to take this occasion to elaborate further on the tie-up between the big bankers and the railroads. It is common knowledge that the Association of American Railroads is one of the strongest opponents of the St. Lawrence project. Who does that association represent? Evidence is piling up in judicial proceedings and in congressional hearings and elsewhere to show that its spokesmen are the mouthpiece for certain eastern financial groups interested in the financing of certain trunk-line railroads. Among these railroads are the Pennsylvania, New York Central, Baltimore & Ohio, Erie, and the Boston & Maine.

The railroads—in concert with the Association of American Railroads, and working through nonrailroad people, chambers of commerce, traffic clubs, tax organizations, and other civic organizations—skillfully employ subterfuge to make it appear that there is country-wide opposition to the St. Lawrence. Well-meaning citizens throughout the country are being misled.

A significant fact to consider in analyzing the opposition to the St. Lawrence legislation (Senate Joint Resolution 104) now pending before the Congress, is the strange alliance against it. For example, we have the Association of American Railroads and the Brotherhood of Railroad Trainmen working hand-in-hand to defeat the project. After I show the tie-up between the railroads and the barons of Wall Street, if Senators will bear with me, I think the Members of this body will agree that this is a fair question: Does the Brotherhood, in this unholy alliance with the AAR think that it is serving the best interests of the national welfare?

With reference to the tie-up between the financial interests in the East and the railroads, there are a number of concrete examples to which I should like to call attention.

One excellent source of information in this field is the hearings on the Bulwinkle bill before the Senate Interstate Commerce Committee.

I might add that the chairman of the Interstate Commerce Committee, the Senator from Montana [Mr. WHEELER], when asked on the floor of the Senate last June 15 what percentage of the railroads of the United States he estimated are controlled by New York financial interests, replied:

> Practically all of them are controlled by New York financial interests.

He added:

> Those interests move the presidents of the railroads like one moves chessmen around upon the chessboard.

With further regard to the Bulwinkle bill, the railroads, through the Association of American Railroads, which is really the keystone in the alleged monopolistic rate fixing, seeing that their rate-fixing practices were being challenged in the courts, are now seeking to free themselves of the antitrust laws which they are charged with violating. The Bulwinkle bill would exempt the railroads from the antitrust laws.

In the hearings before the Interstate Commerce Committee on this bill, it is clearly shown that it was a definite policy of the railroads, as carried out by the AAR, to get outside bodies to present the railroad point of view. As for chambers of commerce which are supported by some large interest, whether it is a railroad, an oil company, or a steel company, the chambers are to a large extent influenced by that contribution. Here is what Governor Arnall, of Georgia, said on this point in his appearance before the Interstate Commerce Committee of the Senate to testify on the Bulwinkle bill:

> Now, let me in an effort to nail down, if I may the point that when big contributors contribute to organizations they have a lot to do with their policies by virtue of their contributions and influence, * * *. The Southern Pacific paid $10,000 to the Portland Chamber of Commerce; $35,625 to the Los Angeles Chamber of Commerce; $50,000 to the California Chamber of Commerce; $30,175 to the Industrial Association of San Francisco; $35,625 to the All-Year Club of Southern California; $53,750 to the California Taxpayers Association, and $96,000 to California, Inc.
>
> As I explained yesterday by using illustrations from the record, when these chambers of commerce in some instances come here, as was the case of the New Jersey Chamber of Commerce in another instance, a resolution was read by the railroad lawyer and they said:
>
> "Let's not let anyone know we did it. It sounds better if it seems to come from the chamber of commerce."

Further to show the extent to which railroads contribute to organizations for purposes of influencing public opinion

and legislation, I wish to quote from a report filed by the Senator from Montana [Mr. WHEELER] and former Senator Truman on October 16, 1941, for a subcommittee of the Committee on Interstate Commerce:

Between 1920 and 1936 the railroads of the United States paid in excess of $182,000,000 to over 130 National, State, and regional organizations concerned with railroad matters.

Some time ago I saved a very interesting series of newspaper articles by Thomas L. Stokes, Scripps-Howard columnist, in which he throws the spotlight on the Bulwinkle bill and the tie-up between the railroads and the banking interests. In his articles, Mr. Stokes pointed out that:

During the war and before, this railroad hierarchy (the American Association of Railroads) stretched its influence, through its banking and other connections, into other forms of transportation in the effort to get them to raise their rates to the railroad level, thus leaving the hapless shipper, in many cases, no competitive recourse.

Mr. Stokes also pointed out in his articles:

The AAR itself is tied in with powerful banking groups which the Government charges assists it in enforcing its decisions on members.

In the fifth and final article of the series, Mr. Stokes made this significant charge:

It is suspected that railroads are pushing it (a plan to bring together all forms of transportation under railroad monopoly) to enable them to bolster up their shaky structure, debt-laden and inefficient, and thus protect the bankers and insurance companies which have the big stake in railroads—in short, a bailing-out process. Through the years the railroad bankers and lawyers have fattened on the succession of receiverships and reorganizations, a veritable racket familiar to anyone who has covered the numerous congressional investigations of railroad finance.

While on the subject of the Bulwinkle bill, there is one very interesting development to which I should like to direct the attention of this body. It has to do with a change in the position of the Brotherhood of Railroad Trainmen on that legislation.

When their spokesman appeared before the Interstate and Foreign Commerce Committee of the House to testify on the Bulwinkle bill, he supported it very strongly. Then, 7 months later when their witness appeared before the Interstate Commerce Committee of the Senate to testify on the same bill, he did not speak in behalf of the bill, but opposed it.

What happened to bring about that change of position, I do not know. Perhaps I am too optimistic, but if the Brotherhood of Railroad Trainmen has seen the light on the Bulwinkle bill, perhaps they will be for the St. Lawrence project in the future.

As for other sources of information on the railroad-financial tie-up, I call attention to the court cases: First, the so-called Georgia case (The State of Georgia against The Pennsylvania Railroad Co. et al.) now pending before the Supreme Court of the United States; and second the so-called Western case (United States against the Association of American Railroads, the Western Association of Railway Executives et al.) now pending before the United States District Court of Nebraska. In these cases certain railroads and others are charged with a conspiracy in restraint of trade through monopolistic rate-fixing.

In the plaintiff's trial brief filed in the Supreme Court in the Georgia case, the tie-up between the railroads and the financial interests is clearly shown. The first meeting to set up the Association of American Railroads, which later became the main rate-fixing agency, was called under the sponsorship of a committee of investors. This meeting was held in the Metropolitan Club, of New York City, on November 14, 1933, and "constituted perhaps the most imposing aggregation of economic influence ever assembled." The effect of the so-called "western agreement" which grew out of that meeting was to "amalgamate the previously independent or loosely-allied western trade associations into a hierarchy of trade associations that ultimately placed private control of the western railroad industry in the hands of a committee composed almost exclusively of eastern financial interests."

Under the plan, as evolved by the committee of investors, in consultation with railroad executives, "all existing trade associations were merged into a single integrated structure, resting at bottom upon the regional associations, proceeding upward through the interregional associations, and bound together at the top by a new national association having the authority and the power to maintain the structure and enforce its mandates by the economic discipline of its members."

Mr. President, there are plenty of indications that the threat of "economic discipline" has been applied many times to bring western roads into line with the thinking of eastern bankers, against their better judgment.

The Georgia case seeks to break a rate-fixing monopoly in the South just as the Western case seeks relief from rate-fixing in the West.

Those represented on the committee of investors in 1933 were: Pierre S. du Pont, director, Pennsylvania Railroad, E. I. du Pont de Nemours, General Motors; W. A. Harriman, chairman of the board, Union Pacific System, Harriman Bros., Guaranty Trust; Philip A. Benson, president, Dime Savings Bank, president, Railroad Security Owners Association; James Lee Loomis, president, Connecticut Mutual Life Insurance; Leonard P. Ayres, vice president, Cleveland Trust; Milton W. Harrison, president, Security Owners Association; Jeremiah Milbank, director, Southern Railway, Chase National Bank, Metropolitan Life.

This membership and their financial and industrial affiliations indicate clearly the forces which the proponents of the St. Lawrence seaway are up against. Is it through working with such groups as this that the Brotherhood of Railroad Trainmen feels it can best serve the Nation by opposing all other forms of transportation and the development of natural resources?

Another very interesting source of material on the close tie-up between the railroads and the financial houses is a book by Mr. Arne C. Wiprud, "Justice in Transportation." Mr. Wiprud not only throws the spotlight on the financial tie-up between these two groups but he also makes some startling comments on the monopolistic practices employed by the railroads.

Also, in the introduction to Mr. Wiprud's book, published in 1945, Mr. Thurman Arnold, former Assistant Attorney General of the United States, refers to the "philosophy of scarce transportation, high rates, and the elimination of competing transportation—a philosophy that has dominated railroad policy since 1920."

It is pointed out that not only have the railroads impeded transportation progress by fighting the air lines before the war but during the war the railroads sought through jacked-up rate structures to keep shippers from "using inland waterways to ship grain through Chicago, and they got the approval of the Interstate Commerce Commission for such rates." The purpose of the railways, as stated by their representatives, was as follows:

We made this proposal, as I have stated several times, and filed these tariffs with the hope that we could drive this business off the water and back onto the rails where it belongs. * * * We are not in love with water transportation * * * and we believe that we are entitled to that grain business.

Mr. Arnold points out that this was at the very time when the public was asked not to travel because of the shortage of railway equipment.

Through their selfishness and utter disregard of public needs, the railroads, with their near monopoly of grain transportation, are today making it impossible to move the new crop to famine-ridden nations of the world or even to the feed-famine areas of our own country as fast as it is needed. Their motto still remains "Let the public be damned."

It is clearly shown that if we attempt to protect the railroads by making transportation artificially scarce through high rates and by refusing new enterprises access to our railroads, airfields, and waterways, we will not only strangle the transportation industry but also will impose an insuperable handicap on the development of new industry and new industrial areas of the United States as well as jeopardize our national security in the event of another war.

As for the adequacy of railroad transportation facilities, it is interesting to refer to the testimony of Mr. Martin H. Miller, national legislative representative, Brotherhood of Railroad Trainmen, before the Senate Foreign Relations Subcommittee last spring. Mr. Miller said:

We are of the opinion that the accomplishment of the railroads in the heavy wartime traffic is or should be proof sufficient that the United States has adequate transportation facilities to meet the needs for many years.

Against this statement it is interesting to note what Mr. Wiprud, who is a transportation expert, formerly with the Department of Justice, has to say:

A series of fateful triumphs of private interests over obvious public interests—and

fateful remissness on the part of Government—left the United States without adequate transportation systems for the war emergency. Railroad executives failed to estimate needs by a large margin, and neglected to provide essential equipment while productive capacity was still available. The noncompletion of the Atlantic intracoastal waterway made it possible for German submarines to effect a virtual stoppage of shipping along the Atlantic. Consequently, the East and North were left with inadequate supplies of fuel oil and gasoline, naval combat ships were diverted to the protection of intercoastal and intracoastal shipping, and an additional burden was thrown on the already overtaxed facilities of the railroads. Essential pipe lines had to be completed, or built in their entirety, under the stress of wartime shortages of manpower and materials.

There have been many studies by congressional committees for the purpose of looking into railroad finance. Among those are the Pujo committee (1912–13); the Pecora committee (1933–34); the Wheeler committee (1936–40); and the Interstate Commerce Committee (1945–46). The machinations of the railroad financiers were exposed by the late Justice Louis D. Brandeis in an article in Harper's Weekly in 1913–14, before his appointment to the Supreme Court. He made reference to a letter written by J. P. Morgan & Co. to the Pujo committee, in which the statement was made that—

Practically all the railroad and industrial development of this country has taken place initially through the medium of the great banking houses.

Here is Mr. Brandeis' reply:

That statement is entirely unfounded, in fact. On the contrary, nearly every such contribution to our comfort and prosperity was "initiated without their aid." The "great banking houses" came into relation with these enterprises, either after success had been attained, or "upon reorganization" after the possibility of success had been demonstrated, but the funds of the hardy pioneers, who had risked their all, were exhausted.

The reaction of at least one of the members of a railroad empire to the banking influence on the railroads is very revealing, indeed. I refer to a statement made by Mr. Robert R. Young, chairman, Chesapeake & Ohio Railway Co., quoted in an AP article of Sunday, June 16, 1946, as follows:

Bankers * * * they're the trouble with a lot of railroads.

I've just figured out that 79 percent of the boards of directors of the country's solvent class I railroads are affiliated with financial institutions. Of the 10 major railroads that I call the J. P. Morgan roads, 86 percent of the directors are so affiliated. Of the 6 major Kuhn, Loeb & Co. roads, the percentage is 89.

Then take the 35 bankrupt roads, whose treasuries are frequently overflowing with money because they are hoarding and not paying off their debts. There you find the banker control is 100 percent by virtue of the voting trusteeships which the Interstate Commerce Commission has helped to set up in violation of the law.

With regard to the railroad opposition to other forms of transportation, it is well to bear in mind that the railroads have traditionally fought against building of strategic waterways. This campaign has, I am convinced, been largely responsible for the delay in building the St. Lawrence seaway and for the delay in the development of other waterways, both intracoastal and inland.

As I have said, even during the early years of the late war when German submarines were sinking scores of our merchant ships in the Caribbean and hundreds of our brave men were going to their death in blazing oil, the railroads still pursued their policy of opposition to the development of safe inland passages that would have saved both life and war materials.

One of the main arguments of the railroads in opposing the St. Lawrence project is that the engineering costs are underestimated and that the benefits are overestimated. I notice that the railroads are being consistent in that they use the same line of reasoning in opposing the projects in this year's river and harbor bill.

Another significant point to bear in mind is the effect of this railroad transportation monopoly upon rates. Undoubtedly, the cost of the war was increased tremendously by the excessive charges to the Government by the railroads. Here is an example: Ordinary poultry wire, when used for war purposes, was termed "camouflage nets" and the shipping rate was reported to have increased about 100 percent. New designations for well-known products resulted also in other similar increases in war shipping rates. The point has been made that by this and other devices the Government was forced to ship material to war at rates varying from 100 percent to 400 percent higher than the rates for homologous civilian commodities.

Within recent years railroad managers and financiers have been working toward a plan whereby all forms of transportation would be placed even more firmly under railroad control. This, in effect, would place all newer forms of transportation under the domination of the railroads and the bondage of the investment banking houses and insurance companies. The record shows that in the past, when the railroads have secured control of alternative forms of transportation, the development of these competing transportation facilities has been suppressed. It has been said that the railroads have used such competing forms of transportation, "first, as a sword to destroy their competitors, and then as a shield to prevent the successful establishment of new companies using the competing form of transportation."

It is significant to note that railroads, in seeking to meet truck competition, first resorted to the die-hard method of promoting the erection of "legal barriers to truck operation rather than by the improvement of railroad services. Under the guise of safety programs and working through pseudo-independent tax associations and similar bodies, the railroads sought the enactment of local ordinances and State laws limiting the size and weight of trucks," according to Mr. Wiprud.

As I have indicated, the railroads have played a dominant part in retarding the development of intracoastal and inland waterways. I think it is true that this country potentially has one of the finest systems of navigable rivers in the world. Yet, improvements on these waterways have been undertaken on a haphazard basis. The backward policy pursued by this country is in sharp contrast to the progressive policies of other countries of the world. For example, the Rhine and the Danube were literally arteries through which the life blood of the Axis economy flowed. The importance of the Volga to Russia was clearly demonstrated by her heroic stand in defense of that life line at Stalingrad.

The whole gist of the point that I am trying to make here is that railroads have put a brake on transportation progress in this country, and that their monopolistic practices should not be allowed to continue to the detriment of other forms of transportation and to the detriment of the national welfare.

There is another important phase of this question to which I should like to call your attention. Fifteen-odd years ago the western railroads were openly in favor of the development of the St. Lawrence seaway. Then, suddenly, they became silent on this subject, and are now on record in opposition to it through their national railroad organization.

When this project was before the Senate in 1944, as an amendment to the river and harbor bill, Senator LA FOLLETTE, of Wisconsin, had occasion to look into the list of stockholders of 30 of the large trunk-line railroads. He pointed out that with few exceptions the greatest majority of individuals in banking and brokerage firms which owned the largest blocks of shares are located in New York or Boston. An analysis of the principal interests and connections of the western railroads reveals that in the majority of cases they are from New York city also.

Then there is another example of a financial group which reversed its stand on the St. Lawrence project. Until about 20 years ago the financial leaders of the East were interested in, and in favor of, the development of the power facilities of this project. When it became obvious that these groups could not take it away from Gov. Al Smith or Franklin D. Roosevelt, or any of their successors, for that matter, and that the Federal Government had adopted a policy of public development, the private groups immediately turned against the whole undertaking.

However, the private groups have not dared to argue their case on this issue. Instead, they have used fantastic stratagems to divert public attention from the real issue. They have told railroad workers that they would lose their jobs, and they have told agricultural groups of the Midwest that foreign agricultural products would swamp the home market.

This strikes at the very heart of the whole idea that I have been trying to get across. Because of this diversionary propaganda it has been extremely difficult—yes; almost impossible—to get down to the main issues at stake in this project; namely, public development of it. It no longer is a question of public development against private development. The only question now is that of public development against no development at all.

Before closing I should like to focus attention anew on that all-important question of determining who represents whom.

During their campaign of misrepresentation, the opponents of the St. Lawrence development have sought to make it appear that all railroads, and particularly those in Vermont, are opposed to the project.

During the hearings on Senate Joint Resolution 104 before a Senate Foreign Relations Subcommittee, Mr. H. H. Powers, president of the Vermont State Railroads Association, appeared against this legislation. According to newspaper reports, Mr. Powers also has made many statements and speeches elsewhere against this project. The impression given by Mr. Powers was that he represented the views of the 11 railroads operating in Vermont, and that he, through the association, was speaking for all of them. In fact, Mr. Powers, in opposing the legislation before the Senate Foreign Relations Subcommittee, said:

> In expressing these views, I am rehearsing the unanimous conclusions of all of the members of our association.

There has come to my attention some correspondence from Mr. J. A. Rogers, general manager of the Central Vermont Railway, Inc., which is a part of the Canadian National Railways System. Mr. Rogers writes in a letter to Mr. Watson B. Berry, of New York, that Mr. Powers in his statements against the project "did not reflect in any way the views of the Central Vermont Railway nor any of its officers." This is most significant, since Mr. Powers is attorney for the Central Vermont Railway. The general manager of the Central Vermont Railway, Mr. Rogers, states further:

> The officers of this railway have not engaged in active opposition to the proposed St. Lawrence seaway and power project and will continue to refrain from public comment or action on the subject.

Furthermore, Mr. Powers stated, "organized labor stands solidly with management against this bill," referring to the St. Lawrence legislation. While that may be true of certain elements of organized labor, such as the railroad brotherhoods, this statement certainly does not apply to all of organized labor, as evidenced by the fact that labor groups, representing large memberships of the A. F. of L. and the CIO, testified before the Senate Foreign Relations Subcommittee in behalf of the St. Lawrence legislation now pending in the Congress.

At the hearings last spring Mr. John D. Babbage, president of the Rutland Railroad Co., Rutland, Vt., appeared in favor of the legislation. Here is what Mr. Babbage said:

> Our trustees, who as trustees are members of the Vermont Railroad Association, authorized Mr. Powers to make the statement that the association of which the trustees, and not the company, are members, is in opposition to this project.
>
> The owners of the property who have their money invested in it are in favor of the project. My board of directors are in favor of it; and on that board are men of substantial interests, among whom are John Jacob Astor 3d; Josiah B. Sutter, of the Monsanto Chemical Co., of St. Louis; Henry P. Erwin, a director of the Riggs Bank, of Washington, D. C., etc., etc.

Thus Mr. Powers stands repudiated by his own company, the Central Vermont Railway, for which he is attorney, and by another Vermont railroad, the Rutland. These two railroads represent over 50 percent of the trackage in the State of Vermont, and are members of the Railroad Association of the State.

Therefore it is clear that many who purport to speak for others do not always have the authority to speak; neither do they necessarily represent the views held by all for whom they allege to speak. There are numerous other examples of the type of opposition to which I am here calling attention. I cite these examples now to illustrate the danger to which this opposition can lead, and to call the attention of the Members of this body to the need for being on the alert in regard to this type of misrepresentation.

I have great hope that the American people and the rank and file Members of Congress will see through this camouflage, and will see to it that this question of the St. Lawrence project will be faced fairly and squarely on its merits. When that happens I have no fear for the outcome.

The time has come when we must peer sharply through the fog of lobbying propaganda if we are to combat the greed and lust for power which are so rampant in our land today. Our future progress is at stake. We cannot—we must not—yield to the forces which seek to deceive us with their propaganda, and thereby shackle us with their monopolies.

DEPARTMENT OF LABOR, FEDERAL SECURITY AGENCY, ETC., APPROPRIATIONS—CONFERENCE REPORT

Mr. WAGNER and Mr. WILEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). The Senator from New York is recognized.

Mr. McCARRAN. Mr. President, will the Senator yield in order that I may ask that the Senate consider a conference report?

Mr. WAGNER. I understand that the consideration of a conference report is a privileged matter, but I also understand that I shall have leave to proceed with my remarks as soon as the conference report is disposed of.

The PRESIDING OFFICER. Yes.

Mr. AIKEN. Mr. President, I must say, in all fairness to the Senator from Wisconsin [Mr. WILEY], who was responsible for my obtaining the floor a few minutes ago, that I understood the Senator from Maryland was to yield to the Senator from Wisconsin if no objection was made.

Mr. WILEY. He did yield to me, Mr. President.

The PRESIDING OFFICER. The Chair has recognized the Senator from New York. The Chair is only following the rules of the Senate.

Mr. McCARRAN. Mr. President, I submit a conference report on House bill 6739, and ask for its present consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the conference report, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 39 to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have been unable to agree on Senate amendment No. 39.
>
> PAT MCCARRAN,
> KENNETH MCKELLAR,
> RICHARD B. RUSSELL,
> JAS. M. MEAD,
> ABE MURDOCK,
> JOSEPH H. BALL,
> WALLACE H. WHITE, Jr.,
> STYLES BRIDGES,
> *Managers on the Part of the Senate.*
>
> BUTLER B. HARE,
> JOHN J. ROONEY,
> M. M. NEELY,
> FRANK B. KEEFE,
> H. CARL ANDERSEN,
> *Managers on the part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the conference report was considered and agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on a certain amendment of the Senate to House bill 6739, which was read, as follows:

> IN THE HOUSE OF REPRESENTATIVES, U. S.,
> *July 16, 1946.*
>
> *Resolved*, That the House still further insist upon its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes.

Mr. McCARRAN. Mr. President, I move that the Senate still further insist upon its amendment numbered 39, ask a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the same conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCCARRAN, Mr. MCKELLAR, Mr. RUSSELL, Mr. MEAD, Mr. MURDOCK, Mr. WHITE, Mr. BALL, and Mr. BRIDGES conferees on the part of the Senate at the further conference.

TRIBUTE TO THE LATE SIDNEY HILLMAN

Mr. CHAVEZ. Mr. President, will the Senator from New York yield to me for a couple of minutes?

Mr. WAGNER. I yield if the Chair will permit me to hold the floor.

The PRESIDING OFFICER. Without objection, the Senator from New York yields for 2 minutes to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, I rise today to pay tribute, in my humble way, to the memory of my great fellow American, Sidney Hillman.

The task that Sidney Hillman set himself to do on behalf of the country of his adoption brought about his untimely death as surely as the night follows day. His overtaxed heart had already given

him its ominous warning, but to Hillman his life was not too much to give to this, his promised land.

Mr. President, I have frequently reflected upon the debt we owe to those who seek haven within our borders. The Bible instructs us to "cast thy bread upon the waters"—Ecclesiastes xi, verse 1. The life and death of Sidney Hillman illustrate the wisdom of that ancient Biblical teaching.

Hillman became an American immigrant at the age of 20. That is the age of comprehension, and this young man, having lived for 20 years as a victim of religious, political, and economic oppression, always remembered. Remembering and understanding, he became a veritable watchdog against the root cases of oppression wherever he found them in the country of his mature citizenship.

Mr. President, I frequently feel that we who have known nothing but the blessings of our great democracy, urgently need among us those who have tasted the bitter fruits of oppression. Too often our good fortune overlays the sharpness of our perception, and we forget that to preserve our liberties we must be forever watchful. We tend to rest upon our oars, basking in the sunshine of the accomplishments of our forefathers, and too many of us grow careless of our heritage. The undercurrents of present-day economic, political, religious, and racial oppression escape our slothful attention.

But Hillman, like the immigrant Pilgrims, never yielded to the comforts of a new-found liberty. While we turned our eyes away from the abuses of the sweatshop, he challenged and fought their existence, for he recognized their close resemblance to the oppression from which he had so lately fled. As an outstanding and far-sighted labor leader, he recognized that the welfare of business interests was closely intertwined with that of organized labor. He was in the forefront of those who taught the thesis that Government, responsive to the needs of the people, individually and in union organizations, is the direct responsibility of each and every voting citizen. He ceaselessly educated the people on their sociopolitical duties.

There were many of us who found the active conscientiousness of this immigrant labor leader an irritant and a goad. He dragged us out of our upholstered inertia and forced us to see whether or not we could understand. Hillman became a public conscience and for this he suffered angry abuse together with public acclaim. But in what good company he traveled. For from the time of Christ and before, down through to the relatively modern times of Washington, Jefferson, Lincoln—yes, and Franklin Delano Roosevelt—there has been resentment against those who persistently reminded us of our duties to our fellow men.

The immigrant Hillman treasured our democracy. He knew the great basic fundamental that our democratic system of government will stand as the Rock of Ages just so long as it does not deviate from its dedicated purpose set forth in the Declaration of Independence and the American Constitution. He knew that no other system of government—not communism nor fascism—will win a mass following within it so long as its promised freedom, individual, economic, and religious, is kept. He knew and constantly reminded us that freedom does not mean freedom to oppress one's brothers.

The haven of refuge from governmental oppression that this country has been since its founding has indeed rewarded us tenfold. Hitler, fool that he was, sent us Lise Meitner and Einstein, without whom the atomic bomb might have been held over our heads rather than in our hands. Let us then be thankful to such men as Hillman and his fellow immigrants with whom God in His grace has rewarded this country's open heart. In death, as in life, we must not forget the prodding of Sidney Hillman's social conscience which lent strength to the muscles of American democracy.

Our adopted son has come and gone. Let it be engraven upon his tombstone: "Here lies Sidney Hillman—immigrant, American patriot, and honored citizen."

Mr. WAGNER. Mr. President, I thank the Senator from New Mexico for the beautiful and fitting tribute he has just paid to Sidney Hillman, who was my great friend, and who was also a great American.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed consideration of the joint resolution (S. J. Res. 61) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. WAGNER. Mr. President, all right-thinking people agree without qualification on the broad objective of advancing the welfare and interest of women, and increasing their opportunities in their chosen fields or professions, on an equality with men. This is a fundamental American objective which I will support by every practical means at my command.

Among the practical means of realizing this broad objective, I may cite measures assuring the right of women to hold all public offices open to men, to enter and advance in the professions, to receive equal compensation for equal work, and to be free of certain discriminations still existent in a few States, for example, concerning ownership and use of property.

My objection to the pending amendment is that it departs from the sound principle of hitting each form of remaining discrimination in the manner best suited to its elimination. Instead, the bill proposes a scatter-gun approach, which, in the opinion of eminent legal authorities would "transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States." The fourteenth amendment to the Constitution already protects every person, including every woman, in his or her right to equal protection of the laws.

Clearly the effect of the proposed amendment is to go beyond that, and to authorize the abrogation of all State and national laws which make any distinction whatever between the rights of men and women. In other words, all existing laws, as proponents of the amendment say, would have to be "adjusted" to conform with its requirements.

As a matter of sound policy and law administration, I doubt very much the wisdom of such a rigid national rule, admitting of no exceptions or qualifications, applicable to a multitude of laws and situations throughout the several States.

I sympathize, of course, with the effort to do away with State laws which give married women rights inferior to those enjoyed by their husbands in such matters as ownership of real property, contractual status, and control of children. But if a universal leveler is to be employed, would we not also deprive married women of traditional protection in such matters as alimony and support? Would not a precise, mathematical equality call for repeal of those provisions of the Social Security Act and related State laws affording survival benefits to wives, and benefits in connection with maternity care?

These and other questions show the difficulties in the way of an attempt by law to carry the conception of equality of right "to a dryly logical extreme."

Mr. President, the question that is foremost in my mind in connection with this amendment is its effect on existing laws for the protection of women employed in industry.

The late Justice Holmes once observed:

> It will need more than the nineteenth amendment to convince me that there are no differences between men and women, or that legislation cannot take those differences into account.

This philosophy, so pungently expressed by one of the most beloved of all the truly great men in our history, is shared by the overwhelming majority of our people.

The present generation has seen the movement for protective legislation for women grow into a national crusade, removed from the arena of partisan politics. Today, minimum wage laws for women are in active operation in many States and the District of Columbia, and almost every State in the Union prescribes some limitation on women's maximum workweek. Most of the States prescribe some limitations on the conditions under which women may be employed, especially at night or in hazardous occupations.

This and similar legislation has found a place upon the statute books of enlightened countries the world over. It has stood the test of time and experience. To the legion of women who toil in mill and factory, store and laundry, this legislation has provided essential aid in overcoming the many handicaps that beset them, and in achieving true equality with men in bargaining position. To these workingwomen and to the country at large, this legislation has proved its worth.

The United States Supreme Court has sanctioned such legislation in opinions which recognized that "woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence."

The Court has reiterated that such legislation was necessary to protect women in order to secure "a real equality of right." The Court has affirmed that nothing could be closer to the public interest than the health of women and their protection from unscrupulous and overreaching employers.

Furthermore, as the minority report of the committee emphasizes, this amendment would bar future legislation designed to benefit women. This is especially important as we develop our social-insurance program in the field of maternal care, widows', old-age, and survivors' insurance, and the like. I call especial attention to a memorandum by the general counsel of the Federal Security Agency, written in his individual capacity, showing the adverse affect of the amendment on the Social Security Act. I ask unanimous consent to have printed in the RECORD at the close of my remarks the text of this memorandum, together with a statement on the legal implications of the proposed amendment, a list of lawyers, legal scholars, and organizations opposed to it, and some individual expressions in opposition.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Without objection, it is so ordered.

(See exhibits A and B.)

Mr. WAGNER. I also ask to have printed a list of the legislation in my own State that may be affected or jeopardized by the pending proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit C.)

Mr. WAGNER. Mr. President, the argument has been made that protective laws for women have forced women out of jobs and have prevented their employment in jobs affected by the regulation. These conclusions are not justified by the facts. On the contrary, there is abundant proof that such protective legislation has resulted on the whole in large benefits to them and to all the labor force.

This was the conclusion to be drawn from an official survey conducted by the Women's Bureau of the United States Department of Labor in 1926, under the direction of industrial investigators with national reputations for skill and ability.

During the depression years, the Women's Bureau gathered data on the trend of women's employment in certain States, following the application of mandatory wage orders. Figures on women's employment trends were also obtained in certain States after regulatory hour laws had been made effective. In all but one State, proportionate employment of women increased within the industries covered by the labor laws for women. I ask that tables prepared by the Women's Bureau staff in this connection may be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. WAGNER. At the hearings on Senate Joint Resolution 61, held September 1945, the Amalgamated Clothing Workers of America (CIO), with a membership of 325,000 workers, of whom two-thirds are women, stated that in its experience this type of legislation does not discriminate nor raise handicaps against women, but on the other hand has materially raised working standards for them.

After citing the gain in earnings under the first New York minimum-wage order for women, issued in 1933, the union's statement, quoting an official report of the New York State Department of Labor, declares:

> In addition to providing higher wages for women and minors, the laundry minimum wage order did not result in excluding women from the industry, and that the proportion of male to female workers remained substantially the same as before these minima were established.

The union also cites the Women's Bureau report on the experience of Rhode Island under a mandatory order for women and minors in wearing-apparel industries, to the effect that women's earnings and employment had increased since a minimum rate was set for the industry. Reviewing the operation of New Jersey's 1940 mandatory minimum-wage order for wearing apparel and allied occupation, the union concludes:

> It is our experience, based both on reports of business agents and on surveys of hours and earnings made by the research department of the union, that not only has there been a considerable increase in wages of women workers in these industries since the issuance of the order, but the proportion of women workers to men workers has not changed.

The union's statement continues with this observation:

> There are women members of the Amalgamated numbering in the tens of thousands who remember the privations of the period prior to the establishment of State minimum wage legislation for women and minors, and these women are convinced that the adoption of the equal rights amendment would not obtain for them equal rights with men workers, but would instead, remove these rights which they have finally succeeded in having incorporated in State legislation after many years of effort. This is particularly true of women employed in the cleaning and dyeing, laundry, and other intrastate industries where the protection of Federal minimum-wage legislation is not obtainable.

In conclusion, the trade union urges, as the preferable method of working for equalization in rights of workingmen and women, that new beneficial legislation be drafted to liberalize existing protective legislation, and the enactment of similar laws to protect working standards of men. It vigorously opposed the adoption of the equal rights amendment as a method of legislation for the purpose.

It is significant that testimony of sponsors of the pending proposal before the Senate committee shows the merest fragment of support from any person with industrial experience.

The supporting organization which are eulogized in the majority report of the Judiciary Committee for their long continued efforts in behalf of women's interests are made up of professional, cultural, and patriotic types, many of them with very limited membership—all far removed from the problems of the majority of wage earning women whose interests are served by existing legislation.

The argument has been made that we should adopt this proposal in order that it may be submitted to the several States for action, under the Constitution. To my mind that suggests that we abandon our own individual responsibilities as members of this body. Under the Constitution, each of us must look to his own conscience and seek the counsel of his own experience in voting upon a proposal as far-reaching as this. My own experience on the need for protective legislation for women goes back more than 40 years. My own experience as a judge tells me that the amendment would bring chaos in the multitude of statutes relating to women throughout the 48 States. My own conscience will not permit me to see all of this legislation thrown into confusion or wiped off the statute books, by a misguided effort to legislate a specious equality in every condition and in all respects, without regard to reason or justice.

For these reasons, Mr. President, I am opposed to the pending so-called equal rights amendment. It should be emphatically rejected.

EXHIBIT A

In its most recent form the proposed amendment would provide that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Because of the very general nature of this language the actual legal effect of the amendment in any given situation, until there has been some process of judicial interpretation, would be extremely difficult to predict. It would, however, in my opinion jeopardize certain of the basic and most recently adopted features of the old-age and survivors insurance program.

The 1939 amendments to the Social Security Act, adopted after a period of study of experience under the original statute, were designed to strengthen and extend the principles and objectives of the act. The changes were particularly extensive in the title providing old-age benefits. Broadly speaking, these changes expanded that program from one providing benefits only to insured wage earners to one which provides benefits for insured wage earners, for their wives and minor children, for widows and children of deceased wage earners, and for aged parents who had been dependent on an insured worker who died without leaving a widow or child. The scope of this program and its significance in terms of protection on the death or retirement of the family wage earner is suggested by the fact that over 65,000,000 persons now living have earned some wage credits in covered employment.

PROVISIONS ARE BASED ON DIFFERENCES BETWEEN MEN AND WOMEN

Under these new provisions a woman who is 65 and is not herself an insured wage earner may receive a monthly benefit equal to one-half the monthly benefit of her husband. A husband, however, is in no case entitled to benefits based upon his wife's entitlement to benefits. Again, the widow of an insured wage earner may be eligible for benefits if she is 65 or if, although less than 65, she has in her care a child of the deceased wage earner. A widower has no similar right based upon the insured status of his deceased wife.

A further differentiation involves the requirement that for entitlement to a child's benefits, the child must have been dependent upon the insured parent who has qualified for benefits or died. The definition of

the dependency of a child upon a mother differs from that of its dependency upon a father. Generally a child would automatically meet the requirements for dependency upon a father, but dependency upon the mother can arise only if at the appropriate time the father was neither living with nor contributing to the support of the child.

The variations introduced into the program in 1939 were designed, as the House and Senate committee reports show, to afford more adequate protection to the family as a unit and especially to pay benefits more in accord with the probable needs of the beneficiaries. The criteria for establishing child dependency were designed not only for the protection of the family as a unit and to accord with probable needs, but to facilitate the administration of the act by making it unnecessary to inquire in each case into the details of economic dependency.

More striking than any of the present variations based on sex is the proposal to reduce from 65 to 60 the eligibility age for a woman who is otherwise qualified for benefits whether as wife, widow, or parent, or on the basis of her own earnings. Whereas the present differentiations apply only where a marital relationship is involved, this change would for the first time make a distinction between insured men and insured women in the rights based upon their individual earnings. The Social Security Board bases this recommendation on what it believes to be differences in fact. One of these is that women when they are in their sixties have greater difficulty in getting or keeping positions than do men of the same age. The other is that wives are ordinarily younger than their husbands with the result that when a worker retires at 65 there is usually a lag before the wife reaches 65 and becomes eligible for benefits as the wife of an insured worker.

CONGRESS AND STATE LEGISLATURES WOULD BE RESTRICTED IN DEALING WITH SOCIAL-SECURITY LEGISLATION

Differences in earnings and occupation, differences in age, differences between married persons and single persons, differences between spouses and parents, differences between parents and collateral relatives, and differences between men and women are among those which Congress has hitherto been free to take into consideration in the development of the social-security program. Aside, therefore, from its effect on the present provisions of the act, the amendment might compel a drastic change in the basis on which social security legislation may be developed in the future. However, the amendment is ultimately construed, its legal effect appears to be in the direction of tying rather than in freeing the hands of Congress and of State legislatures in dealing with such legislation.

ADMINISTRATION OF PROGRAM WOULD BE DISRUPTED

If the amendment should be adopted and Congress should leave the Social Security Act unchanged, litigations involving the constitutionality of these features of the old-age and survivors insurance program would seem very probable. On the other hand, if Congress acted to eliminate these differentiations, it might do so by providing the same benefits for men as are now provided for women, thereby increasing the cost of the system, by eliminating benefits now provided for women that are not also provided for men, or by decreasing the benefits for women under certain circumstances and providing equal benefits for men under the same circumstances.

The amendment would have a disrupting effect on the administration of the program also, because of the uncertainties which it would introduce into the field of State law. In determining whether an applicant for old-age or survivors benefits is the wife, widow, child, or parent of an insured person, the Board is required to apply the law which would be applied in determining the devolution of intestate personal property in the State in which the insured is domiciled. The laws involved vary greatly from State to State and embrace such matters as marriage and divorce, adoption, guardianship, and the law of interstate property, as to which there are many differentiations based on sex. It is quite impossible to estimate the effect of the amendment in this broad field.

The statements contained in this letter are my own and are not intended to represent the position of the Social Security Board or the Federal Security Agency.

EXHIBIT B

These lawyers and legal scholars regardless of party and regardless of political or economic views, oppose the so-called equal-rights amendment and endorse the statement set forth herein, on the legal implications of the proposed amendment, prepared by Prof. Paul Freund, of the Harvard Law School.

Clarence Manion, dean of the College of Law, University of Notre Dame, Indiana.

Silas Strawn, former president, American Bar Association.

Charles Warren, constitutional lawyer and author of The Supreme Court in United States History, Washington, D. C.

George Maurice Morris, former president, American Bar Association, Washington, D. C.

Marion J. Harron, judge, The Tax Court of the United States.

Walter Gellhorn, professor of law, Columbia University Law School.

Glenn A. McCleary, dean of the Law School, University of Missouri.

Dorothy Straus, lawyer, New York City.

D. W. Woodbridge, acting dean, department of jurisprudence, College of William and Mary, Williamsburg, Va.

Marvin C. Harrison, lawyer, Cleveland, Ohio.

M. R. Kirkwood, professor of law, Stanford University Law School, California.

Joseph Padway, general counsel for the AFL, Washington, D. C.

Leon Green, dean of the Law School, Northwestern University, Evanston, Ill.

Dorothy Kanyon, lawyer and former judge of municipal court, New York City.

E. Blythe Stason, dean of the Law School, University of Michigan.

Morris Ernst, lawyer, New York City.

William Draper Lewis, former dean, University of Pennsylvania Law School, Philadelphia.

Charles C. Burlingham, lawyer, New York City.

Patrick O'Brien, probate judge of Wayne County, Detroit, Mich.

Godfrey Schmidt, professor of law, Fordham University, New York City.

Robert H. Wettach, dean of the School of Law, University of North Carolina.

Isabel Simons, lawyer, Highland Park, Ill.

Patrick Nertney, lawyer, and chairman Detroit chapter, National Lawyers Guild, Detroit, Mich.

Walter Frank, lawyer, New York City.

Harry R. Trusler, dean of the College of Law, University of Florida.

Douglas B. Maggs, professor of law, Duke University School of Law, and former Solicitor, United States Department of Labor.

George Burke, former general counsel, OPA, Ann Arbor, Mich.

Gerald Reilly, lawyer, and member National Labor Relations Board.

William H. Holly, United States district judge, Chicago.

Roscoe Pound, former dean, Harvard Law School.

Everett Fraser, dean of the Law School, University of Minnesota.

Monte M. Lemann, lawyer, New Orleans, La.

Albert J. Harno, dean of the College of Law, University of Illinois.

Lowell Turrentine, acting dean, School of Law, Stanford University, California.

Willard Hurst, professor of law, University of Wisconsin Law School.

Francis Swietlik, dean of Marquette University Law School, Milwaukee, Wis.

N. Ruth Wood, lawyer, St. Louis, Mo.

Henry B. Witham, dean of Law School, Indiana University.

C. M. Finfrock, dean of the School of Law, Western Reserve University, Cleveland, Ohio.

Sayre MacNeil, dean of the School of Law, Loyola University, Los Angeles.

Frank Donner, counsel for the CIO, Washington, D. C.

E. Merrick Dodd, professor, law, Harvard Law School.

Harry Shulman, professor of law, Yale University Law School.

The following statement on legal implications of proposed Federal equal-rights amendment has been endorsed by deans and professors of 21 leading law schools and by eminent attorneys, jurists, and constitutional lawyers, including former presidents of the American Bar Association and the general counsel for the two great labor organizations:

"The proposed amendment to the Constitution reads as follows:

" 'That equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

" 'This amendment shall take effect 3 years after the date of ratification.'

"If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common-law provision dealing with the manyfold relations of women in society would be forced to run the gantlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

"Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the fourteenth amendment has long provided that no State shall deny to any person the equal protection of the laws, and that amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits, and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of Constitution decisions.

"Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but, rather, a rule of rigid equality. This branch of the dilemma is as repelling as the other. It appears to be accepted by what is currently the most authoritative statement on this amendment—the

report of the House Judiciary Committee (H. Rept. 907, 79th Cong., 1st sess., on H. J. Res. 49, dated July 12, 1945). The majority of the committee appears to recognize that under the amendment the many laws protecting the safety and welfare of women in industry would necessarily fall. The committee states: 'To say the least of the matter, many of the large organizations of women represented in hearings before the committee have expressed a sincere desire to waive the so-called preferential benefits now accorded to women by various laws so as to permit them to follow economic activities from which they are now excluded.'

"It would not be feasible to attempt to enumerate the wide variety of laws and rules of the common law which would fall under the impact of the amendment. Some conception of their scope may, however, be given by recalling the variety of relationships in which women stand in the community. These relationships may be summarized as (a) wage earner; (b) member of a family; (c) citizen; (d) individual. The law has recognized and attempted to deal with these relationships in a concrete way. Doubtless there are difficulties and anachronisms in the law which should be remedied. But the method adopted by the amendment is to ignore the basis for all that has been at the foundation of these measures, and to substitute an abstract rule of thumb. The practical effect of such a course can be suggested by referring briefly to each of the four categories mentioned above.

"(a) As wage earners: One of the most familiar forms of legislation is that which confers special protection on women in industry through the prohibition of employment in hazardous occupations and through regulation of night work and maximum hours of labor. Presumably the long struggle to place these protective measures on the statute books would be set at naught by the adoption of the amendment. Specifically, such statutes would apparently have to be held invalid as denying to women the equal right to work or as denying to men the equal right of protection under the law, for, it is noted, the amendment requires equality of rights under the law, permitting either men or women to claim exact equality. How the problem would be met can only be left to conjecture. If a State legislature failed to revise the laws giving special protection to women in certain industries, it is left uncertain whether the entire pattern of industrial legislation would be torn apart by judicial decision or whether a court would undertake to legislate by raising the same protection for men. Surely the work of generations ought not to be left to this blind hazard.

"(b) As members of the family: Legislation in the latter part of the nineteenth and early part of the twentieth century commonly known as married women's acts fairly universally in this country removed the disabilities which the common law had placed upon married women with respect to the right to sue and be sued, the right to own separate property, and the right to engage in commercial transactions. It is true that in some States certain remnants of these disabilities have persisted. In a few States, for example, a married woman may not become a surety for her husband's debts on the theory that she might otherwise be imposed upon; if the reason which had led some States to retain this disability is not a sufficient one, the disability should, of course, be removed by further legislation.

"Similarly, in a few States a married woman's earnings, while belonging to her if they result from work outside the home, are held to enure to the husband if they are produced by working inside the home. Whether this is a fair adjustment in view of the husband's primary duty to support the family may be a fairly debatable question, which again can be resolved by further legislation if further reform is thought desirable. The proposed amendment would leave no room for legislative experiment along these lines, but would impose a requirement of absolute equality in the property rights of husband and wife.

"More seriously, it would presumably abolish the common rule whereby a husband has the primary duty of support toward his family, and whereby in many jurisdictions failure to render such support is a ground for separation or divorce. Precisely how the law of support is to be transformed as a result of the amendment is by no means clear. The concept of a primary duty does not lend itself to a rule of equality.

"The very least that can be said is that the complex and delicate field of marital relationships and divorce, into which Congress has sedulously declined to enter in the past, would now be gravely affected by the tangential force of a constitutional amendment, which would not even rest on a study of the manifold problems involved.

"It is worthy of note that the community property systems of eight Western States, which have evolved differently from the common law systems and which, in general, have recognized for a longer period the coordinate status of husband and wife, nevertheless contain inequalities which would doubtless be rendered invalid under the amendment. Thus, the husband is generally regarded as a kind of managing partner with special powers not possessed by the wife in respect of community property. Legislation would doubtless be required to produce conformity with the dictates of the amendment, and the ramifications of such legislation, particularly with respect to the special tax status of persons owning community property, cannot be predicted with certainty.

"(c) As citizens. While the suffrage amendment and other legislation have generally guaranteed to women an equality of civil and political rights, there remain some gaps which it is undoubtedly one purpose of the amendment to close. One of these is the distinction drawn in some States between the obligation of men and that of women for jury service. But whether the amendment would in fact require a change in this field is itself uncertain, since it is fairly arguable that jury service is not a right but a duty, and hence not within the scope of the amendment. Indeed, the amendment opens up a whole field of potential controversy turning on distinction between rights and duties.

"(d) As individuals. A common legislative difference in the treatment of men and women concerns the age of majority, which is generally lower for the latter. This difference has long been accepted as reflecting physical realities. Presumably the distinction would no longer be valid. But if a legislature failed to change the law, the outcome would present something of a legal puzzle. If the age of majority for men is 18 and women 16, it can hardly be foretold whether equality would require a lowering of the former or a raising of the latter. If the standard be that of the greater right, it could be asserted that the lower age for women provides a greater right to marry but at the same time a more restricted right to annul on the ground of minority. How a court would solve the conundrum is, like most problems created by the proposed amendment, a matter purely of speculation.

"The basic fallacy in the proposed amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

"PAUL FREUND,
"Professor of Law, Harvard Law School."

Among the views expressed on the so-called equal rights amendment, the following are of special interest:

Joseph P. Chamberlain, professor of law, Columbia University Law School: "The passage of the amendment will create uncertainty and confusion in the wide fields of the law of property, of personal status, of marriage. It may destroy all labor legislation protecting women. Existing evils can and should be met by legislation aimed to cure them, such as the equal pay bill now before Congress. This proposal is a leap in the dark and has no place in the Constitution."

Silas H. Strawn, former president of the American Bar Association: "The amendment would inevitably invalidate many of the State laws protecting the American home and which protect women in industry."

E. Blythe Stason, dean of the University of Michigan Law School: "Physiological facts create the absolute necessity of numerous instances of differentiation in the law between the sexes affording protection for women not required for men. The proposed amendment would certainly throw the bulk of such legislation now on the statute books into a state of confusion and uncertainty, if it did not, in fact, result in complete elimination of such legislation from the statute books."

Judge William H. Holly, United States district court, Chicago: "If the proposed 'equal-rights amendment' to our Federal Constitution should be given the interpretation of which it seems capable, it would destroy the work of the years that have been given to secure the passage of the laws for the protection of women in industry. I fear that back of those who are openly advocating the amendment are the interests which desire to be rid of those laws."

Thurman Arnold, former associate justice of the United States Court of Appeals for the District of Columbia: "I am opposed to the so-called equal-rights amendment to the Constitution. There is no necessity for a constitutional amendment on this subject. The proposed amendment would confuse existing law to an intolerable extent and lead to endless litigation."

Judge Marion J. Harron, The Tax Court of the United States: "If adopted, the so-called equal rights amendment will cause chaos in 48 States in the status of all laws relating to women. It will wipe out many laws which have established standards for the employment of women in industry."

The following organizations oppose the equal rights amendment:

American Association of University Women; American Civil Liberties Union; Amalgamated Clothing Workers of America; American Communications Association; American Federation of Hosiery Workers; American Federation of Labor; American Federation of Teachers; American Federation of Women's Auxiliaries of Labor; Brotherhood of Boilermakers, Iron Ship Builders and Helpers Union; Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Railroad Trainmen; Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees; Congress of Industrial Organizations; Congress of Women's Auxiliaries of the CIO; Food, Tobacco, Agricultural, and Allied Workers Union of America.

Girls' Friendly Society of the United States; Glass Bottle Blowers' Association of the United States and Canada; International Coordinating Committee, UAW Auxiliary; International Ladies' Garment Workers' Union; International Union United Automobile, Aircraft, Agricultural Implement Workers of America, CIO; League of Women Shoppers, Inc.; National Citizens Political Action Com-

mittee; National Consumers League; National Council of Catholic Women; National Council of Jewish Women; National Council of Negro Women; National Farmers Union; National Federation of Post Office Clerks; National Federation of Settlements, Inc.; National League of Women Voters; National Maritime Union, Women's Auxiliary.

National Women's Trade Union League of America; Service Star Legion, Inc.; State County, and Municipal Workers of America; the National Board of the Young Women's Christian Associations of the United States of America; Union for Democratic Action; United Electrical Radio and Machine Workers of America, CIO; United Federal Workers of America, CIO; United Hatters, Cap, and Millinery Workers International Union; United Office and Professional Workers of America, CIO; United Packinghouse Workers of America; United Rubber Workers of America, CIO; United Steel Workers of America; Women's National Homeopathic Medical Fraternity; National Committee To Defeat the Unequal Rights Amendment, Washington, D. C.

EXHIBIT C

NEW YORK

Legislation that will be jeopardized by passage of the so-called equal rights amendment:

I. FOR WIVES AND MOTHERS

The husband's primary legal obligation to support his family (common-law rule).

Security for support required from the husband for the wife when he annuls the marriage because of her insanity (Cahill's consolidated laws, 1930, ch. 14, sec. 7; supp. 1936, ch. 14, sec. 7a).

Right to protection through legal separation when the husband neglects or refuses proper support (Civil Practice Act, sec. 1161).

Age of consent to marriage lower for females (Cahill's consolidated laws, 1930, ch. 14, sec. 15; supp. 1931–35, ch. 14, sec. 15).

II. FOR WIDOWS

Right of the widow to occupy rent-free for a 40-day period her husband's dwelling, also to have her living expenses for that period from the estate (Cahill's consolidated laws, 1930, ch. 51, sec. 204).

Continuance of the husband's homestead exemption to his widow for her lifetime (Civil Practice Act, sec. 674).

III. FOR WORKING WOMEN

Hours of work—8 a day, 48 a week (consolidated laws (Cahill) 1930, ch. 32, sec. 173; cumulative supplement 1931–35, ch. 32, sec. 172; session laws: 1937, chs. 281, 282, 283, 660; 1938, ch. 651; 1939, ch. 499; 1940, ch. 216; 1941, ch. 33; 1942, chs. 778, 554 (art. 8); 1943, chs. 171 and 315; 1944, ch. 412).

Day of rest (for men also) (session laws: 1941, ch. 281).

Meal period (for men also) (session laws: 1937, chs. 84, 283).

Night work (consolidated laws (Cahill) 1930, ch. 32, secs. 172–172 (2); session laws: 1937, chs. 281, 282, 283; 1938, ch. 651; 1939, ch. 499; 1940, ch. 216; 1942, ch. 778).

Providing seats (Consolidated Code (Cahill) 1930, ch. 32, secs. 2, 150).

Prohibitory: in or in connection with a mine or quarry (ibid., ch. 32, sec. 146 (6)); conductors or guards on any type of railroad (for females under 21) (ibid., sec. 146 (9)); messenger for telegraph or messenger company (for females under 21) (ibid., sec. 146 (10)).

Lifting or carrying heavy weights (ibid., ch. 32, secs. 383, 146 (7), 147; session laws: 1938, ch. 657; Department of Labor, Industrial Code rule No. 10 (1942)).

Equal pay (session laws: 1944, ch. 793).

Minimum wage (for men also) (consolidated laws (Cahill), supp. 1937, ch. 32, secs. 550–566; session laws: 1939, chs. 244, 499; 1942, ch. 693; 1944, ch. 792).

Industrial homework (consolidated laws (Cahill), supp. 1931–35, ch. 32, arts. 4, 5, and 13, secs. 350–363; session laws: 1940, chs. 386, 422; 1942, ch. 659; Department of Labor, homework orders 1–4).

Employment before and after childbirth (consolidated laws (Cahill) 1930, ch. 32, sec. 148).

EXHIBIT D

Employment of women in retail trade, in States in which mandatory wage rates became effective under minimum-wage laws between October 1935 and October 1939

State	Date of order	Percent of all employees in retail trade who were women	
		1935	1939
Arkansas	1937 [1]	25.4	30.0
Arizona	Feb. 1, 1939	27.5	28.5
Colorado	June 16, 1939	31.5	33.8
District of Columbia	Feb. 14, 1938	34.2	35.8
Kentucky	June 1, 1939 [2]	28.1	30.4
Massachusetts	Oct. 1, 1937	32.0	35.4
Minnesota	1937 [2]	35.0	38.2
Nevada	1937 [1]	26.8	27.6

[1] Wage fixed in law.
[2] A general order.

Source: U. S. Department of Labor, Women's Bureau, Washington, D. C.

Employment of women as wage earners in manufacturing in States in which legal hours for women were materially shortened between 1929 and 1939

State	Legal hour limitations in effect in—				Percent of all wage earners in manufacturing who were women	
	1929		1939			
	Daily	Weekly	Daily	Weekly	1929	1939
Connecticut	10	55	9	48	25.1	30.2
Illinois	10	None	8	48	19.9	25.0
Louisiana	10	60	8	[1]48	11.1	15.8
New Hampshire	10¼	54	10	48	31.8	31.5
North Carolina	11	60	9	48	30.9	35.2
Ohio	9	50	8	[2]45	15.3	17.7
Oregon	9	48	8	44	11.9	14.8
Pennsylvania	10	54	8	44	22.6	26.3
Rhode Island	10	54	9	48	36.3	40.7
Virginia	10	None	9	48	23.1	29.0

[1] 9 a day, 54 a week in cities of less than 6,000 population.
[2] In manufacturing only.

Source: U. S. Department of Labor, Women's Bureau, Washington, D. C.

PRICE CONTROL AND REGULATION

Mr. GUFFEY obtained the floor.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. GUFFEY. I yield to the Senator, who wishes to make a 10-minute speech. I yield to him for that purpose.

Mr. WILEY. Mr. President, I appreciate the courtesy of the Senator from Pennsylvania. First, I wish briefly to refer for the purpose of the RECORD to what occurred earlier in the day. The Senator from Maryland [Mr. RADCLIFFE] was very kind to yield to to me as he did. Then the Senator from Vermont objected, on the ground that the Senator from Maryland could not yield to me without losing the floor. I then suggested to the occupant of the chair, in order to harmonize the situation, that the Senator from Vermont have the floor, and it was granted him, and he spoke for 40 minutes. I assumed that I would at least be given the courtesy of having it indicated that I had yielded, but apparently that was not done. So I express my sincere appreciation to the Senator from Pennsylvania for his gentlemanly conduct and understanding of my position.

GIVE AMERICAN FREE ENTERPRISE A BREATHING SPELL FROM GOVERNMENT REGIMENTATION

Mr. President, on Tuesday the OPA bill was sent to conference by the House of Representatives. No one rejoiced over this action except the state socialists, the collectivists, the Communists, and the pinks who want to maintain and increase Government strangulation over American free enterprise and those frightened, deluded folks who have been so completely upset and unpoised by OPA scare propaganda that they do not recognize that they are being hoodwinked by these collectivists.

Mr. President, in the past several weeks, when the OPA debate was on, I made a number of points about the necessity of us having a free economy at the earliest possible date rather than continue this slow strangulation process of OPA rule. I want to enumerate some of these points and to add several points now.

NEED FOR FREE PERIOD

First. OPA is dead. The President killed it by his veto of the compromise extension bill. Let it stay dead until the American free enterprise system has had at the minimum a 60 to 90 day breathing spell. During this period, our system could demonstrate its fundamental soundness in satisfying America's needs through retailers, distributors, producers, and farmers getting the cost of production plus a reasonable profit.

May I ask this question of the Porters and the Bowleses: "How did America ever get along before OPA, before they messed up the situation?" Were not prices regulated equitably by the laws of supply and demand? Did our people allow themselves to be gouged and chiseled when there was a free market and a free economy. Of course not. The American housewife has enough sense to regulate her purchases and the American producers, distributors, retailers, farmers, have enough decency and business sense to price things equitably.

We know we have to face this question of getting rid of Government controls sometime. Is there any politics in wanting to postpone this facing the issue? I leave the answer to my colleagues. Are we not as well situated now as we would be a year from now to return to a free economy? I believe we are better situated now, because if we have another year of Government-imposed restraints in peacetime, we will have more people confused and upset; we will have a national psychological condition that will be terribly unhealthy. The OPA is a form of vicious narcotic, and our system has literally become so drugged with it that it is hard to break our addiction to it. The time to break our addiction to this "OPA dope" is now.

If by a long chance, after the breathing-spell period without controls we find that a free economy is not adequate, then Congress can be called back into emergency session to meet the situation. I do not believe that such an eventuality will be necessary.

NO PATCHWORK BILL

Second. Let us not fashion out any new monstrosity bill containing a crazy quilt of items, immediately or later decontrolled or partially controlled, some items under Government regimentation, other items not, but every item in confusion. Let us have the courage of our convictions to rid the national scene, at least for a breathing-spell period, of the thirty-thousand-odd bureaucrats of this infernal agency who have been infesting this land with rules and regulations for the last 4 years.

RENT CONTROLS

Third. If rent controls are necessary—and they must be equitable for the property-owner as well as for the tenant, I maintain—let Congress make separate provision for them.

VITAL MINERAL SUBSIDIES

Fourth. Right now, subsidies should be continued only in the case of certain scarce and vital minerals, such as copper, lead, and zinc. Special provisions can be made for them without a general OPA bill.

ANTIDOTE FOR FEAR

Fifth. Let every pro-American commentator, every newspaperman, every editorialist, every citizen, accept the high challenge of antidoting the poisoned propaganda of fear which has been raging throughout this country, from OPA's propaganda ministry and other collectivist sources—the Communist Party, to name but one. Yes, Mr. President; that is what has been taking place. This country has been given a toboggan ride of fear, and at the head of the toboggan are the Bowleses and the Porters, using Government money to conduct this toboggan ride of fear.

This is the greatest challenge facing America today—to antidote OPA fear-mongering.

Once an American President said that "we have nothing to fear but fear itself." That is as true today as it was in 1933. Once Saint Paul said: "God hath not given us the spirit of fear, but of power and of love and of sound mind." That, too, is true and we must take it to heart.

Who then has been putting this fear into the hearts of the people? Who is it that is instilling this fear in the minds of the people of America? I issue the challenge to every newspaperman, editorialist and citizen to give heed. They will hear the facts and figures given today by my colleague the Senator from Nebraska [Mr. WHERRY], who will show the actual happenings in the markets. It is up to every one of us to counteract the insidious undermining of our national character, the destroying of our faith in the goodness of our brother, which is being stimulated by OPA terrorists.

CAREFUL BUYING

Sixth. Let every housewife, every consumer, buy with reasonable restraint, which is what we did before OPA, so that the few gougers and chiselers—and we always have them with us—who always seek to profiteer from such a situation are left with goods on their hands. Let us give a convincing demonstration that outrageous prices demanded by a few grafters and gougers can be brought down simply by the public refusing to patronize them.

CLEAR THINKING

Seventh. Let us straighten out our thinking so that we do not go "hog wild" when we see a few justifiable price increases in the case of certain vital foods and other commodities. Mr. President, we have been so miseducated that we have been ignoring the rises in luxury goods while we have magnified the few and necessary rises in certain essential food commodities. I have already drawn attention to our preoccupation with the insignificant rise in milk prices—nature's greatest food—while we ignored the huge increases in the prices of luxuries, liquors, and so forth.

I want to cite the instance of butter. There have been many complaints that the price of butter has unduly risen. Let us note the facts in this situation. To produce a pound of butter in any of the great dairy States requires around 10 quarts of milk with around 4 percent butterfat. For these 10 quarts, with his vastly increased feed and labor costs—and Senators must remember that labor costs and feed costs have increased—the farmer merely gets 7 cents a quart, that is, 70 cents for what will ultimately be the pound of butter. Then, the butterfat is made into butter at the creamery, it is sold to the distributors, from the distributor to the retailer, and from the retailer to you and to me.

Of course, there is the skim milk. Without the skim milk the price of butter would be extremely high. We have the situation of the farmer receiving about 7 cents a quart for his milk. Does that seem to be a high price to pay the farmer for a quart of milk? If anyone who hears me were to buy a cow, feed it, milk it, invest in the necessary facilities connected with dairying, how would he like it if he received only 7 cents a quart for the milk he produced? Let anyone who has any question in his mind about the adequacy of the price paid to the farmer try to produce milk. I say we must stop and think. I have spoken about gouging, but I say that the farmer is not a gouger.

In view of these facts, how can anyone complain that the farmer is mulcting the public? We know that if the farmer's average hourly pay were computed, it would average in almost every instance less than 50 cents per working hour and usually even far less than that compared to what the city dweller gets. We know too that if ever the farmer were to catch the strike mania—and he has never withheld production if he could get his cost of production plus a reasonable profit—that such a farm strike would make all these labor strikes look like schoolboy affairs.

I am satisfied, however, that if the Congress has the courage of its convictions and decontrols all agricultural products by ridding the country of OPA maladministration, the farmer will go all-out in production and that he will satisfy the food needs of our Nation and of the world.

CONSTRUCTIVE LABOR LAW

Eighth. I have pointed out the necessity for all-out production. Nothing but work will solve the present situation—not shirking, not loafing, not complaining. It is essential that Congress, before it adjourns, enact some form of constructive, pro-American labor legislation, such as the Case bill, or compulsory arbitration in key industries as a last resort.

If certain politically minded labor racketeer leaders should call a ruinous strike wave at the present time, while our free-enterprise system is trying to meet the situation, not only would we be plunged into ruinous inflation but the permanent stranglehold of state socialism would be forced on this people. It would be sheer madness in the present grave period to risk the chance of another crippling strike epidemic by allowing the one-sided Wagner Act to remain on the statute books as at present.

There is a rumor in town that some labor leaders have come to Washington to put the heat on the Chief Executive to force him to pressure Congress to restore OPA's strangulation on the economy. I hope this rumor is incorrect. I hope that these men are not being made the conscious or unconscious tools of those who want to make this a socialistic state—meaning that all the people's affairs and living are under the control and regulation of the state. That is what is implied under OPA. OPA is one phase of a socialistic state, possibly justifiable in war, but never justifiable in peace.

END OPA TERRORIZING

Ninth. Let both Houses of Congress make known in no uncertain terms that they expect the Bowleses and the Porters and their cohorts, their political kinfolk, and the left-wingers, and the Communists who want to divide this Nation into camps, who have been using Government facilities to insinuate fear into the minds of the public, to cease and desist right now from their poisonous propaganda, from their undermining of our currency and of our price structure.

We know how gravely they have affected the morale of many sections of our population, including particularly the white-collar classes who have been living on fixed incomes and who have been scared by the lack of production and the resultant rising prices.

On many previous occasions I have pointed out the serious difficulties faced by those on fixed incomes, those who have not had wage increases while industrial labor was getting wage increases, while, for example, the Federal employees were getting wage increases.

It is simple justice that this fixed-income white-collar class get a decent living wage. But I do not want the school teacher, the clerks, the professional people to be scared out of their wits by the Bowleses and the Porters and their propaganda kinfolk now to the effect that their low incomes will not be able to buy any goods unless OPA con-

trols are clamped back on. The reverse is true. The insurance policies, the bonds, the savings of this clas will be worthless unless we can get into full production. And the only way to get into full production is by giving every producer the cost of production plus a reasonable profit.

END CLASS HATRED

Tenth. Let us counteract the dangerous frictions which have been aroused between the city and the country folks. Let us point out that what is essential is a balance between our industrial economy and our agricultural economy, that the farmer is as much entitled to his cost of production plus a reasonable profit, as is the factory employer or anyone else.

If the dangerous trend of the past continues, if more and more millions of our farms are deserted—and more than 10,000,000 farmers have left the farms in the last 10 years—if the remaining millions of farmers are largely reduced to the status of a peasant class, then we shall be faced with the gravest problem we have ever faced, namely, the getting of the barest essential foods.

I am sick and tired of the smearing of the farmers of America, sick and tired of the "farmers being farmed" by bureaucracy denying them their cost of production plus a reasonable profit. The Communists and the pinks in OPA and elsewhere have every intention of reducing our farmers to peasants, of creating a landless, homeless, rootless proletariat instead of a stable, sound, prosperous agriculture. Their efforts must be counteracted and the smearing of the farmers and the "farming of the farmers" must end.

CONCLUSIONS

Mr. President, the greatest challenge of the postwar era is upon us. Let us be adequate to that challenge now by dispensing with OPA. Let us strike a blow for freedom and against State socialism. I repeat, the establishment of State socialism would mean that the State would be given the power to control the individual's business, and to handle the affairs of the average citizen. Let us dispense with that. Instead, let us have free enterprise and full production. Let us be adequate to meet the challenge. Let us strike a blow for freedom and against State socialism; for free enterprise and against OPA planned economy; for full production and against OPA limited production; for reasonable and natural prices and against artificial, bureaucratic prices.

I thank the distinguished Senator from Pennsylvania.

REPORT ON PRICES OF LIVESTOCK AND OTHER COMMODITIES

Mr. WHERRY. Mr. President, will the Senator from Pennsylvania yield?

Mr. GUFFEY. How long does the Senator from Nebraska intend to speak?

Mr. WHERRY. I should like to place in the RECORD the market reports which I have received. I shall probably require not more than 10 minutes.

Mr. GUFFEY. I yield to the Senator from Nebraska.

Mr. WHERRY. Mr. President, in keeping with my daily practice for the past 2 weeks since OPA ceilings have been lifted, I bring again to the Senate market reports from the 12 principal markets of the country.

This morning I read in one of the Washington newspapers an editorial to the effect that prices have been skyrocketing. I wish to say that the evidence to the contrary is most convincing. I agree that there are isolated cases of skyrocketing prices and black-market operations, but I am firmly of the opinion that if we can continue for another week we can convince the most skeptical of all the fear peddlers in the United States that prices are seeking their own level. Despite the fact that the end of price control came so unexpectedly, prices are surprisingly normal at this time.

To show what the effect has been, at 12 principal markets this morning the receipts of cattle were 67,200 head. That is 82 percent larger than the receipts a week ago and 167 percent larger than the receipts for the corresponding day a year ago. Think of that.

Total cattle supplies at these markets for the first 4 days this week were 18 percent above those of a week ago and 63 percent above the supply for the comparable days a year ago.

The United States Department of Agriculture reports the Chicago cattle market yesterday as follows:

Only strictly choice to prime cattle were still reliably wanted on the close, with common, medium, good, and even low-choice steers and heifers unevenly 25 cents to $1 lower, with extreme late sales generally 50 cents to $1 down. Moreover, a moderate supply of medium- to average-good grass- and short-fed steers remained unsold late. Cows ruled unevenly steady to as much as 50 cents lower, with common and medium beef offerings showing the most decline and selling mostly 25 to 50 cents off. Even good cows weakened off in sympathy with the crumbling market on steers and heifers lacking finish, and at least a moderate supply of most grades of cows was still in first hands late.

"First hands" means that they were not sold. There was nobody to buy them.

Sausage bulls lost another 50 cents, rounding out a decline of mostly $1 from the recent high time.

The cattle market opened at Chicago this morning with a top of $25 per hundredweight for the best cattle available. Those are the AA prime beef steers, and there are only a few of them sold—one day only 11 head. We do not get that kind of beef unless we go to a hotel and really pay the tariff. The good-to-choice cattle provide the meat sold in most of the butcher shops. Those shops do not buy the $25 cattle. Very few of them are sold. They are bought mostly by black-market operators. They are not bought by most of the legitimate wholesalers. This price is off $1.35 from the top of yesterday, which was paid on only about one-tenth of 1 percent of the total cattle sold. And yet the top price is used in an effort to show that prices are skyrocketing, when only one-tenth of 1 percent brought $25 a hundred. We are not told about the good-to-choice cattle which are being bought and processed, cattle which sell from $18 to $19 a hundred, which is only about a dollar above the ceiling price.

This indicates how unrepresentative top quotations for cattle can be. The market was dull and slow, with very little action, and with bids generally off $1 to $1.20 and with some bids $2 per hundredweight lower than yesterday on some kinds.

That is what occurs when there is a competitive market, and when receipts are normal. Mind you, Mr. President, receipts are 167 percent more than they were a year ago today. That shows what can be done when meat is available.

Receipts of calves, sheep, and lambs also continued large this week. For the first 4 days of the week calf receipts at the 12 markets amounted to 60,000 head. That is up 14 percent from a week ago, and it is 71 percent more than for the comparable 4 days a year ago. Think of it; an increase of nearly 75 percent. Receipts of sheep were 181,200 head, up 84 percent from a week ago, and 43 percent for the comparable 4 days a year ago.

Extremely large receipts of hogs for Thursday were in evidence this morning. There is really a story to tell in this connection. Receipts of hogs at 12 midwestern markets amounted to 94,200 head, the largest day's receipts for the week, up 53 percent as compared with last Thursday, and more than 3½ times the receipts for Thursday a year ago. The total receipts at these markets for the first 4 days of the week amounted to 272,500 head of hogs, only slightly less than receipts for the first 4 days a week ago, and up 116 percent from a year ago.

With respect to prices, hog prices at Chicago this morning opened slow, with a top of $20, which is a drop of $2 per hundredweight from the extreme top of $22 paid yesterday during the early part of the market. That is the price for the top hogs. Very few hogs sold at the top price. Choice sows, which brought $20.75 at the top yesterday, were off $2.25 per hundredweight, selling at $18.50 early this morning. Later this morning hog prices dropped another $1, and choice hogs at the close of the market sold for $3 a hundred lower than they brought yesterday. I just received this information over the telephone. In some places the hog market is demoralized, and farmers are compelled to take the hogs back to the farm. The market cannot handle them. That information was given to me a moment ago over the telephone.

This shows what can be done without OPA. We are getting meat. If we continue to allow the markets to operate under open competitive conditions, and if we have another week of liquidations such as we have had this week, the retail markets will have available all classes of meats at prices below the ceiling prices during the last week of June.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the entire market report to which I have referred.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Reports on the livestock and meat situation from various parts of the country indicate that in many areas the market is beginning to reach the saturation point with large supplies of meat and lowering prices. Temporarily following the removal of price

control, prices moved upward because buyers were filling empty distribution pipe lines and consumers hadn't had meat for so long that they have been eager buyers. The effect of increasing consumer resistance was in evidence by the fact that only a few minutes after the $22 top for hog prices in Chicago was established yesterday, prices began to tumble, and later in the day the comparable hogs sold for $21. A further $1 drop to a top of $20 today shows the effect of increased supplies and consumers backing away from high prices, in evidence as the result of the free market. A similar sharply downward trend was reflected in the early top for the best cattle available in Chicago today, of $25, which was off $1.35 from yesterday's top.

A report on the livestock market this morning is summarized as follows:

Cattle receipts at 12 markets today were unusually large for Thursday, amounting to 67,200 head, 82 percent larger than a week ago, and 167 percent larger than the same day a year ago. Total cattle supplies at these markets for the first 4 days this week were 18 percent above those of a week ago, and 63 percent above the supply for the comparable days a year ago.

The United States Department of Agriculture reports the Chicago cattle market yesterday as follows:

"Only strictly choice to prime cattle were still reliably wanted on the close, with common, medium, good, and even low-choice steers and heifers unevenly 25 cents to $1 lower, with extreme late sales generally 50 cents to $1 down. Moreover, a moderate supply of medium- to average-good grassy and short-fed steers remained unsold late. Cows ruled unevenly steady to as much as 50 cents lower, with common and medium beef offerings showing the most decline and selling mostly 25 cents to 50 cents off. Even good cows weakened off late in sympathy with the crumbling market on steers and heifers lacking finish, and at least a moderate supply of most grades of cows was still in first hands late. Sausage bulls lost another 50 cents, rounding out a decline of mostly $1 from the recent high time."

The cattle market opened at Chicago this morning with a top of $25 per hundredweight for the best cattle available. This is off $1 to $1.35 from the top of yesterday, which was paid on only about one-tenth of 1 percent of the total cattle sold. This indicates how unrepresentative top quotations for cattle can be. The market was dull and slow, with very little action, and with bids generally off $1 to $1.50 and with some bids $2 per hundredweight lower than yesterday on some kinds.

Receipts of calves and sheep and lambs also continued large this week. For the first 4 days of the week calf receipts at 12 markets amounted to 60,000 head, up 14 percent from a week ago, 71 percent for the comparable 4 days a year ago. Sheep totaled 181,200 head, up 84 percent from a week ago, and 43 percent for the comparable 4 days a year ago.

Extremely large receipts of hogs for Thursday were in evidence this morning. Receipts of hogs at 12 midwestern markets amounted to 94,200 head, the largest day's receipts for the week, up 53 percent as compared with last Thursday, and over 3½ times the receipts for Thursday a year ago. Total receipts at these markets for the first 4 days of the week now amount to 272,500 head, only slightly less than receipts for the first 4 days a week ago, and up 116 percent from a year ago.

Hog prices at Chicago this morning opened slow, with a top of $20, which is a drop of $2 per hundredweight from the extreme top of $22 paid here yesterday during the early part of the market. Choice sows which brought $20.75 at the top yesterday were off $2.25 per hundredweight, selling at $18.50 early this morning. Later this morning hog prices dropped another $1 and choice hogs now (11 a. m.) are being purchased freely at prices $3 a hundred below yesterday's top.

Sharply increased receipts today will mean even more meat for housewives in the near future. The beneficial effects of decontrol are becoming more and more in evidence as meat supplies for consumers increase and as housewives can once more assert themselves on the prices they are willing to pay. Reinstatement of unworkable and unenforceable controls would immediately dry up market supplies for consumers and would seriously discourage future production, especially in view of rapidly developing bumper feed crops.

Mr. WHERRY. In the New York Times for today, July 18, I find the following editorial:

PRICE ADVANCES

In evaluating the reports concerning price changes since the veto of the OPA bill, those increases which are general in nature and those which are not should be distinguished. It is also important to distinguish among the various factors which have accounted for these increases. Thus, for example, it seems fairly clear that to date the general increases have been confined primarily to foods. While some sporadic increases have been reported for rents and nonfood items, they have not been general in nature except in instances where OPA previously had approved price increases, such as for shoes. The widespread pledges of retailers to hold OPA price ceilings as long as possible undoubtedly have been an influential factor in holding the prices of nonfoods relatively stable. Among foods the general increases above former OPA ceilings have taken place primarily for dairy products, including milk, butter, and cheese, meat products, grain products, and, to some extent, canned foods. Fresh fruits and vegetables and eggs, on the other hand, seem to have held relatively steady.

Mr. President, I interrupt the reading of the editorial for a moment, to say that this morning a representative of one of the largest commission firms in Washington sent word to me that his firm had cabbage and beans and everything else in their place of business, and that they had them in ample quantity, and that not one of the articles they had was selling above the OPA ceiling price, except oranges. They had cabbage and beans for a dollar a basket. I suppose some of them were not acceptable in the different grades; but he said, "They are there, and you can tell the people of this country that the produce is coming in here, and in my store today there is not one that is selling above the OPA ceiling price, except oranges."

Mr. President, I resume the reading of the editorial:

The increases in the prices of these foods have been due to several factors. The higher prices for milk, cheese, and butter—

Those are the higher prices of last week. Presently I shall state the price of butter today, and, taking into consideration the removal of the subsidy, it is about where it was before the OPA ceiling price was taken off.

Mr. President, I start the sentence again:

The higher prices for milk, cheese, and butter have reflected almost entirely the elimination of the large subsidies paid on these items. The subsidy factor has also been significant for meat, grains, coffee, and canned foods. It has been estimated that the elimination of subsidies would add about 10 percent to the cost of food. Another part of the increase, though it has carried some prices above the former OPA ceiling prices, has also meant a reduction compared with the former black-market prices actually paid. The Journal of Commerce has analyzed its price index to determine the factors accounting for the recent rise. Their study concludes that if the price index prior to July 1 is adjusted upward to include subsidies and black market prices, the actual rise has been only 6.3 percent instead of the 16.2 percent shown by the published figures. Undoubtedly there have been a number of instances where sellers have taken advantage of their new-found freedom and have charged substantially higher prices. But it seems clear that these instances are comparatively rare.

Thus, while it is true that many price increases have occurred, they have not been as widespread or as large as suggested by those who have been emphasizing the sensational rather than the typical. This is not to say that prices may not rise further or that they will not rise for items which thus far have been held relatively stable. It does mean, however, that the chaos forecast by the proponents of all-out price control has not developed, and that the transition to a free price system has been much more orderly than many people dared to hope.

Mr. President, that editorial was published in the New York Times of today, July 18.

I now ask unanimous consent to have an article from today's New York Times published at this point in the RECORD. I shall not go into it in detail; but the headline reads as follows: "Prices of grains go sharply lower—Cash deliveries close at low, with wheat off 5 cents; corn 2 to 6; oats, 2 to 5."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRICES OF GRAINS GO SHARPLY LOWER—CASH DELIVERIES CLOSE AT LOW, WITH WHEAT OFF 5 CENTS; CORN 2 TO 6; OATS 2 TO 5

CHICAGO, July 17.—Prices of grains declined today on the Board of Trade, and although corn and oats futures rallied from the low points, cash grains finished at the bottom prices with wheat off 5 cents a bushel; corn, 2 to 6 cents, and oats, 2 to 5 cents. Corn futures, after breaking 4⅞ cents at one time, rallied to close with net losses of 1⅜ to 1⅝ cents. At the bottom they were 13 cents under the high on Monday. Oats futures finished ½ cent higher to ⅛ cent lower than yesterday, short covering being the main influence. In Winnepeg rye futures lost 5 cents, the limit, were were 34 to 55½ cents higher than on July 1.

Reports from Washington that Office of Price Administration ceilings might be reimposed soon were a factor in slackening buying of cash grains. Bids for No. 2 yellow corn for 10-day shipment from the country were down to $2.21 after the close of the market, or 6 to 6½ cents lower than yesterday. Bids for August and September shipments of oats are based on the future, but brokers say the country is not interested in selling at the current low prices. Cash wheat is down 15 cents and oats over 20 cents from the recent high point.

Fears that current prices for cash corn, which are about 80 cents above the old OPA, may not be retained, resulted in country dealers selling grain freely, over 400,000 bushels changing hands.

Primary receipts of corn aggregated $1,090,000 bushels, compared with 962,000 a week ago and 1,208,000 a year ago. Shipments were 569,000 bushels, against 634,000 and 1,014,000, respectively.

Prices for the principal grains were as follows:

Chicago

CORN

	Open	High	Low	Close	Previous close	Last year
Jan.	1.63	1.66½	1.60	1.63	1.64⅞	------
Mar.	1.63½	1.66½	1.60	1.63¼	1.64⅝	------

OATS

July	0.81½	0.82⅛	0.80⅞	0.81⅝	0.81⅞	0.65
Aug.	.77¾	.78⅜	.76⅝	.77¾	.77¾	------
Sept.	.77½	.77½	.76½	.77⅛	.77¼	.63¾
Nov.	.76⅞	.77¼	.75⅜	.76⅞	.76½	------
Dec.	.77	.78	.76¼	.77⅜	.77¼	.64
Mar.	.78¾	.79⅜	.77⅜	.78¾	.78⅞	------

BARLEY

Closing prices: November, December, March, 1.41¾.

Minneapolis

WHEAT

	Open	High	Low	Close	Previous close	Last year
September	2.00	2.00	2.00	2.00	2.00¼	1.57⅞
December	------	------	------	2.05½	2.05½	------

BARLEY

Closing cash price, 3.80.

Winnipeg

OATS

Closing prices: July, October, December, .51½.

RYE

	Open	High	Low	Close	Previous close	Last year
July	------	------	------	2.81	------	1.61
October	2.31½	2.31½	2.31½	2.31½	2.36½	1.44¼
December	2.22⅜	2.22⅜	2.22⅜	2.22⅜	2.27⅜	1.40

BARLEY

Closing prices: July, October, December, .64¾.

Cash prices follow:

Chicago: Wheat, No. 1 hard, $2.06 to $2.09; No. 2 red, $2.05. Corn, No. 2 yellow, $2.23 to $2.27; No. 3 yellow, $2.22½ to $2.25. Oats, No. 2 white, 83¾ cents; No. 3 white heavy, 84¼ cents. Cash lard, 24.00b; loose lard, 22.87b.

Minneapolis: Wheat, No. 1 dark Northern, $2.33 to $2.35.

Kansas City: Wheat, No. 2 hard, $1.99 at $2.15.

Miscellaneous markets

WOOL TOPS

	High	Low	Close	Previous close
December 1946	140.5	140.0	140.0	140.0
May 1947	140.0	139.5	137.5	136.5
July 1947	136.5	136.5	136.0	136.5

Other closing bids (1946): July, 142.0; October, 140.0; 1947: March, 138.0; October, 135.5; December, 135.0. Spot par tops, 142.0.

GREASE WOOL

	High	Low	Close	Previous close
December 1946	97.0	97.0	96.5	96.5

Other closing bids (1946): June, 95.5; October, 96.1; (1947): March, May, July, October, 97.0; December, 96.6. Spot 95.5.

COCOA

Closing bids: June, September, December, 11.86,

Mr. WHERRY. Mr. President, I now give the figures for the butter market. This information has just come off the ticker, and has been handed to me while I have been addressing the Senate:

New York butter market July 18, 1946: Weaker one-fourth cent lower on 92 and 93 score; 1 cent lower on 90 score; one-half cent lower on 89 score; 93 score, 71 to 72 cents; 92 score, 70½ cents; 90 score, 69¼ cents; 89 score, 68¾ cents.

Mr. President, if we take into consideration the subsidy and deduct the subsidy from the prices I have just quoted—or, to put it another way, if we add the subsidy to what the ceiling price was—we find there has not been any increase in the price of butter to the people who buy it.

I should also like to have printed at this point in the RECORD, and I ask unanimous consent for that purpose, an editorial from the New York Sun of Wednesday, July 17. This editorial is one of the most interesting ones I have had the pleasure of reading. The Sun refers to various commodity prices. The reporters for the Sun made a survey in New York City. They took the OPA price which was charged before OPA was lifted, and they took the black-market price which they found, and they took yesterday's price, and they have compared them with today's price. All that information is set out in four columns. An examination of the figures discloses that, in most instances, if the subsidy is subtracted from the present prices for food products, there has been no increase in price at all; and meat prices are falling today from yesterday, as reflected in the livestock markets in the principal centers. The same is true as to the butter market, to which I have just referred.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOX SCORE OF CITY'S FOOD PRICES

Beef is backing up in wholesale meat houses here and a break in meat prices is imminent, a survey of trade sources disclosed today. In retail trading centers, butchers serving consumers in the lower-income brackets reported that their customers were refusing to buy and that they expected a price decline momentarily.

In a number of meat items, notably those in the luxury trade, declines from yesterday were noted. In the Bronx, along the Third Avenue shopping district, butchers were offering round steak at 42 cents per pound, down 2 cents from yesterday. Legs of lamb in that area and in Brooklyn were selling as low as 44 cents a pound again today, and the high mark was 70 cents, 5 cents below yesterday's high.

Clyde F. House, market news analyst here for the Department of Agriculture, reported that the New York wholesale markets were glutted with the largest supply of beef in years, but that it was not moving to consumers. Many wholesalers continue to deal with their old black-market suppliers, he said, and their prices are too high. These one-time black-market channels continue to control the bulk of the beef reaching the city, but the wholesalers' prices are being forced down to the prices set by the major packers. The packers' prices for choice beef, 21.8 cents per pound at wholesale before the end of price control, has increased from 36 to 42 cents a pound, House said. The wholesalers' choice beef, which sold at 50 to 55 cents a pound wholesale in the black market, is ranging downward to 40 to 45 cents a pound, he stated.

Reporters surveying the retail markets reported growing resentment on the part of retailers at the rise in meat prices. These butchers were unanimous in the opinion, however, that the rising supply would lower prices and many predicted that retail prices soon would be close to those legal under price control.

Below is a list of foodstuffs comparing OPA ceilings, black-market prices, quotations of yesterday, and what was being charged today:

	OPA price range	Black market price range	Yesterday's prices	Today's price range	Present supply
	Cents	*Cents*	*Cents*	*Cents*	
Butter	67	95	73-100	74-100	Plentiful.
Sirloin steak	40 -46	95-125	55-110	53-100	Good.
Round steak	40 -45	100	44- 75	42- 85	Do.
Rib roast	32 -36	90-110	44- 90	42- 90	Do.
Chuck roast	27 -32	85-100	35- 70	33- 70	Do.
Ground beef	28 -30	75-100	30- 60	32- 60	Do.
Veal loin chops	41 -48	85- 95	55- 85	55- 85	Poor.
Veal rib chops	38 -43	80- 95	59- 85	49- 85	Do.
Veal shoulder	27 -32	75- 90	32- 60	32- 60	Do.
Lamb rib chops	44 -51	78	48- 76	44- 80	Fair.
Leg of lamb	38 -45	90-110	44- 75	44- 70	Do.
Loin of pork	33 -36	80-100	42- 65	42- 65	Good.
Pork chops	31 -40	85- 90	49- 69	45- 74	Do.
Hams	35	100	39- 65	40- 75	Scarce.
Bacon, sliced	42 -43	75-100	40- 80	40- 80	Fair.
Apples	13½-14½	None	10- 19	19- 23	Scarce.
Wax snap beans	17 -19	None	15- 19	15- 20	Good.
Large lemons	10 -13½	None	12- 15	10- 20	Plentiful.
California oranges	11 -14	None	12- 15	10- 15	Do.
Bananas	10 -12	None	10- 15	10- 15	Good.
Chickens (dressed)	51	65- 80	49- 62	44- 62	Fair.
Fowl (dressed)	44	60- 70	44- 65	44- 62	Do.
Milk (in store)	16	None	18- 21	18- 21	Good.
Eggs (grade A)	55	None	58- 64	58- 67	Plentiful.
Mayonnaise (8 ounces)	15 -20	25- 30	20- 24	20- 36	Very scarce.
Pepper (1 ounce)	9 -11	None	10- 12	10- 12	Scarce.
Chili sauce	20 -29	25- 35	21- 33	21- 33	Fair.
Jelly (pound)	18 -28	35	19- 29	21- 33	Moderate.
Jam (pound)	26 -39	30- 50	25- 89	25- 89	Very scarce.
Cream cheese (3 ounces)	12	15	12- 15	12- 15	Fair.

Mr. WHERRY. Mr. President, I should also like to have printed in the RECORD an article which has just been handed to me. It is also from today's New York Times. The headline is:

Farmer offered one-fifth cent a pound for cabbage, gives them away just to get fields cleared.

Mr. President, the farmers do not know what to do with all the vegetables they have raised. They have larger crops than they have had for many years.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMER OFFERED ONE-FIFTH CENT A POUND FOR CABBAGES, GIVES THEM AWAY JUST TO GET FIELDS CLEARED

WEST NYACK, N. Y., July 17.—Autumn Van Den Heuval returned home to his farm here on Monday evening, weary and disgusted. He was weary from the twenty-odd-mile trip to the New York wholesale markets, and disgusted because he had been able to sell only 120 of the 300 boxes of cabbage he had trucked to the city. The others he had been unable to get rid of at any price because the markets were glutted, he said.

Mr. Van Den Heuval reported that the highest price he was offered in the New York market was 10 cents for a 50-pound box of cabbage and the box itself cost him exactly that amount. On the other hand, he said, the cheapest price to the consumer was $2 a box, or 4 cents a pound.

Mr. Van Den Heuval, a well-known Rockland County farmer and a descendent of an old Dutch family, still had a 5-acre field filled with cabbage, which he was anxious to clear so that he could plant beans. The prospect of cutting and clearing away the cabbage without any return was not a pleasant one. Suddenly Mr. Van Den Heuval had an idea.

He went to the office of the Journal-News in nearby Nyack and asked that publication to broadcast the news that anyone who wanted free cabbage could have all he wanted, merely by coming to the farm and cutting and removing it. The story was duly published. Within a few hours after publication it began to bring results.

Last night and all day today parties of motorists arrived at the farm at frequent intervals and sallied forth into the fields. As they toiled the principal topic of conversation, according to Mr. Van Den Heuval, was of the delights of sauerkraut, and the relative merits of various family recipes for its preparation. By nightfall Mr. Van Den Heuval estimated that at least 150 cars had taken away thousands of heads.

"This situation," Mr. Van Den Heuval said, "is what is ruining the food-production program in the United States. It is perfectly obvious why there is a food shortage."

Mr. Van Den Heuval still has 60,000 heads that may be obtained for the cutting and carting away by nondealers, but he plans to plow them under next Saturday if they are not carted away by then.

Mr. WHERRY. Mr. President, in closing, let me display to the Senate two photographs from the Kansas City Star. I do not imagine that the photographs can be duplicated in the CONGRESSIONAL RECORD, but I should like Senators to see them. One of them was published in the Kansas City Star for June 25, and it shows the cooling room of Swift & Co. during the last week of price control. In that mammoth cooling room there are just two carcasses of beef hanging. Look at the photograph, Mr. President. Just two beef carcasses are in that entire room.

On the other hand, here is a photograph taken yesterday, and there is scarcely any standing room left between all the carcasses hanging there.

Even though the photographs cannot be duplicated in the RECORD, I submit the text under them to be printed at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Beef for a meat-hungry city was accumulating in quantities today in the cooling rooms of Kansas City packers. The tempting array of potential steaks, roasts, and boiling cuts pictured [omitted in RECORD] which will begin reaching tables late this week, is in one of the Swift & Co. cooling rooms. Livestock receipts yesterday and today, entrance into the market by bidders for the packers and accelerated slaughtering in the absence of OPA controls make such promising scenes possible.

Kansas City's steak and roast prospect is depicted in this photograph [omitted in RECORD] made today in the Swift & Co. cooling room—two beef carcasses left over from last week. In normal times this and other similar rooms at all the Big Four packing plants would be jammed with cooling meats, pausing on the way to the retailer. Only one of the big companies was killing cattle today and it was reduced to one-tenth its normal operations.

Mr. WHERRY. Mr. President, I read in yesterday's Washington Times-Herald that 81 carloads of meat that had arrived in Washington had not been unloaded, and that meat was backing up to such an extent that it was expected that the price of meat would decrease, not only the wholesale price, but the dressed price, which, as I showed yesterday, was lower in New York yesterday than it was the week before.

Mr. President, I thank the Senator from Pennsylvania for giving me this much time.

Mr. WILEY. Mr. President, if the Senator will yield to me for a moment, let me ask whether it is true that one of the great benefits which has resulted from getting rid of OPA is that it has done away with a great segment of unlawful business known as the black market.

Mr. WHERRY. Certainly.

Mr. WILEY. That means that we have done away with that temptation for American citizens, and now they have an opportunity to be lawful, law-abiding citizens.

Mr. WHERRY. That is correct.

Mr. WILEY. And in place of having no meat, the markets of America are being flooded with meat, and once more we are operating on the basis of a free and open economy.

Mr. WHERRY. I thank the Senator from Wisconsin for his contribution. What he has said is absolutely true. The only way we shall get rid of the black markets is by having open, competitive markets. They will finally drive the black markets out.

Mr. President, I should like to say that a member of the Senate staff—not a Senator—brought into my office today an Arrow broadcloth white shirt which he purchased at Woodward & Lothrop's department store this morning for $2.50. Just think of that!

Mr. WILEY. After 2 years of trying to buy one!

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed consideration of the joint resolution (S. J. Res. 61) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. GUFFEY. Mr. President, this is a memorable occasion. We are going to give half our population their legal rights. Twenty-five years ago, in this Chamber, the Senate of the United States passed the Suffrage Amendment. That measure brought advancement to our women and great good to our country. Today we have the wonderful privilege of giving to our women the other rights they have actively sought for nearly a century. The country will long remember us for this forward step. The amendment for which we shall vote is much like the suffrage amendment. It reads:

TEXT OF EQUAL RIGHTS AMENDMENT AS NOW BEFORE CONGRESS

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

This amendment shall take effect 3 years after the date of ratification.

This amendment will give long awaited justice to the women of this land. The women have been very patient. Had men's rights been one-tenth part as obstructed and denied as have women's rights, we all know there would have been bloodshed long ago.

Ninety-eight years ago this very week, leading American women met and framed intelligently a list of rights that women needed and merited. Of this list, only suffrage has been granted. Now is the time, and most men feel that the scales of justice should be evened up, now, right here at home.

There is no word in legal or constitutional matters that takes the place of justice. There is no substitute. However well meaning some laws may be that give so-called protection, instead of justice they deny something to the individual which cannot be compensated by all the well-intentioned measures in the world. What kept the men and women of the countries of Europe, enslaved and devastated by the Nazis, from surrendering to their oppressors? It was that eternal hope of freedom born in the heart of mankind. It is this same hope of justice for which our women will continue to fight until the equal-rights amendment is part of the Constitution. Let us, Senators, do our part in helping the women by submitting this amendment to the States now.

They will just have time, if we all do our part, to win this cause a hundred years after their start in 1848. They feel, and I agree with them, that 100 years should be long enough to fight for the justice which should have been a birthright.

In closing I wish to quote that great labor leader, Samuel Gompers, who, 33 years ago, looking ahead saw the need for equality:

EXCERPTS FROM AN EDITORIAL BY SAMUEL GOMPERS IN THE AMERICAN FEDERATIONIST, AUGUST 1913

This woman movement is a movement for liberty, freedom of action and thought, tending toward a condition when women shall be accorded equal independence and responsibility with men, equal freedom of work and self-expression, equal legal protection and rights.

We should view with apprehension present sentiment in favor of setting up public and political agencies for securing industrial benefits for wage-earning women. These agencies would constitute a restriction upon freedom of action capable of serious abuses.

Instead of aiding women in the struggle for industrial betterment and freedom, we

should be foisting upon them fetters from which they would have to free themselves, in addition to the problems that now confront them, and we should still leave unsolved the problem essential to real freedom—self-discipline, development of individual responsibility, and initiative.

The industrial problems of women are not isolated, but are inextricably associated with those of men.

Mr. President, for the first time in almost 12 years during which I have served as a Member of this body, the senior Senator from New York [Mr. WAGNER] and I differ in respect to legislation. I refer specifically to the pending measure. We have stood together on every welfare measure, every labor measure, and on all other measures for the uplift of mankind, and for the improvement of the conditions of people who work. I wonder if he is aware that the New York State Legislature, on March 24 of this year, memorialized the Congress to pass the equal-rights amendment which is now under discussion.

The following resolution was adopted by the New York Assembly on March 24, 1946, without a dissenting vote, and was concurred in on the same day by the Senate. The resolution, which had been introduced in the assembly on February 7, 1945, by Mr. Orlo M. Brees, reads as follows:

Whereas the women of America have shared equally with men in the hardships and sacrifices incident to the building of this Nation; and

Whereas they have shared equally in the pain and distress which have been involved in the maintenance of the American Republic and the ideals of free government against the aggression of tyrants and have participated, and are today participating, in the battles precipitated by the enemies of freedom; and

Whereas this Nation was "conceived in liberty and dedicated to the proposition that all men are created equal," and such declaration has no actual or implied limitations on equality before the law by reason of sex; and

Whereas the rights of women before the law are much abridged in many States, and this legal discrimination on the basis of sex constitutes an intolerable burden upon thousands of women who are solely dependent upon their own efforts for their livelihood, and is a source of irritation to many thousands of others who recognize in this discrimination a flat contradiction of the American principle of equality, wholly out of accord with the status of American women which they have reached by their achievements in other fields of human endeavor: Now, therefore, be it

Resolved (*if the senate concur*), That the Congress of the United States be and it hereby is respectfully memorialized to adopt and submit to the several States and equal-rights amendment to the Constitution of the United States, which amendment is now pending before the Congress; and be it further

Resolved (*if the senate concur*), That copies of this resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the House of Representatives, and to each Member of Congress elected from the State of New York.

Mr. President, this amendment was favorably endorsed by the Republican National Convention of 1944 without any opposition. It was also endorsed at the Democratic National Convention in Chicago in 1944.

The merits of the case for the amendment were presented to the committee on resolutions by the Democratic national committeewoman from Pennsylvania, who happens to be my sister. Arguments were made before the same committee by Mrs. William Dick, representative of the Federation of Women's Clubs; by Mrs. Marion Marshall Mulligan, representing the National Federation of Business and Professional Women's Clubs; Dr. Bertha Van Hosen, representing the American Women's Medical Association; Miss Mathilde Fenberg, representing the National Federation of Women Lawyers; Mrs. Catherine Dobbs, representing the National Woman's Party; Mr. George Gordon Battle, nationally known attorney; Mrs. Mercedes Keely, member of the Democratic Platform Committee from Delaware, and Mrs. Perle Mesta, member of the Democratic National Committee from Arizona.

I should now like to refer to the list of governors of the States who have endorsed the equal-rights amendment. It has been endorsed by Governor Osborn, of Arizona; Governor Warren, of California; Governor Vivian, of Colorado; Governor Bacon, of Delaware; Governor Bottolfsen, of Idaho; Governor Green, of Illinois; Governor Schricker, of Indiana; Governor Hickenlooper, of Iowa; Governor Schoeppel, of Kansas; Governor Willis, of Kentucky; Governor Sewall, of Maine; Governor O'Conor, of Maryland; Governor Saltonstall, of Massachusetts; Governor Kelly, of Michigan; Governor Ford, of Montana; Governor Moses, of North Dakota; Governor Kerr, of Oklahoma; Governor Snell, of Oregon; Governor McGrath, of Rhode Island; Governor Johnston, of South Carolina; Governor Sharpe, of South Dakota; Governor Maw, of Utah; Governor Wills, of Vermont; Governor Langlie, of Washington; and Governor Hunt, of Wyoming.

I ask unanimous consent that the statements by the governors be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

GOVERNORS ENDORSE EQUAL RIGHTS AMENDMENT

ARIZONA

PHOENIX, *August 3, 1944.*

I give my endorsement to the proposed equal-rights amendment to the Federal Constitution, and I am pleased to do so, sincerely and wholeheartedly.

SIDNEY P. OSBORN,
Governor.

CALIFORNIA

SACRAMENTO, *August 1, 1944.*

The national platform of the Republican Party favors a constitutional amendment providing for equal rights for our men and women throughout the land. In California we shall labor to make that plank effective.

EARL WARREN,
Governor.

COLORADO

DENVER, *July 11, 1944.*

I find myself in entire accord with the pronouncements of the Republican National platform for 1944. Consequently, I am only too glad to endorse the equal-rights amendment contained in that document.

JOHN C. VIVIAN,
Governor.

DELAWARE

DOVER, *July 18, 1944.*

I personally endorse the equal-rights amendment and on tomorrow, July 19, the Republican Party (of Delaware) assembled in convention will adopt an equal rights plank in its platform.

WALTER W. BACON,
Governor.

IDAHO

BOISE, *July 10, 1944.*

I endorse wholeheartedly the equal-rights amendment. Idaho early recognized the rights of woman suffrage and has consistently maintained its position well to the front in establishing newer fields of similar thought.

C. A. BOTTOLFSEN, *Governor.*

ILLINOIS

SPRINGFIELD, *November 11, 1944.*

Passage by Congress and ratification by the States of a constitutional amendment providing equal rights for men and women as recommended in the Republican national platform would serve the just and very valuable purpose of ending discrimination against women that may now exist in certain States. As a State in which citizens of both sexes enjoy equal privileges and as a State whose general assembly enacted a law which provides equal pay for equal work for women, Illinois doubtless would ratify such a constitutional amendment.

DWIGHT H. GREEN, *Governor.*

INDIANA

INDIANAPOLIS, *January 29, 1944.*

I am pleased to tell you that I share your convictions on the proposed equal-rights amendment to the Federal Constitution. I have no doubt that our party will incorporate a supporting plank in both the State and National Democratic platforms this year.

HENRY F. SCHRICKER, *Governor.*

IOWA

DES MOINES, *April 15, 1944.*

Relative to the equal-rights amendment, I have always been for the amendment, and, as I told you in my former letter, I was instrumental in getting it into the Iowa platform.

B. B. HICKENLOOPER,
Governor.

KANSAS

TOPEKA, *July 11, 1944.*

As one of the Republican Governors who attended the Republican National Convention at Chicago, I want to say that I am back of the platform adopted by that great convention and you can count me in accordingly.

ANDREW F. SCHOEPPEL,
Governor.

KENTUCKY

LOUISVILLE, *September 15, 1944.*

The Republican platform this year, consistently with the party's position for many years, endorsed the proposal for an equal rights amendment to the Federal Constitution. I endorsed this action at the national convention of the Federated Republican Women's Club at Louisville on September 8 of this year.

It is my hope that the Congress may submit this amendment promptly and that it may be ratified by every State in the Union. Unfortunately, I cannot predict the action of the General Assembly of Kentucky to be elected next year, but I shall endeavor to persuade that body of the justice and propriety of prompt approval.

SIMEON WILLIS,
Governor.

MAINE

AUGUSTA, *July 19, 1944.*

"I am happy to add my personal endorsement to the platform plank adopted by the Republican National Convention favoring submission to the States of an amendment to the Constitution providing equal rights for men and women.

I firmly believe that job opportunities in the postwar world should be open to men and women alike, without discrimination in rate of pay because of sex.

SUMNER SEWALL,
Governor.

MARYLAND

ANNAPOLIS, *July 31, 1944.*

It is a pleasure to me to endorse unqualifiedly the equal-rights plank in the National Democratic platform, as I believe that it is a definite step forward in respect to our consideration of woman's part in the economic, social, and political life of the Nation.

It has been my conviction that discrimination provisions which adversely affect the women of our country are un-American and entirely out of step with the times. The Democratic Party now stands four-square on this important subject, and I am highly gratified at the favorable action in this regard.

HERBERT R. O'CONOR,
Governor.

MASSACHUSETTS

BOSTON, *August 8, 1944.*

If successful in my candidacy for the United State Senate in November, I shall hope to support the platform on which I am elected, including this plank for action on an amendment for equal rights for men and women.

LEVERETT SALTONSTALL,
Governor.

MICHIGAN

LANSING, *August 4, 1944.*

The equal-rights plank adopted by the Republican National Convention June 27, 1944, has my support.

HARRY F. KELLY, *Governor.*

MONTANA

HELENA, *July 19, 1944.*

Montana is fully in accord with equal-rights amendment plank of Republican Party. In my opinion, knowing people of Montana as I do, our legislature would promptly ratify such an amendment.

SAM C. FORD, *Governor.*

NORTH DAKOTA

BISMARCK, *August 2, 1944.*

I was a member of the platform and the resolutions committee of the Democratic National Convention and supported the amendment in the committee.

I believe it is fair and just, and I believe it ought to be enacted into law.

JOHN MOSES, *Governor.*

OKLAHOMA

OKLAHOMA CITY, *October 4, 1944.*

I am glad to inform you that the amendment has my unqualified endorsement. For your information, I am glad to advise you that my own State of Oklahoma adopted a constitutional amendment, voted on by the people in 1942, giving to women equal rights with men to hold any office within the State from Governor down. At that time I was candidate for Governor, and the amendment had my wholehearted support.

ROBT. S. KERR, *Governor.*

OREGON

SALEM, *July 19, 1944.*

Endorse woman's equal-rights Republican platform plank. Oregon has adopted laws in this direction, including community-property law similar to Oklahoma law, provision for the property rights of married women, protection and sole control of a married woman's separate property, and the repeal of civil disabilities. Cannot, of course, speak for legislature but believe if amendment passed by Congress, Oregon Legislature likely would look with favor upon question of ratification. Surely a Republican Congress would support the platform of the Republican National Convention.

EARL SNELL, *Governor.*

RHODE ISLAND

PROVIDENCE, *August 15, 1944.*

I am happy to endorse this measure which the Democratic Party has seen fit to include in its Democratic Party platform.

J. HOWARD MCGRATH, *Governor.*

SOUTH CAROLINA

COLUMBIA, *September 7, 1944.*

I wish to endorse fully the equal-rights plank for women in the national Democratic platform. This is a step forward in regard to the consideration of women's participation in the life of our country.

I am very pleased that the Democratic Party stands solidly in favor of this action.

OLIN D. JOHNSTON, *Governor.*

SOUTH DAKOTA

PIERRE, *July 27, 1944.*

The principle of equal pay for equal service commends itself to anyone as a matter of natural justice or equity, and really needs no endorsement. Its words and meaning carry their own endorsement.

On the broader part of the plank, specifying equal rights for men and women, will say that I favor that also and for the same reasons.

M. Q. SHARPE,
Governor.

UTAH

SALT LAKE CITY, *August 30, 1944.*

I personally very much approve of the equal-rights amendment to the Constitution, and will do whatever I can to bring about its adoption. Utah has always taken a lead in promoting equal rights for women. While it was yet a Territory, and long before most of the States in the Union realized the value of equal rights, Utah established women in their rightful place in government. Whatever we out here can do to assist the women of the Nation to enjoy the privileges they should will be done. I think we will have no difficulty in convincing the legislature of our State to support the amendment.

HERBERT B. MAW,
Governor.

VERMONT

MONTPELIER, *May 3, 1944.*

I feel that the equal-rights amendment is a recognition which is past due to the women of America. I am glad to endorse this amendment. I sincerely hope that it will soon be submitted to the States for ratification. Please count on me for any support which I can lend to this very worthy cause.

WILLIAM H. WILLS,
Governor.

WASHINGTON

OLYMPIA, *July 19, 1944.*

I strongly endorse the equal rights or so-called Lucretia Mott amendment to the Federal Constitution. Our State has long occupied a forward position in the matter of granting equal rights to women, as is evidenced by our very liberal community-property laws, and also by the fact that our last legislature enacted a bill prohibiting discrimination as between sex in the payment of wages for similar services. I believe that if this amendment were to be submitted to the States by Congress our State legislature would have no hesitancy in ratifying the amendment.

ARTHUR B. LANGLIE,
Governor.

WYOMING

CHEYENNE, *March 18, 1944.*

As Governor of the equality State, which was the first to give women the right to vote, I heartily endorse the Lucretia Mott amendment to the Constitution granting equal rights to women.

LESTER C. HUNT,
Governor.

Mr. GUFFEY. Mr. President, in the Charter of the United Nations adopted in San Francisco June 26, 1945, ratified by the United States Senate August 8, 1945, there are five references to equality for women. I repeat them, as follows:

PROVISIONS ON EQUALITY FOR WOMEN

PREAMBLE

We the peoples of the United Nations determined * * * to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small * * * have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I. PURPOSES AND PRINCIPLES

ARTICLE 1. The purposes of the United Nations are:

* * * * *

3. To achieve international cooperation * * * in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

* * * * *

CHAPTER III. ORGANS

ART. 8. The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV. THE GENERAL ASSEMBLY

ART. 13. SEC. I. The General Assembly shall initiate studies and make recommendations for the purpose of:

* * * * *

(b) Promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

* * * * *

CHAPTER IX. INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

ART. 55. With a view to the creation of conditions of stability and well-being * * * the United Nations shall promote:

* * * * *

(c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

ART. 56. All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in article 55.

* * * * *

CHAPTER XII. INTERNATIONAL TRUSTEESHIP SYSTEM

ART. 76. The basic objectives of the trusteeship system * * * shall be:

* * * * *

(c) To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

As all Senators know, the United Nations Charter was approved in the Senate by a vote of 89 to 2. I ask that the vote be included in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Yeas—89: Aiken, Andrews, Austin, Ball, Bankhead, Barkley, Bilbo, Brewster, Bridges, Briggs, Brooks, Buck, Burton, Bushfield, Butler, Byrd, Capehart, Capper, Carville, Chandler, Chavez, Connally, Cordon, Donnell, Downey, Eastland, Ellender, Ferguson, Fulbright, George, Gerry, Green, Guffey, Gurney, Hart, Hatch, Hawkes, Hayden, Hickenlooper, Hill, Hoey, Johnson of Colorado, Johnston of South Carolina, Kilgore, La Follette, Lucas, McCarran, McClellan, McFarland, McKellar, McMahon, Magnuson, Maybank, Mead, Millikin, Mitchell, Moore, Morse, Murdock, Murray, Myers, O'Daniel, O'Mahoney, Overton, Pepper, Radcliffe, Revercomb, Robertson, Russell, Saltonstall, Smith, Stewart, Taft, Taylor, Thomas of Oklahoma, Thomas of Utah, Tobey, Tunnell, Tydings, Vandenberg, Wagner, Walsh, Wheeler, Wherry, White, Wiley, Willis, Wilson, Young.

Nays—2: Langer, Shipstead.

Not voting—5: Bailey, Glass, Johnson of California, Reed, Thomas of Idaho.

Mr. GUFFEY. Mr. President, among the national organizations endorsing the amendment are the following:

American Alliance of Civil Service Women; American Council for Equal Legal Status; American Federation of Soroptimist Clubs; Alpha Iota Sorority; American Medical Women's Association, Inc.; American Society of Women Accountants; American Women's Society of Certified Public Accountants; Association of American Women Dentists; Avalon National Poetry Shrine; Congress of States Societies; General Federation of Women's Clubs; Ladies of the Grand Army of the Republic; Mary Ball Washington Association of America; Mothers and Women of America, Inc.; National Association of Colored Women; National Association of School Secretaries; National Association of Women; National Association of Women Lawyers; National Council of Women Chiropractors; National Education Association; Natonal Federation of Business and Professional Women's Clubs, Inc.; National Woman's Party; Osteopathic Women's National Association; Pilot International; St. Joan Society; We, the Mothers, Mobilize for America; Women's Auxiliary to the National Chiropractic Association; Women's National Democratic Club, Inc.; Women's National Relief Corps Auxiliary to the Grand Army of the Republic.

Mr. President, yesterday several Senators who are in opposition to the proposed amendment, especially the Senator from Missouri [Mr. DONNELL], showed much interest by way of presenting lists of individuals and societies opposed to the proposed constitutional amendment. I have a document which contains the statements of religious leaders who endorse the equal rights amendment, and from it I shall read the names of certain religious leaders, and read some statements of endorsement, and then ask that the whole document may be printed in the RECORD.

I give a few of the names as follows: The Reverend Dr. William H. Alderson, First Methodist Church, Bridgeport, Conn.; the Reverend W. Waldemar Argow, minister, Unitarian Church of Baltimore City, Md.; Dr. Henry A. Atkinson, general secretary, the Church Peace Union, New York; Dr. Roland H. Baiton, professor of ecclesiastical history, Yale University; the Reverend R. Ira Barnett, executive secretary, Methodist Board of Education, State of Florida, Lakeland, Fla.; Dr. Robbins W. Barstow, director, Commission for World Council Service, New York; the Reverend Dr. David Nelson Beach, pastor Center Church, New Haven, Conn.; the Reverend Dr. Bernard Iddings Bell, dean of the Episcopal Cathedral, Providence, R. I.; the Reverend Dr. Harold Bosley, minister, Mount Vernon Place Methodist Church, Baltimore, Md.; the Reverend Beverly M. Boyd, executive secretary, department, Christian Social Relations, Federal Council of Churches of Christ in America, New York; the Reverend Malcolm K. Burton, pastor, Second Congregational Church, New London, Conn.; the Reverend Thomas H. Campbell, pastor, Westville Congregational Church, New Haven, Conn.

I read the following, published in the Churchman of September 1, 1945:

GIVE WOMEN THEIR RIGHTS

It was 97 years ago, in Seneca Falls, N. Y., that the first woman's rights convention in the world's history was held. The leaders in the movement were Mrs. Elizabeth Cady Stanton and Mrs. Lucretia Mott. A statement read by Mrs. Stanton at that meeting said:

"We hold these truths to be self-evident, that all men and women are created equal, that they are endowed by their Creator with certain inalienable rights."

I continue to read the list of church leaders endorsing the equal rights amendment:

The Reverend Dr. Russell J. Clinchy, Center Church, Hartford, Conn.; the Reverend Donald B. Cloward, executive secretary, Council on Christian Social Progress, Northern Baptist Convention, New York City; the Reverend A. Powell Davies, minister, All Souls Church (Unitarian), Washington, D. C.; the Reverend Dr. Wilbur S. Deming, The First Congregational Church, Washington, Conn.

I shall now read the endorsements that were given by three heads of different religious faiths. First, I read what Dennis Cardinal Dougherty, archbishop of Philadelphia, wrote in September 1945:

Apropos of the equal-rights amendment to the Constitution, according to which it is proposed to given women full constitutional rights, I am glad to hear from you that His Excellency, President Truman, and also the Judiciary Committee of the House of Representatives are heartily in favor of this amendment. Personally I agree with them in this matter.

Then I read the statement by the Right Reverend G. Ashton Oldham, bishop of the diocese—Episcopal—of Albany, N. Y., in November 1945:

The proposed amendment to the Constitution for equal rights is so obviously right and just that I cannot see how there can be any debate on the matter. I am heartily in favor of it and should be happy to think that America might lead the world in this important step.

Then I read the statement made by the Reverend Dr. G. Bromley Oxnam, bishop of the Methodist Church, New York area, and president of the Federal Council of Churches of Christ in America, in November 1945:

I strongly favor the equal-rights amendment. It is a sad commentary upon modern society that full equality has not long since been given women. In an hour when liberty must be preserved and equality established, certain it is that both liberty and equality demand that no human being shall suffer disability of any kind because of sex. We need the amendment, but more, we need the spirit essential to its practice.

Mr. President, I ask that the document containing statements by religious leaders endorsing the equal rights amendment, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

RELIGIOUS LEADERS ENDORSE THE EQUAL RIGHTS AMENDMENT

The Reverend Dr. William H. Alderson, First Methodist Church, Bridgeport, Conn., November 1945:

"I always try to form my judgment on such questions as the equal-rights amendment on the basis of justice and common sense. It is therefore difficult to see how any reasonable opposition could be summoned against this proposal. I am for it and hope that it will be overwhelmingly supported."

The Reverend W. Waldemar Argow, minister, Unitarian Church of Baltimore City, Baltimore, Md., November 1945:

"I am glad to add my support to the Federal equal rights amendment. We in America pride ourselves upon the fact that we have only one law of justice for all, whether rich or poor, learned or unschooled, male or female. Yet this is a fiction. It is impossible to hold a person responsible if he has no rights and since women do not have equal rights with men, they should not be held accountable to the same laws. America is still in the half-free and half-slave stage—the men are the "free" and the women the slaves, for the simple reason that the absence of comparative rights with another makes one a slave. There follows close upon this the implication that those who are slaves are by that token inferior, unentitled to the same respect and consideration one offers the freeman. How long will we men continue to regard woman as a subspecies? Apparently the age of chivalry has not even begun. Since men and women have a common destiny, they must share in a common responsibility, and to this end they must have common or equal rights."

Dr. Henry A. Atkinson, general secretary, the Church Peace Union, New York, December 1945:

"I endorse the amendment. I am in favor of an amendment to the Constitution of the United States which will grant to women equal rights with men. This should mean equal economic opportunity as well as political equality. I am not satisfied, however, to pin all my hopes on such an amendment. We need a continual campaign, demanding that the laws be interpreted to mean equality for all people. Any new laws passed must help to clarify the situation and to strengthen existing laws. In addition, all our agencies—churches, social, and business—should be constantly on the alert to see that these laws are backed up by public opinion, which alone can make them effective."

Dr. Roland H. Baiton, professor of ecclesiastical history, Yale University, November 1945:

"I am in favor of any legislation aiming to given women wider opportunity, and I am glad to endorse the equal-rights amendment."

The Reverend R. Ira Barnett, executive secretary, Methodist Board of Education; State of Florida, Lakeland, Fla., February 1946:

"I favor the equal-rights amendment. Thank you for writing me. Success to you in all like efforts."

Dr. Robbins W. Barstow, director, Commission for World Council Service, American Committee for the World Council of Churches, New York, November 1945:

"I favor the equal rights amendment."

The Reverend Dr. David Nelson Beach, pastor, Center Church, New Haven, Conn., October 1945:

"Inertia has a strange and pervasive power to paralyze and prejudice. The growing recognition of the competence and character of women as independent citizens has always had to struggle against inertia. It will have to struggle to enact the equal-rights amendment to our Federal Constitution. And I count it my privilege to record my support, free and enthusiastic, for the amendment!"

The Reverend Dr. Bernard Iddings Bell, dean of the Episcopal Cathedral, Providence, R. I., November 1945:

"I have always believed and said that women should have by right and by law equal rights with men not only politically but economically—and equal pay for equal work. There is no sane argument against it, at least that I have heard. Of course I am for the equal-rights amendment to the Constitution of the United States."

The Reverend Dr. Harold Bosley, minister, Mt. Vernon Place Methodist Chuch, Baltimore, Md., November 1945:

"I should like to place myself on record as being wholeheartedly in favor of the equal-rights resolution which is now before the Congress of the United States. I sincerely hope that it will reach the ballots of this country because, I am convinced, the justice of its cause will commend it to the overwhelming majority of the American people. There is no more room for the double standard in the economic and political life of this Nation than in the realm of morals and ethics. When the equal-rights amendment takes its place in the Constitution of the United States of America, we will have taken another long step forward away from feudalism."

The Reverend Beverly M. Boyd, executive secretary, Department, Christian Social Relations, Federal Council of Churches of Christ in America, New York, September 1945:

"I regard it as just and fundamental to have the principle of legal equality for men and women as stated in the equal-rights amendment incorporated in the Constitution. I urge immediate favorable report of this amendment by the Senate Judiciary Subcommittee and wish this individual statement be laid before the committee as part of the hearing proceedings."

The Reverend Malcolm K. Burton, pastor, Second Congregational Church, New London, Conn., December 1945:

"I favor the equal-rights amendment."

The Reverend Thomas H. Campbell, pastor, Westville Congregational Church, New Haven, Conn., October 1945:

"A subservient legal status for women is an anachronism in the light of the professed ideals of our day. The passage of the equal-rights amendment is essential in closing the gap between these ideals and accepted practices. It would represent a step forward in the fulfillment of genuine democratic life in America."

The Churchman, September 1, 1945:

"Give women their rights: It was 97 years ago, in Seneca Falls, N. Y., that the first woman's rights convention in the world's history was held. The leaders in the movement were Mrs. Elizabeth Cady Stanton and Mrs. Lucretia Mott. A statement read by Mrs. Stanton at that meeting said: 'We hold these truths to be self-evident, that all men and women are created equal, that they are endowed by their Creator with certain inalienable rights.'

"Since then, under the leadership of many distinguished women, enormous advances toward complete equal rights under the law have been made. For some years, led by the National Woman's Party, a fight has been carried on for an amendment to the Constitution which will read: 'Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.' With the end of the war and the universal appreciation of the efficient contribution women have made to the war effort, including the field of industry, the campaign for the amendment is receiving strong backing, even from many who were formerly opposed to its adoption. We endorse the words of one of these, Dr. Worth M. Tippy, secretary emeritus of the Federal Council of Churches, who has recently said:

" 'Women should have wide open doors to employment. Wartime industries have shown that they are equal to any jobs for which they are individually fitted by aptitude and training. A full employment program should include women who desire work outside the home; also equal opportunities for night and day work, equal pay for equal work, equal opportunity for advancement, and equal protection of health, safety, and seniority. These rights, as also to property, to their own children, and to democracy in the home, should have this final legal status in the Constitution of the United States to safeguard these rights, to correct unfair practices and legislation, and to set a standard before the Nation. That this should be an issue, and should be necessary, is a humiliating revelation of our social lag.' "

The Reverend Dr. Russell J. Clinchy, Center Church, Hartford, Conn., December 1945:

"I am very glad to add my name to the list of those who are in favor of the equal-rights amendment to the Constitution. The civil rights and duties of men and women should be equal."

The Reverend Donald B. Cloward, executive secretary, Council on Christian Social Progress, Northern Baptist Convention, New York City, September 1945:

"The equal-rights amendment is a constructive measure and should be passed. Any legislation ought to protect individuals in accordance with need or the hazard of the job. And until wages and salaries are adjusted to meet basic family responsibilities, women in commerce and industry should receive equal pay with men for the same skills and performance.

"Numerous laws on the statute books seemingly enacted to protect women actually discriminate against them in favor of men. Only a uniform national law such as is proposed in the equal-rights amendment will correct this inequality."

The Reverend A. Powell Davies, minister, All Souls Church (Unitarian), Washington, D. C., November 1945:

"I am in full agreement with your program for the equal-rights amendment. All this should have been done long ago."

The Reverend Dr. Wilbur S. Deming, the First Congregational Church, Washington, Conn., November 1945:

"I heartily endorse the amendment (equal rights) and trust that it may soon be written into the law of the land."

Dennis Cardinal Dougherty, archbishop of Philadelphia, September 1945:

"Apropos of the equal-rights amendment to the Constitution, according to which it is proposed to give women full constitutional rights, I am glad to hear from you that His Excellency, President Truman, and also the Judiciary Committee of the House of Representatives, are heartily in favor of this amendment. Personally I agree with them in this matter."

Dr. Frederick May Eliot, president, American Unitarian Association, Boston, Mass.:

"It has long seemed to me that the equal-rights amendment to the Federal Constitution ought to be adopted, because it simply makes explicit and definite what I think the vast majority of the American people really want. Indeed, I suspect most Americans still take it for granted that the woman-suffrage amendment guarantees equality of rights for men and women, and when they discover that this is not so I am confident almost all of them would be ready and eager to take whatever steps may be necessary to accomplish the end they have in mind. If the use of my name would be of any value in the effort to promote the campaign for the adoption of this amendment, I should be very glad to have you use it."

The Reverend Dr. E. Kenneth Feaver, minister, Union Presbyterian Church, Laramie, Wyo., December 1945:

"It is with hearty approval that I lend my full support to the equal-rights amendment. The day has come when women should be permitted and encouraged to exercise their full rights of citizenship with equal opportunity alongside the men. Anything that I might be able to do in behalf of this movement I shall be glad to do."

Rabbi Abraham J. Feldman, Congregation Beth Israel, Hartford, Conn., December 1945:

"You may put me down as one who is in favor of the amendment for the assurance of equal rights to women."

The Reverend George M. Gibson, minister, United Churches of Hyde Park Congregational-Presbyterian Church, Chicago, Ill., November 1945:

"I wish to commend the equal-rights amendment now under discussion. I consider the purpose of this resolution in full keeping with the intent of American democracy, and feel that the measure is properly designed to meet the problem of inequalities on the basis of sex. Since these inequalities are a mere inheritance of the past, this measure, in my judgment, will bring the situation up to the public opinion already prepared."

Rabbi Robert E. Goldberg, Congregation Mishkan Israel, New Haven, Conn., December 1945:

"I favor the equal-rights amendment."

Greater Miami Ministerial Association, Miami, Fla., W. G. Staacener, president, in a letter to members of the Judiciary Committee of the House of Representatives, October 28, 1943:

"At a meeting of the executive board of the Greater Miami Ministerial Association on October 28 it was passed by a unanimous vote that our association express to you, a congressional leader, that in accordance with the democratic principles of our country we desire that the equal-rights amendment be given a hearing on the floor of Congress."

The Reverend Dr. Theodore Ainsworth Greene, minister, First Church of Christ, New Britain, Conn., November 1945:

"I am heartily in favor of the equal-rights amendment to the Constitution. We need to give women wider opportunities."

Dr. John L. Gregory, executive secretary, New Haven Council of Churches, November 1945:

"Equality of rights, I take it, was one of the goals of our founding fathers in the writing and approving of the Declaration of Independence. It is very definitely one of the goals of the Charter of the United Nations. As long as this just principle is ignored, we, as Americans, are living up neither to the first nor the last of our great governmental declarations. Discrimination of sex, in this regard, is absolutely incompatible with either the Christian or American ideal. Unless we are to continue as hypocrites, we must see to it that the equal-rights amendment becomes the law of the land."

Dr. Hugh Hartshorne, professor, Yale University Divinity School, New Haven, Conn., November 1945:

"I favor the equal-rights amendment."

The Reverend Fred Hoskins, minister, United Church, Bridgeport, Conn., November 1945:

"The passage of the equal-rights amendment is necessary to help close the gap between our profession and our practice. I hope the amendment will be adopted. I am glad to endorse it."

The Reverend Dr. Roy M. Houghton, Church of Christ Congregational, Milford, Conn., December 1945:

"I am heartily in favor of the equal-rights amendment."

Dr. E. Stanley Jones, internationally known author and missionary of the Methodist Church, November 1945:

"I believe it is the birthright of every person, regardless of race, color, sex, or religion, to have equality of opportunity in our society. We cannot give equality. That must be earned by character and achievement. But equality of opportunity is the birthright of each person as a person. I am, therefore, in the heartiest agreement with the equal-rights amendment."

The Reverend J. Oscar Lee, field secretary, Department of Race Relations, Federal Council of Churches of Christ in America, November 1945:

"For women who have contributed so much to the building of this great Nation, I covet and urge full equality under the law. Therefore, I favor the equal-rights amendment."

The Reverend Payson Miller, First Unitarian Congregational Society, Hartford, Conn., November 1945:

"To me it seems strange that there should be any debate about the desirability of the equal-rights amendment. A scientific view of society indicates that women should be treated as individuals on the same basis as men."

The Reverend Victor Nedzelnitsky, pastor, Russian Orthodox Church, New Haven, Conn., January 1946:

"I favor the equal-rights amendment."

Dr. William Stuart Nelson, dean, School of Religion, Howard University, Washington, D. C., January 1946:

"I wish to express my hearty endorsement of the equal-rights amendment. In my judgment, it offers women the best protection against inequalities to which they have traditionally been subjected and which in a true democracy are intolerable."

The Right Reverend G. Ashton Oldham, bishop of the diocese of Albany (Episcopal), New York, November 1945:

"The proposed amendment to the Constitution for equal rights is so obviously right and just that I cannot see how there can be any debate on the matter. I am heartily in favor of it and should be happy to think that America might lead the world in this important step."

The Reverend Dr. G. Bromley Oxnam, bishop of the Methodist Church, New York area, and president of the Federal Council of Churches of Christ in America, November 1945:

"I strongly favor the equal-rights amendment. It is a sad commentary upon modern society that full equality has not long since been given women. In an hour when liberty must be preserved and equality established, certain it is that both liberty and equality demand that no human being shall suffer disability of any kind because of sex. We need the amendment, but, more, we need the spirit essential to its practice."

The Reverend Dr. J. Melvin Prior, Central Baptist Church, Hartford, Conn., December 1945:

"For the life of me I can see no sound argument against the equal-rights amendment which would give women equal status before the law. What puzzles me is why we have not done it before. I hope that you will have success in your campaign."

Rabbi Jacob S. Raisin, rabbi emeritus, Congregation Beth Elohim, Charleston, S. C., September 1945:

"I heartily endorse the equal-rights amendment, for justice under the law regardless of sex is as fundamental a part of democracy as is the right to vote. Upon all of God's creatures regardless of color, sex, or creed let the divine spirit of justice rest."

The Reverend W. Glenn Roberts, general secretary, Connecticut Council of Churches, Hartford, Conn., November 1945:

"I am certain that the church would be doing violence to its own theology if it denied any person, regardless of sex or any other consideration, the fullest sort of opportunity for growth. The responsibilities of citizenship are certainly one important avenue of growth. It is time for civilized, Christian Americans to take the final step away from this idea that women are chattel and unimportant in their own right."

The Reverend John J. Snavely, First Methodist Church, Waterbury, Conn., November 1945:

"I favor the equal-rights amendment."

The Reverend Theodore G. Soares, professor of social ethics, California Institute of Technology:

"I thoroughly approve of the equal-rights amendment."

The Reverend Frank L. Stuck, minister, First Christian Church, Lakeland, Fla., February 1946:

"I wish to state that I favor the equal-rights amendment and look upon it as a step in the right direction for this modern day. Our nation asked women to serve in many ways during the recent war as their patriotic duty. Now it behooves our nation to see that they have equal rights as citizens."

Dr. Charles T. Thrift, dean, School of Religion, Florida Southern College, Lakeland, Fla., February 1946:

"I favor the equal-rights amendment. This amendment is long overdue."

Dr. Worth M. Tippy, secretary emeritus, Federal Council of Churches of Christ in America, July 1945:

"I have reversed my point of view about the equal-rights amendment, which reads: 'Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.' I held to a widespread opinion that the amendment would break down protective legislation safeguarding women employed outside the home.

"Time and the present war have completely changed my mind. Women should have wide open doors to employment. Wartime industries have shown that they are equal to any jobs for which they are fitted by aptitude and training. Full employment must include women workers outside the home; also equal opportunities for night and day work, equal pay for equal work, equal opportunity for advancement, and equal protection of health, safety, and seniority. These rights, as also to property, to their own children, and to democracy in the home, should have this final legal status in the Constitution of the United States. That this should be an issue and should be necessary is a humiliating revelation of our social lag.

"While not involved in the equal rights amendment, the time must come when the homemaker shall have equal recognition and honor in public thinking with the so-called employed woman, and equal rights with her husband in property and income."

The Reverend Robert Leonard Tucker, First Methodist Church, New Haven, Conn., November 1945:

"I am very glad to favor the equal-rights amendment to the Constitution. The passing of this amendment will right a wrong and will complete an action which is long overdue."

Dr. Paul H. Vieth, professor of Christian Nurture, Yale University, October 1945:

"I am in favor of the proposed amendment to the United States Constitution which would seek to provide for equality of rights under the law for women. It would seem that such a law is long overdue."

The Reverend Dr. John Curry Walker, Second Congregational Church, Waterbury, Conn., November 1945:

"I am in favor of the equal-rights amendment."

The Reverend Dr. Lloyd F. Worley, First Methodist Church, Stamford, Conn., December 1945:

"Genuine democracy and vital Christianity are in agreement concerning the maintenance of basic human rights without regard to sex. The equal-rights amendment should have the support of all those who are aligned with either or both philosophies of life."

Yonkers Federation of Churches, including 55 churches, representing 12 denominations, the Salvation Army, the YMCA and the YWCA, in a letter to the Senate Judiciary Committee, December 1945:

"The assembly of the Yonkers Federation of Churches meeting on Tuesday, December 11, 1945, voted unanimously to endorse the equal-rights amendment to the Constitution."

Mr. GUFFEY. Mr. President, I also ask that a letter from the American Civil Liberties Union and one from Dorothy Kenyon, counsellor at law, New York City, together with my replies, printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

AMERICAN CIVIL LIBERTIES UNION,
New York City, March 22, 1946.

DEAR SENATOR GUFFEY: As a national organization of over 10,000 members committed to the protection of everybody's rights without distinction, we wish to register strong opposition to Senate Joint Resolution 61, the so-called equal-rights amendment to the Constitution of the United States, which we understand is now on the calendar in the Senate and may be reached for vote very soon.

The American Civil Liberties Union has fought for many years to uphold the Bill of Rights and kindred civil liberties. It subscribes wholeheartedly to the principle that the rights of a human being are irrespective of sex, race, nationality, religion, or opinion, and that every one has the right to protection against arbitrary discrimination on any of those grounds. Women most emphatically have civil liberties no less than men.

But the American Civil Liberties Union is opposed to writing into the Constitution any blanket provision for equalization of the sexes along the lines of Senate Joint Resolution 61. It believes.

First, that such an amendment, couched in vague and sweeping language, while emotionally attractive, is bound to lead to great confusion and uncertainty in its application.

Second, it can have little or no effect upon the principal discriminations from which women suffer (many of which are not legal at all, but are primarily matters of habit and custom).

Third, it is certain to jeopardize if not destroy a great body of valuable social and labor legislation without producing anything significant in the field of civil liberties in its stead. The union believes that the best and in the long run the quickest method of obtaining equal civil rights in law for women is the method of particularization which it has thus far used, the method of step-by-step itemization of the subject matter and correction of each discrimination by specific legislation appropriate to that end, such as equal pay and similar legislation.

We therefore urge you with all the power at our command to vote "no" on this dangerous and misleading unequal-rights amendment, thereby disposing, once and for all, of this vexing measure and permitting us to concentrate on constructive measures of genuine value in the field of civil liberties for women.

Very truly yours,

JOHN HAYNES HOLMES,
Chairman of the Board.
DOROTHY KENYON,
Chairman, Committee on Women's Rights.

APRIL 20, 1946.

Mr. JOHN HAYNES HOLMES,
American Civil Liberties Union,
New York, N. Y.

DEAR MR. HOLMES: This will acknowledge the receipt of your letter expressing the views of your union in opposition to the equal-rights amendment.

I believe your opposition is based on a misconception of what the amendment will accomplish. Women are still discriminated against in every State in the Union. Altogether there are over a thousand unjust discriminations against women, particularly married women, and it would take a century to do away with these injustices State by State. In the meantime, always bear in mind that what one legislature can do another can undo. Therefore if women are to have the strength of the Constitution behind them as men have, the only answer is a Federal amendment to the Constitution.

The amendment would raise, not lower, the dignity of women. It would not add to their hours of labor as the long work week has gone forever. She would not have to do work for which she is unfitted as each State would still retain the right to care for its citizens. Special legislation may still be passed for women such as maternity measures, the same as pensions for soldiers.

When a mother has equality under the law the same as a father, I am sure it would give her a position of added dignity both in the home and beyond.

I presume that your organization approved the United Nations Charter. Do you not realize that in at least five different sections, the Charter declares for equality of rights regardless of sex?

Finally, is not the movement for equality under the law a basic precept of democracy, for justice to be real must apply equally to all regardless of sex.

I trust you will read the enclosed literature, and I am sure that when you fully understand what the amendment actually will accomplish, you will ask me to vote for it.

Sincerely yours,

J. F. G.

NEW YORK, *April 25, 1946.*

Senator JOSEPH F. GUFFEY,
United States Senate,
Committee on Finance,
Washington, D. C.

MY DEAR SENATOR GUFFEY: Dr. John Haynes Holmes, chairman of the American Civil Liberties Union, has asked me to reply to your letter to him of April 20 in respect to the equal-rights amendment. It is quite obvious that you do not understand the position of the American Civil Liberties Union in the matter. The American Civil Liberties Union subscribes wholeheartedly to "the view that the rights of a human being are irrespective of sex, race, nationality, religion, or opinion" and that "women have civil liberties no less than men." This is precisely what is stated in the United Nations Charter, and we agree completely with it.

It is only when it comes to the means of securing equality that we part company with you. We do not believe that an amendment to the Constitution is the panacea which you apparently consider it. Furthermore, we disagree with you that such an amendment would still permit special legislation for women, such as maternity measures, etc. In fact, it is one of the strongest arguments of the proponents of the measure that all special legislation for women would be destroyed by the amendment. That is apparently regarded as desirable by them. Miss Lutz repeats that argument in her pamphlet, which you were kind enough to enclose in your letter. The American Civil Liberties Union believes that the power of Congress to enact special legislation in appropriate circumstances is an important police power which should not be abrogated by it.

Sincerely yours,

DOROTHY KENYON.

MAY 13, 1946.

Dr. JOHN HAYNES HOLMES,
Chairman, American Civil Liberties Union,
New York, N. Y.

DEAR DR. HOLMES: Although you did not reply personally to my letter of April 20 relative to the equal-rights amendment but put it in the hands of Judge Kenyon to answer, I am sending you a copy of my reply to her arguments against the amendment.

Trusting you will find this of interest, I am,

Sincerely yours,

JOSEPH F. GUFFEY.

MAY 13, 1946.

Honorable DOROTHY KENYON,
Counsellor at Law, New York, N. Y.

MY DEAR JUDGE KENYON: I regret that pressure of work has prevented my sending an earlier reply to your letter of April 25.

I am glad to know that the American Civil Liberties Union accepts the declaration for equality regardless of sex as stated in the United Nations Charter.

However, as a judge, you at least will recall that the late Chief Justice Stone in a celebrated decision spoke of "a tortured construction of the Constitution." It seems to me that you and the Civil Liberties Union are placing "a tortured construction" on the language of the United Nations Charter when you refuse to recognize that the charter has to do with nations as a whole and not merely with separate States.

Just recently I noted that the subcommission on the status of women, of the commission on human rights, of the economic and social council of the United Nations, adopted a resolution which declared that "the purpose of the subcommission is to raise the status of women to equality with men in all fields of human endeavor. Certainly this group of brilliant and thoughtful women did not have mental reservations regarding States or provinces, but were considering countries as a whole with constitutions accordingly.

It is apparent that you think the States should change the thousand and one legal discriminations against women who now exist throughout our Nation, oblivious to the fact that what one legislature can do another can undo. Also, you ignore the fact that special legislation may still be passed for particular classes of citizens. As you are aware, all women are not mothers, nor all men soldiers, and yet special legislation for soldiers is entirely legal. Under the amendment, the same would be true of mothers.

Although I am not a lawyer, the wording of the equal-rights amendment has been carefully studied by the best legal minds in the United States Senate, and these men agree that special legislation could still be passed for men and women, but legal injustices for one sex alone would be wiped out and where protective laws are needed, they would apply to both sexes alike.

You will recall that when that very able organization, the WACS, was formed, the Comptroller General stated that these patriotic young women could not be paid by the Government if they were part of the Army unless special provision for the duration was made. The same applied to women doctors when they were taken into the Service. His decision may be another "tortured construction" of the Constitution, but it has existed so long because of the fact that when there is no law to the contrary, the English common law of the eighteenth century still applies. Hence, another reason for the equal-rights amendment.

The proponents of the amendment agree that legislation based merely on sex and not on justice would be done away with by the amendment. Your contention that the proponents of the amendment desire the end of special legislation for women is not well founded. What the proponents say is that a woman cannot do equal work or receive equal pay with men when she is prohibited by law from working certain hours or denied equal opportunity in the choice of her hours of work, occupation, etc.

The only so-called right that would be taken away from a woman by the amendment is one that should not exist in a democracy—the rights of one individual to say to another. "You may only work when and where I desire."

For example, in your own State of New York, there is a bill now proposed that women be forbidden to work in hotels and restaurants between 10 p. m. and 6 a. m., when, as you know, the wages and tips are usually higher and hours shorter. The advocates of this bill except cigarette girls, flower girls, chambermaids, charwomen, and so forth, who hold the less well-paid jobs.

Why should a woman not be allowed to choose her time and hours of labor the same as a man? Many women prefer night work and the war proved that it was not harmful either to their health or morals.

I do not for a moment believe that you would accept restrictions on your own hours of labor which would result in less pay the same as you wish to impose on those of working women. You have been fortunate in having equal opportunity with men in your profession but if a law is going to be passed in your State making exceptions to the rights of certain working women, it might well be possible that at some future date men lawyers, envious of women like yourself, might wish to pass a law limiting your opportunities.

Further, I can find no authority for your statement that the police power of Congress would be abrogated by the amendment any more than the police power of Congress was abrogated by the thirteenth, fourteenth, fifteenth, sixteenth, or nineteenth amendments.

I have heard many arguments by the opponents of the amendment all of which have failed to destroy my determination to vote for it. I know that many of the opponents are fearful of the competition of women in industry; others are sincere in their belief that some women are not yet capable of making their own contracts, although my experience has been that women are the mental equal of men.

One argument I have never heard from the opponents of the amendment, and that is a plea for equity or justice. Their arguments against it are based on expediency or sex, without any reference to fundamental rights. Justice to be real must apply to all alike and, therefore, the need of this amendment to make our Nation a true democracy.

Trusting you will pardon the length of this letter, I am,

Sincerely yours,

JOSEPH F. GUFFEY.

Mr. BARKLEY. Mr. President, I have conferred with the minority leader and with other Senators on both sides of the Chamber. It seems agreeable that the Senate fix a time for voting on the pending joint resolution. I ask unanimous consent that, at not later than 1 o'clock p. m. tomorrow, the Senate proceed to vote on the joint resolution. I make the request with the understanding that between now and then no other legislation shall be considered by the Senate.

Mr. WHITE. Mr. President, may I make only one or two suggestions? Could not the time be fixed at 1 o'clock instead of at some time before 1 o'clock? Otherwise, the time is left open and very indefinite so far as many Senators are concerned.

Mr. BARKLEY. The suggestion of the Senator from Maine is an agreeable one. I am willing to modify my request so that the Senate will vote at 1 o'clock. I also ask unanimous consent that the requirement of a quorum call be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the quorum call be waived? The Chair hears, none, and it is so ordered.

Is there objection to the request of the Senator from Kentucky for a limitation on debate?

Mr. BARKLEY. Mr. President, my request was not to fix a limitation on debate. The request was to fix the hour for voting.

Mr. MURDOCK. Mr. President, I was not present when the majority leader made his request.

Mr. BARKLEY. My request was that the Senate vote at 1 o'clock tomorrow on the pending joint resolution.

Mr. RADCLIFFE. Mr. President, I assume that I am in charge of the joint resolution. I personally have no objection to the request of the Senator from Kentucky. I realize that our time is rather limited and that the legislative program is a large one. I also realize that it is the desire of the Members of the Senate to act on all remaining matters as soon as possible. I have not been able to consult with Senators whom I know to be in opposition to the pending measure, and I have no idea what their wishes may be. But, so far as I am concerned, it is entirely agreeable that the Senate vote on the pending joint resolution tomorrow at 1 o'clock.

Mr. WHITE. Mr. President, I have conferred with as many as I could on the minority side since the majority leader mentioned the matter to me. There are two things which the minority were as insistent on as a minority can be. One was that there should be a time certain for a vote, rather than leaving the time indefinite, and the Senator from Kentucky already has met that issue. The other matter is that the minority want assurance, and I want assurance, whichever is the more appropriate way to speak of it, that the time shall not be occupied by other matters between now and 1 o'clock tomorrow.

Mr. BARKLEY. That is entirely agreeable. Of course, it is impossible to say that any Senator who gets the floor may not address the Senate on something else than the pending matter.

Mr. WHITE. I do not have that in mind.

Mr. BARKLEY. That is why I coupled with the request the understanding that no other legislative matter should intervene between now and the vote at 1 o'clock tomorrow.

Mr. WHITE. That is entirely satisfactory to me, and I believe it will be entirely satisfactory to all on the minority side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the Senate proceed to the consideration of the joint resolution, and to a vote on final passage at 1 o'clock tomorrow, with the understanding that no other legislative matters shall intervene during that time?

Mr. JOHNSON of Colorado. Reserving the right to object, I wish to make a motion to reconsider the vote by which H. R. 6836 was passed, before the bill goes to the House. Would that be a legislative matter which would be barred by the request?

Mr. BARKLEY. The Senator can enter his motion.

Mr. JOHNSON of Colorado. I should like to enter the motion now, if I may.

Mr. BARKLEY. The Senator may enter his motion, and that would hold the bill up.

The PRESIDING OFFICER. Without objection, the motion of the Senator from Colorado is entered.

Is there objection to the request of the Senator from Kentucky?

Mr. WHERRY. What about the introduction of bills?

Mr. BARKLEY. The request did not contemplate the introduction of bills.

Mr. WHERRY. If there is any doubt about it, I have a bill which I should like to introduce, and I can introduce it at this time.

Mr. BARKLEY. I modify the request by stating that it is the understanding that the Senate shall not proceed to consider any other legislative matter.

Mr. MORSE. Mr. President, reserving the right to object, I wish to say that I am very happy to cooperate with the majority leader in this matter, and make another exception to the general practice of mine to object to requests of this type. The Democratic side of the aisle in the past few months has demonstrated clearly to the junior Senator from Oregon that the Democratic Senators have no intention of attempting to try to discipline him again by interfering with his right to speak at length on the floor of the Senate, as they tried to do some months ago. Therefore I am very happy to join with the majority leader in the request because I think I have succeeded in the past several months in teaching the Democratic side of the aisle the importance of preserving unlimited debate in the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky, as modified? The Chair hears none, and it is so ordered.

LIQUIDATION OF STOKES RUBBER CO.

Mr. O'DANIEL. Mr. President, I wish to read a letter which has great significance. It explains how the economic life of our Nation is controlled and the production machinery of our Nation destroyed by the Communists in Moscow, by and with the aid and consent of the New Deal easy marks who are in control of our Government.

This letter was written July 12, 1946 by Walter Harvey, president of Joseph Stokes Rubber Co., of Trenton, N. J. It is addressed to all of their customers. It was forwarded to me by one of their customers, Ralph W. McCann, of the Continental Battery Manufacturing Corp., of Dallas, Tex.

The letter is as follows:

JOSEPH STOKES RUBBER CO.,
Trenton, N. J., July 12, 1946.

To All Our Customers:

It is with real regret that I inform you the board of directors decided to liquidate this business. It is difficult to say this to our many friends like you who have helped us to build this business.

It is not news to you that the plant was closed by a strike on April 24. Every reasonable effort to settle this strike has been futile because of the attitude of the CIO International. Our offer of 18½ cents per hour increase for a 40-hour week and 13 cents per hour increase for a 48-hour week was spurned. Our employees voted in favor of the offer and to return to work, but the union agents stated they would rather see the plant closed than accept anything less than the so-called standard demands of their CIO international.

We will contact those of you who have molds in the plant so that arrangements can be made for your withdrawal in the near future.

Very truly yours,

WALTER HARVEY,
President.

In forwarding the letter to me Mr. McCann made these remarks:

The Stokes Rubber Co. is one of the best and oldest companies in their line. They build perhaps 75 percent of the big bus battery cases and where the battery industry is going now for these big cases is problematical. The liquidation of this fine old business is going to be a real handicap not only to the battery manufacturers but to the consumers of this type of battery all over the country.

CONTINENTAL BATTERY
MANUFACTURING CORP.,
RALPH W. MCCANN.

DALLAS, TEX.

Here, Mr. President, is an old established manufacturing plant closing down and thus creating another serious shortage of useful and essential products. It also means throwing their employees out of jobs after the employees voted in favor of the employer's offer, and to return to work.

The letter states that the union agents stated they would rather see the plant closed than accept anything else than the so-called standard demands of their CIO international.

Thus, another American factory is closed down on orders of the CIO international, which holds its meetings in Moscow.

Incidentally, Mr. President, I think it should be here pointed out that the same CIO which is closing down our American factories on orders from Moscow, is also actively fighting for the resurrection of OPA, on orders from Moscow.

One of the main objectives of communism is to destroy production so as to create hatred and confusion and thus bring on revolution. There is no better way for the Communists to accomplish their objectives than by closing down our factories and resurrecting OPA.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed consideration of the joint resolution (S. J. Res. 61) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. PEPPER. Mr. President, I had not intended at this time to address myself to this proposed constitutional amendment, but I shall say a few words in explanation of my advocacy of it. The amendment is, of course, to be proposed to the several States, and will become a part of the Federal Constitution only in case three-fourths of the States shall, through their legislatures, ratify it.

I have always felt that the people, either through their legislatures or their conventions, as the Congress may determine shall be the method of expressing

themselves in regard to a constitutional amendment, should be given the benefit of the doubt as to whether or not a constitutional amendment is desirable. That is to say, I feel that it is the proper policy for the Congress to be liberal in its allowance to the States of the right to pass upon whether or not there shall be a change in the law of the land as embodied in the Constitution. So let it be understood that those of us who advocate this amendment are advocating the submission of the amendment to the several States. It will not be the Senate or the House of Representatives which will give efficacy to this provision as a legal instrument. It will be three-fourths of the States expressing themselves through their legislatures that will give legal efficacy to this amendment.

The amendment reads as follows:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

This amendment shall take effect 3 years after the date of ratification.

It will be seen that the substantive part of the amendment is the first sentence which I read, namely:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Is there anything extraordinary or revolutionary in that concept? Does any one wish to stand up in the Senate or anywhere else and say that women, because they are women, should be discriminated against in respect to the enjoyment of civil rights? Is there any one who would contend that sex alone should deprive women of an equality of constitutional rights with men?

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HAWKES. I am very much interested in what the Senator is saying. The subject which the Senator is discussing is one with respect to which a person can have views which place him on one side one minute, and on the other side the next minute.

Mr. PEPPER. Of course.

Mr. HAWKES. I have been thinking it over for several years, and I shall undoubtedly vote for the submission of this amendment to the States.

Mr. PEPPER. I am pleased to hear that the Senator intends to vote that way.

Mr. HAWKES. It seems to me that almost any Senator, regardless of how he may personally feel on this subject, should be willing to submit the question to the States and to the people of the States, and let them say what they think about it.

Mr. PEPPER. I thoroughly agree.

Mr. HAWKES. That is all I wish to say, but I desire the Senator to know that I am interested in what he is saying on the subject.

Mr. PEPPER. I am very much indebted to the able Senator from New Jersey for what he has said, because it expresses exactly the point of view I have about this matter. It so happens that I favor the substantive principle which is involved, for the reasons which I shall mention. But whether I favored it or not, I certainly feel that it is a matter of such public importance and vitality that it is proper for the Congress to give the people of the country an opportunity to determine whether or not they want it in their Constitution. I am sure that what has been said by the able Senator from New Jersey will be very influential upon his colleagues, who esteem him so highly.

Mr. President, as I stated, the amendment provides for and assures, if it should become a part of the law of the land, equality of rights under the law for women. I wish to emphasize at the outset the word "rights." The amendment does not say "duties," it does not say "obligations." It says "rights." We think of rights and duties as being correlative. A right is a privilege. A duty is an obligation. What this amendment is attempting to assure to the women of the country is not that they shall always have equal obligations and equal duties with the men of the country; not that they shall not be put in a different category by law from men when the classification is reasonable, but that they shall have equal rights with men.

I emphasize that because I think there is some confusion and misunderstanding upon the subject. I refer particularly to some of the labor organizations and to some women, and some other persons solicitous of the rights and welfare of women, who are opposed to this amendment, and are even opposed to submitting it to the several States, because they say that its effect, should it ever become a part of the Constitution, would be to deprive the Congress and the State legislatures of the power to protect women because they are women, or upon any reasonable and proper ground.

I suppose no one will deny that under our Federal Constitution all men have equal rights. Certainly there is no constitutional basis for distinction in the rights of men in the United States. Notwithstanding that fact, to which I think all will agree, that all men in America have equal rights, all men in America do not by law have equal duties or obligations. For example, in time of war distinctions are made between men. In the last war some men were sent to their death on the battlefields as selectees, and other men were exempt. Some men were called upon by their country to make the supreme sacrifice, and others were excused. I think no one would question the reasonableness of the classification which was made by law. Some men of certain ages and physical condition and of certain vocational abilities and activities must go to war, and certain men, because of age, physical condition, or occupation, should be excused from going to war. Yet all those men have equal rights under the law of the land.

We have other cases. Some men by law are the recipients of pensions from the Government. Other men do not receive pensions. But no one would challenge the validity of the distinction, because the ones who receive pensions are old men, and the ones who do not receive them are younger men. One could go all through our law—laws enacted by the Congress as well as laws enacted by the legislatures of the several States—and find distinctions and classifications which have been made by both the Congress and the legislatures in respect to the obligations of men. Yet before every law in the land men stand similarly and alike.

So, Mr. President, I say in the first place that this amendment guarantees equal rights to women, but it does not of necessity deprive the Congress and the State legislatures of the power to exempt women from duties which they do not deem appropriate for women. If this amendment were a part of the Federal Constitution, it would not mean, for example, that in the future Congress could not distinguish between men and women in the selection that the Congress should make of those who should bear arms in the Nation's defense. Of course, the Congress would have power to require the service of women, as it might well do. But I am saying that this amendment, if adopted, would not deprive the Congress and the State legislatures of the power to make reasonable classifications and distinctions with respect to the duties that women may have to discharge.

For example, it would certainly be reasonable to say that as a class women are physically weaker than men. This amendment does not say that they are of equal physical strength. It does not say that hereafter no distinction shall be made by Congress or the State legislatures in regard to the cognizance they take of the physical strength of men and women. Of course not. But it says that the rights of women shall not be inferior to the rights of men. That is the important thing.

I do not have the cases before me to make a profound constitutional argument, and I am aware of the fact that many eminent legal scholars take a contrary position or suggest a contrary view. But, Mr. President, by the same reasoning I do not regard this amendment, by its language, or its effect, if it should become a part of the Constitution, as depriving the Congress or the several States of the power to protect women by reasonable classifications in regard to social legislation.

To give an illustration, Congress and the State legislatures could deal, for example, with the period of employment of mothers, and say that the number of hours a day that women who are mothers may work shall be limited, perhaps, to fewer hours a day than might be allowed either to other women or to men, on the general assumption that other women not in motherhood and men are stronger physically than women who are in the course of motherhood. Mr. President, I do not believe that such a distinction as that would be stricken down by this provision, even if it were in the Federal Constitution.

Mr. WHITE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Florida yield to the Senator from Maine?

Mr. PEPPER. I yield.

Mr. WHITE. The Senator from Florida argues that this amendment provides only for equality of rights. Does the Senator contend that there can be equality of rights while there is an inequality of obligations?

Mr. PEPPER. Mr. President, I think so, and I am glad the Senator has suggested that. That is true in the case of men. I take it that all men have equal rights under our Federal Constitution, but all men do not have equal obligations, in the sense that the Congress or the State legislatures cannot make reasonable classifications. I do not mean that the Congress and the State legislatures would not have the power to draft a 10-year-old child and an 80-year-old man, and I do not suggest that Congress would not have the power to draft women, even into combat service; but Congress would have authority to make reasonable classifications as between young men and boys and old men in the masculine category, and as between men and women, as regards the whole population.

Mr. President, I know there are some who say that they do not want the law to contain any distinctions in regard to employment or economic position as between men and women; and they say quite rightly, as a matter of fact, that there are many women who are stronger than many men, and that sex alone is not a criterion of strength, even to work. We know that is true, physically. We know there are strong women and there are weak men. Yet, generally speaking, we consider men as a class to be stronger than women as a class. Those who take that position say that it is an unreasonable classification to say that women can work only so many hours a day and that men can work for a longer period of time. There is a great deal to be said for that position, from the physical point of view.

However, Mr. President, that is a legislative matter. If the Congress or the State legislatures make a finding that, as a classification, women as a whole are able to work fewer hours a day than men as a whole, and if they lay down that rule of thumb as to sex, and if experience shows the general reasonableness of that distinction, I do not think such action would be set aside for constitutional reasons. It might not be a good policy, but I do not believe such a distinction would be set aside for constitutional reasons, even if this amendment were a part of the Federal Constitution.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. OVERTON. In the community-law States the husband is the head and master of the community. Following the Senator's argument, in view of the fact that women are not as physically able to take care of world affairs as men are, and since, according to the view of many, their most appropriate sphere is motherhood and attention to domestic duties, from which they should not be divorced by having to attend to community properties and community transactions, can it be said that the State laws could continue to keep the husband as the head and master of the community?

Mr. PEPPER. Mr. President, under the principle that I was trying to suggest, it is a theoretical possibility that they might. But I doubt very seriously whether they would, if this amendment were incorporated into the Federal Constitution. I take that position for the following reasons: In spite of what the able Senator from Louisiana has said, which undoubtedly is true, namely, that, generally speaking, men as a class have more business experience than women have, nevertheless, I think in that case the position of the woman would be regarded as a position of right. That is to say, she might accord to the husband in the partnership a greater authority than she might retain or enjoy for herself. But I am inclined to believe that under this amendment, if it were enacted, the wife would be held not to be subservient to the husband in respect to the control of community property, but would share as a full partner, on a basis of equal dignity and status and right with him, in the enjoyment and management and ownership of the community property.

Mr. OVERTON. The Senator bases that argument on the ground that, in respect to managing the community, a woman has a right equal or practically equal to that of the husband. Has not she a right to labor, too, as much as man, if it is a question of right?

Mr. PEPPER. Yes; she has the right, in the sense that that is one of the privileges which she may enjoy if it is not denied to her for some interest of the public in furtherance of the public welfare, in a proper and constitutional way. Similarly, a man has a right to live; surely no one would deny that. But the Nation has the right to send him to war, and even to make him lose his life. A man has a right to live, but his right to live is subordinate to and subject to the public interest, which may deprive him of it, in a proper way.

Mr. OVERTON. I should like to give another illustration, in order that I may intelligently follow the Senator's argument. In some States, for instance, in Louisiana, women are excused from jury duty, if they desire to be excused; and in some States they are excused altogether. On the ground of physical weakness, in view of the fact that in capital cases the jury is kept together and cannot separate and is under restraint both night and day, and sometimes trials last for weeks, can it be said that the legislature in its wisdom can make a distinction between men and women, and can exempt women from jury service?

Mr. PEPPER. Mr. President, that is a very pertinent inquiry, and I am glad the able Senator from Louisiana has made it. My first answer is that none of us can tell how the United States Supreme Court would interpret this amendment. We can only conjecture as to what the decision would be, according to our own best sources of information and best knowledge. The Court might theoretically uphold such a distinction as that; but in my personal opinion the Court would not, and furthermore I think the Court should not do so. While, again, I say to the able Senator from Louisiana that there are conditions surrounding jury service which in some way might prove onerous to women, yet there, again, the dominant interest would be, in my opinion, the right of the woman to take part in all the fundamental processes of her Government; and certainly the administering of justice between man and man and woman and woman and man and woman is one of the essential prerogatives of citizenship. So I believe that under this amendment a woman would have a right, although not as an individual, to be assured a place on a jury, either a grand jury or a pettit jury. She would have a right not to be excused as a class. She could be excused by the parties to the suit, in the way that other eligible jurors might be excused from selection and service. But to answer the Senator's question, I say that in my opinion, that is not a valid basis of distinction, and women would have a right, as a class, not to be excluded from eligibility to serve as a juror.

Mr. OVERTON. However, the matter is open to doubt. Following the Senator's argument, namely, that distinctions can be based on grounds of relative strength, as between men and women, there is a possibility that many exceptions would be applied. So it is very dubious what the effect of the amendment would be, if it were adopted.

Mr. PEPPER. Undoubtedly, Mr. President, nothing but experience and the repeated decisions of the courts would ever determine exactly what the effect of the amendment would be.

Mr. OVERTON. Of course, that would result in a multiplicity of litigations from every section of the Union.

Mr. PEPPER. Undoubtedly the Senator from Louisiana is correct, namely, that if this provision were a part of the Constitution, in its case, as in that of many other provisions of the Constitution which for decades or even a century or more have constantly been subject to judicial interpretation, undoubtedly from time to time the Supreme Court and the other courts of the land would be called upon to interpret the legal meaning.

Mr. OVERTON. I thank the Senator.

Mr. PEPPER. I thank the Senator from Louisiana.

Mr. STANFILL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. STANFILL. I should like to say to the distinguished Senator from Florida that since he has been talking, I have tried to jot down in some notes three or four instances in Kentucky law in which women are granted an advantage over men. I should like to ask the Senator's opinion about the effect of the amendment on those privileges which are granted to women.

For instance, in my State of Kentucky, a woman cannot become surety for her husband or be responsible for paying her husband's debt unless she goes before a notary public and by means of a sealed instrument, which is acknowledged and recorded, pledges certain property for the particular debt. She is not responsible, generally, as surety or for her husband's debts. What, in the Senator's judgment, would be the effect of this amendment on that law in Kentucky?

Mr. PEPPER. Mr. President, in my opinion—again I may say that it is a theoretical possibility—the legislatures of the various States might, in view of the general business inexperience of women, at least for a time, such as for 1 year, 2 years, 3 years, or 5 years immediately following the effective date of an amendment of this kind, lay down reasonable conditions and safeguards surrounding the assumption of financial liability and responsibility of women. But I am not at all sure that the Supreme Court of the United States would uphold even a temporary safeguard of that character which might be thrown around the assumption of financial responsibility by women. I would suppose that the test would be essentially the same as that which would be applied to men. For example, in respect to the disposition of land, or an interest in land, there has been prescribed a more solemn requirement for that kind of a transaction than the transaction of, for example, passing title to a horse. If I wish to sell my horse to the able Senator from Kentucky, all I need to do is to deliver the horse to him and receive from him any consideration which he desires to give me and which I desire to accept. But if I wish to sell to the Senator my land I may not do so except through a formal instrument signed by me and signed by two witnesses and acknowledged. There, the law makes a distinction between the two types of property because there is a reasonable predicate for doing so, and the law wishes to surround land with all the reasonable safeguards which may properly be provided. The law will always be solicitous about charging even men with financial responsibility unless they have clearly indicated they desire to be charged. For example, under our statute of frauds, in certain cases no person can be charged unless there is a memorandum to that effect in writing made by the party to be charged. So the law would recognize, even in respect to men, that legal transactions may be surrounded with certain safeguards in order to make sure that the person who engages in the transaction as transferor knows what he is doing and intends to do it.

It is entirely possible that it might be legally within the province of a legislature to surround the assumption of a debt by a woman, with reasonable safeguards in respect to being required to acknowledge the debt or, certainly, to have it in writing, and so forth.

Mr. STANFILL. The point I wish to make is that in Kentucky—and the law has been upheld by the Supreme Court of the United States—a married woman may not become surety for her husband or anyone else. If the proposed amendment should finally be adopted, would it bring a woman up to equal rights with her husband, or bring her husband down to equal rights with her, or what would happen?

Mr. PEPPER. Mr. President, there might be some kind of a distinction made which would make the safeguard somewhat, although not greatly, better for the woman than for the man. But generally speaking, and I wish to be perfectly frank with the Senator, in balancing the cases in which women will be hurt by assuming such obligation, with the harm which they will experience if they are denied equality of rights, the balance falls on the side of the woman's occasional detriment rather than on the side of her occasional deprivation, and certainly, except perhaps for a short period after the effective date of such an amendment as the one proposed, my opinion is that the courts would hold that a statute appreciably distinguishing between men and women in the case the Senator has cited, would be invalid.

Mr. STANFILL. The statute to which I have referred, as I have already stated to the Senator, is in effect in Kentucky at the present time. What I am worrying about particularly is the question whether, when and if the amendment is adopted, the statute will be in contravention to the amendment.

I have also jotted down some further questions. A woman may not be deprived of her rights in her husband's property, but she may sell her own property without her husband joining. A woman may not be deprived of dower in her deceased husband's real estate. If her husband should make a will undertaking to cut her entirely off and not leaving her any property, she may renounce the will and take under the law of descent and distribution. As I understand, in the State of Kentucky, the husband does not have such right in the wife's property.

With reference to the question of jury service which the distinguished Senator from Louisiana raised, I may say that in Kentucky, we have provided for jury service on the part of women. The Senator cited a case in which the jury was confined and kept together for a number of days. In Kentucky we have separate guards for women and for men, and our courts have held the practice to be constitutional.

Another thing which occurs to me is in respect to the kinds of work which women perform. In certain classes of work the employer is required to allow women certain rest periods, and is required to pay the women for such periods just as though they had been working. What bothers me is the question whether, in the event the amendment should finally be ratified, the conditions to which I have referred would be in contravention of the amendment.

Mr. PEPPER. Mr. President, allow me first to answer the last question with reference to the rest periods. In my opinion the practice of allowing a rest period to women, which is not allowed to men, would not in any sense of the word become invalidated. In a case of that kind it is not so much a question of rights, but a question of reasonable working conditions. I believe that if a legislature were to determine that, because of the difference between men and women, it would not be an unfair privilege to grant a rest period to women and deny it to men, a holding to that effect would not be invalidated by the amendment. In other words, I do not believe that situation comes within the category of this amendment under which equal rights would be granted to women. As I have already said, the principle of equal rights does not mean that women must in every case be treated alike with men. It means only in respect to the award of rights. As a matter of law, women may not be able to compel an employer to give them a rest period. If an employer does so, I am sure there is no infringement whatever.

Mr. STANFILL. I agree with the Senator with regard to the question of a rest period, but what about property rights?

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HAWKES. I merely wish to emphasize what the Senator from Florida has been saying. Several groups of women came to my home in New Jersey to talk with me. They suggested to me that if this equal-rights amendment should become a part of the Constitution women would lose the privilege of having rest periods, as well as other privileges, I told them that, in my opinion, the equal rights amendment would in no way take away from an employer, or anyone else, the right to do the human and decent thing under a private arrangement and agreement.

Mr. PEPPER. Of course not.

Mr. HAWKES. I still so believe. I personally am of the opinion that many of the issues which are being raised are false issues, and that the belief on the part of many that the privileges already enjoyed by women will be taken away from them under the proposed amendment, is not well founded. Those matters will be left to common agreement between the parties.

I feel that law is a valuable thing up to a certain point, but the great objective which we are all striving to attain in human relationships must be reached through the heart, soul, and mind.

Mr. PEPPER. I thank the Senator. Again he has made a very valuable contribution to this subject. If I did not feel very strongly that the social gains which have been achieved over a period of more than a century in this country by and for women would be just as safe, under this amendment as they are without it, I would not under any circumstances be advocating support of the amendment.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CORDON. The Senator from New Jersey has suggested that if the amendment should eventually become a part of the Constitution, it certainly would not prohibit an employer from voluntarily granting special concessions to women because of their sex. I do not

believe that to be a good argument in favor of the amendment. If a State enacted a law requiring an employer to give certain special concessions to women, and the employer refused to comply with the law, the flat legal question would arise, Is the law in contravention to the Constitution? What is the Senator's opinion with regard to that matter?

Mr. STANFILL. That is exactly the situation in Kentucky. We have a law which requires the employer to do that very thing. It is not a matter of agreement between the employer and the employee. That was the case I was raising.

Mr. PEPPER. I meant to answer the two questions in the same way. As I said a while ago, that is based upon the reasonableness of the classification, in my opinion, and the classification being reasonable, and having been made by a State legislature, the Federal Supreme Court, under the amendment, would not in my opinion upset such a classification as that.

Mr. CORDON. Will the Senator yield for one more suggestion?

Mr. PEPPER. I yield.

Mr. CORDON. In the Senator's opinion, Would a law of that character rest substantially upon the same basis as a law which might be enacted by the same legislature which, let us say, required special rest periods for all persons working who, we will assume, had reached the age of 60 years?

Mr. PEPPER. There is no doubt about it at all; it would be upon the same basis. If the State legislature by law required a rest period or a shorter number of hours of work for men over 60 or 65 years of age, I think there would be no question about the validity of such a law as that, notwithstanding the fact that all men have the same rights under the law.

Mr. CORDON. In other words, if I follow the Senator correctly, the question would be resolved upon the reasonableness of the classification.

Mr. PEPPER. Exactly. I am very grateful for what has been said by the able Senators, and I cannot make it too clear that some of us want this record beyond any question of a doubt to be distinct that we believe that this amendment, if a part of the law of the land, would not deprive the legislatures or the Congress of the power to make reasonable classifications in the protection of women.

Mr. STANFILL. If the Senator will yield for one more question, that is the very thing that is bothering me about the amendment. In my State, by law, certain privileges are granted to women, such as the property rights I have mentioned; they have the option of serving on juries if they care to, they are not compelled to serve on juries; they have rest hours in their periods of employment. What is worrying me in connection with this proposal is what will happen, after the amendment is ratified, to the property rights of women who are now protected to a greater degree than are men.

Mr. PEPPER. Again, Mr. President, I cannot be dogmatic in my answer because it is in a field of the future, where we can only conjecture and speculate rather than inform ourselves from history, but even in the field of property rights I believe there may develop from time to time reasonable classifications. I do not know how broad they will be. I wish to say frankly that I am sure they will not be sufficiently broad to put the woman in a subordinate position to the man with respect to property.

For example, if there is property which belongs to the woman, in my opinion she will be, by the force of the amendment, automatically a free dealer, as we say in our local law, from that time, because she will have the same right to dispose of her property that she would have under the laws of the several States where she is a free dealer.

Mr. STANFILL. She has now in my State.

Mr. PEPPER. In many States she does not have.

Mr. STANFILL. What is worring me is what will happen to her property rights if the amendment is ratified. She is granted certain privileges which a man does not now have.

Mr. PEPPER. Let us take it case by case.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. In a moment. When I finish this point I shall yield.

Let us start off with the case of the wife's separate property. It is, we will assume, her separate property. In some of the States possibly she can dispose of it in any way she desires to. In some of the States she has to be made a free dealer if she is a married woman, even if it is her separate property, before she can dispose of it. She has to be made a free dealer before she can enter into contracts and before she can carry on any business.

If this amendment should become a part of the Federal Constitution, in my opinion, it would not be necessary for her to do anything more to become just as much sovereign in respect to her separate property, just as able to dispose of it, and just as able to enter into new contracts or to carry on business as her husband, even in case she were a married woman. She would have the same rights in respect to her property and in respect to the power of contract she would have if she were a single woman. I think that is clear. We can start with that, and perhaps reason from there to some other point.

Now I yield to the Senator from West Virginia.

Mr. REVERCOMB. I may say to the able Senator that I enter this discussion because of the statement which I believe the Senator made a few moments ago that he wanted the record to be made clear that, if this proposed constitutional amendment were ratified, it would not prevent the States and the legislatures of the several States from dealing with the rights of women and the property rights of women as they saw fit.

Mr. PEPPER. No; I did not intend to make it that broad. I said I wanted the record to be abundantly clear that those of us who were supporting the amendment did not expect that, if it were incorporated in the Constitution, it would deprive the legislatures of the several States from making reasonable classifications with respect to the protection of women. I had in mind especially with respect to working conditions, social conditions.

I hope the Senator from Kentucky will wait a moment before he leaves the Chamber. I wish to discuss this matter further.

Mr. REVERCOMB. Let me say to the able Senator that when we write an amendment into the Constitution of the United States, as I know the Senator is well aware, it has one interpretation placed upon it by the highest court of the land, the Supreme Court of the United States, which shall apply equally and alike to every State in the Union. Under that first and paramount rule, if the Supreme Court of the United States should lay down the decision that all laws must deal equally between man and woman in the rights they may have, whether it be in the protection of their labor rights, or in the protection of their property, there is no State legislature which could contravene that rule. That is absolutely basic.

The able Senator has been discussing property rights, and I wish to refer to a point which has disturbed me considerably. In the Western States there is what is known as the mutuality of ownership between husband and wife, that is, that each owns an undivided right in the properties accumulated. That is a very fair and sound rule. On the other hand, in the Eastern States, in the older States of the Union, we have followed the English law basically, under the statute of descents and distribution, which lays down the right of each in the property. I think it is true in most of the States of the East, as it is in mine, that there are laid down the laws of inheritance and the distribution of property upon an absolutely equal basis. There is no difference; and that is fair, and as it should be.

The right of courtesy, which was the right of the widower in the lands of a deceased wife, has been abolished completely, and the widower takes the same interest, under the laws of my State, and I know of a number of adjoining States, the wife takes, and the wife takes the same interest the husband takes.

If we undertake to lay down as a national policy that each shall be alike—and I may say to the Senator that I rather follow the rule that greater protection should be given to women in the case of property rights—if we lay down the rule that they must all be alike, how can it be said that a State can have it one way in its own domain and another State another way, when it is a national principle?

Mr. President, that is the problem which concerns me, and when we undertake to give equal rights I think we are establishing a principle which may deprive women of prior rights, and rights we have long recognized, not only in real property, but under the labor laws.

Some of the representatives of ladies' associations have said to me, "Why

should they not be equal?" Mr. President, there is a distinction. The labor laws should give greater concern and afford greater protection to women workers, because of sex.

Many of the States require that there must be places where women may sit down, where they may rest. What are we to do about that? We do not require that for men. We say it is not needed. Are we to wipe those things away, do away with them?

It is equality we are talking about, and when the able Senator says that he wants the RECORD to show that it shall not interfere with the particular rights given to guard women in the labor world, I know he means it, but how can we do it when we make it a national principle for every State? We cannot distinguish between the States.

Mr. PEPPER. Mr. President, I thank the able Senator for asking that question. I am anxious to have a chance to answer it.

I wish to say, in the first place, that I was speaking only of the theoretical and legal right of the legislatures in certain cases to make certain classifications and distinctions. I indicated that I intended that to relate primarily to working conditions and to social conditions. However, I do not wish to imply by that statement that I believe that it is always, in the long run, in woman's interest that some of these little frills and furbelows shall be incorporated in the law. For example, there may be women who become faint while at work, and it may be that they will need time off during the course of their work, but as a general rule, women would rather work 8 hours a day and receive a decent wage for it than to be limited to 6 hours a day, and receive an inferior and an inadequate wage.

When the Committee on Education and Labor held hearings on the bill which it reported favorably a short while ago, it was discovered that in many industrial plants in the United States women are regularly discriminated against in the wages they receive for doing equal work with men as much as 5 and 10 percent. Throughout history, man has not been any too sensitive about protecting women against work. Women have borne many of the burdens of man's long and arduous progress up the hill of civilization. Often women are working in the home while men will sit in easy chairs under soft lights and read the newspapers; the men will do that while the women have been working perhaps 15 hours a day, and the men will not be too conscience shaken about it. So the record does not show as a practical matter an oversolicitude for the women of the land if we consider the whole picture.

Mr. REVERCOMB. Mr. President——

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Florida yield to the Senator from West Virginia?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I ask the able Senator if what he has been saying is in answer to my question? I think he has digressed a little bit.

Mr. PEPPER. I will say to the Senator that I am coming to his question.

Mr. REVERCOMB. It is one thing to say that women shall be paid equal wages for equal work, which I think is a fair proposition——

Mr. PEPPER. Indeed it is.

Mr. REVERCOMB. But certainly the able Senator does not mean to say that Congress must pass a measure providing for a constitutional amendment in order to provide for women an equality which is supposed to be established by the enactment of a measure which is on the calendar.

Mr. PEPPER. No; but we will have to adopt an amendment to the Federal Constitution if we are ever going to give women anything like equal rights throughout this great Nation of ours. That will take another hundred years at the rate we have been going. I doubt if a hundred years would be sufficient time to let the ordinary evolutionary process toward equal rights for women develop to the point where women will have equal rights with men, if we do not accelerate the process by such a constitutional amendment as is proposed.

Mr. STANFILL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. STANFILL. I ask the Senator if he has not digressed a great deal from the question I asked him, and whether he will answer my question about property rights and the right of a married woman to become surety.

Mr. PEPPER. I am coming to it, Mr. President, but I should like to achieve a certain amount of continuity in my argument. I shall address myself to the question asked by the Senator from Kentucky in a moment, if the Senator will indulge me to answer the Senator from West Virginia. Then I shall take up the points in connection with property rights one by one.

I said that I did not believe that this proposed amendment, if it were part of the Federal Constitution, would deprive the several States of the right to provide reasonable protection for women in work or society. I said, however, that I did not want such protection overemphasized, because I did not want women to be deprived of fair wages and equal rights for the mess of pottage of being able to sit down a few minutes in a rest room in the morning or the afternoon. The Senator from West Virginia, when I made the comment that I thought perhaps reasonable classifications might be made by the State legislatures, said, "How can the Senator reconcile that with the language of the Federal Constitution which says that women shall have equal rights with men?" I want to answer that, Mr. President, from the Federal Constitution. The fourteenth amendment, among other things, provides as follows:

> Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Yet, Mr. President, that provision never was held to guarantee to women the right to be tried by either a jury composed altogether of women or to have a woman on it. That was never interpreted by the Supreme Court of the United States or the Federal Courts to give women the right to serve on either grand or petit juries. That was never interpreted to give women the right to vote. So that the fourteenth amendment was fitted into the background of an instrument and a history that already existed, and the Supreme Court of the United States, in its interpretation of that language, interpreted it in the light of the Nation's history and of our constitutional background.

I now turn to the sixteenth amendment, which reads as follows:

> The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Could language be any clearer than that—"from whatever source derived"? Yet the Senator well knows that the United States Supreme Court construed that language not to give the Congress the power to tax incomes derived from, I believe, the State and the local governments. So the courts in the construction of an amendment to the Constitution of the United States look at something more than the bare language, and they give it content against a background.

I shall refer to one more clause in the Constitution, the due process clause. Who ever dreamed when the due process clause was put into the fourteenth amendment that it would be interpreted to protect a corporation against the deprivation of its property? The fourteenth amendment grew out of an entirely different situation historically. Yet in that case the courts have finally read content into the words based upon the conditions as they existed. The reason why I wanted what I have said in the RECORD, as well as what the able Senator from New Jersey has said and what the able Senator from Oregon has said and what the able Senator from Kentucky has said and what the able Senator from West Virginia has said and what I hope other Senators will say, is that some day, when the United States Supreme Court begin to construe this language they will look back to this time, and read what occurred, as set forth in the CONGRESSIONAL RECORD, as to the intended meaning of this amendment. Someone will be poring over the words which were uttered here and in the House of Representatives, and will read the report of the Committee on the Judiciary, and try to find what the Congress meant to do when it proposed this amendment to the several States and initiated it, possibly, into the Federal Constitution. That is the reason, I will say to the Senate, that I have made the statement which I have made, in a way, I believe, so it will be possible for the United States Supreme Court to hold that what we are trying to do is to emancipate the women of this country up to an equal rights status with the men of this country; but that we did not intend to deprive either the Congress or the State legislatures of the power to

make reasonable classifications in respect to the duties of women and the position of women in our law and in our society.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. As I understand the able Senator, he is going to read into this constitutional amendment language which is not there, and when this amendment comes before the Supreme Court he would have the Supreme Court construe the amendment to mean something it does not say, and he would have the Supreme Court do that by looking back at the RECORD of the debates in the Senate of the United States. I will say to the able Senator from Florida that there are going to be differences of opinion uttered upon this subject, and, when the Supreme Court looks at the debate upon it, it will see some different views expressed, because it will have before it the different views taken by the Senator from Florida and the Senator from West Virginia as to the meaning of the amendment, from the language of the amendment itself. The Supreme Court, in the last analysis, will look to the language that is written into this constitutional amendment. There is not one word contained in the proposed amendment to the Constitution, which covers every State, which will permit the State legislatures to classify women for one benefit and men for another. The very language says that they shall have so-called equal rights.

The Senator has answered his own question on the point of why the constitutional amendment guaranteeing equality of citizenship and the basis of voting did not include the privilege for women to vote. The Supreme Court determined that women did not come within the purview of citizenship under the fourteenth amendment. Therefore, it was necessary to adopt the amendment giving the women the right to vote. But there is nothing which can change the language of an amendment to the national Constitution to mean something that it does not say, and add language that it does not have in it, so that it may give equality. Mind you, the word "equality" carries something beyond equal privilege to women. It takes things away from them. That is the point I am trying to make to the Senator. It takes away from them protection under the law which they have today. There is the danger of the amendment.

How can the Senator argue, on the basis of the language of the proposed amendment, that the Supreme Court, in construing it, could say that it applies to every State in the Union, yet a State here may have its laws apply one way as between men and women, and a State there may classify the two of them differently. I cannot follow that argument, much as I admire the able Senator from Florida.

Mr. PEPPER. I thank the Senator very much. I now want to complete my answer or attempt to complete my answer to the able Senator from Kentucky respecting certain matters he mentioned. Again I emphasize that this is an unexplored field, and undiscovered country into which we may be entering. I do not know how the Supreme Court will regard the whole domestic law of the land as it is expressed in the several States. This amendment, I will say parenthetically to the Senator from West Virginia, is not in my opinion, if it is interpreted as I suggested, having something else added to it. On the contrary I am emphasizing that it is to me just what is says and nothing more, and that is it gives women equal rights. It does not give women equal duties or other equalities, as perhaps some might imagine. It gives women equal rights. I am trying to restrict its meaning to what its words are, namely, equal rights.

In reply to the Senator from Kentucky, let me ask him if he can give me in detail the cases respecting property which he mentioned a moment ago.

Mr. STANFILL. I should like to have the Senator answer this question: My wife could sign the Senator's note as surety, and she would not be bound. If I were to sign his note as surety, I would be bound. How does the Senator reconcile that Kentucky law with equal rights for women?

Mr. PEPPER. I am inclined to believe that in such a case the inequality would be stricken down by this amendment if it were incorporated into the Federal Constitution, and that a woman would have the same right that a man has to sign a note or to undertake an obligation. In my opinion, she would have the same legal right in that respect as if she were a single woman. As I stated awhile ago, it is barely possible that for a limited time, on the assumption that women should have a fair opportunity to accustom themselves to the new law, a State might be supported in holding up the application of the new law to a limited degree and for a limited period of time. Generally speaking, I will say to the able Senator that in my opinion if this amendment were to become law, his wife would have the same right that he has to enter into a contract or to assume an obligation. That is a right.

Mr. STANFILL. If the Senator were representing Kentucky, or any other State which had a law similar to that of Kentucky, which protected women in that instance, as well as in the four or five other instances which I narrated, would the Senator vote for this amendment to cut down the rights of women in those States?

Mr. PEPPER. Of course, my State has various laws like that. Undoubtedly my able colleague [Mr. ANDREWS] will point them out, because he has the same point of view as that of the Senator from Kentucky. He does not favor this amendment, because he thinks it would involve a deprivation of privileges and advantages which women now have. But, Mr. President, even if this amendment should take away a few so-called protections, remember that it would give women rights which they do not now have.

Mr. STANFILL. What rights?

Mr. PEPPER. The very equality which they do not now have in the Senator's State.

Mr. STANFILL. If the Senator will pardon me, a woman has every right that I have in my State, but she has additional protections.

Mr. PEPPER. I do not call it a right if someone says that I can exercise only half the authority of an adult. It is not a right to be half an adult. That is a limitation upon being an adult. I do not call it a right to be able to walk on crutches. That is a limitation against being able to walk without crutches. In the case which the able Senator put, a women is not given a right which is superior to that of a man when she has less authority to act than he has. In my concept a right is a privilege or advantage, something one has which someone else does not have. I think in terms of exercising one's full faculties as being 100 percent; and if one is given anything less than that. he is given less than what is due him. So in the case which the Senator put, the right of a woman freely to contract, to enter into business, to buy and sell, and to own, is the equality of the right involved. If she does not now possess that equality of right, and she gets it by this amendment, then something favorable is being conferred upon her.

Mr. STANFILL. Will the Senator explain what he means by being half an adult? As I understand our law, woman has all the rights which a man has, and some additional rights, which would make her an adult and a half, instead of half an adult.

Mr. PEPPER. I take it that the right to enter into a contract and to deal as one would like to deal is incident to individual sovereignty. Anything less than that is a denial of individual sovereignty. If a man can sign another man's note, but a woman cannot do so, I do not see that she has more rights than the man. I think she has fewer rights than the man. For example, in many of the States women cannot operate grocery stores. They cannot operate millinery shops. A married woman cannot establish a sewing room and enter into business for herself without going to court and obtaining an adjudication allowing her to become a free dealer. I say that that is a denial of an equality of right with her husband, or with another man. This amendment would strike down that limitation upon the full sovereignty of her person in respect to financial transactions.

Mr. REVERCOMB. Mr. President, will the Senator yield for a question?

Mr. PEPPER. The able Senator from Kentucky [Mr. STANFILL] has left the Chamber. I wished to discuss this subject a little further. I yield to the Senator from West Virginia.

Mr. REVERCOMB. We are talking about advantages. They serve to bring forth the point of view of Senators who are discussing this question. The able Senator will recall that the common law once governed in many of the States. I think it still governs in some States. It does not obtain in mine with respect to tort actions. I believe there are some States—I cannot name one of them—in which a man is responsible for the wrongdoing of his wife. If she hits a

man over the head with a stick he can be sued for it and damages can be recovered from him.

Mr. PEPPER. Obviously that is not just.

Mr. REVERCOMB. Would it not be terrible if under the equal-rights amendment a woman could be sued every time her husband hit some one with a stick?

Mr. PEPPER. Fortunately women are not blamed for all the offenses of their husbands.

Mr. REVERCOMB. Would not the principle of equal rights place that liability upon her?

Mr. PEPPER. Of course not. The wife would no more be responsible for the husband's torts than one man would be responsible for another man's torts. God made them two separate individuals, separate human beings. If two men wish to be partners in business, they may do so. If a man and a woman wish to be partners without losing their individualities and their rights as citizens, they should have that privilege. When a man and a woman join together in holy wedlock and raise a family they have a right to do so, but they are still two individuals, both before God and man.

Mr. REVERCOMB. We have no debate on that point. Frequently they are too much individuals. But let me give the Senator another example. I am advised that in some of the States a man is subject to arrest for failure to meet certain obligations. I have never believed in that principle. I think it is wrong. It has never obtained in my State. A man cannot be put in jail in my State for failure to meet his obligations. But I understand that such a law still obtains in some of the States. Even in those States, however, a woman may not be put in jail for debt. Does the Senator wish through the equal-rights amendment to bring about such a condition that women can be put in jail for debt? Equal rights carry equal obligations.

Mr. PEPPER. Does the Senator claim that being put in jail is a right?

Mr. REVERCOMB. It involves the right of the person who swears out the warrant to have him put in jail.

Mr. PEPPER. I am sure that that is a right which everyone would be willing to grant to the Senator from West Virginia free of charge.

Mr. REVERCOMB. The Senator from West Virginia does not desire such a right. He does not wish to put anyone in jail. No such law has ever obtained in my State. I am simply trying to point out to the Senator from Florida, when he speaks about equal rights for women, that I, too, am in favor of equal rights for women.

Mr. PEPPER. Then the Senator is going to vote for this amendment?

Mr. REVERCOMB. Women enjoy certain privileges which the law has given them because of the situation in which they have been placed throughout history. They are entitled to special rights. While the Senator talks about equal rights he seeks to deprive women of the protection which they have enjoyed under the law, both the law of labor and the law of property rights.

Mr. PEPPER. The able Senator surely has not reflected upon that statement, or I do not think he would have made it. The Senator well knows that he can investigate the laws of this land, in nearly every State, and find case after case in which some of the chains of an earlier and more archaic day are still entwined about the necks of the women of that State. There are still limitations in respect to their property, their children, and other things with respect to which they are denied equality. This amendment is directed against those restrictions and limitations.

As I pointed out in the beginning, it was never intended to give women and men equal obligations or equal duties. Although today men have equal rights before the law, the law does not impose equality of obligations and duties upon all men in all cases.

Mr. REVERCOMB. The Senator admits, then, that there is equality of obligation——

Mr. PEPPER. Just a moment until I finish this thought. In reply to the argument which the Senator from West Virginia has made, let me say to him that if he will turn back the pages of the CONGRESSIONAL RECORD, if he will turn back the dreary pages of history, he will find that that same argument has been made from the earliest day in man's history to the present time against every effort to emancipate women and place them in a position of equality with men. That argument has persisted through the years, from the time when the first proposal was made to give women rights with respect to property, with respect to their children, or with respect to contracts. The same argument was made against granting any right with respect to labor, or the right of women to have their own earnings for their own use. The same argument continued into a later day, when the question was whether or not women should have political rights. Many men opposed woman suffrage upon the sanctimonious pretense that politics were too corrupt for women. They wanted to save them from the corruption of politics, and therefore they could not let them defile their fair hands with this corrosive and contaminating experience and contact. They could not let them step down from their lofty pedestals into the coarse domain of politics, in spite of the fact that politics determined the kind of homes they had, and the kind of society and the conditions under which their children were reared.

All those arguments have been made against every such effort. It has taken time for women to gain every right which they now possess. It may take more time to get this amendment, but gradually more and more rights have been granted to women. Inferior as women's rights are today, it has taken a long time to gain them. It has taken a long time for some of our subject races to get the treatment which human beings are entitled to enjoy. It has taken a long time for the poor to be dealt with as citizens in society. But gradually, by overcoming the arguments of well-intentioned if erring people, as well as those who oppose such efforts for some other reason, these underprivileged classes have been getting more and more privileges, and today many of them are reaching for the tableland of equality. God speed the day when they shall eventually reach it.

Mr. President, I now yield to the Senator from West Virginia, and then I shall yield to the Senator from Maine.

Mr. REVERCOMB. Mr. President, I thank the able Senator from Florida for yielding to me again. I wish to assure him that I was convinced of the thoroughness righteousness of his statement about lifting women up to equality and giving them equal rights; but that is not the question we are discussing.

I may say that the Senator from West Virginia represents a State where the rights of women are equal. They are equal in property; they are equal in relation to the right to take part in public life. In West Virginia, in every phase of public and private life, women are equal.

Mr. PEPPER. I congratulate the Senator.

Mr. REVERCOMB. I stand for that. But that is not the question we are here arguing. The Senator from Florida is arguing that the special rights which women have today shall be taken from them because they are not on a basis of equality with men.

Mr. PEPPER. Mr. President, it might be that the Senator is correct in arguing that what we are doing by the amendment is to assure a minimum equality, and that if the law wishes to give women more than that, all well and good; but at least the law should not take that much away from them.

Mr. REVERCOMB. That is what I am arguing. The amendment which the Senator discusses would take it away from them.

Mr. PEPPER. Oh, no. We must give women at least the same rights which men have. If we wish to give them more than that, that would not be improper.

But the Senator is saying that we should not assure women equal minimum rights with men. If the Senator wishes to protect them by giving them more than 100 percent of the rights which men have, all well and good; if it is a reasonable classification, and not unfair to the men, all well and good.

But what I am interested in is that women's rights, in the sense of legal rights which could be asserted in a court and legal immunities which could be asserted, shall in no sense be inferior to those of men. We are trying to give women the minimum of equality, so that their emancipation will be complete.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. Let me say that the amendment says nothing about giving women a minimum equality of rights. The amendment uses the word "equal."

The Senator from West Virginia stands here in favor of the proposition that the rights of women should be equal to those of men. The Senator favors that. But he will not stand for having women have greater rights because of their position.

The Senator from Florida would compel the insertion into the Constitution of written language by which the rights of women would be equal to those of men. Nothing else can be read into the proposed language.

Mr. PEPPER. And, of course, it is difficult to define the word "right" in terms of law. A right is something which can be asserted in a court and can be protected and can have the assurance of judicial regard for its assertion. Everyone knows that we are not trying to take away from women what they now have.

But as I said a while ago, we know that all over the United States there are cases where the father has the legal right to the child, in preference to the right of the wife. I think that preferential right would be stricken down if this amendment becomes a part of the Federal Constitution. If the amendment is adopted, the wife will have an equal right to the child; the other will have an equal right with the father.

Of course, the amendment would not take away from the court the right of judicial review and judicial authority over the matter, but it would strike down the superior right of the father, as compared to the right of the mother, to the custody of the child. It is not desired to give an advantage to the wife, but if the wife cannot have an equal right with the husband to her own child, I do not call that an equal right.

Mr. President, all over the United States there are hundreds of cases, as I have said, where women do not have equal rights. For instance, women cannot engage in their Government as men can, they cannot serve on a petit jury, they canont serve on a grand jury, they cannot dispose of their own property, they cannot will their own property, they cannot serve on a grand jury, they cannot make a contract, they cannot adopt a child. There are a great many things that a women cannot do because by law they are denied the privilege of doing it. That is not an equality of right with men. That kind of a limitation upon right would be stricken down by this amendment. The amendment would not deprive women of something they now have, but it would give to women something essential to which they are entitled, but which they do not have now.

Mr. OVERTON. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield to the Senator from Louisiana.

Mr. OVERTON. I should like to ask the Senator what effect this amendment would have on the following provision of the Louisiana law: Under Louisiana law, the wife is not responsible for the debts of the community, whereas her husband is. If this equal rights amendment were to be adopted, would the wife be responsible for the debts of the community?

Mr. PEPPER. Mr. President, I say that I have never, except in a casual way, had any experience with community property. But I say to the Senator from Louisiana that I regard the community relationship as essentially a partnership, and I say that in my opinion under this amendment the wife would be equally liable with the husband for the husband's debts, if they were incurred in furtherance of the community interests.

Mr. OVERTON. Exactly. But that would be contrary to the existing law in Louisiana.

Mr. PEPPER. I think it would be.

Mr. OVERTON. That law is peculiarly beneficial to women.

Let me ask the Senator another question: Under Louisiana law, with certain exceptions, the wife's separate earnings inure to her own benefit, but the husband's earnings fall into the community relationship, again. Of course, if this amendment were adopted, that provision of the Louisiana statute would be ipso facto repealed.

Mr. PEPPER. Mr. President, I am glad the Senator has brought out the question of the marital relationship. Honestly, I think none of us could say just what would be the decision of the United States Supreme Court about every question or point in the marital domain. In the case the Senator from Louisiana has put, I think probably the situation would be as the Senator from Louisiana has suggested. I think the income of either would go into the community partnership, and it would be dealt with just as if A and B were in partnership in business, and just as if A and B were men.

Mr. OVERTON. Mr. President, I have one other question: If the wife brings into the marriage certain funds or property, which under Louisiana law are known as her separate paraphernal property, and if that property is used by the husband for the benefit of the community, the wife has a lien and privilege, under the law, against all the assets of the community, for the repayment of her separate funds which inured to the benefit of the community.

Obviously, to my mind, if this amendment is adopted, the wife's privilege will be lost. The husband has no such privilege as that. Whatever the husband expends for the benefit of the community is spent for the benefit of the community without any privilege of its return.

Mr. PEPPER. Mr. President, I shall refer to the subject further, a little later. But to answer the Senator's question, I think he is correct: namely, that the wife's relationship to the community and the husband's relationship to it would be the same, with the condition, which I shall discuss a little later, that in all probability there would be recognized by the United States Supreme Court a certain field in which the State legislatures could legislate with respect to the family relationship. I do not know how large that field would be.

Mr. OVERTON. As a matter of fact, Mr. President, what perplexes me is that if this amendment were adopted, I think it would be destructive of community law in the eight States of the Union which enjoy that law.

Mr. PEPPER. With this possible exception, I do not see anything in this language which would say to a State, "You cannot impose upon the husband, as the husband's primary duty to support the wife, if he works in an office and if she works in the home."

I do not think the court can say that the law imposes upon the husband the duty of providing for the marital expenses. I see nothing inconsistent between that and this amendment.

I am sure the Supreme Court would have to recognize the right of the States to work out a reasonable husband-wife, father-wife-child relationship that would be compatible with our conception of the essential importance and vitality of the family in our society.

So I cannot say to the Senator that in every case everything that prevails today would be set aside. But I believe that all that prevails at the present time that would be regarded as limitation of the right of the wife and that would be regarded as making her right inferior and subordinate, would be stricken down.

Mr. OVERTON. And her rights in a superior position would be stricken down, because she must have equal rights under this amendment. There is no escape from such conclusion.

Mr. PEPPER. The Senator is probably right, and I believe he has expressed the sounder view. However, as I said to the Senator from West Virginia, it may well be that all the amendment requires is that the wife's rights be brought up to an equality with those of the husband, and does not require them to be superior to his.

Mr. OVERTON. There must be a perfect equality between the rights of men and women.

Mr. PEPPER. That is the sounder view. But again, as I said with reference to labor laws, I believe that the legislatures would have the right to make reasonable classifications even with respect to the female relationship.

Mr. OVERTON. I have given illustrations of a few privileges which women enjoy in Louisiana, privileges which are superior to those enjoyed by men. There are many of such privileges, and I shall not fatigue the Senator by giving further illustrations. But the adoption of this amendment would strike down all those ancient privileges which have been and are enjoyed by women in the State of Louisiana. I believe that those privileges constitute one of the great glories of Louisiana's civil law.

Mr. PEPPER. The Senator, being the able lawyer that he is, knows perfectly the situation in Louisiana. Will he tell us if, in Louisiana men have any rights which women do not have?

Mr. OVERTON. The answer to the question depends on what the Senator considers to be a right. Women do not have the right or the duty to serve on a jury. Jury service is a duty which the citizen owes to the State, and I would not consider it to be a right. I mentioned that fact a while ago in a prior colloquy with the able Senator from Florida.

Mr. PEPPER. Yes.

Mr. OVERTON. I know of no superior right which a man has in Louisiana except the one which I have heretofore mentioned, namely, of being the head and master of the community, and

having the control, management, and disposition of the community property.

Mr. PEPPER. That authority is undoubtedly superior to the authority of the wife.

Mr. OVERTON. There is no doubt about it.

Mr. PEPPER. That is a matter which must be weighed against the question of whether the wife would rather assume certain obligations and get up to the level of equality in authority in the community. In my opinion, in the long run what the woman would gain would be immensely more than what they would lose, and therefore, from the point of view of women—I do not propose to suggest that all women favor this amendment—I favor the amendment because what women would gain in the long run would be so much greater than what they would lose, I think it would be in their interest and in the interest of the public to give them this equality of right.

Mr. OVERTON. The reason for a single management of the community property is, of course, quite obvious. If the situation were otherwise it would result in much unhappiness, divorces, and separations. Ever since Louisiana has been a State its people have found that it is necessary to have one master and head of the community, and that person has been, by law, the husband.

I do not wish to direct the argument into what may appear to be a ridiculous illustration, and I hope the Senator will believe that what I am about to say is said in good faith. But first, allow me to ask the Senator if the amendment applies to minors as well as to majors?

Mr. PEPPER. The amendment makes no distinction in age. The only distinction is in sex. The amendment states, in part, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." There is no distinction made on the basis of age.

Mr. OVERTON. What I am about to say will be said in all good faith, and with due apology to the Senator and other members of the Senate. But it seems to me that the proposed amendment would go far afield in the light of the laws now in existence in the various States. I refer to the age of consent. Under the amendment the age of consent would apply to the male as well as the female. It would be bound to. There could be no escape from it.

Mr. PEPPER. Does the Senator refer to the age of consent in respect to the criminal statute?

Mr. OVERTON. No.

Mr. PEPPER. In respect to marriage?

Mr. OVERTON. No; I mean in respect to sexual intercourse.

Mr. PEPPER. In respect to the criminal statutes?

Mr. OVERTON. Yes.

Mr. PEPPER. I said at the beginning that I cannot conceive of this amendment denying to a State the power, by legislation, to affect that subject, because there is a reasonable distinction between men and women. So far as the law is concerned, we think that it is the woman who consents, and not the man. Certainly, I cannot see anything in the language of the amendment which would suggest the impairment of the authority of the State to fix the age, not as between men but as between women, when the age of consent shall have been considered to be reached.

Mr. OVERTON. Mr. President, that argument would break down the practical application of the proposed constitutional amendment to anything which might be conceived of by the able Senator.

Mr. PEPPER. I would say to the able Senator from Louisiana that I am a full-fledged adult male citizen of the United States, born in this country, but I may not drive my car down the street at more than a certain speed per hour without being subject to arrest. There are a great many things which I may have the physical power to do but, because of the public interest involved, I am restrained from doing them, and am compelled to limit the exercise of my faculties. It is just as reasonable to say that a flat limitation may be imposed on the exercise by women of their faculties without in any sense of the word impairing the constitutionality of such action by this amendment. I know how concerned the Senator is, and none of us would want to favor an amendment which would have the practical effect of destroying a statute of that kind. But I think that the argument goes far afield into the realm of speculation and conjecture, and that there is no appreciable likelihood of the situation to which the Senator refers ever coming to pass.

Mr. OVERTON. The question of consent is the question of right, whether applied to the male or to the female. That right is denied and abridged up to a certain age—16 years in some States and 18 years in other States—insofar as the female is concerned. It is an abridgement of her right. It is not a moral right; it is a legal right when she reaches 19 years of age. And if it is a legal right when she is 19 years of age, the Congress may not step in and say to her, "It is not a right when you are only 16 years of age, or only 18 years of age," without saying the same to the male. No distinction can be made.

Mr. PEPPER. Let us take the situation which prevails today. A man 1 day under 21 years of age is not an adult, so far as the law is concerned. In almost all States of the Union an arbitrary age of 21 has been fixed as the age which a man must reach before he can be regarded as an adult under the law. Yet all men have equal rights.

Mr. OVERTON. The Senator could not say that the male attains majority at 21 years of age and that the female attains majority at a lesser age or at a greater age.

Mr. PEPPER. I am not at all sure that that would not be possible, but what I wish to say to the able Senator from Louisiana is this: Let us take, for illustration, two persons, a man and a woman, aged 25. In many of the States of the Union those two persons may not marry until they have waited for 3 days after filing an application for a license to marry. Under such circumstances, limitation has been fixed upon the exercise of the right to get married, which right is had by the adult. However, the State has said, "You may not marry until 3 days have elapsed between the time of the application for the license and the performance of the ceremony." I cite that illustration to show that if, in the public interest, legislatures of the several States have said that the age of consent is 14 years, 18 years, 19 years, or 20 years, there is nothing in the proposed amendment which could interfere with the effectiveness of a statute of that kind.

Mr. OVERTON. There is no doubt that the State has the authority, but, under this amendment the State must have the same regulation with reference to females that it has with reference to males. In Louisiana, before a male may contract marriage he must undergo a medical examination, and the issuance of the license to marry is withheld for a certain number of days. Under the Louisiana statute the women are exempt from being required to undergo a medical examination.

Mr. PEPPER. This amendment would not interfere whatever with such a statute.

Mr. OVERTON. Oh, indeed it would. There could not be one set of laws applying to the female and another set of laws applying to the male.

Mr. PEPPER. Mr. President, to be examined medically is not a right. Who may complain of not having been examined as having a right denied? Out of experience the law has determined that the man is more frequently the offender, and the law says, in effect, "We will require that the man shall be examined." It could say, and perhaps should say, that the woman also shall be examined.

Mr. OVERTON. The Senator overlooks one thing. The right to marry is a right, and the Senator would place a limitation on the right of a man to marry. When he does that he must place the same limitation on the right of the woman to marry.

Mr. PEPPER. There is no limitation on the right of the woman to marry. The Senator is putting everyone in the same class. Out of experience in the case he cites the legislatures have found it reasonable to provide that men shall be given a physical examination before marrying, and that women shall not be so required. But that is a reasonable classification, and the women have been denied no right by not being compelled to be examined.

Mr. OVERTON. The Senator would exempt a woman, and deny her a right.

Mr. PEPPER. She has not been denied any right.

Mr. OVERTON. Under the law, an exemption is a right.

Mr. PEPPER. Mr. President, in that case it is simply an immunity which has been accorded her as a gratuity by the State. There is a difference between a gift and an obligation. It does not apply to her a duty which it does apply to a man. But she is not denied any right. If she wants to be examined she has a right to be examined, and if any law kept her from enjoying that right it would be unconstitutional, not under the proposed provision, but under the present Constitution. She has a right to go to a doctor, she has a right to have him

give her a certificate, she has a right to show it to anybody. That is a right. But, Mr. President, that which is imposed upon the prospective groom is a duty, it is an obligation. There is nothing in this language which would change that situation.

Mr. MURDOCK. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. If the Senator makes the distinction on the basis that the State has a right to impose a duty on the man that is not imposed on the woman—he says that can be done——

Mr. PEPPER. I think so.

Mr. MURDOCK. He then says that the man has the same right to get married the woman has. There is no reason for imposing the duty to be examined and to be found fit physically to get married unless there is further imposed the restriction on marriage in the event the examination of the man determines that he is not fit to be married. So that when the man is told, "You cannot marry until you have taken an examination and proven yourself to be fit to be married," he is denied the right which the Senator says is existent in both the man and the woman.

Mr. PEPPER. The man would be the one to complain, not the woman, and this does not deny to any man the same privileges every woman has. It is intended to grant equality of rights with the man.

Mr. MURDOCK. But if a duty is imposed on a man which, carried to a logical conclusion, denies him a right, then there is established inequality so far as the man and woman are concerned in the exercise of a right which the Senator says belongs to both of them, and that right is the right to get married.

Mr. PEPPER. Mr. President, I understand the concern of the able Senator from Utah has, and he knows I am always influenced by what he says, but this constitutional amendment would not attempt such a vain thing as to attempt to make all men and all women exactly alike. No one has any such foolish objective in view, in the support he gives to this amendment.

What it does and what it is intended to do, and what I am sure any court would hold it would accomplish, in cases where there are substantial rights—and I use the word "right" as a privilege which a woman may assert before the law and get protection for—I say, it was intended to give, and in my opinion would be construed to give, to the wife, to the girl, to the woman, the same privilege, the same right, in that sense the man has. In doing that it is simply lifting the dignity of woman up from inferiority to equality, it is raising her from a position of servility and subordination to equality, to the same plane with man.

Mr. President, that inevitably flows from the original concept of the dignity of women as well as men as being human beings, individual in character, and possessing a part of the divine soul.

Mr. OVERTON. If the Senator will yield, under the proposed amendment there is no distinction between the man and the woman, between the male and the female, because the proposed amendment provides "equality of right under the law shall not be denied or abridged by the United States or by any State on account of sex." It does not say on account of being a female or on account of being a male, but on account of sex, and, therefore, it refers just as much to the man and protects the man just as much as it does the woman. They both come under that edict.

But getting back to the problem we were discussing a moment ago, the right of marriage is denied to a man because on examination he is found to be diseased, but the diseased woman has the right to marry. How can that distinction be made? It cannot be made without bringing this constitutional amendment into disrepute and twisting it from its obvious meaning, purpose, and intent.

Mr. PEPPER. Mr. President, I shall try to make two answers to that argument, and I am glad the Senator suggested it.

My first answer is that in the case put by the Senator from Louisiana there was a difference in the facts. The man in that case was found to be diseased. The woman was not examined and is presumed to be free of disease. The marriage rite is denied to the diseased person as against the undiseased person in the predicate I put. So certainly there is nothing wrong. There is no improper classification.

Mr. OVERTON. No; if the examination had been held as to both——

Mr. PEPPER. But it was not held.

Mr. OVERTON. The result might have been that the man was found not to be diseased and the woman to be diseased.

Mr. PEPPER. But the examination was not held, and the presumption is that the woman was free of disease, while the man was found contaminated with disease. All the law says is that a person found to be contaminated cannot marry. I do not regard that as improper in any way.

Mr. OVERTON. But the presumption of freedom from disease would have yielded to the fact that there is no freedom from disease.

Mr. PEPPER. But in my opinion the State has made a reasonable classification out of experience.

The second argument I would like to make is that yes, the Senator is correct in saying that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex, but the fourteenth amendment provides:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That looks as if it applies equally to whites and blacks, yet we know, in the light of our constitutional history, that that language was put in there to lift to the dignity of citizenship the emancipated slave.

In addition to that, the fifteenth amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

We know that was general language, but it was intended to give the right to vote to the Negro. In this case everyone knows that when we have been discussing this equal rights amendment we have been talking about giving women equal rights with men. We start off with the limitation of facts, with disfranchisement, with the impairment of women's rights, and everybody knows we are attempting to bring women's rights to equality with men's.

This proposed amendment is not intended to give denied rights to the men of this country. So, in the case put by the able Senator, it is the man who would have to complain that he had to have an examination, while the woman did not have to, and then he would have to show that the legislation under which he was required to observe that duty was unconstitutional, and there is nothing in this language which would give him authority upon which to urge that.

Mr. TUNNELL. Mr. President——

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Does the Senator from Florida yield to the Senator from Delaware?

Mr. PEPPER. I yield.

Mr. TUNNELL. I simply wish to make a suggestion. Questions have been asked the Senator from Florida with respect to what are apparently superior rights of women in various States. I was thinking of one who would seek a remedy. There is no woman who would go into court on the ground that she has superior rights. Therefore, the remedy would be sought by the person with the lesser right.

Mr. PEPPER. That is true.

Mr. TUNNELL. And under the proposed amendment, if there is any complaint, it would have to be on the part of the man that his rights were not superior.

Mr. PEPPER. That is correct.

Mr. TUNNELL. That would be on the ground, as I understand it, that the State did not have a right to deny or abridge his rights.

Mr. PEPPER. That is correct. I think the Senator from Delaware has made a very clear statement of exactly the differences that we have been talking about recently.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PEPPER. I wish to conclude my remarks, but now I yield to the Senator from Oregon.

Mr. MORSE. I think, however, there is another horn of that little dilemma which ought to be pointed out, and that is third-party interests that could come into court, such as an employer who might want to raise a question of the constitutionality of the State act which might give a superior position to women, on the ground that under the constitutional amendment the State act would thereby become unconstitutional.

Mr. PEPPER. Mr. President, there again the employer would have to show, as the Senator has pointed out in respect to men, that his own rights had been violated, and he would have to show that the legislature has not made a reasonable classification.

Mr. MORSE. That would be subject to vast litigation.

Mr. PEPPER. After all, that is one way the law grows, and that is one way society and civilization grow. I am sure the lawyers are not going to stand adamant against increased litigation. But seriously, Mr. President, of course it would have to be construed and interpreted from time to time, but I think we have gained so much in enlarged concept of women and their dignity that there would not be nearly as much litigation as is anticipated.

Mr. MORSE. Mr. President, one more question, and that will be all. It is true, is it not, that such benefits as women would seek to attain under the amendment would be by way of Federal legislation which would endeavor to give to them in certain States benefits which they do not now possess under the State law?

Mr. PEPPER. No; they would not necessarily have to wait on legislation. It would, like "the equal protection of the law" or the "due process" clause, constitute the supreme law of the land. If a citizen felt that she had been denied equality by a State, she could come in under this amendment just as she could do now in a proper case under the due-process clause and the equal-protection clause, and assert the right to be protected.

Mr. MORSE. In attempting to establish rights they think they do not now have, they would have to establish them through litigation.

Mr. PEPPER. Yes; but it would take but a few such cases, I think, to establish the rights.

I wish to conclude now, Mr. President. I apologize to other Senators. I did not intend to take so much time. Let me conclude by reading, as I did yesterday, from the report of the majority of the Committee on the Judiciary, the remarks of William Draper Lewis, director of the American Law Institute, as follows:

> It is a comment on the immaturity of civilization that the recognition of woman's political equality with man did not come in the United States until 1920. The fight to gain for her full legal recognition as a human being has neared its culmination in the presentation to Congress of the equal-rights amendment.

Mr. President, Euripides, I believe, in respect to Queen Medea, used words something like these:

> Of all things upon earth that bleed and grow,
> An herb most bruised is woman.

Throughout the long ages, Mr. President, woman has had to bear the burden of man's progress upward. We have gradually lifted her up. I am not talking about the beauty queen who is placed in love upon a pedestal. I am talking about the world's women—the masses of womankind. They, Mr. President, have gradually been lifted up, and lifted up by legislation that has come to their succor until today they stand nearer to the plane of equal dignity and equal right than they have ever stood in human history.

To the able Senator from Michigan [Mr. VANDENBERG], who is on the Senate floor today, having had the great part that he played in the fashioning of the United Nations Charter, I properly pay tribute, as well as to all those others who had a part in it, for having advanced us to the point of putting into the world charter the concept of equality of women with men. That shows the high plane upon which the future hopes of earth have been put and fixed, and I hope, Mr. President, that the Senate by the adoption of this constitutional amendment will continue the battle for the elevation of woman to her just place of equality before the eyes of men as she has it before the eyes of God.

Mr. AUSTIN. Mr. President, I favor the proposed constitutional amendment primarily because I believe in the principle it seeks to establish, but even if I did not believe in the principle I would favor the amendment just the same, because I know, from years of experience, how great a demand there is in the United States for a submission of the question to the people. They are entitled to consideration by the Congress when it comes to so fundamental a question as the one involved in the pending proposal, and even if I were still in the minority, as I was at one time in the history of this proposed legislation, I would favor submitting the amendment to the vote of the people.

As I have listened to the debate I have felt that there is a misunderstanding about what the amendment says. Therefore, it is worth while, I believe, to put into the RECORD some of the history, the long history, which I shall try to make brief and graphic, that throws light upon what this amendment says. We let the courts determine the meaning of an act passed by a State or a subdivision of a State whenever an attempt is made to challenge it. In the discussion of the question so far there has been clearly a misapprehension about what the amendment says. I think what I shall now present may bring out what it says. The form and substance of the amendment, known as the Lucretia Mott amendment, in the most recent form I have it in my papers here today, is Senate Joint Resolution 8, bearing the date of January 6, 1941, and note that the amendment provides:

> Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.

I shall not read the whole amendment. I read only this part in order to bring out the confusion there seems to be over what the amendment now says. A great many of the interrogatories have been founded upon the theory that the amendment proposed here says exactly that which I have read: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." But the proposal here does not say that. What I have read relates to men and women. It is like certain parts of our Constitution which deal with men and women. Whereas the amendment which is before us does not deal with men and women, but deals with States, just as certain other parts of our existing Constitution deal with States. Listen to what the amendment says:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It is a prohibition. It is not a grant. It deals with government. It says to government, "You shall not do something." And it limits it very severely, because it is tied down to one thing, and that is sex; not to marriage; not to some other difference between men and women which constitutes a rational ground for classification. It is tied down solely to sex. What an apparent mystery there is over the subject of rights. The amendment does not deal with rights in the abstract. The amendment deals with certain rights, namely, rights under the law. It is only rights under the law to which it refers and says that no State shall deny equality of those rights under the law, on the sole ground of sex.

The process of evolution throws light upon this matter. There were long negotiations in subcommittees which are reflected by certain steps. I shall not put all of them into the RECORD, but only sufficient to indicate the evolution of this phrase and of the whole proposal.

Following the first proposal, from which I have read, and from which the committee struck the words "men and women shall have equal rights throughout the United States in every place subject to its jurisdiction," eliminating its personal character, this was inserted in lieu thereof:

> No State shall make or enforce any law which shall discriminate between the rights of men and women, and no law making such discrimination shall be enacted by the Congress.

That was the only amendment in that proposal. The remainder of the proposal read:

> Congress shall have power to enforce this article by appropriate legislation.

I suggested the following draft of the same amendment for consideration by the subcommittee:

> Men and women shall have equal rights under the law within the United States and within each State, Territory, and possession of the United States, and within the District of Columbia.

Senators can see what I was driving at. I was trying to avoid the national doctrine, for which I have heard claims made in the interrogatories, and to classify the subject into States, Territories, possessions, and the District of Columbia, so that we would not have to contemplate uniformity of laws among all the States and all the possessions, and so that each of these divisions of our Federal Union could control its own public policy and say what its laws would be in the future.

I continue to read:

> This amendment shall not require uniformity of legislation among the several States, the District of Columbia, the Territories, and the possessions of the United States. Except as herein provided, no law of the United States or of any State, Territory, or possession thereof, or of the District of Columbia, shall have validiy if it denies such equality of rights under the law on account of sex. Any such law in force on the date of the ratification of this article shall have validity during the time following such ratification and until legislation to enforce this article has been enacted by the Congress or by the appropriate legislature, but in no case shall such validity extend beyond 1 year following the next regular session of the Con-

gress or the appropriate legislature which commences after the date of the ratification of this act.

There were illustrations of what could happen if we did not preserve the operation of existing laws during the period necessary for adaptation to the policy which the State was about to adopt in order to conform.

The last phrase is:

Provided, That the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

There were several objections to that. They are brought out in the minority views which I filed as a member of the subcommittee. The subcommittee consisted of the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and myself. I read this report, because I think it is an important part of the history.

Mr. SMITH. Mr. President, will the Senator yield for a suggestion? May we have in the RECORD the date of that report, and the measure to which it refers? Was it the first measure which the Senator read?

Mr. AUSTIN. No. Much progress had been made. This report was dated in March 1943 and was a report to accompany Senate Joint Resolution 25. That was in the Seventy-eighth Congress, first session:

Hon. FREDERICK VAN NUYS,
Chairman, Senate Judiciary Committee,
Washington, D. C.

MY DEAR MR. CHAIRMAN: As chairman of the subcommittee appointed to consider Senate Joint Resolution 25 proposing an amendment to the Constitution of the United States granting equal rights to men and women, I respectfully report that by a vote of 2 to 1 it has been agreed to report this measure favorably to the full committee and to recommend that it be passed.

Sincerely yours,

H. M. KILGORE.

Mr. AUSTIN, from the same subcommittee, submitted the following adverse report:

Hon. FREDERICK VAN NUYS,
Chairman, Senate Judiciary Committee,
Washington, D. C.

DEAR MR. CHAIRMAN: The subcommittee to consider Senate Joint Resolution 25, after consideration, disagree. As the minority of the committee, I report for consideration by the standing committee the following amendments to be offered to the substitute:

"Men and women shall have equal rights under the law within each State, Territory, and possession of the United States, and within the District of Columbia."

This proposal, if ratified by the several States, would correspond to amendments which are contained in what is called the Bill of Rights. This proposal if ratified would not confer upon women any rights which they have not under the law or take away from them any rights which they now have under the law. To give it vitality State laws existing and to be enacted must not deny or abridge on account of sex the rights above declared. Moreover, Federal laws relating to rights of men and women should be limited by the same principle. Therefore I propose a second section to read as follows:

"No law of the United States or of any State, Territory, or possession thereof, or of the District of Columbia, shall have validity if it denies equality of rights under the law on account of sex."

I conceive that the rights of the several States in our Federal system are sufficiently important as guarantees of free government to avoid granting away any of the sovereignty of the States to the Federal Government in this connection. I would hold firmly the control that the States have severally over their internal police powers, over the holding and devolution of property, over domestic relations, and over all other essentially intrastate life. Therefore, I propose for a third section:

"The legislatures of the several States shall have the duty and the power within their respective States, and the Congress shall have the duty and the power within and for the District of Columbia and the Territories and possessions of the United States, to enforce this article by appropriate legislation."

Respectfully submitted.

WARREN R. AUSTIN.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. AUSTIN. I yield.

Mr. SMITH. Does the Senator feel, from the language of the amendment which is now being considered, in view of the expression "equality of rights under the law," that that includes the implication of equality of responsibility? Or am I correct in my interpretation that it does not, and that therefore a State could enact a law placing certain responsibilities on the husband with respect to care of children, and so forth, without violating this amendment?

Mr. AUSTIN. I think the distinguished Senator is correct, and that it does not represent liability at all. It represents just what it says—rights under the law, and particularly equality of rights under the law. That does not mean identical things. There is something more than a technical difference between a man and a woman, and no legislature is foolish enough to try to legislate in the face of that fact. We are dealing with equality of rights under the law, and not with the picayunish questions which I have heard discussed on the floor of the Senate as though they applied to this proposal.

In the first place, it is not necessary to have uniformity. We have had decisions of the Supreme Court which sustain that proposition. I quote from *Missouri* v. *Lewis* (101 U. S. 22). The decision reads in part as follows——

Mr. FERGUSON. Mr. President, will the Senator yield before he reads from the decision?

Mr. AUSTIN. I yield.

Mr. FERGUSON. As I understand, the Senator from Vermont distinguishes between liabilities and rights.

Mr. AUSTIN. Oh, yes.

Mr. FERGUSON. A statute might create a liability and place a liability or responsibility upon one person, even after the adoption of this amendment.

Mr. AUSTIN. Certainly.

Mr. FERGUSON. That person might be a male or a female.

Mr. AUSTIN. Quite true.

Mr. FERGUSON. But no State can deny a right under the law because of sex.

Mr. AUSTIN. On account of sex. Remember the language—"on account of sex." Apply that to the question, and it becomes perfectly clear. Certainly there is nothing about the constitutional prohibition which prohibits a State from fixing responsibility upon the husband for the care of his wife and his family—or even remote relatives, if the State wishes to enact such a law. The only thing that is prohibited is placing a responsibility or duty upon him on account of sex. The thing can be turned around, and the responsibility placed upon the wife if that is the public policy of the State. But notice that no national policy is being declared. The individual State has the right to determine what its policy shall be in that respect; and if it wishes to treat women disrespectfully, it might do so, even under this constitutional amendment, provided it is not done "on account of sex."

Mr. FERGUSON. Mr. President, will the Senator yield for another question?

Mr. AUSTIN. I yield.

Mr. FERGUSON. I propose a hypothetical case of a State statute providing that women shall not be hired to work for more than a certain number of hours a week. After this amendment became part of the Constitution, would it be possible for the State of Vermont, for instance, to pass a law providing that employers shall not hire women to work for more than blank hours a week, or would that be a violation of this amendment? Nothing would be said in the law about men, but the provision merely would be that no one should hire a female to work for more than blank hours a week.

Mr. AUSTIN. I should say that if I were a judge trying to pass upon that question, I should have to be satisfied that an equality of rights under the law was being denied someone. That is the test. Of course, I cannot determine that without having more facts than the Senator from Michigan has provided in stating his assumption, because the classification could be grounded upon something else besides sex. It could be grounded upon the well-known difference in other physical conditions than sex.

Mr. FERGUSON. Mr. President, will the Senator yield for another question?

Mr. AUSTIN. I yield.

Mr. FERGUSON. Let us consider a State which, after the adoption of this amendment, provides that female employees shall be provided with seats at their work, as in the case of stores or in the case of elevators. Could it be required that in connection with the work of female employees, the employers must provide seats? Would that be a denial of an equal right?

Mr. AUSTIN. I do not undertake to pass upon individual cases. It will be up to the State of Michigan, if such a case arises in the Senator's State, to determine what the policy shall be, and whether it is based upon sex alone.

I would not undertake to answer the questions which have been directed at my colleague, the Senator from Florida [Mr. PEPPER]. It seems to me perfectly absurd to undertake to test the amendment by such hypothetical instances.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. OVERTON. If the law grants that privilege to women and denies it to men, obviously the distinction is made merely on account of sex.

Mr. AUSTIN. It is a question of fact. If it is granted solely to women and is denied to men, that would be a violation of that provision of the Constitution.

Mr. OVERTON. But if the privilege is given to all women and is denied to all men, the conclusion that the privilege is denied on account of sex is inescapable.

Mr. AUSTIN. The question is whether it is denied to men. Everyone of the cases must be determined on the basis of the facts. It is not for us to determine how these little, incidental examples should be decided by a court. It is not for us to pass upon the question of what should be the policy in one State as against the policy in another State.

It is for us to envisage this proposition in its broad view, with the hope that the States, no matter what their individual policies may be, will so conduct their legal business and so conduct their government that they will not discriminate on account of sex alone. A discrimination on account of sex, alone, is perfectly absurd. Such a discrimination is not civilized in these days.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. MORSE. I wish to say that I have been trying to follow the Senator very closely, because of my high regard for his judgment I happen to be one in the Senate who finds himself very much in doubt as to whether to support or not to support this amendment.

So far as my thinking is concerned, my decision will have to be determined upon the basis of the effects of the amendment in relation to the rights to which I understand the Senator from Vermont has been alluding. Of course, a legal right in abstraction is no right at all. Legal rights are of significance only in relation to operative facts.

The Senator's reply to the question of the Senator from Michigan leaves me with some concern. I do not wish to dwell upon that, for I appreciate the Senator's attitude toward it. But the fact still remains that when there is a specific minimum-hour law for women, such as the Senator from Michigan referred to in his hypothetical question to the Senator from Vermont, there is raised the question of the effect of such an amendment upon that type of legislation, especially when we find, as I am sure some Senators have, that certain proponents of the equal-rights amendment, certain representatives of women's organizations, tell us that they think there should be equality of hours of work as between men and women, that the statutes which call for lesser hours of work for women should be repealed, and that the amendment will have that effect upon such legislation. In reply I have said to them, "If that is the effect of the amendment it will cause me to lean heavily against it."

Did I correctly understand the Senator from Vermont to say in answer to the Senator from Michigan that he does not know what the effect of this amendment would be in the case of the hypothetical question which the Senator from Michigan has put to him, because the hypothetical question does not give him all the facts he would need to have in order to determine whether this proposed equal-rights amendment would deny to women such protection?

Mr. AUSTIN. Of course, I do not know, and I regard it as intemperate for me to try to decide such a case here upon such an imperfect statement of the case. On the basis of the statement of the case which has been made to us there is not enough to enable us to know whether the case turns upon the vital prohibition.

Mr. MORSE. Then, is not the Senator taking the position that he does not know what effect the equal-rights amendment would have upon a multitude of statutes now on the statute books?

Mr. AUSTIN. Of course, I do not know. Those statutes are not before me, and therefore I cannot possibly pass upon them here. I would not try to do so. I do not think that is a fair way to handle this question.

At what the proposed amendment aims I have no doubt at all, namely, that equality of rights under the law shall not be denied on account of sex.

Mr. MORSE. But that depends upon what the Senator's definition of "equality of rights" is. If the Senator says he does not know what effect the amendment would have upon existing specific pieces of legislation, but insists that there shall be no inequality because of sex, I could agree with him in the abstract. But the test of that pudding is in the eating thereof in relation to its application to specific statutes.

Mr. AUSTIN. Mr. President, the Senator will have to make his own decision. He should not make it on the basis of any attempt by me to persuade him, because I would not attempt to persuade him one way or the other by undertaking upon the floor of the Senate to pass upon decisions in regard to specific cases. Much would depend upon the statute and upon the surroundings. There are many factors which I cannot assume, and which are not assumed or stated in many of the questions which have been put.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WHITE. As I understood the Senator, he did not answer the questions asked by the junior Senator from Michigan [Mr. FERGUSON] because he said he was not in possession of sufficient facts to justify the reaching of such a conclusion by him. Yet, as a practical matter, is not that the position into which all Senators are forced in attempting to reach a conclusion in regard to how to vote on this particular amendment?

Mr. MORSE. That is exactly the point I raised.

Mr. AUSTIN. Of course, any Senator who questions the ability of the various courts of the land to pass upon the statutes of the several States would deny or challenge the declaration of policy which is contained in the proposed amendment. I would not try to change such a Senator's position at all. It is up to him.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. CORDON. Forgetting or laying aside any question as to a specific statute and all the information which it would be necessary to have in order to permit a court to interpret it, and coming to the matter of principles only, is it the Senator's view that a legislative body would be justified, on the basis of making a reasonable classification in legislating privileges to women, based upon their physiological differences from men, in granting to women by legislative enactment privileges which it denied to men or, to put it in the affirmative, basing the distinction upon physiological factors, and that such legislation would not be violative of the proposed amendment?

Mr. AUSTIN. I do not know. I cannot answer the question. I comprehend physiological differences such as sex. If the Senator will exclude sex from his question, I can answer promptly that that would be a reasonable classification, and not prohibited by the proposed constitutional amendment.

Mr. CORDON. I should like to exclude sex in order to clarify the question, but the Lord did not do so and neither do I.

Mr. AUSTIN. And neither do I, and that is why I answered the question in the way I did.

Mr. President, for a further history of the development of the language of the amendment now before the Senate, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks Report No. 267, dated May 28, 1943, on the equal-rights amendment which was then reported as Senate Joint Resolution 25.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary to whom was referred the resolution (S. J. Res. 25), having duly considered the same, now report the resolution favorably to the Senate, with amendments, and recommend that, as amended, the resolution do pass.

AMENDMENTS

(1) Page 1, line 6, strike "when" and insert in lieu thereof "if."

(2) Page 1, line 7, strike the colon at the end of the line and insert "within 9 years:".

(3) Page 1, lines 9, 10, 11, and 12: Strike out all of lines 9, 10, 11, and 12, and insert in lieu thereof:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"This amendment shall take effect 5 years after the date of ratification."

Senate Joint Resolution 25 was offered January 21, 1943, by Mr. Gillette (for himself, Mr. Barbour, Mr. Capper, Mrs. Caraway, Mr. Chavez, Mr. Clark of Missouri, Mr. Guffey, Mr. Hawkes, Mr. Holman, Mr. Kilgore, Mr. Lucas, Mr. McKellar, Mr. Nye, Mr. O'Mahoney, Mr. Pepper, Mr. Radcliffe, Mr. Reynolds, Mr. Robertson, Mr. Stewart, Mr. Thomas of Oklahoma, Mr. Thomas of Idaho, Mr. Tunnell, Mr. Tydings, and Mr. Wheeler).

It was referred to the Committee on the Judiciary, and was, by that committee, referred to a subcommittee consisting of Mr. KILGORE, Mr. MCFARLAND, and Mr. AUSTIN.

This amendment has been popularly known as the Lucretia Mott amendment, which proposed that—

"Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.

"Congress shall have power to enforce this article by appropriate legislation."

The subcommittee considered testimony contained in printed hearings of former sessions of Congress, held in 1924, 1925, 1929, 1931, 1932, 1933, and 1938.

In 1938 Mr. Burke, from the Committee on the Judiciary, submitted a report showing that the resolution had been acted upon in the following manner:

"Thereafter the matter came on for a vote in the committee, and the 16 members present divided, 8 for the adoption of the resolution, and 8 opposed thereto. On a subsequent date, with all members in attendance, the matter came on again for a vote, and the committee divided on the question, 9 members voting in favor of the resolution, and 9 in opposition to it. The subcommittee was thereupon directed to report the matter to the Senate, with a statement of facts as to the action of the committee, and without recommendation."

On August 15, 1941, a Senate committee print was made of "A memorandum prepared by Stephen E. Rice, assistant legislative counsel of the United States Senate, and an answer memorandum written by George Gordon Battle, attorney at law, New York City, on behalf of the National Woman's Party, concerning Senate Joint Resolution 8, the proposed equal-rights amendment to the Constitution," in which will be found, also, discussion of Senate Joint Resolution No. 7 of the Seventy-sixth Congress.

Other bibliography considered by the subcommittee included a publication by the social-action department, National Catholic Welfare Conference, entitled "The Equal Rights Amendment in Relation to Protective Legislation for Women," by Rev. John A. Ryan, D. D.; numerous addresses by leaders of thought, both men and women, a Senate Document No. 270, Seventy-fourth Congress, second session (1936), entitled "A comparison of the political and civil rights of men and women in the United States—statement interpreting the laws of the United States with respect to the political and civil rights of women compared to the political and civil rights of men, compiled by the Inter-American Commission of women and presented for action by the Seventh International Conference of American States."

The proposed text of the Lucretia Mott amendment, as set forth above, was adhered to throughout these many years. It met resistance principally on the claims that—

(1) It envisioned geographic uniformity throughout the United States.

(2) It tended to impair the right of each of the several States to determine for itself its public policy.

(3) It surrendered to the Federal Government the power to enforce the article within the several States by appropriate legislation notwithstanding its effect upon such local statutes as those governing—

(a) The title transfer, and descent, of real estate; (b) community property; (c) domicile; (d) public morals, health, and welfare; (e) domestic relations; and (f) police power.

The subcommittee disagreed, making the following report to the standing committee:

Hon. FREDERICK VAN NUYS,
Chairman, Senate Committee on the Judiciary, Washington, D. C.

MY DEAR MR. CHAIRMAN: As chairman of the subcommittee appointed to consider Senate Joint Resolution 25, proposing an amendment to the Constitution of the United States granting equal rights to men and women, I respectfully report that by a vote of 2 to 1 it has been agreed to report this measure favorably to the full committee and to recommend that it be passed.

Most sincerely yours,

H. M. KILGORE.

Mr. AUSTIN, from the same subcommittee, submitted the following adverse report:

Hon. FREDERICK VAN NUYS,
Chairman, Committee on the Judiciary, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: The subcommittee to consider Senate Joint Resolution 25, after consideration, disagreed.

As the minority of the committee, I report for consideration by the standing committee, the following amendment, to be offered as a substitute:

"Men and women shall have equal rights under the law within each State, Territory, and possession of the United States, and within the District of Columbia."

This proposal, if ratified by the several States, would correspond to amendments which are contained in what is called a bill of rights.

This proposal, if ratified, would not confer upon women any rights which they have not under the law or take away from men any rights which they now have under the law.

To give it vitality, State laws existing and to be enacted must not deny or abridge, on account of sex, the rights above declared.

Moreover, Federal laws relating to rights of men and women should be limited by the same principle.

Therefore, I propose a second section, to read as follows:

"No law of the United States, or of any State, Territory, or possession thereof, or of the District of Columbia, shall have validity if it denies equality of rights under the law on account of sex."

I conceive that the rights of the several States in our Federal system are sufficiently important as guaranties of free government to avoid granting away any of the sovereignty of the States to the Federal Government in this connection.

I would hold firmly the control that the States have, severally, over their internal police powers, over the holding and devolution of property over domestic relations, and over all other essentially intrastate life.

Therefore, I propose for a third section:

"The legislatures of the several States shall have the duty and the power, within their respective States, and the Congress shall have the duty and the power within and for the District of Columbia, and the Territories and possessions of the United States, to enforce this article by appropriate legislation."

Respectfully submitted.

WARREN R. AUSTIN.

Subsequently, Mr. KILGORE, for a majority of the subcommittee, made a supplemental report proposing the following amendment:

"Page 1, between lines 10 and 11, insert the following:

" 'This amendment shall not require uniformity of legislation among the several States, the District of Columbia, the Territories and possessions of the United States.' "

Thereupon, Senator AUSTIN, of the subcommittee, made a supplemental report of minority views, proposing an amendment in the nature of a substitute, as follows:

"Men and women shall have equal rights under the law within the United States and within each State, Territory, and possession of the United States, and within the District of Columbia.

"This amendment shall not require uniformity of legislation among the several States, the District of Columbia, the Territories and the possessions of the United States.

"Except as herein provided, no law of the United States, or of any State, Territory, or possession thereof, or of the District of Columbia, shall have validity if it denies such equality of rights under the law on account of sex.

"Any such law in force on the date of the ratification of this article shall have validity during the time following such ratification and until legislation to enforce this article has been enacted by the Congress or by the appropriate legislature, but in no case shall such validity extend beyond 1 year following the next regular session of the Congress or of the appropriate legislature which commences after the date of the ratification of this act.

"The Congress and the several States shall have concurrent power within their respective jurisdictions to enforce this article by appropriate legislation."

The ultimate text of the resolution reported by the standing committee meets the objections to the proposed text of the Lucretia Mott amendment. It does not require uniformity among the several States; it does not deprive any State of its exclusive dominion over local public policy; it does not vest in Congress the power to enforce the rights therein declared through legislation which is intrastate, as distinguished from interstate and Federal in scope.

Upon consideration of the reports of the subcommittee, there was moved by Senator O'MAHONEY as a substitute for the subcommittee's recommendation, the following:

"No State shall make or enforce any law which shall discriminate between the rights of men and women, and no law making such discrimination shall be enacted by the Congress.

"Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"This amendment shall take effect 5 years after the date of ratification."

After thorough consideration and discussion, the standing committee on April 12, 1943, voted to report to the Senate the O'Mahoney text, with an amendment suggested by Senator Danaher, that the first paragraph in the proposal be limited in duration to 9 years, by making that paragraph read as follows:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 9 years."

Thereafter, the committee was petitioned to reconsider the vote by which the O'Mahoney substitute was agreed to.

At several regular meetings of the Judiciary Committee, held between April 12 and May 24, 1943, a substitute submitted by Mr. AUSTIN was discussed.

On May 24, the committee voted to reconsider the vote by which it had assented to the O'Mahoney amendment, Mr. O'MAHONEY concurring in that action.

Thereupon the substitute proposed by Mr. AUSTIN was agreed to in the language set forth (supra), page 1.

The committee voted to report the resolution as so amended to the Senate with a recommendation that, as amended, the resolution do pass.

Mr. AUSTIN. Mr. President, I invite attention to the following language in the report:

Thereupon, Senator AUSTIN, of the subcommittee, made a supplemental report of minority views, proposing an amendment in the nature of a substitute, as follows:

"Men and women shall have equal rights under the law within the United States and within each State, Territory, and possession of the United States, and within the District of Columbia.

"This amendment shall not require uniformity of legislation among the several States, the District of Columbia, the Territories, and the possessions of the United States.

"Except as herein provided, no law of the United States, or of any State, Territory, or

possession thereof, or of the District of Columbia, shall have validity if it denies such equality of rights under the law on account of sex.

"And such law in force on the date of the ratification of this article shall have validity during the time following such ratification and until legislation to enforce this article has been enacted by the Congress or by the appropriate legislature, but in no case shall such validity extend beyond 1 year following the next regular session of the Congress or of the appropriate legislature which commences after the date of the ratification of this act.

"The Congress and the several States shall have concurrent power within their respective jurisdictions to enforce this article by appropriate legislation."

That, of course, was later changed.

The ultimate text of the resolution reported by the standing committee meets the objections to the proposed text of the Lucretia Mott amendment. It does not require uniformity among the several States; it does not deprive any State of its exclusive domain over local public policy, it does not vest in Congress the power to enforce the rights therein declared through legislation which is intrastate, as distinguished from interstate and Federal in scope.

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"No State shall make or enforce any law which shall discriminate between the rights of men and women, and no law making such discrimination shall be enacted by the Congress.

"Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

I ask Senators to note the words "within their respective jurisdictions."

"This amendment shall take effect 5 years after the date of ratification."

The reason for 5 years was that, at that time, the sessions of the General Assembly of the State of Alabama were held only once in 4 years. Since then they are held biennially.

I continue reading from the report.

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The committee voted to report the resolution as so amended to the Senate with a recommendation that, as amended, the resolution do pass.

Mr. President, what I have read states practically the language of the proposal which is now before the Senate.

In conclusion, let us not become confused about what the proposed constitutional amendment provides. Let us not undertake to argue that it changes any law. It does not strike down any existing law, either Federal or State. It declares a policy. It can be called a principle when it appears in the Constitution of the United States. The principle is, equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. That is all the amendment provides.

Every State in the Union and every subdivision of each State may have a different policy. But that policy takes a chance when it runs counter to this prohibition.

For the sake of the RECORD, I wish to invite attention to the case of Missouri against Lewis, found in 101 United States Reports, at page 22. The decision reads in part:

There is nothing in the Constitution to prevent any State from adopting any system of laws or adjudicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York City and the surrounding counties, and the common law and its method of procedure for the rest of th State, there is nothing in the Constitution of the United States to prevent its doing so. This would not, of itself, within the meaning of the fourteenth amendment, be a denial to any person of the equal protection of the laws. If every person residing or being in either portion of the State should be accorded the equal protection of the laws prevailing there, he could not justly complain of a violation of the clause referred to. For as before said it has respect to persons and classes of persons. It means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or classes of persons in the same place and in like circumstances.

The fourteenth amendment does not profess to secure to all persons in the United States the benefits of the same laws and the same remedies. Great diversities in these respects may exist in two States separated by an imaginary line. * * * Diversities which are allowable in different States are allowable in different parts of the same State. * * * It would be an unfortunate restriction upon the powers of the State government if it could not, in its discretion, provide for these various exigencies.

In the case of *Colgate* v. *Harvey, State Tax Commissioner*, a Vermont case (cited in 296 U. S. 404, at p. 429), it is said:

The Government of the United States and of each of the said States are distinct from one another. The rights of a citizen under one may be quite different from those which he has under the other. He owes an allegiance; and in turn he is entitled to the protection of each in respect of such rights as fall within its jurisdiction.

That decision cites *United States* v. *Cruikshank* (92 U. S. 542, at p. 549).

Mr. President, the object of the proposed amendment is to provide that no law shall be passed prohibiting the principle of equal rights to a man and a woman. The amendment is not self-executing. It does not strike down anything. It does not lift up anything. It does not operate itself. In order to be operative, it requires such action within the State of Vermont, for example, as its legislature may see fit to take, and within the District of Columbia such action as the Congress may take. In each instance the facts will have to be scrutinized with reference to whether the action to be taken will deny equal rights to any person on account of sex. We assert that, as a matter of principle, as a matter of sound ethics, no State should deny any person equal rights solely because of sex.

Mr. CAPPER. Mr. President, I desire to express myself very briefly in support of the proposed equal-rights amendment to the Constitution of the United States. I supported this amendment when it first was introduced by my late colleague from Kansas, the Honorable Charles Curtis. When he became Vice President of the United States, I introduced the resolution myself at succeeding sessions of the Congress. I either have introduced, or joined in sponsoring this amendment, ever since.

The proposed amendment is very brief. For the record, I will read it again at this time:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

This amendment shall take effect 3 years after the date of ratification.

This proposal, Mr. President, has the unqualified endorsements of both major political parties in this country. Its essential justice, as I see it, cannot be denied by anyone. There is no more reason for denying women equality with regard to property and other rights than there was for denying them suffrage. The Charter of the United Nations calls upon all member nations to recognize the equality of the sexes before the law.

I wish to give testimony that during a longer life-span than almost any other Member of the Senate I have learned that women are just as intelligent, just as honest, just as able, just as courageous, and just as well qualified to exercise independent judgment, as are men.

I worked for equal suffrage in my younger days. I might even comment, relative to the exercise of good judgment, that the first year the intelligent and patriotic and wise women of Kansas exercised the right to vote, they helped elect me Governor of Kansas—which I thought at the time, and still think, was evidence of their good sense and discriminating judgment.

I have never been able to get the viewpoint which would relegate women to a lower place in the scheme of things than men have taken for themselves. To me, this amendment is such a simple act of justice that it hardly seems necessary to argue the point. The women of this country are entitled to equality before the law, just as they are entitled to help make the law. I do not see why long debate is necessary, especially in view of the many important pieces of legislation

now before the Congress. I am ready to vote, and express the hope that the vote will be taken, and that the resolution will be approved. It should be approved unanimously, as I hope that it will be.

Mr. ANDREWS. Mr. President, our fundamental law provides that the Constitution and all laws passed in accordance therewith shall be the supreme law of the land. That statement has never been successfully denied, and if the proposed amendment is made a part of the Constitution of the United States, then the States may be robbed of all the power they have at present and have exercised for 150 years over rights as between men and women. There is not a single authority which we would confer on the General Government by this proposed constitutional amendment that the States do not have the right to exercise at this hour, and why in the name of heaven should we surrender another most sacred right to the Federal Government. We elect our State legislatures every year or two years. We know the men and women who constitute them, and if we want changes in our law with regard to the relations of men and women, we can get them right at home and do not have to come to Washington for relief.

Mr. MURDOCK. Mr. President——

The PRESIDING OFFICER (Mr. CARVILLE in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. ANDREWS. I yield.

Mr. MURDOCK. The junior Senator from Florida [Mr. PEPPER] and the Senator from Vermont [Mr. AUSTIN] seemed to tell us this afternoon that the amendment means nothing in regard to what the respective States have done by way of legislating protection, and in my State, I say, privileges, for women. But we find in the very proposal itself a provision, with which the Senator is very cognizant, to this effect, "This amendment shall take effect 3 years after the date of ratification."

The Senator knows, as I know, why that was inserted. It was inserted because every member of the Senate judiciary Committee knew that it would take at least 3 years for each one of the States to conform its laws to the proposed constitutional amendment.

I commend the Senator from Florida for the statement he is making and the position he takes. If he will indulge me for another moment, let me point out this significant statement which the junior Senator from Florida [Mr. PEPPER] made during his debate, which, in my opinion, is very significant. He said:

> But in my opinion the State has made a reasonable classification out of experience.

Mr. President, that is the very reason why this amendment should be rejected. The several States, out of their experience, due to the inequality, ordained by nature, between the male and the female, have made certain reasonable classifications to protect women, to extend privileges to them which they must have. But the proponents of the amendment want to strike down what our States have done in that line, and, instead, to impose such an obligation upon the States by a constitutional amendment that, in the opinion of the Committee on the Judiciary, it will require 3 years to conform State laws to the proposed constitutional amendment.

I thank the Senator for his indulgence.

Mr. ANDREWS. Mr. President, in the constitution of my State one entire article is devoted to the marital relations of men and women. Among other things, it provides that all the property which a wife has at the time of her marriage, and all she acquires by gift, devise, or otherwise, shall remain her separate, independent property. When a man goes to the altar he takes a vow, "With all my goods I thee endow." The result is that he cannot sell even a simple piece of real estate without his wife joining in the sale. Our State constitution further provides that the husband cannot will the homestead. Such a will is not worth the paper it is written on. I am glad that is provided.

We hear talk about equal rights. The amendment would tear the whole system to pieces. There are more than a thousand statutes I have found which the amendment would destroy. It would obliterate whole articles in the constitutions of 32 other States. Litigation would continue indefinitely. It is the most dangerous piece of legislation which has ever come before the Senate.

Mr. President, I have had to prepare myself on this proposal, because it happened that a very fine lady of my State was the chairman of the woman's organization which first presented it. She remained here 4 or 5 years, and tried to convert me to her thoughts on the subject. She was succeeded by another.

Mr. President, I have labored for 2 years in my endeavor to ascertain how far a constitutional amendment of this kind could tear into and obliterate the domestic laws of the States. I say "domestic," because it affects all laws relating to relations between father and mother, sister and brother. I have condensed by argument and ask the indulgence of the Senate while I present what I conceive to be reasons why the Senate should not vote to submit the amendment to the States.

Senate Joint Resolution 61, the so-called equal rights amendment, has been reintroduced in the Seventy-ninth Congress and again is before us for action. It reads as follows:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
>
> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Under this amendment, if it should ever be submitted by Congress and ratified by the States, Congress could ultimately take over all the powers heretofore resting in the States to regulate the innumerable domestic or family rights arising as between husband and wife, mother and son, brother and sister, including those rights existing between men and women of every kind, creed, and race. Congress could also ultimately usurp and take over all the present adequately established local powers now in the States to legislate for the safety and health of women in the industries.

The many State legislatures are infinitely closer than Members of Congress to the domestic and personal rights of all citizens of both sexes, and particularly the family relations which have long been accorded an almost sacred status in our American State system of local self-government.

Should such broad authority now be relinquished to the Federal Government, it would be impossible to determine in advance how many provisions of the 48 State constitutions and State statutes would be either superseded, annulled, or thrown into hopeless confusion, thereby resulting in endless and needless litigation. It would be just another step toward regimentation, which is fraught with dangerous consequences to any democracy.

A distinguished jurist, testifying before the Senate Judiciary Committee on this proposed amendment, said:

> Nature made men and women different. The law must accommodate itself to the immutable differences of nature * * * and the law must treat them as men and women and therefore subject them to different and not the same rules of legal conduct.

The irrefutable laws of nature cannot be changed by Congress. Our State laws recognize that fact and have properly given women hundreds of protective rights not accorded to men. The proposed amendment states a new and untried rule in such broad terms that it would apply in nearly all fields of law. All laws are instituted to secure or regulate the property rights and demeanor of citizens composed of both sexes as related to each other. Thus the amendment could mean the ultimate repeal of all such laws.

The first paragraph of the amendment gives Congress supervisory powers over all rights as between men and women now exercised under State constitutions and State laws without regard to State lines, origin, race, religion, traditions, or customs.

Every proposed Federal constitutional amendment implies that the States, through Congress, are undertaking to surrender to the Federal Government another important right heretofore exercised by the States. It in substance and effect implies that the States are incapable of administering such domestic laws.

Much local colonial legislation governing personal rights as between the sexes preceded our Federal Constitution by over a century. Those laws were founded upon the accumulated experience of centuries, and nearly all of them have evidently been satisfactory to the people, otherwise they would have been changed by State laws.

There are also in the 48 States many thousands of State laws which protect and safeguard women in the industries by providing for them more reasonable hours of labor, a minimum wage, greater

safety against accidents and illness, and other safeguards and working conveniences that do not apply to or seem necessary for men.

ENFORCEMENT IMPRACTICABLE

The second paragraph of the amendment provides:

Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

A similar enforcement clause was attached to the prohibition—eighteenth—amendment, which read as follows:

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

These enforcement clauses are expressed differently but may be interpreted to mean practically the same. Following the traditional course of all laws to be enforced by divided authority this amendment, like the eighteenth amendment, would ultimately become hopelessly confused. The eighteenth amendment has the distinction of being the only one repealed. In fact, the persistent confusion between Federal and State authority in trying to enforce it under concurrent power was definitely responsible for its failure and repeal; while the real objective sought, namely, prohibition, was never really given a chance to succeed. Moral standards of both sexes have greatly suffered.

The States now have absolute power over the whole subject matter of the proposed amendment. Why should we call in the Federal power unless it be for the purpose of dominating or annulling the authority of the States? If the power be granted both Congress and the States to enforce the amendment, confusion and litigation will necessarily follow as surely as the night follows the day.

If ratified this amendment would sooner or later cause the establishing in Washington of another Federal enforcement bureau, with regional offices in the various States employing numerous inspectors, with authority to pry into the domestic affairs and business affairs and local public affairs of men and women, never exercised before by Federal authority.

Under the proposed amendment the Congress would also have authority to annul any State constitution or statute on that subject, in that under our Federal Constitution any State statute in conflict with any Federal statute or Federal Supreme Court decision would become null and void.

This proposed amendment to our Constitution unfortunately is being pushed while millions of our citizens are away in the service in foreign lands, as was the case in submitting the eighteenth amendment during World War I. Profiting by our experience with the eighteenth amendment, we should not, in this distressing time, in the absence of millions of our citizens, undertake to make such a revolutionary change in our fundamental law.

There would be in nearly every controversy arising from such change in law a choice of standards and rules to be adopted, and the amendment gives no indication whether women should have the equal status of men, or the men the equal status of women. The proposed amendment would not only authorize, but perhaps would become a temptation to Congress to enact statutes over a wide field of vital domestic legislation heretofore wholly and properly reserved to the States. It would be just another excuse to centralize more power in Washington and another long step toward bureaucracy.

One of the obvious reasons why the States should retain the power to enact all laws regulating domestice relations and industrial working conditions is that our various State legislatures are composed of many members elected from each county, and thus the members of State legislatures are more intimately advised of any desired changes in laws affecting all rights as between men and women than Representatives and Senators in Washington, who are constantly besieged by minority groups seeking special favors.

To argue that this amendment is necessary and should be adopted is equivalent to saying that members of our State legislatures, who are now clothed with all powers necessary to correct any evil conditions as between the sexes, discriminate against their mothers, their wives, their daughters, or sisters in favor of their fathers, sons, and brothers. Every legislator has a mother, living or dead, and nearly every legislator has either a sister or a daughter or a wife. State legislators will continue, as in the past, to enact State laws which discriminate in favor of and not against their mothers, wives, and sisters.

Under nearly all State laws the husband may fix the domicile of the family. The wife is the queen and keeper of the American home. For convenience and protection there must be a head of the family to safeguard its own legal, social, and economic interest in innumerable situations with which the family constantly finds itself confronted. Divided authority may disrupt the family status. The perceptible rise in divorces in America has become a national disgrace, and the proposed amendment would no doubt cause an increase.

In Christian America most of the marriage ceremonies carry the vow of the bridegroom, "With all my goods I thee endow." No such vow is required of the bride. In most States all property a women has at the time of her marriage and all she acquired during marriage by gift, devise, purchase, or bequest remains her separate property. Marriage under the common law and the church had the effect of making the husband and wife one. This was instituted to enable the family to deal with society and with the public officially as a unit, through one person, and likewise the public with the family. Many former unwise common-law impediments to the wife's property ownership and certain other civil rights in nearly all States have been changed as and when the people of the States have deemed the change advisable.

Members of State legislatures, like those of Congress, are elected by both men and women, and there are more women than men eligible to vote.

Again I insist that if the proposed amendment became part of our Federal Constitution it would automatically annul many thousands of State laws found in conflict with laws passed by Congress on that subject and we might also ultimately have to adjudicate all these domestic rights as between sexes in the Federal courts which are often located miles away from the homes of persons whose rights are being litigated with all the added expense and inconvenience to be incurred as a result.

CONFUSION AND NULLIFICATION

I will refer to some of the situations which might arise in different States as between husband and wife if this amendment is ever submitted and ratified.

In at least eight community-property States there are three classes of property: First, the separate property of the husband; second, the separate property of the wife; third, the community property of husband and wife. As a general rule, in the community-property States the husband, if competent, is accorded management and control of the community property accordingly as the husband and wife may desire.

In case of the disability of the husband, or the abandonment of the wife, or of a limited divorce, where the parties live apart, the wife under States laws at present generally has power to assume management of community property and may convey and encumber it even without the joinder of the husband. The wife is also entitled to support from her husband by virtue of the marriage and without any regard to the community of property. Under the community-property law, neither the wife's nor the husband's rights attain the dignity of ownership of an undivided one-half of the community property during the continuance of the marriage relation. Being community property, the interest of each is hard to define. Neither she nor her husband can take it; neither can they exclusively use it or dispose of it, or encumber it; nor can either will it or give it away. Their children are thus protected, as they always should be in all American homes. Family safety is the cornerstone of our democracy and safeguards the American way of life.

The proposed amendment would authorize Congress to annul or change State authority governing all such domestic and property relations which admittedly have as their main purpose the safeguarding of the family relations and especially the family home, the widow and orphans.

Among the various State laws affecting men and women which would be subject to change by Congress under the proposed amendment, I shall call attention to only a few:

First. At least four States have statutes which prohibit women from holding certain specific offices: Mississippi, Oklahoma, Rhode Island, and Wisconsin.

Second. Men only may serve as jurors in 27 States. Both men and women may serve as jurors in 14 States, but such service is permissive for women and mandatory for men. Both men and women serve on juries on the same terms in nine States.

Third. Men but not women are required to pay poll taxes in 20 States. In 22 other States both are subject to the tax. In eight States the payment of poll tax is a prerequisite for voting for both men and women.

Fourth. In two States men are preferred to women of the same degree of relationship in appointment as legal guardian of minors. In all the other 46 States they are treated the same.

Fifth. In 13 States and the District of Columbia men enjoy certain minor preferences over women with respect to appointment to serve as executor or administrator. In all the other 35 States there are no preferences.

Sixth. Men may engage in nearly all occupations, but due to long experience women are prohibited from engaging in some occupations in 26 States.

Seventh. Women are barred from mining in 17 States, from working in quarries in 5 States, and from employment as bellhops in 2 States. They are either barred from employment or have special restrictions on their work in core rooms in five States; they are barred from tasks requiring the lifting of certain weights in five States, and are barred in general terms in seven States from employment under conditions deemed detrimental to their health, welfare, morals, or safety. There are about 25 other dangerous or unhealthful occupations from which women are barred in 7 other States.

Eighth. In all but 11 States the hours of work of women in certain occupations are limited or curtailed by law. In 7 States the hours of work are not limited by law. In 16 States women are prohibited from working at night in specified industries or occupations.

Ninth. Women are subject to minimum wage laws in specified occupations in 15 States.

Tenth. The age of marriage, without consent of parents or guardian, varies from State to State. In most States the age of marriage for girls is from 2 to 3 years younger than that of boys. In only 6 States the age of marriage is the same for boys and girls.

These are just a few among the many complications that could arise under a national equal rights amendment, if it should become a part of our Federal Constitution.

In many States carved from former Spanish territory, the husband and wife each holds as separate property all that he or she acquired before marriage and all obtained by gift, bequest, or devise during the marriage, including personal earnings of each. In such States there is no community of property, but husband and wife may own property jointly or in common. In about 28 jurisdictions the husband or wife each manages and controls his or her own property and each has like powers to dispose of it, being limited to the same extent in conveying the dower or curtesy interest or the statutory share of the other, or being under no restrictions whatever in disposing of property.

The common-law rules relating to dower and curtesy have been largely modified by statute. Under the common law, dower was the life estate a widow took in one-third of all the lands which the husband possessed during the marriage, and curtesy was an estate for life which the husband took in lands his wife possessed at any time during the marriage if a child was born alive after the marriage. Statutory changes with respect to dower have limited the right of dower to lands owned by the husband at his death rather than to lands owned at any time during the marriage. Statutory changes with respect to curtesy have, in general, extended the right of curtesy to a husband though no child has been born, also restricted it to lands owned by the wife at her death rather than to lands owned at any time during the marriage, also restricted it to lands which the wife has not disposed of by will, also extended it by converting the life interest to an estate in fee or by converting it into an estate similar to dower, or abolishing the right of curtesy entirely. It is observed that dower and curtesy do not apply in the community-property States where the surviving spouse takes one-half of the community property.

At common law in many States it is the duty of the husband to support his wife and family from his own property, but there was no such duty on the part of the wife. With the extension of the property rights and legal powers of married women, the common law rule of liability for support has changed in many States.

In about 30 States the husband is obliged to meet the expenses of his wife's support out of his own property whether he or his wife has contracted the expenses. In those 30 jurisdictions the wife is not obliged to pay for the expenses of her own or her husband's support unless she agrees to do so by special contract. In 11 jurisdictions the community property is primarily liable for the expenses of the family but the husband's separate property is also liable. The wife's separate property is liable after her husband's and in some States the statute provides that she must support her husband if he is unable to support himself and has no separate property and there is no community property. In 15 jurisdictions the husband and wife are jointly or separately liable for the expenses of the family. In 45 jurisdictions the husband may be required to support his wife who has asked for separate maintenance for cause, but the wife is not required to support her husband under the same circumstances. In 8 jurisdictions the husband or the wife may be required to support the other who has asked for separate support for cause. In many States provision is made for the support of the widow for a specified time from the estate of her deceased husband. A few States contain such a provision for the support of a surviving husband.

DIVORCE—CUSTODY OF CHILDREN

With respect to divorce, legal separation, alimony, and support, nearly all State laws are more favorable to the woman than to the man, and properly so.

In most States today neither the father nor the mother has a paramount right with respect to the guardianship, custody, or care of their children. Where they are living together they both act as the natural guardian of the children. Where they are living apart neither is preferred over the other, but the courts properly hold the child's welfare supreme. In most jurisdictions the mother is preferred to the father, and in a few others the father is preferred to the mother, their capabilities and requirements being equal.

In the majority of States the father is primarily liable for the support of his children, but the mother becomes liable if the father is incapacitated. In 17 States both the father and the mother are jointly and separately liable for the support of their children. And in 8 other States the father and mother contribute to the support of the children through the community property, but the separate property of each may also be liable.

This rule of the common law did not originally obtain in Florida and most of the States carved from former Spanish territory in the South and West. The Spanish law once in effect in these areas recognized the separate legal status of husband and wife for all purposes except the family relation. Property accumulated by either during the marriage was owned by them equally and was defined as community property. In Florida and other States, inheriting only portions of the common law, most of the disabilities and advantages the marriage status imposed on the wife have been removed or modified by what are known as married women's acts. These acts do not obliterate the legal unity of husband and wife nor do they affect the marital relation or the mutual social obligations that pass from one spouse to the other.

Most of the States have removed by constitutional and statutory provisions most of the wife's common law disabilities. For example, article XI of the Constitution of Florida, which is similar to provisions in many other States, provides that:

> All property real or personal of a wife owned by her at marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase shall be her separate property and the same shall not be liable for the debts of her husband except by her consent given by some instrument in writing executed according to law respecting conveyances by married women.

The statutes of most States require that the wife join in all conveyances of the husband's real property, for the purpose of protecting her dower. The chain of record title to real property would be defective and not merchantable if this were not done. The husband, except right of courtesy, has no rights in the wife's real property, nor has he any rights in her personal property except its management with her consent. In fact, she may will or give all her real or personal property to her own family, relatives, or to charities, as she sees fit; the husband cannot will the homestead he purchased with his own funds before his marriage nor can he sell it without her joinder in the deed. The law guards the wife and the widow. There are hundreds of discriminations in her favor on account of sex. For obvious reasons it should so remain.

Under the laws of most States a married woman may prosecute any action affecting her separate property as if she were single. The husband may execute a deed to the wife and the wife may execute a deed to the husband as if they were single.

Under the statute of descents in Florida, as in nearly all States, a wife on the death of the husband without a will and without lineal descendants takes all his estate; if there be lineal descendants, she takes a child's part. If the husband dies leaving a will and the wife is dissatisfied with the provision for her or with a child's part, she may elect to take dower, being one-third of the real and personal property absolutely. Dower, however, does not include the homestead, and if the wife happens to be a stepmother she takes only a child's part. The law jealously guards the sons and daughters of the homestead. The husband cannot will against the wife's dower.

Any married woman may on a petition to the State courts have her legal disabilities removed by law at a very nominal expense. The effect is to make her a free dealer in every respect as if never married. It gives her full charge and management of her own estate, enables her to contract, and be contracted with, to sue and be sued, and bind herself in all respects as if she were single. A simple State law enabling a married woman to contract as if single with respect to her separate property, business, earnings, ventures, and undertakings, would remove the wife from all disabilities without the proposed constitutional amendment. Several such laws have been enacted in Florida and other States when popular demands seem to require it without pressure from Washington.

It is generally conceded that to safeguard the home and children that those provisions of the law with reference to estates by the entirety, dower, support, and maintenance of the family and requiring the joinder of husband and wife in all deeds and mortgages of the homestead and property in which the wife has a dower interest, should be retained permanently. Such State laws would be subject to annullment by this proposed equal-rights amendment. We need no Federal law on that subject; in fact, the States are gradually and carefully making such changes as the people of the States desire and require.

EFFECT OF AMENDMENT

The important question is, What effect would the proposed equal-rights amendment have on the various State constitutions and statutes on the future status of married women?

No one can now hazard a guess, for it would depend on Congress, since the proposed amendment by its terms gives joint powers to Congress and the States to enforce it by appropriate legislation. It is clear that if the States fail to include a field of legislation as improper, it would not preclude Congress covering such subjects, regardless of the will of the State. In that very fact lies the greatest danger evolved in this amendment.

The Supreme Court of the United States has held that the broad terms of the fourteenth amendment are ample to protect all persons against discrimination by the States. Except for the use of the word "sex," the equal-rights amendment might amount to nothing more than a duplication of the fourteenth. If Congress, through high pressure by its sponsors and other minority groups, defines a field of operation for it independent of the fourteenth amendment, it will certainly become a fruitful source of much litigation and the courts will ultimately have much to do with fixing its uncertain scope. It would, no doubt, become a competitor of the equal-protection clause of the fourteenth amendment in precipitating endless litigation. Although the fourteenth amendment was adopted relatively recently—July 1868—as compared with other portions of our organic law, it has nevertheless given rise to many times more litigation than all the other provisions of the Federal Constitution combined, and continues to be a very prolific source of litigation, as new factual situations constantly arise to invoke more and more litigation. The indefinable equal-rights amendment would, no doubt, have a similar history, as it would be a long time before there could be acquired a dependable judgment of its effects.

Considered from the standpoint of past legal history, we may expect the amendment to ultimately affect civil rights, property rights, political rights, and even delicate racial and social questions. I can see no appreciable effect that it would have on political rights because the nineteenth amendment to the Federal Constitution gives women the franchise and there is no inhibition on her holding office. There can be no doubt that voting and serving on juries are duties rather than rights but if Congress or the Federal courts should hold jury duty to be rights, then the equal rights amendment would make women eligible for jury duty whether the people or the women of the various States want it or not. The more thoughtful class of both men and women are apparently not in favor of jury service for women and for reasons which should be obvious to all. A majority of the women do not care for the equal rights amendment.

As to property rights, it is believed the main effect of the amendment would be confusion and uncertainty. This will depend on the scope given the amendment by Congress over the laws long in use in the States. It could have very serious effect on the distribution of property accumulated by husband and wife during marriage and in this way open the way to repeal or modify thousands of laws in every State regulating wills, descents, inheritances, dower, and others designed for the protection of the wife and children, and the home, including the family income.

The most revolutionary possibilities of the equal rights amendment would be its effect on civil rights. In this, it makes it entirely possible and probable for Congress to nullify State constitutions and statutory laws and thus gives Congress complete control over the civil rights of the citizen with power to enforce its will without reference to established customs, race, or color. Attempts to enforce civil rights from outside a State have never met with favor. It produced the worst and most despicable situation known to modern civilization in the South during reconstruction. The State may, when involving sex, be prohibited from segregating the races in the public schools, churches, and when traveling by common carrier, for Congress under this amendment may assume the power to prescribe the facilities that will be furnished in each case, and thus may accomplish the same results. The so-called Jim Crow laws were established for the best of motives, namely: To safeguard peace and order for both races and not for the purpose of humiliating or taking personal rights from any citizen of either color.

I do not think it out of place to call attention to the possible effect this amendment would have on the social status of those women whom gentlemen gallantly speak of as ladies. In this, I have reference to the chivalrous attitude that the Anglo-Saxon man attributes to her. In the home and in public places, she is a lady and not just a woman.

A gentleman rises when she enters the room; he lifts his hat when he passes her on the street; he stands, if he is a gentleman, and she sits if the bus or other common carrier is overcrowded; and in many other instances, too numerous to mention, he accords her preference. Common justice requires that women be emancipated from any unjust or embarrassing disabilities, but I also fear that the ultimate results will be that when she meets man as her equal either on her or his level and competes with him in the many intricacies necessarily involved in the trades, crafts, and businesses, runs for office against him, also drinks and tells off-color stories, as is too often the case, she may lose the admiration and respect of the better element of the gentleman class of men. I think she can overcome this possible result by placing a high enough value on herself and infusing her realism with a sufficient amount of idealism. Men of character intuitively sense the quality of a woman by her attitude toward approved standards of moral and spiritual integrity. Men of character have made our country and brought it thus far with the devoted assistance of their wives and mothers.

I think the equal-rights amendment as proposed has four inherent vices: First, it deals with a domestic matter that is peculiarly one that should be left to the States under our constitutional theory; second, it duplicates in substance the "equal protection of the law" clause of the fourteenth amendment; and third, it gives Congress the ultimate power and takes from the States the power to define and enforce civil rights, property rights, political rights, and fourth, it would make it possible for Congress to remove the States from a field which by every standard of the American plan of democracy they should be left to control.

Mr. SMITH. Mr. President, the equal rights amendment which is before the Senate has been a subject of great difficulty for me, not from the standpoint of its purpose or its recognition of what we feel toward our women, but because of the fact that I have not

been clear as to what its implications are; and because of the further fact that the women of my acquaintance who have come to see me or who have written me on this subject are very much divided among themselves as to the wisdom of this amendment. I have said that, so far as I was concerned, if the women of this country or the women of my State desired the amendment, I certainly would support it. But I wish that they could agree as to whether they want it or not. It has been pointed out that for this reason or that reason they cannot agree. We are faced with the problem of submitting this amendment to the States or not submitting it, without a knowledge of the real feeling of the women of the country.

Speaking from a personal standpoint, the center of gravity in my life is on the side of the women. Besides a wife I have two daughters, a daughter-in-law, and seven grandchildren. Five of my grandchildren are girls. So I have said to them in discussing this question—this is the jovial side, perhaps—that if this amendment were adopted Grandfather would have an equal chance with the bevy of beauty which is constantly around him and constantly putting pressure on him. I am very glad to get that opportunity, if this amendment will give it to me, although I doubt very much, Mr. President, whether the amendment will help any of us who are in that position.

Speaking seriously, however, there is another side to this question, namely, the tribute which we may be able to evidence to our women for the wonderful service they have rendered in the war, and the support we may be able to give them in their feeling that they have a new emancipation. Many of them feel that, through this amendment, such emancipation will be theirs—or, as has been said earlier, not only emancipation, but equality. That has been urged upon me. I never would undertake to deny to the women of the United States my respect and affection and laudation for what they have done for us during the war, whereas in previous wars they did not have the same opportunities. It has been one of the most wonderful demonstrations by our womanhood that could possibly occur, and I take pride that in my own family there is such a large representation of women. Although my son and I are in the minority, we rejoice together in having such wonderful representation among the women.

But from my own standpoint, I have come to the conclusion that under the existing circumstances it is only right for me to support this amendment. I believe it is the fair thing to do. I take that position for two outstanding reasons: One is that the Republican Party platform for 1944, the platform of the party to which I belong, and the Democratic Party platform of 1944 both took the position that this amendment should be submitted to the States. I do not think those platforms can be construed as necessarily approving the adoption of the amendment, but both of them say that they favor the submission to the States of an amendment to the Constitution to provide equal rights for men and women. As a member of the Republican Party, even though I was not a delegate to the convention which was held that year, for I was then a candidate for the Senate, I feel in my case a moral obligation, inasmuch as that statement is contained in the platform of my party, at least to vote for the submission of the proposal to the States.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. DONNELL. As I understand the matter, the Republican Party's platform for 1944 contains the following provision:

> We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women.

That is a correct statement of the platform, is it not?

Mr. SMITH. That is correct.

Mr. DONNELL. I call the Senator's attention to the fact that the amendment which now is before the Senate contains a further sentence, which to my mind raises exceedingly important questions which are not even suggested by the Republican Party or the Democratic Party platforms. I call the Senator's attention to the following language of the proposed amendment:

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

I ask the Senator whether there is anything in either the Republican Party platform or the Democratic Party platform, so far as he knows, to the effect that the amendment favored by either of those platforms should contain a provision with reference to the power of the Congress and the several States in the matter.

Before the Senator answers that question, let me say that to my mind this proposal raises an exceedingly important question with respect to whether the power which by the amendment is undertaken to be vested in the Congress and the several States is or is not a type of power which safeguards the rights of the States, or whether it is a type of power and a type of investiture which ultimately places supervisory, supreme power in the Congress, as opposed to the States.

My basic question is whether the Senator knows of anything in either the Republican Party platform or the Democratic Party platform of 1944 which even remotely contains any promise to the people that the amendment which shall be submitted shall contain language that—

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Mr. SMITH. No. I think the Senator from Missouri is perfectly correct in calling attention to the fact that the platforms of both parties do not suggest that language which is contained in the amendment. But I feel that if we do not act upon this amendment, which is the only one on the subject that is before us, then we should have an alternative amendment to consider, in order to keep faith with our pledge in the platform. This is not the first time that this matter has arisen. It has previously arisen a number of times.

Although, as I have said, I have been in doubt as to whether to support the amendment on its merits, I feel that in light of our party platforms, we are called upon to submit the amendment to the States, for their decision.

A great many questions have been raised with respect to whether the States would wish to have these changes made. Of course, if the decision is left up to the States, some risk will be taken in that connection, because if three-fourths of the States by their legislatures adopt the amendment, it will become the law of the land, and then perhaps a minority of the States will be required to comply, against their wishes.

But it seems to me that on this question, which means so much to our women, they have a right to ask us to submit to the States, for their consideration, this amendment or some other amendment which embodies this principle.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. RADCLIFFE. I am afraid the Senator misunderstood my reason for rising. It had nothing whatever to do with the question which was being discussed a few minutes ago.

The Senator from Missouri has referred to the question of the enforcement language. My recollection is not entirely clear on the subject. But is it unusual to have such a provision in a constitutional amendment? Certainly it seems to me to be unnecessary and quite out of the ordinary, in respect to deciding about the purpose of the amendment, to consider independent language regarding its enforcement, by appropriate legislation, by the Congress and the several States. Will the Senator state his view of the matter?

Mr. DONNELL. I do not have the floor.

Mr. RADCLIFFE. Then I ask the Senator from New Jersey.

Mr. SMITH. Mr. President, I shall be glad to yield to the Senator from Missouri, if he wishes to answer that question.

Mr. DONNELL. I thank the Senator, and I appreciate the courtesy of both Senators.

As I understand the proposed language, such language is not customarily found in constitutional amendments. I may say that the eighteenth amendment to the Constitution, which subsequently was repealed, contains the following language:

> SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

I say to the Senator that in a few moments I shall briefly discuss the distinction between the eighteenth amendment, when it was in effect, and the amendment which now is before us.

But to answer his question as to whether it is uncommon to have implementing language in constitutional amendments, I say an answer to the

question would require considerable research. For the moment, I do not recall whether such implementing language is to be found in other constitutional amendments, although it may be.

But the point I make is that the Republican Party promised the people of the country, or gave as its statement of position and belief, that—

> We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women.

The Democratic Party platform provided:

> We recommend to Congress the submission of a constitutional amendment on equal rights for women.

I call attention to the fact that the language of the Democratic Party platform is confined to "the submission of a constitutional amendment on equal rights for women," whereas the corresponding part of the Republican Party platform states that—

> We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women.

But neither of those statements in the respective political party platforms touches even remotely the question of what, if anything, shall be contained in the amendment with respect to the division of powers between the Federal Government and the State governments.

Notwithstanding the suggestion made yesterday afternoon by the distinguished Senator from Maryland, who brought up the point that the Republican Party platform does contain the statement or plank which has been referred to, to my mind this amendment goes far beyond the promise contained in either the Democratic Party platform or the Republican Party platform, for the amendment provides, as I have indicated, that—

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

That provision raises, as to the Federal Government, a question as to who has the supreme power and a question as to legislation and a question as to jurisdiction; and those questions were not even remotely suggested by either of the political party platforms.

Therefore, Mr. President, regardless of the political party platforms, to my mind acceptance of this proposed amendment is not obligatory upon either political party by reason of the declarations which were made in 1944.

Mr. SMITH. Mr. President, it seems to me that point raises a question as to whether any moral responsibility devolves upon us in that connection, and as to whether, if we do not like this amendment, we should consider some other amendment on the subject.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. DONNELL. Is not the question whether we favor the specific constitutional amendment proposed in Senate Joint Resolution 61?

Mr. SMITH. That is correct.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MORSE. I have asked the Senator to yield, to permit me to make a somewhat facetious remark, namely, that in view of the fact that in the 1944 campaign the voters of America did not see fit to elect our party to office, perhaps we should review our 1944 party platform.

Mr. SMITH. I think that is a very relevant suggestion. At the same time, I should say that we did have the spirit of this amendment in our platform. Perhaps I have the wrong kind of a conscience, but, even though I have grave doubt about this amendment, there is a moral obligation upon me either to support it or be prepared to offer one which will carry out the spirit of both the Republican and Democratic platforms.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. ANDREWS. As a circuit-court judge over a period of several years, I had to deal with violations of the prohibition amendment

Mr. SMITH. I give the Senator my great sympathy.

Mr. ANDREWS. I believe that I can assert, without fear of successful contradiction, that the reason the prohibition amendment failed was the division of authority between the States and the National Government.

Mr. DONNELL. Mr. President, will the Senator yield to me so that I may ask a question of the Senator from Florida.

Mr. SMITH. I yield.

Mr. DONNELL. The Democratic platform of 1944 declared, "We recommend to the Congress the submission of a constitutional amendment on equal rights for women." Does the Senator believe that, by reason of the provision in the Democratic platform which I have read, there is any moral obligation, or obligation of any kind, upon him or any member of the Democratic Party to vote in favor of a proposition which includes such language as the following:

> Congress and the several States shall have power within their respective jurisdictions to enforce this article by appropriation legislation.

Mr. ANDREWS. I had thought that I was not bound by that portion of the Democratic platform or of the Republican platform to which the Senator has referred, because the proposed amendment did not conform to the promise or the declaration which was contained in either platform.

Mr. DONNELL. In other words, the amendment does something or proposes to do something which was not included in the platform of either the Democratic or the Republican Party.

Mr. ANDREWS. What the Senator has said is true. I may add, also, that platforms are made to get into office on.

Mr. DONNELL. It may have been the practice in some instances during the past to draft platforms for the purpose which the Senator has stated, and doubtless some platforms were made for that purpose. But I am sure that the distinguished Senator from Florida, as well as other Senators in the Chamber, will join me in agreeing that the time has come for the political parties to say that their platforms mean what they pretend to mean, and that their promises or expressions of opinion should not be treated merely as a means by which to secure votes, but, instead, as a solemn and honorable pledge to the public. I am sure that the distinguished Senator from Florida agrees with that view.

Mr. ANDREWS. I do.

Mr. SMITH. Mr. President, I have had a very strong feeling that inasmuch as platforms have been adopted and repudiated, perhaps I should support this amendment. However, it was stated this afternoon that the phrase "equality of rights" does not carry with it any implication of equality of responsibility. I see no reason why the responsibility of the husband in a family cannot be determined by our domestic-relations laws without in any way violating the proposed amendment. I have not made the most careful study of the amendment, but it does not seem to me that equal rights under the law means equality of responsibility under the law.

Mr. MURDOCK. Mr. President, assuming that the Republican Party in 1944 wrote its platform in all sincerity, including the reference to the pending proposed amendment, I wish to suggest to my Republican friends that the people released the Republican Party from the pledge which it made by electing the Democratic Party to power. If the Republican platform of 1944 is to be considered as a compelling reason for certain Republicans being in favor of this proposed amendment, it seems to me that they have a good alibi for voting against it.

Mr. SMITH. I do not believe that the reason assigned by the Senator is the correct reason. I think there is a moral obligation to carry out what we who are members of the Republican Party said to the people we would do if we were given the responsibility. However, I believe that we should submit the matter to the people for their decision, and it could be done in a constitutional way. I have not yet heard good reasons why this particular form of amendment should be very objectionable.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MORSE. I say most sincerely that I have a great deal of respect for the judgment of the Senator from New Jersey in connection with any legislation which the Senate may consider.

Mr. SMITH. I thank the Senator.

Mr. MORSE. The Senator from New Jersey was favorably impressed by the arguments which were made by several Senators this afternoon to the effect that equality of legal rights are separate and distinct from equality of responsibility. I listened attentively, as I always do, to the distinguished Senator from Vermont; but I respectfully disagree with his legal conclusions, and believe they can not be substantiated as a matter of law.

I think the Senator from New Jersey will look in vain through the legal litera-

ture of this country to find any law that will support such a legal fiction as was discussed on the floor of the Senate this afternoon with regard to the so-called relationship and difference between equality of rights and equality of responsibilities. As I said earlier in the day, there is no legal right in the abstract. Legal rights must always be related to operative facts. When the Senator from Vermont found it impossible to answer the questions propounded to him by the Senator from Michigan, in my judgment, his case fell to the floor of the Senate.

Mr. SMITH. I can agree with the Senator on that point, but I believe that he will agree with me on this point: A law which would provide that on the husband is the responsibility for the care of his wife and family, would be entirely constitutional under the proposed amendment.

Mr. MORSE. No; it is not at all relevant to the issue involved. What we are trying to find out in this debate has not yet been revealed. The proponents of the amendment have yet to establish their case in regard to the question to which we all want an answer. I walked into the Senate Chamber today very much in doubt as to how I would eventually vote on this amendment, and unless the questions with regard to the amendment can be clarified between now and 1 o'clock tomorrow afternoon, I shall still be in doubt. I assert that, so far as I am concerned, the proponents of the amendment must show what effects it will have on specific pieces of legislation now on the statute books of the various States, designed to protect women from the type of labor conditions they would undoubtedly suffer once those rights in relation to the operative facts are taken away from them by the amendment. That is all the able Senator from Michigan asked of the Senator from Vermont, and the RECORD will not show any specific answer to the question. Instead, we were told that we should vote for the amendment without having any knowledge of what its effect would be on existing legislation. We were told, in effect, by the Senator from Vermont that the question was one which should be left to the courts. I assert that it is the legislative duty of every Member of the Senate, before voting for the amendment, to know what its legal effect will be on existing legislation.

Mr. SMITH. I agree with what the Senator has said. Such legislation as has been passed by the various States for the purpose of protecting the rights of women in industry is legislation of the type which I have always approved. The women who are the proponents of this amendment say that they want to be on a par with the men and are willing to accept the same conditions of employment. They claim that equality of rights implies equality of responsibilities.

Mr. MORSE. I am glad to hear the Senator make that statement. That is exactly what I wanted to get into the RECORD. But there again is raised a question of public policy under the amendment. If the proponents of the amendment are merely saying to us as Members of the Senate that they want to wipe the slate clean and give no protection to the women of this country under the labor laws which have been enacted, I have no hesitancy in saying now that my vote will be in the negative, because I think that, as a matter of public policy, we must see to it that the women of America are protected under any type of legislation which may be enacted. I do not care what group of women may say they are ready to cast aside their rights. That does not give them the right to say that such an attitude should become the national policy. It is our duty as representatives of the people to see to it that, in the public interest, that type of protection shall be maintained.

Mr. SMITH. Let me ask the distinguished Senator a question in that connection. I agree with everything he has said. I have taken that position right along, and if I thought this amendment meant that, if I thought the States thought it would mean that, I would oppose the amendment. But I still think we should submit the amendment to the States to decide. It is a Nation-wide question. It is a policy on which everyone in this country should have a right to pass, and I do not see why we should not submit the amendment without necessarily saying we believe it should be adopted. I would not vote for its submission saying I believed it should be adopted, but I say the women have a right to have it presented, and let the voters of the country decide the issue.

Mr. MORSE. Most respectfully I disagree with that point of view.

Mr. SMITH. I concede it is debatable.

Mr. MORSE. The first obligation of the Senate is to carry out its duty in regard to submitting amendments to the legislatures, or to the people. Certainly the Senator from New Jersey does not mean that merely because a request is made of us to submit an amendment, we should agree to submit any amendment, no matter what amendment is proposed.

Mr. SMITH. Certainly not.

Mr. MORSE. Very well. If, then, some qualification should be applied by us in exercising our duty as to the submission of amendments, is it not true that we should analyze the various amendments which are proposed for submission, and satisfy ourselves as to what the effect of such amendments will be on the general welfare and upon public policy, and if we find, or if we cannot be satisfied—and certainly no satisfaction was given here this afternoon in the debate—if we cannot be satisfied as to what the effect of the amendment is going to be upon such laws as I insist should be maintained upon the books, then I say it is our duty, in the public interest, until we have been satisfied, to vote against submitting that type of amendment.

Mr. SMITH. Is the Senator prepared with an appropriate amendment to submit? I ask that because there is nothing final in this language that I can see. If the principle behind the amendment is right, if we should put before the country the question of the equality of rights, should we not so amend the joint resolution as to protect the particular matters we are discussing? Or is it impossible of amendment?

Mr. MORSE. The Senator from Oregon is not prepared to submit an amendment. The Senator from Oregon would not hesitate to submit an amendment if an amendment could be prepared to protect the position for which he is pleading this afternoon.

Mr. SMITH. I thank the Senator for that statement.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. SMITH. I am very glad to yield.

Mr. DONNELL. The Senator stated, in substance, that before he makes up his mind as to how he will vote on this amendment, he wants to know the effect of the amendment on existing specific items of legislation now on the statute books. I ask the Senator this question: Does he not also agree that it is not only important to know the effect of the first sentence of the amendment on existing legislation, namely, the sentence reading, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," but it is likewise certainly of great importance, if not even of greater importance, to know the effect, so far as possible, of the next sentence upon the respective powers and duties and responsibilities and privileges of the National and State governments, namely the sentence reading, "Congress and the several States shall have power, within their respective jurisdictions, to enforce this amendment by appropriate legislation"?

Mr. MORSE. I answer, "Yes."

Mr. DONNELL. I thank the Senator, and I thank the Senator from New Jersey.

Mr. SMITH. Mr. President, I merely wanted to present these few thoughts upon this subject. At the moment my feeling is that there is some moral obligation on us, under our Republican platform. I have not been convinced at all by the argument that the amendment presented will get us into the difficulties suggested by the Senator from Oregon. It seems to me that the language of the amendment is defensible. I shall wait for further debate on the matter, as I understand the distinguished Senator from Missouri is going to discuss that phase of it. I shall listen to him with great interest.

My feeling is that, in the light of the many years of discussion of this question, and the fact that so many of our people feel that such an amendment should be presented, we should find some way for the country to decide this matter, and not try to hold it within the Congress.

I agree with the Senator from Oregon that we should not submit any amendment which might be presented to us merely to see whether it would be adopted or not, but we should consider a proposed amendment very carefully, and in the light of its history and considering the way it is finally worded. It seems to me at the moment I am speaking, that I shall support the amendment.

Certainly we should not pass any amendment which would fail adequately to protect our people. At the moment it is my purpose to support the amendment, but I shall listen to the debate and try to do what is right in the premises.

Mr. DONNELL. Mr. President, the concluding remarks of the distinguished Senator from New Jersey are, to my mind, exceedingly wholesome, and indicative of the fact that there is, after all, importance to be attached to debate on the floor of the Senate. I still hold to the view that Members of the United States Senate come to the Senate floor many times with their minds open, indicating, as the distingushed Senators who have spoken in the past few moments have indicated, that their minds are open, determined to attempt to find what the true solution of the issue under consideration, and that debate has its place and value on the floor of the Senate. I am glad to hear the distinguished Senators from New Jersey and Oregon indicate that they have come here with open minds.

Mr. President, I did not rise today to pay myself a compliment or withhold a compliment, but I wish to say that in my view the problem before us is one very difficult of solution, and I, like other Senators, have come here with what I think is an open mind, attempting to listen to the debate and to learn from others, perhaps to participate to some slight extent myself in the discussion of the important issues which are involved, and then, when we have arrived at the point of decision, to cast a ballot to the best of my ability for what I think is proper.

Mr. President, I, like both Senators, am not at this moment able to give any assurance, nor would I regard it as advisable to give any assurance, as to how my vote will be cast tomorrow upon this subject. I am considering these problems, and in my judgment it is important that we should hold open minds, and learn all we can upon the tremendously important question which lies before the Senate.

Reference has been made this afternoon, in the latter part of the afternoon particularly, to the effect of one portion of the amendment, which is not at all included, as I see it, within the statement of the Republican platform or the statement of the Democratic platform. I realize the importance of safeguarding the interests of womanhood. I undertake to say that that question needs no discussion upon the floor of the Senate, for every Member of the Senate, knowing his mother and his other relatives who are women, or his children who are girls, must realize the importance to civilization and to our Nation of the services which are rendered to our country by women and girls.

Mr. President, as I see it, we have before us not only this question, with the various ramifications which have been mentioned as to the effect of the first sentence of the amendment—and I shall not discuss those this afternoon—but we have, in addition to that, a further question, which goes to the very foundation of the relation between the National and State Governments of the Union. That further question arises from the second sentence of the amendment.

I do not want to parade under the guise of having made an exhaustive, scholarly, thorough examination of the authorities upon this further question. I have not endeavored to come to a final conclusion this afternoon, but rather have quite hastily undertaken to bring together some thoughts which I think are proper to be considered by the Senate, so that the other Senators and I together may, by the time we cast our votes tomorrow, determine with some degree of accuracy what is the legal effect on the relationship between the National Government and the State governments of the sentence which reads:

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. RADCLIFFE. I hesitate to interrupt the Senator before he presents his argument, but I think possibly if I submitted a question at this moment he might take up the point I have in mind a little more quickly than he otherwise would and might stress it somewhat differently.

I understand the Senator from Missouri does not like the language—or at least has some doubt in regard to it—reading as follows, "Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation." Does the Senator assume from that language that if this amendment should be adopted, either the scope or operations of the Federal Government, or of the States, as to enforcement, would be changed as a result of that clause?

Mr. DONNELL. I shall endeavor to answer to the best of my ability the substance of the question asked by the Senator from Maryland.

Mr. RADCLIFFE. I shall not interrupt the Senator any further at this time, except to say that it seems to me that the language, "within their respective jurisdictions," has been selected with great care. There is certainly nothing whatever in that language which attempts to confer any additional field of jurisdiction upon either the Federal Government or upon the States. Of course the preceding sentence does enlarge Federal authority.

Mr. DONNELL. Mr. President, with respect to the subject matter of the second sentence, I may say that the question of the distribution of powers as between Federal and State governments has been a source of important litigation in the Supreme Court of the United States in years past. We have one illustration in the case of Railroad Company against Fuller, appearing in 84 United States Reports, page 560, reported also in 17 Wallace reports, page 500. In that case the Court discussed what it termed "the complex system of policy which exists in this country," and discussed under that heading the division of the powers of the Federal Government into four different classes.

I shall not undertake at this late hour to go into great detail in the discussion of this matter, but may I say that in 11 American Jurisprudence, at page 862, appears this statement:

> In the United States the powers of government are divided between the Federal and the State Governments. By the terms of the Federal Constitution certain powers are entrusted to the Federal Government alone, while others are reserved to the States, and still others may be exercised concurrently by both the Federal and State Governments.
>
> The United States Supreme Court—

Says the writer—

> has divided these powers into four classes: (1) Those which belong exclusively to the National Government; (2) those which belong exclusively to the State; (3) those which may be exercised concurrently and independently by both; and (4) those which may be exercised by the State, but only until Congress shall see fit to act upon the subject. In the latter case the authority of the State then retires and lies in abeyance until the occasion for its exercise shall recur.

Mr. President, this statement by the author in 11 American Jurisprudence at once raises the question of the category into which the language of the proposed amendment falls:

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Apparently, Mr. President, both Congress and the several States are vested with power, as the language of the amendment says, "within their respective jurisdictions, to enforce this article by appropriate legislation." And yet, Mr. President, suppose that one of our States shall enact a law with respect to the enforcement of the article by what it deems to be appropriate legislation. The query immediately arises: Suppose Congress does not agree with the propriety of that particular method of enforcement or the contents of the particular statute of enforcement; does this amendment give to Congress the right then to revise the action of the State by superimposing over it legislation enacted by Congress, or has the State itself by the exercise of the power exhausted the power which Congress otherwise might have had under the terms of this amendment?

Mr. President, questions such as this are not simple. They are questions which require the gravest thought. They are questions upon which the Supreme Court of the United States has found no little difficulty in coming to determinations with respect to previous questions presented in our history.

I desire to call the attention of the Senate to one observation in the Minnesota rate cases in the United States Supreme Court, decided in 1913, in which the opinion was written by Chief Justice Hughes. I refer to this language:

> The grant in the Constitution of its own force, that is, without action by Congress, established the essential immunity of interstate commercial intercourse from the direct control of the States with respect to those subjects embraced within the grant which are of such a nature as to demand that, if regulated at all, their regulation should be prescribed by a single authority. It has repeatedly been declared by this court that as to those subjects which require a general system or uniformity of regulation, the power of Congress is exclusive.

Then, Mr. President, I call especial attention to the next sentence:

> In other matters—

I take it that in this particular case this amendment is "another matter." It is not a matter in which Congress has exclusive power, for by the very terms used in the language of the amendment "Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation." Then I return to the language of the Chief Justice, Mr. Hughes, in the Minnesota rate cases:

In other matters, admitting of diversity of treatment according to the special requirements of local conditions, the States may act within their respective jurisdictions until Congress sees fit to act; and when Congress does act, the exercise of its authority overrides all conflicting State legislation.

Mr. President, I am not undertaking to say here categorically what the decision of the Supreme Court would be with respect to the ultimate legal effect of this sentence in the amendment. I do say, however, that the language in the amendment raises a question which would require litigation, highly important in character and involving no little complication or difficulty to determine its effect; and I submit that among the permissible decisions which might be made by the Supreme Court of the United States is, again to quote from Mr. Hughes' opinion, that—

In other matters, admitting of diversity of treatment according to the special requirements of local conditions, the States may act within their respective jurisdictions until Congress sees fit to act; and, when Congress does act, the exercise of its authority overrides all conflicting State legislation.

Mr. President, if that conclusion should be reached by the Supreme Court of the United States, by the adoption of this amendment there would have been given, through the act of Congress, to the Federal Government, the ultimate supreme power as against State legislation with respect to the matters of enforcement of this article.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. DONNELL. Yes.

Mr. SMITH. Just to enliven the debate, I might ask——

Mr. DONNELL. I thank the Senator for the compliment as to the dullness of the debate, or, at any rate, the latter part of it.

Mr. SMITH. It was not my intention to infer such a thing, and I know that every Senator listening is much thrilled by the splendid presentation by the Senator from Missouri. But what would the Senator think of the effect if in line 7, on page 2 of the proposed amendment, the words "Congress and" were stricken out, so the paragraph would read:

The several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Mr. DONNELL. Mr. President, I am glad the distinguished Senator from New Jersey asked the question, and I might say, by the way, before commenting further, and of course I shall compliment myself to this extent, that I interpreted the remarks made a moment ago to be made jocularly and in a kindly spirit.

With respect to amending this section, I would hesitate exceedingly upon the floor of the Senate, with the scant opportunity we have had for the full, free discussion of this particular legal question, to undertake to express an opinion as to the effect of leaving out or inserting further language. I take it that, as has been suggested by another Senator, a great amount of skilled thought has been put into the preparation of this amendment, and for us upon the Senate floor, to undertake to amend the amendment upon so important a matter as the division of powers between Congress and the States, would involve far more time and thought than I have thus far given to the subject. So I would not feel competent at this time certainly to answer the question propounded by the Senator.

Mr. President, we have had in this country the eighteenth amendment, to which reference was made by the distinguished Senator from Florida. I shall read from the classic work of Willoughby on the Constitution of the United States. I am sure the Senator from Maryland will agree with me as to the high standing of Professor Willoughby, who comes from the city which is the home city of the distinguished Senator from Maryland.

Mr. RADCLIFFE. I am happy to say to the Senator from Missouri that I had the pleasure of being a student at Johns Hopkins University under Professor Willoughby for a number of years.

Mr. DONNELL. Yes, and I am sure that accounts for the Senator's great legal ability.

Mr. SMITH. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. SMITH. That probably accounts for the distinguished Senator's great legal erudition in part; as in part his position is due to his innate ability.

Mr. DONNELL. I have no doubt it explains in part the distinguished career of the Senator.

Mr. RADCLIFFE. All of which has been fully concealed so far, if by chance any of it is existent.

Mr. DONNELL. I call attention to the fact that in Professor Willoughby's work on the Constitution of the United States, volume 1, on page 112, appears the following:

The first appearance of the word "concurrent" in the Constitution itself is in the second section of the eighteenth article of amendment—

That was the prohibition amendment—

which declares: "The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

Mr. President, this language in the eighteenth amendment was the occasion of litigation in a series of cases reported under the name of *Rhode Island* v. *Palmer* (253 U. S. 250), and I quote from Professor Willoughby to indicate something of the complexity of the question and the possibility of various decisions being arrived at. Says Professor Willoughby, referring to this language dealing with the concurrent power of the Congress and the several States, as it appears in the eighteenth amendment:

In a series of cases reported under the style of Rhode Island against Palmer, were presented three possible constructions to be given to the term "concurrent power" as used in the amendment: (1) That, to be enforced, the amendment would require joint action by Congress and the States, that is, that both would have to act; (2) that the field of enforcement was to be regarded as divided between the National Government and the States along the line of distinction between interstate and intrastate commerce; and (3) that Congress and the State legislatures were empowered to act independently, but, of course, under the condition that State action should not conflict or interfere with that of the National Government.

Continues Professor Willoughby:

The Court, in its majority opinion, rejected the first two of these constructions, and, apparently, accepted the third—

And so that we may have the third before us I repeat it, namely:

(3) That Congress and the State legislatures were empowered to act independently, but, of course, under the condition that State action should not conflict or interfere with that of the National Government.

Let me interpolate that in the amendment before us obviously both Congress and the several States are empowered to act independently. The very fact that the word "concurrently," which appeared in the eighteenth amendment, has been left out of the amendment which is now before us would tend to indicate that this particular portion of the amendment is not subject to the construction that to be enforced there would be required joint action, but tends to substantiate the thought that under this language Congress and the State legislatures would be empowered to act independently; but again, to quote Mr. Willoughby, "of course under the condition that State action should not conflict or interfere with that of the National Government."

Turning to Mr. Willoughby's discussion of the case of Rhode Island against Palmer:

The Court, in its majority opinion, rejected the first two of these constructions, and, apparently accepted the third, saying: "The words 'concurrent power,' in that section, do not mean joint power or require that legislation thereunder by Congress, to be effective, shall be approved or sanctioned by the several States or any of them; nor do they mean that the power to enforce is divided between Congress and the several States along the lines which separate or distinguish foreign and interstate commerce from intrastate affairs.

"The power confided to Congress by that section, while not exclusive, is territorially coextensive with the prohibition of the first section, embraces manufacture and other intrastate transactions as well as importation, exportation, and interstate traffic, and is in nowise dependent on or affected by action or inaction on the part of the several States or any of them."

I take it that the language just used—and I say this not in criticism, because the very nature of the subject matter required that language—indicates somewhat the complexity of the problem involved in determining the meaning of language similar to or analogous to that which is contained in the amendment now before us, with the exception that the word "concurrent" has been stricken out and the words "within their respective jurisdictions" have been added.

Mr. Willoughby points out further that:

Chief Justice White, in a concurring opinion, rejected also the third construction, upon the ground that, by declaring that, in cases of conflict, the Federal laws should in

all cases prevail, the very idea of concurrency of jurisdiction provided for by the amendment was negated.

Mr. Willoughby further pointed out that—

In a dissenting opinion, Justice McKenna objected that the majority justices in the conclusions which they had stated had decided what the action of the Court would be with regard to State liquor laws which might be in conflict with those passed by Congress in enforcement of the amendment.

I shall not go into further detail. The point I am making is that the very perplexity which was illustrated in the discussion of the effect of the apparently simple language in the eighteenth amendment indicates something of the complexity which was presented to the court in analyzing, discussing, and determining the legal effect of this language.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DONNELL. Let me complete this one thought. The question will undoubtedly be presented in due time, under some set of circumstances, as to whether or not the language in the proposed amendment gives to Congress the ultimate right as against State legislation—in other words, gives to the National Government, as against legislation enacted by a State—the power to impose the national will as against the will of the State.

I now yield to the Senator from New Jersey.

Mr. SMITH. Of course the Senator is familiar with the fifteenth amendment, which goes at the subject from a little different angle. The first section of the fifteenth amendment provides that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of the amendment provides as follows:

The Congress shall have power to enforce this article by appropriate legislation.

Mr. DONNELL. I thank the Senator; and I invite his attention to the fact—which, of course, he realizes—that every bit of ambiguity is resolved as regards the question between the Congress and the States, because the power is specifically given there to the Congress; whereas in the amendment we now have before us there is the perplexing, intricate, and difficult question as to the jurisdiction of Congress on the one hand and that of the States on the other.

Mr. SMITH. I agree with the point as to the complexity of the question. It is most important to bring it out in this debate. I was pointing out the fifteenth amendment, which gave the power to Congress.

I now come back to the question of the possible amendment of the present proposal by giving the States the exclusive power, within their respective jurisdictions. I am not suggesting that as an amendment, except for discussion. The question is whether we could surmount the difficulty by giving the power to the States to do the enforcing of the principle which might be established by such an amendment.

Mr. DONNELL. I might point out what occurs to me offhand. I thank the Senator again for bringing to us this important suggestion. It might well be that Congress would say that it would be very unwise to adopt an amendment to the Federal Constitution without any power whatsoever residing in Congress to see that the amendment was enforced. In other words, were the Senator's suggestion followed, it might well lead to a situation in which, in some parts of the country the States would enforce the amendment, and in other parts they would not. I do not see that there would be any power in Congress or anywhere else to bring mandamus proceedings against the legislature of a State or the governor of a State to require enforcement in the respective jurisdictions. While the question which the Senator has presented is a highly important and interesting suggestion, it at once at least raises the question which I have presented.

Mr. SMITH. It is conceivable that a State might enact a law which violated the provisions of this amendment, and the question might go to the Supreme Court of the United States.

Mr. DONNELL. It is entirely possible that some State might take the view that it did not care to enforce the amendment, or to enact any law. The State might well say that it was not obligatory on the State to enforce the amendment by legislation, if the only language were the State should have the power to enforce it. That, I think, illustrates specifically the difficulty of undertaking to amend this amendment, which has undoubtedly been drawn after many years of time and care have been bestowed upon it. It illustrates the difficulty of undertaking at this moment to define or pass upon what proper amendments should be submitted in this regard.

Mr. President, I rose not for the purpose of undertaking to propose an amendment, but primarily for the purpose of indicating that this amendment raises a problem which goes far beyond the question of equality of rights under the law, to be denied or abridged on account of sex. In using the expression "far beyond" I do not in any sense mean to express the view that the abridgement or denial of equality of rights on account of sex is an unimportant matter. I do not in any sense mean that; but I believe that the proposal does present a fundamental question.

Beyond the question of equality of rights and the abridgment or denial of them, there is the question of the division of powers between the National Government and the State governments, and the question as to whether or not, if the States shall enact legislation to put into effect the provisions of this amendment, and the Congress shall say, "We do not agree with those statutes, there would then come into application the language of Chief Justice Hughes, namely, that "the States may act within their respective jurisdictions until Congress sees fit to act; and when Congress does act, the exercise of its authority overrides all conflicting State legislation."

Mr. President, I apologize for interjecting these observations at such a late hour, and I thank Senators for their courage and patience in listening to this faulty and hasty presentation of the matter. I still have an open mind on this amendment. I shall undertake to decide to the best of my ability which way I shall vote tomorrow. However, I feel that the mere fact that our political parties have expressed themselves as they did in their platforms with respect to equality of rights in the language which has been presented on this floor is by no means decisive of the question as to whether or not the further provisions of this amendment are wise or proper, bearing in mind the subject of the division of powers between National and State Governments. I undertake to say that the question of the construction and meaning of the second sentence is of great importance and should occupy the thought and attention of Senators between now and the time when we cast our votes tomorrow.

Mr. RADCLIFFE. Mr. President, according to the unanimous-consent arrangement the vote tomorrow on this amendment will be at 1 o'clock. I ask unanimous consent that the period of time between 12 and 1 o'clock be divided equally between the proponents and the opponents of this measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. MORSE. Mr. President, the request is satisfactory to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I wish to say to the senior Senator from Missouri that he has my sincere compliments for the presentation which he has just made on this very important amendment. I believe that the legal points which he has raised are points which most of us who are in doubt on the amendment are entitled to have answered before we vote for it. So far as I am concerned the Senator from Missouri has raised presumptions against the amendment which must be rebutted before I can vote for it.

Let me say further to the Senator from Missouri that this is not the only time when he has brought to bear on the floor of the Senate his profound knowledge of the law in dealing with great constitutional questions which we ought to consider in carrying out our obligations in enacting legislation. I think it is well constantly to have our attention called to the meaning of the Constitution and its legal implications. I know of no Member of the Senate during the past year and a half who has done a more effective job in calling attention to the fact that, after all, we do have the responsibility of seeing to it that the legislation which we enact meets the test of the United States Constitution.

Mr. DONNELL. Mr. President, I certainly appreciate the very complimentary expression of my good friend, who speaks of me so charitably, courteously, and generously. Coming from him, the expression is even more deeply appreciated, for I know of his profound knowledge of the law and his experience, not only in teaching but his general experience, which is so widely known and generally

recognized throughout the United States among those who are familiar with the work in which he has specialized. I thank him for his expression.

Mr. RADCLIFFE. Mr. President, when I asked unanimous consent in regard to the division of time tomorrow between the proponents and the opponents of the proposed equal rights amendment, I was not in position to request the designation of the Senator to make the allocations of time on behalf of the opponents. It seems to me that some such arrangement should be made, however, at this time; and therefore I take the liberty of suggesting that the Senator from Utah [Mr. MURDOCK] be designated for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. Mr. President, that will be perfectly satisfactory.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RADCLIFFE. Mr. President, if it is agreeable, I shall control the time for the proponents of the amendments.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania;

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended; and

H. R. 6777. An act making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1947, and for other purposes.

EXECUTIVE SESSION

Mr. RADCLIFFE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CARVILLE in the chair) laid before the Senate the following messages from the President of the United States, which were read and referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
July 18, 1946.

To the Senate of the United States:

In conformity with the provisions of the United Nations Participation Act of 1945, I am sending to the Senate herewith for its advice and consent nominations of the United States representatives and four alternate representatives for the second part of the first session of the General Assembly of the United Nations which is now scheduled to convene in New York in September 1946.

Section 2 (e) of the above-mentioned act provides that the President, or the Secretary of State at the direction of the President, may represent the United States at any meeting of the United Nations regardless of those provisions which call for the appointment of representatives by and with the advice and consent of the Senate. At my request, the Secretary of State will probably attend for at least a portion of this session of the General Assembly.

HARRY S. TRUMAN.

[Enclosures: Nominations.]

THE WHITE HOUSE,
July 18, 1946.

To the Senate of the United States:

I nominate the following-named persons to be representatives of the United States of America to the second part of the first session of the General Assembly of the United Nations, to be held in New York City, September 1946:

Warren R. Austin, United States Senator from the State of Vermont.

Tom Connally, United States Senator from the State of Texas.

Arthur H. Vandenberg, United States Senator from the State of Michigan.

Mrs. Anna Eleanor Roosevelt, of New York.

Sol Bloom, a Member of the United States House of Representatives from the State of New York.

In the absence of the President or the Secretary of State, Mr. Austin will be the senior representative of the United States of America to the second part of the first session of the General Assembly.

HARRY S. TRUMAN.

THE WHITE HOUSE,
July 18, 1946.

To the Senate of the United States:

I nominate the following-named persons to be alternate representatives of the United States of America to the second part of the first session of the General Assembly of the United Nations, to be held in New York City, September 1946:

Charles A. Eaton, a Member of the United States House of Representatives from the State of New Jersey.

Helen Gahagan Douglas, a Member of the United States House of Representatives from the State of California.

John Foster Dulles, of New York.

Adlai E. Stevenson, of Illinois.

HARRY S. TRUMAN.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Henry Clifford Jones to be collector of internal revenue for the district of Oklahoma, to fill an existing vacancy;

William H. Bartley to be collector of customs for customs collection district No. 33, with headquarters at Great Falls, Mont. (reappointment);

William Jennings Bryan, Jr., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif. (reappointment); and

Howard H. MacGowan, of Seattle, Wash., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash., in place of Saul Haas.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service.

The PRESIDING OFFICER. Without objection, the Foreign Service nominations are confirmed en bloc.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the Public Health Service nominations are confirmed en bloc.

Mr. RADCLIFFE. Mr. President, I ask unanimous consent that the President be notified forthwith of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. RADCLIFFE. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 19, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 18 (legislative day of July 5), 1946:

GENERAL ASSEMBLY OF THE UNITED NATIONS

The following-named persons to be representatives of the United States of America to the second part of the first session of the General Assembly of the United Nations to be held in New York City, September 1946:

Warren R. Austin, United States Senator from the State of Vermont.

Tom Connally, United States Senator from the State of Texas.

Arthur H. Vandenberg, United States Senator from the State of Michigan.

Mrs. Anna Eleanor Roosevelt, of New York.

Sol Bloom, a Member of the United States House of Representatives from the State of New York.

In the absence of the President or the Secretary of State, Mr. Austin will be the senior representative of the United States of America to the second part of the first session of the General Assembly.

The following-named persons to be alternate representatives of the United States of America to the second part of the first session of the General Assembly of the United Nations to be held in New York City, September 1946:

Charles A. Eaton, a Member of the United States House of Representatives from the State of New Jersey.

Helen Gahagan Douglas, a Member of the United States House of Representatives from the State of California.

John Foster Dulles, of New York.

Adlai E. Stevenson, of Illinois.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18 (legislative day of July 5), 1946:

FOREIGN SERVICE

TO BE CONSUL GENERAL OF THE UNITED STATES OF AMERICA

Curtis C. Jordan
John J. Macdonald

TO BE CONSULS OF THE UNITED STATES OF AMERICA

Jule L. Goetzmann
Alfred T. Wellborn

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Quentin R. Bates	Thomas D. McKiernan
John Q. Blodgett	Cleveland B. McKnight
Thomas S. Bloodworth, Jr.	Joseph A. Mendenhall
	Robert W. Moore
Jack Bramson	Andrew E. Olson
Robert A. Brand	Arthur L. Paddock, Jr.
Clarence T. Breaux	William Walter Phelps, Jr.
William S. Caldwell	
Stanley M. Cleveland	John F. Root
Carroll E. Cobb	Rufus Z. Smith
John B. Crume	Clyde W. Snider
Rodger P. Davies	De Witt L. Stora
Richard C. Desmond	Emory C. Swank
Richard H. Donald	Thomas T. Turner
Enoch S. Duncan	Jackson W. Wilson
William R. Laidlaw	Robert L. Yost
Henry F. McCreery	

UNITED STATES PUBLIC HEALTH SERVICE

PROMOTIONS IN THE REGULAR CORPS

To be temporary medical director

William F. Ossenfort

To be temporary senior surgeons

Frederick J. Brady
George L. Fite
Arthur W. Newitt

To be temporary senior dental surgeons

Ralph S. Lloyd	William P. Kroschel
George E. Jones	Bruce D. Forsyth

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 18, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty and eternal God, whose amazing goodness crowns our lives and transcends all our needs, we rejoice that each new day is radiant with revelations of Thy kind and bountiful providence.

We pray that we may have a clearer vision and a profounder sense of our responsibility to share with the suffering and the needy the blessings which we enjoy so abundantly. May our spiritual-mindedness manifest itself in public-mindedness and social-mindedness.

Grant that during these days of tension and strife we may dedicate and converge all our thoughts and energies to the high adventure of building a nobler civilization. Show us how we may promote friendship and understanding among the peoples of the earth.

Fill us with a greater passion to incarnate the spirit of the Master in whose life we find the clear and commanding expression and challenge of what our own lives must be in character and conduct and in their relationship to others.

Hear our petitions in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 247. An act for the relief of E. D. Williams;

H. R. 271. An act for the relief of Eleanor McCloskey, also known as Evelyn Mary Mikalauskas;

H. R. 844. An act for the relief of John P. Hayes, postmaster, and the estate of Edward P. McCormack, former postmaster, at Albany, N. Y.;

H. R. 1322. An act for the relief of the Marine Engine Works & Shipbuilding Corp., of Tarpon Springs, Fla.;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1345. An act for the relief of David M. Matteson;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1480. An act for the relief of the S. G. Leoffler Operating Co., of Washington, D. C., and for other purposes;

H. R. 1498. An act to correct the naval record of former members of the crews of the revenue cutters *Algonquin* and *Onondaga*;

H. R. 1673. An act for the relief of the Superior Coach Corp.;

H. R. 1797. An act for the relief of Arcadio Saldaña Agosto;

H. R 1850. An act for the relief of Louise Zerweck;

H. R. 1957. An act for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts;

H. R. 2130. An act for the relief of Daniel S. Bagley, Jr., and Daniel S. Bagley, Sr.;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2269. An act for the relief of Dr. William A. Schumacher and Magdalen M. Schumacher;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2319. An act for the relief of J. B. Shropshire;

H. R. 2423. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2962. An act for the relief of Justin P. Hopkins;

H. R. 3065. An act for the relief of Standard Dredging Corp.;

H. R. 3145. An act for the relief of A. C. McMeans;

H. R. 3158. An act for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co.;

H. R. 3341. An act for the relief of J. E. and Minerva Mitchell, and Rosie Monroe;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3397. An act for the relief of Claude S. Crouse;

H. R. 3400. An act for the relief of Herbert W. Rogers;

H. R. 3420. An act to provide for refunds to railroad employees in certain cases, so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3480. An act for the relief of Miss Ruth Lois Cummings;

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 3492. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3821. An act to amend sections 4 and 8 of the act of September 2, 1937, as amended;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 3848. An act for the relief of the legal guardian of Johnnie Pollock, a minor;

H. R. 3857. An act for the relief of Warren H. Thompson and Madeline Parent;

H. R. 3988. An act for the relief of Decatur County in the State of Indiana;

H. R. 3993. An act to authorize the Secretary of War to sell and convey to the Southern Pacific Railroad Co. a right-of-way and easement for railroad purposes across a portion of Camp Cooke Military Reservation, Calif.;

H. R. 4090. An act for the relief of Roy Hesselmeyer;

H. R. 4180. An act to amend the law relating to larceny in interstate or foreign commerce;

H. R. 4215. An act for the relief of Jane O'Malley;

H. R. 4247. An act for the relief of Jesús Lassalle and Mrs. America Bonet Medina;

H. R. 4357. An act for the relief of the estate of the late Alberto López Ramos;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4484. An act relating to the construction and maintenance of building and improvements for banking purposes on the Fort Ord Military Reservation, Calif.;

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 4492. An act for the relief of Charles Marvin Smith;

H. R. 4577. An act for the relief of Dolores Joyce;

H. R. 4651. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 4660. An act for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4834. An act for the relief of the estates of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5030. An act for the relief of Mrs. Lim Shee Chang;

H. R. 5112. An act to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes;

H. R. 5178. An act for the relief of Marian Antoinette McCloud;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5352. An act for the relief of Joseph Ippolito;

H. R. 5398. An act for the relief of Walter J. Barnes Electric Co. and Maritime Electric Co., Inc.;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5722. An act for the relief of Charles L. Cannon;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5800. An act to authorize school districts in Alaska to issue bonds for school construction, and for other purposes;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5820. An act relating to mail service on Lake Winnepesaukee, N. H.;

H. R. 5831. An act to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930;

H. R. 5840. An act to authorize an exchange of land in Eagle County, Colo.;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 5958. An act to amend the Agricultural Adjustment Act of 1938, as amended;

H. R. 6041. An act authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.;

H. R. 6065. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 6081. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa;

H. R. 6213. An act for the relief of Brevet First Lt. Margaret Utinsky;

H. R. 6222. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.;

H. R. 6324. An act to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes;

H. R. 6442. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 6459. An act to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers;

H. R. 6472. An act for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6515. An act to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928;

H. R. 6627. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 6673. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 6751. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex;

H. R. 6889. An act to extend the times for commencing and completing the construction of a toll bridge across the St. Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6903. An act to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States;

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes;

H. J. Res. 336. Joint resolution relating to cotton marketing quotas under the Agricultural Adjustment Act of 1938, as amended;

H J. Res. 359. Joint resolution relating to peanut marketing quotas under the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 1151. An act for the relief of James Lemuel Muzzall and James M. Muzzall;

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 3043. An act for the relief of Wilma E. Baker;

H. R. 3748. An act to amend an Act entitled "An Act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944;

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md.;

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer;

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II;

H. R. 5186. An act to authorize certain administrative expenses in the Post Office Department, and for other purposes;

H. R. 5311. An act to amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement;

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes;

H. R. 5590. An act to provide for the uniform administration of efficiency ratings;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research; to consult with and advise the Chief of such Office in matters pertaining to research;

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes;

H. R. 6372. An act to amend the Federal Credit Union Act;

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes;

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 162. An act for the relief of Walter S. Faulkner;

S. 357. An act for the relief of the Forward Columbus Fund, of Columbus, Nebr.;

S. 669. An act to name a dam on the Little Missouri River in Pike County, Ark., and the reservoir created by the same;

S. 920. An act to fix the salaries of certain judges of the United States;

S. 1277. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown;

S. 1372. An act to officially name the flood-control project authorized by Public Law 534, Seventy-eighth Congress, approved December 22, 1944, on Lytle and Cajon Creeks near San Bernardino, Calif., the Sheppard Floodway;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson, a minor;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the

United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California;

S 1607. An act to provide for the naturalization of Peter Kim;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1731. An act for the relief of Lester A. Dessez;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors;

S. 1751. An act for the relief of Wayne Parker;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2083. An act to amend section 6 of the Classification Act of 1923, as amended;

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended;

S. 2220. An act to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy";

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944;

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2265. An act to make criminally liable persons who negligently allow prisoners in their custody to escape;

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes;

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps;

S 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws;

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps; and

S. J. Res. 153. Joint resolution providing for the comprehensive observance of the bicentennial of John Paul Jones.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania; and

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOWNEY, Mr. GEORGE, Mr. BYRD, Mr. LANGER, and Mr. HART to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FEPPER, Mr. LUCAS, and Mr. HAWKES to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4080) entitled "An act to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PEPPER, Mr. LUCAS, and Mr. HAWKES to be the conferees on the part of the Senate.

AMENDING INTERNAL REVENUE CODE

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7052) to amend the Internal Revenue Code, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. REED of New York. Yes. It is only an extension of the act to permit railroads, hotels, and some other corporations to buy in their bonds without being subject to a penalty under the income tax laws.

Mr. DOUGHTON of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. It might be observed that this bill has the approval of the Joint Committee on Internal Revenue Taxation, the Treasury Department, and also the unanimous report of our committee.

Mr. REED of New York. Yes; from the committee and all departments concerned.

Under the existing law, railroads and other corporations may retire their bonds, notes, or other certificates of indebtedness within the taxable year without recognition of gain, if such retirement occurs in a taxable year beginning prior to January 1, 1947. This provision has materially aided railroads and other corporations whose bonds can be purchased at the present time at less than their face value, giving them an incentive to liquidate their indebtedness. This bill, H. R. 7052, has the unanimous approval of the Ways and Means Committee and of the Treasury.

Under the decision of the *Kirby Lumber Company Case* (284 U. S. 1), the Supreme Court held that a corporation realized income by purchasing and redeeming its bonds at a price less than that for which sold. This prevented many corporations from liquidating their indebtedness in order to place their affairs in a sound financial condition. Your committee believes that this relief should be continued with respect to discharges of indebtedness occurring in the taxable year 1947.

The second section relates to the time for filing claims for refund or credit in respect of war losses caused by property of the taxpayer being destroyed or seized, or damaged by the enemy. The war-loss section may require certain changes and it was therefore deemed desirable to grant a further extension of time for filing claims for refund for the years 1941 or 1942 with respect to overpayments attributable to war losses, since the period of limitation with respect to those years will expire on December 31, 1946. The bill grants an additional time for filing these claims to December 31, 1947.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objecton to the request of the gentleman from New York?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 22 (b) (9) and (10) of the Internal Revenue Code, relating to the exclusion of income from the discharge of indebtedness, be amended by striking out "1946" in each of such paragraphs and inserting in lieu thereof "1947."

EXTENSION OF TIME FOR CLAIMING CREDIT OR REFUND WITH RESPECT TO WAR LOSSES

SEC. 2. If a claim for credit or refund under the internal-revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code, relating to war losses, for a taxable year beginning in 1941 or 1942, the 3-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1947. In the case of such a claim filed on or before December 31, 1947, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of the Internal Revenue Code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in two instances and include excerpts and editorials.

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD.

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD and include an editorial from the Indianapolis Star.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include two or three clippings from newspapers.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD in two instances and include excerpts.

Mr. HOEVEN asked and was given permission to extend his remarks in the RECORD and include a statement of policies and principles of the North Central Association of Commissioners, Directors, and Secretaries of Agriculture.

Mr. BUCHANAN asked and was given permission to extend his remarks in the RECORD and include a letter from a wholesale distributor in his district.

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Post.

Mr. GREEN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Philadelphia Record.

Mr. TRAYNOR asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article Does Security Mean Slavery? by W. G. Montgomery.

BUTTER PRICES

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, that there is not a run-away inflation in butter prices since discontinuance of OPA is proven in actual butter markets. Yesterday in Chicago 92-score butter sold wholesale at 71 cents per pound, which is exactly the June ceiling price under OPA plus the subsidy.

For the first time in a great long period, butter sold yesterday at wholesale in New York lower than the Chicago market. There is plenty of butter and there is no run-away price.

COMMANDER JOY BRIGHT HANCOCK

Mr. HAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAND. Mr. Speaker, I want to pay a brief but well-deserved tribute to a distinguished woman of my district whose services to her country have been signally recognized.

On July 26, 1946, Commander Joy Bright Hancock, of Wildwood, N. J., will assume national direction of the WAVES, with the rank of full captain.

Commander Hancock is a veteran of both world wars, serving as a yeomanette in the first, and being commissioned a WAVE lieutenant in October 1942.

Public service is a tradition of her family, who have long made notable contributions to the public welfare of Cape May County.

I know the House will join me in wishing her all success in the important duties to which she is now called.

HON. CLARENCE HANCOCK

Mr. FELLOWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. FELLOWS. Mr. Speaker, Hon. CLARENCE HANCOCK, of New York, has announced he will not be a candidate for reelection to this body. In this decision I sense a loss to this country which cannot be measured by any expression of my personal regret, keen though it be, for I value beyond words the privilege of his friendship.

Modest, kind, clean, able, he has served his State and country with distinction for 20 years. We all have ideals, from which most of us fall terribly short, but if I were asked what qualities of brain and heart best fit a man to represent a great district of intelligent people, I could do no better than point to the gentleman from New York, CLARENCE HANCOCK.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include certain tables of statistics that I have had compiled.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

RURAL ELECTRIFICATION

Mr. SHORT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHORT. Mr. Speaker, I am glad that the gentleman from Mississippi [Mr. RANKIN] has spoken about the necessity for extending the use of electricity throughout the rural regions of the United States. As the gentleman well knows, I have always supported REA and have worked in cooperation with the gentleman from Mississippi in trying to bring electricity into our farm homes where it has relieved our people of so much drudgery.

Mr. RANKIN. I can testify to that fact.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I yield.

Mr. RICH. If we are to take care of everything in America, how can we take care of everything in Europe, Asia, and Africa, as the gentleman from Mississippi stated. If we do not stop spending money that way, how are we going to look after our own people?

Mr. SHORT. We must first put our own house in order.

The SPEAKER. The time of the gentleman from Missouri has expired.

REPORT OF PEARL HARBOR INVESTIGATING COMMITTEE

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, the committee appointed to investigate Pearl Harbor has completed its report which will be available to the public and the membership of both Houses of Congress this week end. A lot of speculation has been indulged in by the press, some of it quite erroneous. Because of that speculation, I think it is incumbent upon me to make this short statement. I participated at great length and at a great expenditure of energy and time in assisting in the preparation of the committee report. There are many things included in the report with which I agree. Many statements in the report resulted from the efforts I made to have them incorporated in the report. But the report as a whole I find myself unable to completely agree with. If you will observe, when the report is finally released, I have

filed a very extensive statement of additional views and in affixing my signature to the report I did so with reservations as expressed in those additional views. I trust the Members of Congress will take the time to read them.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the Appendix of the RECORD and to include an editorial.

Mr. JOHNSON of California asked and was given permission to revise and extend the remarks he expects to make in the Committee of the Whole on the atomic-energy control bill and include certain portions of testimony taken in the hearings before the Committee on Military Affairs.

Mr. JACKSON asked and was given permission to extend his remarks in the Appendix of the RECORD and to include therein two press releases.

CALL OF THE HOUSE

Mr. SHORT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Adams	Gibson	Miller, Calif.
Allen, La.	Gillespie	Monroney
Anderson, Calif.	Gillie	Morrison
Andrews, N. Y.	Gossett	Neely
Baldwin, Md.	Granger	Norton
Bates, Ky.	Grant, Ala.	Patrick
Beckworth	Gregory	Peterson, Ga.
Bell	Gross	Powell
Bland	Hancock	Price, Fla.
Bloom	Harless, Ariz.	Priest
Boren	Harris	Reece, Tenn.
Boykin	Hart	Reed, Ill.
Bunker	Hébert	Rivers
Camp	Hendricks	Robinson, Utah
Cannon, Fla.	Holifield	Roe, N. Y.
Cannon, Mo.	Holmes, Wash.	Rogers, N. Y.
Clevenger	Hook	Rooney
Clippinger	Izac	Russell
Cochran	Johnson, Okla.	Sheridan
Coffee	Johnson, Tex.	Slaughter
Colmer	Kee	Sparkman
Cooper	Kerr	Starkey
Courtney	Kilday	Stewart
Cox	Kirwan	Sumner, Ill.
Cravens	LaFollette	Talbot
Crawford	Larcade	Tarver
Curley	Lea	Tolan
Daughton, Va.	Lemke	Torrens
Davis	Ludlow	Vinson
Dawson	McDonough	Wadsworth
De Lacy	McGehee	Weaver
Domengeaux	McGlinchey	Welch
Douglas, Calif.	McGregor	West
Earthman	McMillan, S. C.	Wickersham
Elston	Mahon	Wolcott
Engel, Mich.	Mankin	Wolfenden, Pa.
Flannagan	Mansfield,	Wood
Fuller	Mont.	Worley
Gardner	Mansfield, Tex.	Zimmerman
Geelan	Mason	

The SPEAKER. On this roll call 309 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1717) for the development and control of atomic energy.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 1717, with Mr. JOHN J. DELANEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday the gentleman from Kentucky [Mr. MAY] had 55 minutes remaining, and the gentleman from Missouri [Mr. SHORT] had 36 minutes remaining.

Mr. MAY. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, I cannot recall any bill since I have been here that has had so many red herrings drawn across its trail as the bill now under consideration. There have also been quite a number of alibis and unjust and unfair statements about the legislation. I can appreciate that there is a plan to kill the bill or amend it to death. For that reason, I invite careful reading and study of the bill before you reach any final conclusion. I am for the McMahon bill as it came from the Senate. I have the same interest in national welfare and security that you have. We are confronted with an unusual situation in that we are dealing with an unusual weapon. If I may read just one or two sentences from the declaration of the policy that is announced in the first section of the bill, it will convey my ideas about the matter far better than I can express them. I quote from that declaration:

> The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore, any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. No; I do not yield now. I will yield later.

I would just like to express the hope that there is something to this great discovery known as atomic energy and the atomic bomb besides putting it to military use to destroy the peoples of the world.

This Government spent $2,000,000,000 and employed 130,000 people to develop this bomb. It was said yesterday by a great many Members who spoke, "You cannot stop scientific research, you cannot stop scientific development any more than you can stop the normal mental processes of the human mind." Every nation in the world will, sooner or later, have the secrets of atomic energy. Other nations are working on it, and we just beat them to it. I have an idea that away back many years ago there were some people who did not know what was going to happen to electricity, or to gunpowder, or, in more recent times, to radar. But, now that our scientists have developed this terrible weapon and now that the recent war is over, we are trying to work out some plan by which we will not have another war such as this last one, which would be even worse than all prior wars. I repeat, I hope and trust we can work out some plan by which atomic energy can be put to useful peaceful purposes and the atomic bomb, as an instrument of war, be outlawed.

I have not manifested as much concern about the military as many who have talked loudest about it. I yield to no man in this House in my loyalty to the armed forces of the country, and I think the record will prove it. I want an Army, Navy, and Air Corps second to none. During the consideration of legislation which was before us recently, especially the extension of Selective Service and other pieces of legislation of somewhat like nature, we heard a lot about the brass hats and the caste system and all that sort of thing. I defended the Army but those who talk loudest today spoke contemptuously of them then. It is true, the armed forces have this secret at the present time. The real bone of contention, and I think the only one of any very great importance—at least that is the most controversial—is what part the military will have in this Commission. For that reason I again invite a careful reading of the bill, especially subsection (c) of section 2, which appears on page 7 of the bill.

To recount a little history, you will perhaps remember the House Military Affairs Committee had extended hearings on the so-called May-Johnson bill, which was reported by the committee and then came to the Rules Committee and the Rules Committee did not report it and it never reached the House. When a bill of like nature reached the Senate, there was one group that wanted the May-Johnson bill. There was another group that did not want any of the military represented on the Commission.

Now, you have heard a lot of talk about all the Communists being for the Senate bill. I do not know anything about them, so I cannot speak for them, but there were a lot of people who are not Communists who were for this bill as it passed the Senate. The man responsible for the military liaison amendment was none other than the distinguished Senator from Michigan, Hon. ARTHUR VANDENBERG.

The Vandenberg amendment contains these words:

> There shall be a military liaison committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine.

The Army and Navy can send to the Commission just as many of its representatives as they want, and also name

the persons who shall constitute that committee; and, more than that, they do not say that the committee may advise with them, but that the Commission shall advise and consult with the committee on all atomic energy matters which the committee deems to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to manufacture or utilization of atomic bombs.

The amendment further provides as follows:

The Commission shall keep the committee—

Meaning the military committee, the official representatives, if you please, of the War and Navy Departments, they—

shall keep the committee fully informed of all such matters before it, and the committee shall keep the Commission duly informed of all atomic energy activities in the War the Navy Departments. The committee shall have authority—

Listen to this—this is the military and naval committee sitting around with the civilian Commission—

The committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the committee—

Meaning the representatives of the Army and the Navy appointed by the Secretary of War and the Secretary of the Navy—

at any time conclude that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws, and treaties, the committee may refer such action, proposed action or failure to act to the Secretaries of War and Navy.

And listen to this:

If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

I would like for someone to tell me what is wrong about that. Here we are a civilian Government; we are not a military Government and never will be, I hope. If we were I assume you would put some distinguished general in as Secretary of War and you would take some great admiral and make him Secretary of the Navy and just let us have a military Government while we are at it. This Government was not founded under any such theory, it was not founded upon any such policy; it was never intended and it never has been the case that the Army and Navy constitute the policy makers of this Government, and they must not be. They are the servants and agents of our civilian Government. I do not therefore understand how some of those who have spoken about the Communists and these other red herrings they have dragged across the trail, can believe as they do with the amendment proposed by Senator VANDENBERG and unanimously adopted by the members of the special committee whose names I called the other day, but for the purpose of emphasis and also for the record I venture to put them in again: MCMAHON of Connecticut, GEORGE of Georgia, BYRD of Virginia, TYDINGS of Maryland, CONNALLY of Texas, AUSTIN of Vermont, MILLIKIN of Colorado, HICKENLOOPER of Iowa, and Admiral HART, now Senator from the great State of Connecticut. And yet here was Senator VANDENBERG, great man that he is, Senator CONNALLY, great man that I think he is, chairman of the Foreign Affairs Committee, joining in conference after conference with our distinguished Secretary of State, in recommending this very type of legislation. There was Senator CONNALLY, chairman of the Foreign Affairs Committee, there was Senator VANDENBERG, there was Admiral HART, who had distinguished himself as an admiral of the Navy for many years before he went to the United States Senate; there was one of the greatest Americans I know who has recently gone to the United Nations, Senator AUSTIN. Every one of them joined in the passage of the McMahon bill as it came to us.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman.

Mr. THOMAS of New Jersey. Is the gentleman advocating that only the Senate should have any voice in this matter?

Mr. THOMASON. When that type of men, after 5 months of hearings and consideration, unanimously agree I would say that it is not controlling but persuasive. The four large volumes of hearings that were printed were made available to the gentleman from New Jersey and every member of the committee. During those hearings they had great scientists, many high-ranking Army and Navy officers, they had outstanding businessmen of the country, including Barney Baruch, before the committee. The special committee agreed unanimously. Not only that but when the bill got to the floor of the Senate, after the Vandenberg amendment was adopted, the bill not only had the unanimous support of the special committee with those men on it whom I have mentioned, but it received the unanimous support of the Senate of the United States itself. I do not think that is necessarily conclusive, but it has great weight with me.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. JOHNSON of California. Is it not a fact that our committee read this bill word for word day in and day out, and the majority came to virtually the same conclusion?

Mr. THOMASON. Absolutely. That is not all. Secretary Patterson came before our committee, likewise the Under Secretary of the Navy, and said that, speaking for themselves and for General Eisenhower, they heartily approved the McMahon bill. They do not want control of atomic energy. If they are satisfied from a military standpoint, and they are the ones charged with the defense of our country, why should not we be satisfied?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. THOMASON. Mr. Chairman, there are a lot of people for this bill. They are not all crackpots, either. Not only that, but you cannot draw a red herring across this trail by getting up and asking "Will the gentleman yield?" and then asking "Is it not a fact that Lilienthal is going to be a member of this Commission?" Well, I am sure there have been no commitments as yet. I do not know anything about Lilienthal except he has made a success of the greatest enterprise of its kind in the world. Another red herring question was "Will Elmer Davis be director of publicity?" I cannot answer, but I regard him a great American.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Kentucky.

Mr. MAY. Does the gentleman admit that there appeared before the House Committee on Military Affairs and supported strongly the May-Johnson bill and said it was essential at that time such men as Vannevar Bush, Secretary Patterson, and others?

Mr. THOMASON. Perhaps so. John R. Oppenheimer, Dr. Compton, of Massachusetts Institute of Technology, and all the other great scientists are for this bill.

Some speaker quoted George Washington. We are living, Mr. Chairman, not in 1776; we are living in 1946. We are confronted with a new situation, and we must meet it from the practical standpoint.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. VOORHIS of California. In reference to the Vandenberg amendment, I want to emphasize the fact it is the Military Committee that decides on all matters which the Commission must report on. The Commission does not decide that.

Mr. THOMASON. The Secretary of War and the Secretary of the Navy are not trying to form the policies of this country. They do not want that job.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Maine.

Mr. HALE. Under the Senate bill, is there any reason why the Secretary of the Navy and the Secretary of War should not sit on the Commission?

Mr. THOMASON. No; I know of no reason that they cannot sit on there. They do not want to sit on there. Does the gentleman mean could they sit themselves?

Mr. HALE. Yes.

Mr. THOMASON. Why, the Secretary of War and the Secretary of the Navy, both of whom are civilians, can appear there themselves if they want to.

Mr. Chairman, I ask the Members to read this bill carefully. It is a good bill, and the exigencies of the times demand that something be done.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SHORT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Chairman, it is my opinion that action by the Congress on a law to cover our Government's activities in research and development of atomic energy is overdue.

The special committee who recommended and who aided in the draft of the May-Johnson bill are listed on page 17:

> Secretary Stimson, chairman; James F. Byrnes, then a private citizen; Will Clayton, Assistant Secretary of State; Ralph Bard, Under Secretary of Navy; George Harrison, Special Assistant to Secretary of War; Dr. Vannevar Bush, Chairman of the Office of Scientific Research and Development; Dr. Karl Compton, president, Massachusetts Institute of Technology; Dr. James Conant, president, Harvard University.

Therefore, the May-Johnson bill was brought out on the recommendation of a group of very well known and, I think, highly respected American civilians. Hearings were held at length last October before the House Committee on Military Affairs, and I am sure that our committee has done everything possible to secure action on this type of legislation.

The bill went to the Senate. The Senators created the special committee headed by Senator MCMAHON, and as a result we have this bill which is before us here today.

This bill, like the May-Johnson bill, provides for civilian control over the reasearch and development of atomic energy by the United States Government. I do not think that either bill can properly be convicted of giving the military too much control, and I do not think that either the Army or the Navy wish it. I favor civilian control.

However, I do wish to call attention to the testimony of Mr. Kenney, Assistant Secretary of the Navy, who tells us in very interesting words on page 48 that the position of the Navy in connection with this bill is unique:

> The Navy is the greatest user of power and the largest power engineering organization in the world, which gives it an interest in the development and application of atomic energy for power uses. In addition, the fact that ships must carry their fuel makes it probable that the first general use of atomic power will be at sea rather than ashore.

Mr. Kenney says that he is disturbed over this bill in several of its provisions, and one of them is in regard to whether or not the Army and the Navy are going to be allowed to carry on their present research and development work without interference from this Commission. They are told by the report of the Senate committee that they will be allowed to do so. However, Mr. Kenney points out that this is only by a matter of interpretation of the words in this bill. On page 58 he indicates, as I see it, the reasons why this bill should be changed and amended, and therefore in order to make certain that an interpretation is not going to determine the future work of our Army and Navy, I intend to offer an amendment to the bill on page 11, at the end of line 2, to permit the armed services to carry on their independent military research—under the provisions of this bill, to be sure—but without any interference with what they are now doing.

Already this Congress has appropriated over $375,000,000 for the continuation of atomic-energy research and development by the War Department for the next fiscal year. About $200,000,000 is in connection with contracts already let; $175,000,000 is for contracts to be let for additional work to be done. These sums are in addition to what this Commission, if it is appointed, will ask for its work. This is big business involving over $1,000,000,000 worth of plant and equipment. I feel that we must give the Army and the Navy the protection which they seek, and at the same time give to this Commission the money they need to develop atomic research for the propulsion of merchant ships, for the development of power plants for municipalities, for light, heat, power, medicine, and other purposes.

I believe that in giving this full control to civilians we ought to take care of other issues. I believe that any five civilians of sufficient ability to belong on this Commission will be fair to civilians, to the Army, and to the Navy. If this bill proves to have faults we can amend it. In the meantime the Government will have established an organization which will be forging forward for the benefit of our American people, and, I hope, for all mankind.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Chairman, I have been very much impressed by the remarks made by the gentleman from Texas [Mr. THOMASON] both in the debate on the rule and this morning. I think he is quite correct in bringing to the attention of the House the utter absurdity of throwing red herrings across the trail of the debate on this bill. They have no place here. But I do think, since these red herrings have been tossed about, it is well to pay attention to them for just a few moments.

The other day the gentleman from New Jersey [Mr. THOMAS] attacked an ad of the National Committee for Civilian Control of Atomic Energy, which urged passage of the McMahon bill without the amendments proposed by the Military Affairs Committee. He denounced the ad vigorously and said, among other things, "This is smearing at its worst." He also inferred that the signers of the ad had not even seen the bill. I know that all the signers of that ad have seen the McMahon bill.

I want to read to you a list of some of the distinguished Americans who signed that advertisement so we may see just how far afield we have gotten in this debate; men whom Mr. THOMAS charges with smearing at its worst.

For example, the Most Reverend Bernard J. Sheil, auxiliary bishop of Chicago of the Roman Catholic Church, known as one of the greatest builders of character in American youth, and widely known for his intense interest in all problems of human relations. Also on this list is the Reverend Harry Emerson Fosdick. Anyone who is familiar with religious life in this country knows of Reverend Fosdick. The Very Reverend James T. Hussey, member of the Society of Jesus and president of Loyola College, is another endorsee of S. 1717. Bishop G. Bromley Oxnam, president of the Federal Council of Churches of Christ in America, and Arthur P. Whiteside, president of Dun & Bradstreet, are among those denounced as smearers. Ralph Flanders, chairman of the Federal Reserve bank of New England and, I believe, now the Republican candidate for Senator in the State of Vermont, is still another who endorsed the ad's position for civilian control of atomic energy.

Those names are typical of the kind of individuals who are asking us to pass the McMahon bill as it left the Senate. I think the record should show clearly that very patriotic Americans, in addition to the list of distinguished Senators which the gentleman from Texas has twice read into the RECORD, are behind the bill as it passed the Senate. I intend to obtain permission later to insert the ad and all of the signers with my remarks.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. Their opinion of the need for civilian control is unquestioned. I happen to share that opinion. But would the gentleman say that any of the men whose names he has read from that list is or could consider himself a qualified expert, let us say, on the patent sections in this bill?

Mr. BIEMILLER. I am not now discussing the patent sections of the bill. For that reason, I am not going to answer your question at this time. I am discussing purely the issue of military control.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. I did not particularly have in mind the names that were on this ad, I had in mind this part of the ad, "Defeat the May committee amendments to the atomic energy bill." What I had in mind particularly was the words "May committee." This happens to be the Committee on Military Affairs. The gentleman knows perfectly well why they referred to it as the May committee, just as they refer to the Committee on Un-American Activities as the Rankin committee.

Mr. BIEMILLER. I think that whether it is a good practice or not, many committees of the Congress are referred to by the names of the chairman of the committees. For example, the Senate Committee on Atomic Energy is generally called the McMahon committee, our own Public Buildings and Grounds Committee is often called the Lanham committee, and so forth. That is a matter of fact. I see nothing reprehensible in the practice.

One more point on this matter of red herrings. The gentleman from New Jersey tells us that the Daily Worker each day supports this bill; that the Communist-front organizations do. I am willing to take his word for it. I am not a reader of the Daily Worker, as the gen-

tleman from New Jersey evidently is. But the fact remains that just because the Communist organizations may support a bill it is not necessarily a bad thing. For example, the Communist Party always supports public ownership and development of power resources, but because of that fact I certainly would not say the gentleman from Mississippi [Mr. RANKIN], one of the most ardent exponents of the TVA in this House, is a Communist. These are false arguments. Let us try to stick to the bill. The calling of names will get us nowhere.

But when we are seriously considering what is probably the most important piece of legislation ever to be presented to the Congress it ill behooves us to engage in emotional appeals which endeavor to develop Red scares. Patriotic Americans are trying desperately to pass a bill they believe will help insure world peace and establish a world of plenty and freedom for their children and their children's children. Atomic energy is a frightful discovery—you and I must decide the best way to use it for good, not evil. Let us conduct this debate with dignity, decorum, and facts, not appeals to prejudice that are being presented to us. I think we ought to recognize that the bill should be discussed on its merits. There may be differing points of view. I shall be glad, for example, at a later time in the debate, to discuss the patent sections.

So that all may see the group of splendid Americans who signed the ad to which the gentlemen from New Jersey took such violent exception, I am inserting it and the list of signers at this point in the RECORD:

To the House of Representatives:

Place the control of atomic energy in civilian hands now.

Says President Truman: "A commission established by the Congress for the control of atomic energy should be composed exclusively of civilians. This is in accord with established American principles embodied in our statutes since 1870."

Says Secretary of War Patterson: "We do not advocate any amendment to this bill (the atomic-energy bill) authorizing one or possibly two members of the Commission to be representatives of the armed forces."

Despite the President, despite the Secretaries of War and Navy, despite General Eisenhower, unwise amendments are proposed to the atomic energy bill. Amendments providing for two military men on the Atomic Energy Commission and empowering the armed forces to manufacture atomic weapons independently. This, while Mr. Baruch is assuring the world of our peaceful intentions.

These amendments revive the discredited policy of military control of atomic energy.

Defeat the May committee amendments to the atomic energy bill.

The Senate Special Committee on Atomic Energy sat for 7 months and heard extensive testimony, much of it necessarily secret, in preparing the atomic energy bill. This bill, as finally written, satisfies President Truman, the War and Navy Departments, Secretary of State Byrnes, and the country's leading scientists. It was passed unanimously by the United States Senate.

National Committee for Civilian Control of Atomic Energy: Ivan Allen, Sr., President, Ivan Allen-Marshall Co.; Stringfellow Barr, President, St. John's College; Mrs. George L. Bell, Civic Leader; Percival F. Brundage, Senior Partner, Price, Waterhouse Co.; Cass Canfield, President, Harper Bros.; Everett Case, President, Colgate University; Mrs. John Alden Carpenter, Civic Leader; Leo Cherne, Research Institute of America; C. A. Dykstra, Provost, University of California at Los Angeles; E. R. Embree, President, the Rosenwald Foundation; Marshall Field, Publisher; Mrs. J. Borden Harriman, Former United States Minister to Norway; Maurice Harrison, Attorney; Rev. John Haynes Holmes, Pastor, Community Church; Thomas K. Finletter, Attorney; Ralph Flanders, Chairman, Federal Reserve Bank of New England; Rev. Harry Emerson Fosdick, Minister, Riverside Church; Leon Henderson, Former Director of OPA; Melvin Hildreth, Attorney; Palmer Hoyt, Publisher; the Very Reverend James T. Hussey, President, Loyola College; Robert M. Hutchins, Chancellor, University of Chicago; Albert D. Lasker, Publicist, Civic Leader; Herbert H. Lehman, Former Governor of New York; Mrs. Edward Macauley, Civic Leader; Donald Nelson, President, Society of Independent Motion Picture Producers; William I. Nichols, Editor, This Week Magazine; Bishop G. Bromley Oxnam, President, Federal Council of Churches of Christ in America; Gifford Pinchot, Former Governor of Pennsylvania; Beardsley Ruml, Chairman, Board of Directors, Macy & Co.; Alexander Sachs, Economist; the Most Reverend Bernard J. Sheil, Auxiliary Bishop of Chicago of the Roman Catholic Church; Samuel Slotkin, President, Hi-Grade Meat Packing Co.; George Thomas, President Emeritus, University of Utah; William H. Vanderbilt, Former Governor of Rhode Island; W. W. Waymack, Publisher; Sumner Welles, Former Under Secretary of State; Walter White, President, National Association for the Advancement of Colored People; Arthur P. Whiteside, President, Dun & Bradstreet; John Hay Whitney, President, J. H. Whitney & Co.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHORT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I have listened with interest to the gentleman from Texas [Mr. THOMASON] and the gentleman from Wisconsin [Mr. BIEMILLER] and others who have discussed the question of whether or not military men should be on this Atomic Energy Commission. I want to say to you here and now that considering the context of the bill any such discussion is poppycock. It is not relatively important in comparison with what this bill does.

If you will give careful attention to the bill you will find that, generally speaking, it divides itself naturally into two parts. The first part is that part of the bill or those parts of the bill grouped together which, in total, completely vest all rights, titles, and interests, not only of every person in the United States, but of every agency of the Government of the United States, in any property or any rights in production facilities or any raw materials and any patent rights and even any ideas, in the Commission as the sole and exclusive owner.

The second part of the bill which is of even more vital importance is section 8. I desire to call your attention to section 8 and hope you will turn to it and read it while I read it aloud.

It is entitled "International Arrangements."

SEC. 8. (a) Definition: As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement—

The committee proposes to here insert the word "hereafter", so the section will read:

hereafter approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) Effect of international arrangements: Any provision of this act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this act shall be deemed to be of no further force or effect.

Then subsection (c), Policies Contained in International Arrangements:

In the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

Now, my colleagues, the first group of provisions in this bill to which I have referred, as I said before, vests in the Commission all rights, titles, and interests, in everything having to do with atomic energy, certainly in the United States. Then it provides that when an "international arrangement" is agreed to the Commission shall give maximum effect—note carefully the words "give maximum effect"—to the policies contained in the arrangement, and that any provision of this act or any act of the Commission to the extent that it conflicts with the provisions of the international arrangements are thereafter null and void and of no further force or effect. Note that provision carefully. That is really important.

Then turn to the so-called Lilienthal report, being A Report on the International Control of Atomic Energy, made by a board of consultants of which David E. Lilienthal was chairman. In chapter 1 of section 3 on page 35 of the report, it says:

All the actual mining operations for uranium and thorium would be conducted by the Authority. It would own and operate the refineries—

Now they are speaking of an international authority here, not this American Commission we are establishing by S. 1717. I read further:

It would own and operate the refineries for the reduction of the ores to the metal. It would own the stock piles of those materials and it would sell the byproducts, such as vanadium and radium and so forth.

That says very plainly that an international authority will conduct mining operations in the United States, and own and operate the refineries in the United States, and own the stock piles of material in the United States and sell the byproducts. It implies also, of course, that the international authority would necessarily also own and operate, produce and sell those things in every other

country. That means a broad abandonment of sovereignty on our part and on the part of other nations. The report advises us very plainly that in the dawning atomic age such abandonment of sovereignty is necessary to the peace of the world and the safety and happiness of its citizens.

Then, under plant, it says practically the same thing as it does for mining.

It says:

> The second and major function of the international authority would be the construction and operation of useful types of atomic reactors and separation plants. This means that operations like those at Hanford and Oak Ridge and their extensions and improvements would be owned and conducted by the authority—

Meaning the international authority. In other words, this bill provides first that the Congress vest full authority in the Commission to take over, in absolute ownership, everything connected with atomic energy in the United States, including ideas; and then directs that when this proposed international arrangement is made, all of this property acquired by the American Commission shall be turned over to an international authority. Now, that is the kernel of this very hard nut. That is the thing which we must decide. All the rest of these issues are minor. They are relatively unimportant and we should not spend much time in discussing them. This is the question we must consider and consider carefully. Are we willing in the first place to vest all right, title, and interest in everything connected with atomic energy, including the bombs already manufactured, in a commission, and then give the Commission authority and even direct it to turn all this over to an international authority?

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. GRAHAM. And if an international arrangement is incorporated and one of the high contracting parties vetoed that, it is of no effect, and null and void.

Mr. HINSHAW. I thank the gentleman. I was coming to that. It seems to me, in view of the very unsettled condition in the United Nations Atomic Subcommittee, and the very difficult situation that has been brought about through lack of unanimous agreement in that committee, that this Congress and this House at this point would do very well to hold this legislation for a little while, begging the pardon of the chairman of the committee. I know he has been diligent in bringing this matter to the floor. But it seems to me that in view of the seriousness of the present situation and the flux that everything seems to be in, in the United Nations organization, it would be very well if we withheld action on this matter for a little while. I may be entirely in favor of the provisions of this bill, even including the patent sections set up in the bill, and I have no argument on the question of who should be on the Commission. I think that is a small matter. It does not matter greatly whether it is military men or nonmilitary men. I am perfectly willing that it should be nonmilitary men.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. MAY. Does the gentleman have any views with respect to a possible difference in cost that would be incurred by a separate outside Commission as provided in the bill, and that which is now being carried on by the Army at Oak Ridge?

Mr. HINSHAW. I have no ideas on that, but perhaps the gentleman's committee has taken some testimony on that subject. I do not find any in the hearings. As a matter of fact, this little volume of hearings deserve to be about 3 inches thick instead of three-eighths of an inch, and to contain the complete views of everybody in the United States concerned in this vital subject, because in the very preamble of S. 1717 it sets out that this bill is liable to change the entire way of life not only of the people of the United States but of the people of the world. Therefore, it deserves long, careful, and well-published hearings. I do not find much in the hearings except glittering generalities. I understand that the committee sat in hearings only 3 days.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. DONDERO. The gentleman does not anticipate that Russia would veto the turning over of this $2,000,000,000 worth of improvements that the United States has invested in this matter?

Mr. HINSHAW. If you would like to refer to it as such, this bill is one of the greatest acts of appeasement to Russia that has ever been performed by the United States, and that includes all the lend-lease sent to them. I may be in favor of this kind of appeasement. I do not yet know. The scientists all point out that you cannot keep scientific information to yourself; that the basic information that led to the development of the atomic bomb did not come from the United States, but came from various foreign sources. Those foreign sources have that information, because they brought it to us. We did not give it to them. The only knowledge we have that they do not have is some of the techniques in connection with the actual manufacture of this bomb and the release of explosive atomic energy; and it is not a question of basic facts at all.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. VOORHIS of California. I think the gentleman's analysis of the bill is very helpful. Would not the gentleman agree with me, however, that we are faced with the general risk of the unilateral development of atomic weapons by many nations on the one hand or the alternative of finding some international agreement whereby that can be prevented on the other?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman one additional minute.

Mr. HINSHAW. We may be running that risk; I do not know; but I do know that they are likewise in the position of seeing us here with this plant established and with this atomic energy know-how. That risk of unilateral development is not an immediate risk because the report states that even if we did nothing further about this bill no other nation would be able to develop anything with which to actively threaten us within about 5 years.

Mr. VOORHIS of California. I think that is true.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mrs. LUCE. Is it the gentleman's thought that if such a world authority to control atomic energy were formed that we would have to give them not only our so-called secrets but land, facilities, and raw materials?

Mr. HINSHAW. Indeed we might; this bill provides for it; and then the international authority would own all of the plants in the United States they required for their purposes and we would be required to turn everything over to them. We would be then harboring an extraterritorial authority within the United States.

Mr. Chairman, under authority granted to extend my remarks I include the following:

Mr. Chairman, I have given as careful study to the bill S. 1717 which is an act for the development and control of atomic energy, as has been possible in the limited time available to me from my other duties. I have listened attentively to the debates, read several reports, and have received a number of letters from qualified persons on this subject. It seems to me that most of those who have engaged in this debate thus far, have missed the point of this bill. I believe that in order to understand this bill, one must first read the "Report on the International Control of Atomic Energy," prepared for the Secretary of State's Committee on Atomic Energy by the board of consultants, of which Mr. David E. Lilienthal is chairman. Section III of that report contains the summary of their proposed plan. I desire to quote from that summary as follows:

> The proposal contemplates an international agency conducting all intrinsically dangerous operations in the nuclear field with individual nations and their citizens free to conduct, under license and minimum of inspection, all nondangerous, or safe, operations.
>
> The international agency might take any one of several forms, such as a UNO commission, or an international corporation or authority. We shall refer to it as Atomic Development Authority. It must have authority to own and lease property, and to carry on mining, manufacturing, research, licensing, inspecting, selling, or any other necessary operations.

Further in this summary, it states:

> The proposal contemplates an international agency with exclusive jurisdiction to conduct all intrinsically dangerous operations in the field. This means all activities relating to raw materials, the construction and operation of production plants, and the conduct of research in explosives.

In chapter I of section III, it states:

The first purpose of the agency will be to bring under its complete control world supplies of uranium and thorium.

All the actual mining operations for uranium and thorium would be conducted by the Authority. It would own and operate the refineries for the reduction of the ores to the metal or salt.

Then, further quoting from chapter I, section III:

The second major function of the Authority would be the construction and operation of useful types of atomic reactors and separation plants. This means that operations, like those at Hanford and Oak Ridge and their extensions and improvements would be owned and conducted by the Authority.

Under the subject of licensing activities, the report states:

The uranium and thorium which the Authority mines, and fissionable materials which it produces will remain the property of the Authority.

The entire statement should be read to be appreciated.

Now, to return to the bill S. 1717 which is before us for consideration. A most casual reading of this bill will indicate quite clearly that its purpose is to key the entire atomic energy program of the United States into the program proposed for the so-called International Atomic Development Authority.

Section 4 (b) contains the prohibition that it shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

Then section 4 (c) provides that the Commission shall be the exclusive owner of all facilities for the production of fissionable material other than certain designated facilities useful in research, and other facilities which have a low potential production rate.

Then section 5, vests all right, title and interest within or under the jurisdiction of the United States in or to any fissionable material, now or hereafter produced. Section 5 then proceeds to prohibit the export or import into the United States of any fissionable material, and to prohibit any person to engage either directly or indirectly in the production of any fissionable material outside the United States. It furthermore authorizes the Commisison and directs it to purchase, take, require, condemn, or otherwise acquire, supplies of source materials, or any interest in real property containing deposits of source materials. In fact, the entire bill, in its various applications, gives the Commission greater authority than has been given to any other agency of the Government at any time in history—and that includes in my humble opinion, any powers that may have been given to the President, and to the War and Navy Departments in the conduct of a war.

Section 9 of the bill even goes so far as to order the President to direct the transfer to the Commission of all interests owned by the United States or any governmental agency, not only all fissionable material, but all atomic weapons and parts therof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof—including data, drawings, specifications, patents, patent applications, and other sources—relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions,and discoveries—whether patented or unpatented—and other rights of any kind concerning any such items, including the transfor of the Manhattan Engineer District to the Commission. And of course, the act turns over to the Commission irrevocably, any and every patent relating to atomic energy, and even requires that any person who has made or hereafter makes any invention or discovery along these lines, to report within 60 days to the Commission giving a complete description thereof.

Now, permit me to quote to you the exact wording of the bill and its definition of the term "person," subsection c, beginning at page 50:

The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States, or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

Please note carefully this definition of the word "person" because for the first time to my knowledge a congressional act includes in the term "person" the United States, or any agency thereof, any government other than the United States, or any political subdivision of any such government, while at the same time this definition of the term "person" excludes the Commission or officers or employees of the Commission in the exercise of duly authorized functions. In other words, Mr. Chairman, this bill completely divests from every person, including the United States or any agency thereof, and any government other than the United States, or any political subdivision, of all their right, title, and interest in and to all property, patents, and even ideas that may have anything to do with source material, and the production of fissionable material, the material itself, and every other activity connected with atomic energy, and invests all such right, title, and interest in the Commission. In the words of the act itself it provides "that the Commission shall be the exclusive owner of all facilities."

Now for the purposes of this discussion, let us consider that the Commission has proceeded to acquire all of these rights, titles, and interests to everything in the United States that has to do even remotely with atomic energy and then let us turn to section 8, which is captioned "International arrangements." I desire to quote section 8 in full again, as follows:

As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement hereafter approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) Effect of international arrangements: Any provision of this act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this act shall be deemed to be of no further force or effect.

(c) Policies contained in international arrangements: In the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

Section 8 is indeed the key to the entire bill. That is the section which makes it mandatory upon the Commission in the performance of its functions under the act, to give "maximum effect to the policies contained in any such international arrangement."

Please note further, and under the assumption that all of this property, including production facilities, patents, and so forth, having already been acquired by the Commission, and title to which has been irrevocably vested in the Commission, that under subsection (b) of section 8, any provision of this act which we are here considering as S. 1717, or any action of the Commission to the extent that it conflicts with the provision of any international arrangement made after the date of enactment of this act, shall be deemed to be of no further force or effect.

In other words, Mr. Chairman, this bill carries out absolutely the intent of the report on the International Control of Atomic Energy prepared by the Lilenthal committee for the Secretary of State, from which I have already quoted, and which provides that the International Atomic Development Authority must "own and lease property, carry on mining, manufacturing, research, licensing, inspecting, selling, or any other necessary operations," and the bill provides quite definitely that when any such international authority is agreed to by the Congress of the United States that it shall be mandatory for the Commission to turn over to the International Authority all such property and rights as have been acquired by the Commission, and in turn provides for the repeal of any provision of this act to the extent that it conflicts with the provision of any such international arrangement.

That, Mr. Chairman, is the essence of S. 1717 as I read the bill.

Perhaps the provisions of S. 1717 are the same provisions that this Congress, or two-thirds of the Senate, as the case may be, will approve in years to come. Perhaps it is the only answer to the new era which is so terrible to contemplate—the atomic age. I am sure that I am not wise enough to know. The entire subject is awful to contemplate. I wish that this bill were not before us just now. I wish that every Member of the

House could have time to consider further, to study, and indeed to pray over this subject. Indeed, I am sure that even the great Committee on Military Affairs, which presents this bill, does not fully understand its implications. The members of that committee admit that fact freely.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I spent a great deal of time on the floor yesterday listening to the debate on this bill. I have been interested this morning listening to the debate and to the statement of my distinguished friend from Texas. I have great confidence and respect not only for him but for his opinions. I listened to the gentleman from Wisconsin [Mr. BIEMILLER].

I find myself in somewhat the same position I am quite sure about 90 percent of the Membership finds themselves in, and that is a state of general confusion over this bill. We have here in this bill 53 pages dealing with something that it took years and $2,000,000,000 to find, and yet we speak of it as secret, and so far as knowing anything about it is concerned, to this House it is in reality a secret.

I realize the gentleman from Texas has spent more time on the Military Affairs Committee than I have and probably while "the eagles are flitting around sparrows should seek cover," but this is one sparrow that is beginning to have the feeling that things are closing in on him. I do not know a man in the world today who has brains enough or vision enough to predict what will happen with even a fair degree of certainty within the next 60 days, and here we are about to allocate unto ourselves enough synthetic wisdom to make ourselves believe that we can plan for 5 or 6 years for the most deadly, the most dangerous, and the most potent weapon of destruction this world has ever seen. Someone referred to it yesterday as a case where the scientists have snatched something from the control of God. It is not out of His control, neither are we. I think He, by releasing it, expects all of us to proseed cautiously and wisely.

I have not heard anyone express an opinion on the floor of this House contrary to the point of view that 6 months' study and wait to see just what turn world conditions may take will do no harm. We are at war. The peace is not yet signed. It is true we have allies, but we have some allies that are even now throwing our officers in concentration camps—not a very friendly act regardless of how we may theorize upon the subject.

Mr. Chairman, I approach this matter with very little question in my mind about voting for the bill. In fact, from what I had heard of it I was almost sure I would vote for it. I listened to the statement of the Chairman of this Committee, who made a very clear and concise presentation. He gave to the House the full benefit of the information he had, but after listening to the debate I have anything but a sense of security, a sense of certainty about what I am about to do or what the results might be if I did vote for it.

Mr. Chairman, this matter should go back to this very able and fine committee for a thorough, definite, and detailed study.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman two additional minutes.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. Apart from the gentleman's natural conclusion, which we all share about the future of nuclear energy or the principles of nuclear fission, does the gentleman have any clear idea about the character of this legislation, as to what type of legislation he believes it should be as a legislator?

Mr. BARDEN. The gentlewoman only adds to my confusion.

Mrs. LUCE. I am so sorry. May I ask a direct question. Does the gentleman think, for example, that this bill, as stated in the preamble, will do anything to increase our standard of living or to encourage the free enterprise system in America?

Mr. BARDEN. My good lady, if you would strike out the words "atomic energy," not use the word "atomic" in the preamble, Hirohito or Tojo would have subscribed to the preamble and inserted the words "military organization." They would have posed and presented to their people that that was the salvation of their country. I cannot give much consideration to the preamble. We pass laws here and only God and the administrators know what is going to happen to either us or to the laws when they get downtown.

Mr. Chairman, this thing was developed as a military weapon, as a weapon of defense; it has been handled by the War Department up to this point. If they do not have the power, the authority and the funds to continue research and development until the peace is signed, then they should be given that power and we should let them alone. I have never been more confirmed in an opinion in my life. We have a provision in here that if somebody turns it over to another country we are going to fine them $20,000, and the gentleman from Wisconsin [Mr. BIEMILLER] says "pass it." I say define treason so as to include the betrayal of this Nation by giving the atomic bomb secret to a foreign nation and if any person or group of persons violate this provision line them up on the wall, and give them the bullet treatment.

I say let this bomb, and all information pertaining to its manufacture as well as the manufacture of it remain where it is at least until the peace treaties are signed. I say put the peace treaties first, and after they are signed we will have plenty of time to take it from the War Department and set up commissions and so forth. There is no need to rush. I hope 6 months from now the international fog will be cleared away and all names will be signed to the peace treaty.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SHORT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, the reason I am for this bill is because of the hearings I attended and the witnesses I listened to. This is a complicated matter; it is a mighty serious matter. Maybe we ought to have some amendments. For instance, I offered an amendment in the Committee to virtually strike out the entire statement of policy, the one referred to by my colleague from Connecticut yesterday. I also intend to offer an amendment with reference to personnel so that the President may be permitted, if he wishes, to make an army or navy man a member of the Commission. I am not for this bill because any particular group or any particular nation is for or against this sort of set-up. As I say, I believe that our very future, our security, in fact, our life as a Nation is dependent upon the way we handle this atomic situation.

Why do I say that? If you will sit down and take a globe and look at the area of the earth from the 30 degree latitude, north, over the entire world, you will be looking at the area in which the great industrial nations of the world are located. You will notice that that area contains all the great military powers. You all know better than I, perhaps, that you can now span that area from any part of it to any other part in a matter of a very few hours. The distance from Chicago, from New York, from Los Angeles or from Detroit to any one of the great capitals of Europe is only a matter of hours, in time.

Just try to contemplate, if you will, what would happen to our country if we got into an atomic war. You know and I know that the next war, if we have one—and I hope and pray we never will have one—is going to be an atomic war. One fleet of airplanes could carry enough bombs to devastate every large industrial city in the United States of America in the matter of a few hours. That is the thing that we have to keep in the background of our thinking when we consider what to do about this matter.

There are some sweeping provisions in the bill, like the matter of patents. We can amend that. Perhaps it is too sweeping that we take in the property that we may use to make atomic material and to make atomic energy from. But do you not see that we have an instrument here that is the most revolutionary of anything of its kind in the whole history of the world? Therefore we have to give a different kind of medicine today than would have been applicable at any other time if we are to even pretend we want to avoid another war.

This is only an interim bill. We are only providing those things and trying to control the development of atomic energy and handle the situation for our own welfare and with no injury to ourselves until

we can find some way to outlaw atomic war. I mentioned the other day that an article recently appeared in the Saturday Evening Post, written by some young, brilliant Army officers of our Army, who had made an over-all study of the atomic problem, and they came to the conclusion, just like I have and I believe many Members of this House have, if they have studied the problem seriously, that there is only one way that we can get security in this atomic age, and that is by agreement with the other powers of the world that we effectively outlaw this bomb.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Michigan.

Mr. DONDERO. Does the gentleman think that we will have any better success on this subject than we are having under our United Nations agreement to bring about world peace?

Mr. JOHNSON of California. Frankly, I do not know, but I am hoping desperately that we will.

I want to point out that what Mr. Baruch has proposed does not give away anything. It provides explicitly that we must be assured that the arrangements we make, and whatever we give away, will not interfere with or jeopardize our security. The only way that I can see that we can avoid complete extermination of the human race is to find some way to get along with our neighbors and see that atomic energy is controlled and not used for warlike purposes. It may be a long, rocky, difficult road, but from my consideration of the problem that is the only way that the human race and the American people can be assured of security.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from California.

Mr. VOORHIS of California. I just want to thank the gentleman for what he said and to say that I agree with him. I agree with him that it may be a long, rocky road, but it is the only way in which the American people themselves can be assured of security, and the Baruch proposal would give them that security, and it seems to me that anything that can be done to advance acceptance of that proposal around the world, so that we can have enforcible assurance that no nation can have or use these weapons, would be worth doing.

Mr. JOHNSON of California. I believe that we can set up an arrangement that will protect us.

Just look at the curious situation we are in. He we are one of the great Christian nations of the world. Practically every other nation that proposes to use this weapon is a Christian nation. We traveled in Europe last summer. We saw every physical evidence of the development of Christianity, gorgeous temples, beautiful painted glass, wonderful altars. Yet right there where Christianity was born and flowered is where every single war has been generated in the last three or four hundred years. War, we must realize, is merely legalized murder. It is violative of every Christian principle.

We came out of this war as the great colossus, the great military and industrial colossus of the world. I believe we are the one that can furnish the leadership if we have patience and diligence and the continued effort to bring about leadership that will avoid the atomic war we are all looking at just across the horizon.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. I understand from the gentleman's remarks that the main reason he is in favor of this particular bill is that he is in favor of the Baruch proposal, and that this would dovetail with that.

Mr. JOHNSON of California. I do not know the details of the Baruch proposal other than what I read in the papers, but I believe the Baruch proposal is the way we have to travel if we want peace. You simply cannot get peace by defense, in the atomic age, by merely having more atomic bombs than the other party has. If the atomic war comes, I predict the human race will have to live like a bunch of gophers, under the ground, coming up only to take a look at the sunlight and to get some fresh air, so devastating is this instrument.

Mr. THOMAS of New Jersey. This is what I was leading up to. Suppose Russia does not agree to the Baruch proposal, would the gentleman then be in favor of this kind of legislation?

Mr. JOHNSON of California. No. My whole assumption is that it paves the way for world agreement among the great powers that will avoid this disastrous war that some people are already talking about. There is nothing that is going to strip us of our liberties in this bill. I predict that if atomic energy is controlled, and we do not have a war, what will happen will be this: We will use atomic energy for civilian uses. The Government will relinquish, and I think Congress will make it relinquish, rigid controls of that energy, once we have locked the bomb into the international safe, you might say, and thrown the key away. Then we will relinquish those controls, then we will use this energy for the welfare of mankind. But I tell you frankly that with the situation as it is, in my opinion that is the only approach we can take to it. We must control this and not let this devastating force get into the hands of individuals or small groups. If we do not control this force—this weapon if you please, it may destroy us.

We have heard it repeatedly on this floor that this bill will give away the "secret" of the atomic bomb. There is not one thing in the bill to warrant such a statement or conclusion. The "secret" is one of the most misunderstood things about this whole problem. There really is no secret as to atomic principles. The only secret is the industrial technique of making the bomb. In order to put the Members straight on this problem, I am inserting here, having obtained permission to do so prior to the time we resolved ourselves into the Committee of the Whole House, a statement by General Groves, who had charge of the production of the bombs. This is from the testimony taken before our committee, when we considered the May-Johnson bill:

General GROVES. The big secret was really something that we could not keep quiet, and that was the fact that the thing went off. That told more to the world and to the physicists and the scientists of the world than any other thing that could be told to them. It was something that we did not know until we had spent almost $2,000,000,000 and had worked about 3 years. We did not know whether it would go off or not, and that is the thing that really told them more than anything else that could be told.

The secrets, as they are loosely termed in the public discussion, are divided properly, I think, into about three classes. One class of these secrets consists of established scientific facts which were not secret at all. They were well known to the best scientists of the world before this work ever started. They had been published. They had been published in odd places, but were easily collectible. Anyone who wanted to could find those secrets. Coupled with those were certain others which had been theories before the explosion confirmed them, and the deductions were what would naturally be made by competent scientists. When we speak of competent scientists in this field we mean scientists that are top-notch, not just first-class men. Those secrets could be deduced by those men knowing that the bomb had actually gone off. The extent of that information which, in fact, was public knowledge to the scientists of the world, is the limit of the Smyth report which you have heard so much about. In other words, nothing in that report discloses any secrets to the world.

The second classification of secrets is the scientific developments which went beyond this, and most of those developments were not basic. They were made up of hundreds and hundreds of problems that had to be solved before this work could be done.

They involved things such as the purification of metals and the purification of other products and the handling of certain products that are not easy to handle safely. They involved all the research work, principally that which was done in many laboratories by thousands of scientists. There are other ways to do this. We hit one way. Probably there are several ways in which you can do those various items, but they require a tremendous amount of work.

This could undoubtedly be achieved by other nations if they spend the money, the labor, and the time and have the scientific organization with which to do it. In time, they can, of course, do it. It is merely a case of relative speed.

Another class of secrets falls in the industrial sphere. This contains many industrial applications which, in the course of time, will be made known in this country.

A man who has worked on this project and who is confronted with a similar problem in industrial life cannot forget the solution that was used on this project, and he is going to use that information no matter how honorable he is, and he cannot be prevented from doing it. It is just like a child who is given an arithmetic problem to solve and knows the answer in advance. He cannot help but take advantage of knowing that answer.

The other class of secret, which is the biggest field, is the ingenuity and the skill of the American worker and the American management, both the top management and the junior management, and that is a secret that I do not think any other nation has, and I do not think anyone is going to have it in a hurry.

The net effect is that we are ahead at the present time. It will take the other countries a number of years to catch up, and opinion as to that number of years will depend entirely on to whom you are talking, how optimistic he is, and how easily he forgets some of the problems that we had.

I have talked recently to engineers who told me how fast they can do certain things. Well, they never did it while the job was going despite all of the pressure that we put upon them. I am sure they cannot do it when they do not have that pressure upon them, and I do not think the foreign nations that do not work as hard as we do, both as to hours and as to industry and effort can catch up with us for some time.

That is really the secret. In other words, we are ahead. They can catch us, but it is going to take them time; it is going to take them effort, and it is going to cost them money. How fast other countries can do it I do not know. I have never been in most of them. I spent the war in Washington.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, in rising to urge acceptance by this body of S. 1717 without the military-participation amendments added in the House Committee on Military Affairs I consider it unnecessary to describe again in detail what we all know to be the almost universal approval of this measure and the principles which it represents, by everyone from President Truman through the Secretary of State, the United States Delegate to the United Nations Atomic Energy Commission, the Secretaries of War and Navy, the United States Senate, the scientists, outstanding national leaders in all fields, and national organizations, right down to the individual citizen of the United States. I would like, however, first, to clear up certain serious misconceptions which may be obscuring the issue in some minds, second, to deal briefly with those amendments which I believe constitute considerable threat to the welfare of the country, and third, to state the arguments which seem to me irrefutable in the case of civilian against miliary control of atomic energy.

First. I regret the implication, introduced into this discussion by certain opponents of this legislation, that those young scientists who developed this vast energy source are open to charges of disloyalty, indiscretion, or any form of unpatriotic effort. We all know their record, we know how faithfully the secret was kept through the years of development. We have seen on all sides evidence of their complete devotion to duty and their uncomplaining acceptance of regulations which denied them the one life-giving food of science—that is, the need for discussion, comparison, and stimulus resulting from free, unhampered intercourse with other men of science. Yet, now, we hear from a man, Ernie Adamson, counsel for the Un-American Activities Committee, who knows nothing of science or the scientific methods, that because of these young men, the "peace and security of the United States is definitely in danger." This charge, attributed to the Security Officer at Oak Ridge, and decisively refuted by him, nonetheless is designed to create doubt in the minds of Members of this body and of the people of the United States concerning the patriotism of our scientists.

Irresponsible as is this charge, even more fantastic is the further statement of Mr. Adamson in which he accuses these scientists of being devoted to the creation of some form of world government, of being active in support of international civilian control of the manufacture of atomic materials, and of being definitely opposed to Army supervision at Oak Ridge. One is tempted to laugh off these ridiculous accusations—but I do not. For the record, I wish to declare that I do not consider them funny. Whatever the merits of these smear techniques, I am forced to disagree violently when they are applied to the President, the Secretary of State, the Secretaries of War and Navy, the United States Delegate to the United Nations Atomic Energy Commission, the entire United States Senate, and so forth, all of whom have officially and repeatedly endorsed these principles which Mr. Adamson declares make the Oak Ridge scientists open to suspicion, enemies of the peace and security of the United States, traitors to their country.

Incidentally, it might be useful to point out that Mr. Adamson's charges are designed to imply an un-American attitude on the part of these young scientists, and un-American in this sense, we have seen, is another word for "communistic." I would only point out that the principles both of international civilian control of atomic energy and ultimate limited world government are diametrically opposed not only to the official Russian Government position (as demonstrated by Mr. Gromyko on the United Nations Atomic Energy Commission), but also to the party line of the Communist faction in this country. Thus far our chief difficulty, it seems to me, has been that we couldn't convince the Russians of the necessity for real world control of atomic energy.

Let us examine the facts. The scientists, according to their constantly reiterated statements, do want international civilian control of atomic energy. They want it for a number of reasons and one of these is the national interest. The scientists know that there is no long-term secret; they know also that it is only a matter of a few years before other nations can be producing atomic bombs; and they know that there is no adequate defense against atomic attack. Therefore, they reason, the scientists of this country must be left free to continue the work they have so nobly begun, if only, and negatively, to maintain the advantage in weapon supremacy now enjoyed by the United States. But on the positive side, let us not forget that atomic energy has potentialities for peaceful uses, with political, social, economic, and human implication now impossible to conceive. It seems to me almost a truism to say that our decision now, will be a pronouncement to the world. And the world, believe me, is watching, and waiting. Do we put our hopes for peace in atomic energy as a weapon, and turn it over to the military here, thereby making certain the armament race already begun? Or do we leave the development of atomic energy in civilian hands, in scientific hands—always, obviously, with the necessary safeguards for security, with adequate provisions for proper military authority—and proclaim to the world our faith in the future of civilization? This is our choice, this is the decision.

The amendments added to S. 1717 in the House Committee on Military Affairs should be defeated. Among the numerous irrefutable arguments advanced against these amendments, I select only one or two. In connection with the personnel of the five-man commission set up by the bill, the amendment provides that one military man is required, and two may be permitted, to serve on this commission. I maintain that this is in direct defiance of the traditional practices of this nonmilitaristic country. Since 1870 a statute in this country has prohibited a military officer from occupying any position in the civilian government. This statute carried out the fundamental and traditional separation of the military and the state embodied in our Constitution. Why should we now depart, against the wishes of our people, and courting national disaster, from this long-tested principle of democratic government?

Mr. Chairman, I feel that what the House does with this legislation on this occasion may very well determine whether this Nation is going to announce to the world that we want to enter into an armament race in the making of atomic bombs and military use of energy or whether we want to make a sincere effort to see that this great invention which has been developed in this country is used to the greatest extent possible in the upbuilding of the economy of this Nation and for the benefit of mankind. If we want to invite other nations to enter an armament race with us and use this awful invention only for the purpose of making war, then let us vote this bill down.

On the other hand, if we want to state to the world that we are going to develop this release of atomic energy for the betterment of civilization—of course, we will use it for war purposes in case we are forced into a war—but that our primary purpose is to see that it is used for the welfare of civilization, then let us put it under civilian control and try to use it for that purpose. It has been said that this is a very dangerous invention that has been made, and that therefore it ought to be left in the hands of the military. Well, my friends, everything we have in this country—whether it is precious, dangerous, or what not—is, under our system of government supposed to be under civilian control. We have always followed the policy under our republican form of government that policy matters should be handled by the civil authorities. Read the Constitution of the United States and see if the protection of the great liberties we have under our Constitution are placed in the hands of anyone but civilians. Does the

Constitution provide that any Members of the Senate and the House shall be military men? We trust and admire our great and efficient military men and insisting upon civilian control is no reflection upon them. It is merely maintaining the spirit of our Constitution.

We are committed to the proposition that civilians shall control the general policy of this great Nation. There is nothing more important that should be controlled by civilians than atomic energy. Does the Constitution provide or do any of our laws provide that certain Cabinet members shall be military men? You cannot find any law or any place in the Constitution where the great policy decisions of this Nation shall be made by anyone but civilians. Unless we follow that policy today, we will be departing from the traditional concepts of the founding fathers and the principles enunciated by the Congress since our country was founded.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Arizona.

Mr. MURDOCK. I regard the gentleman now occupying the floor of the House as a keen student of constitutional government—one of the ablest of our membership.

Mr. KEFAUVER. I thank the gentleman.

Mr. MURDOCK. I endorse all that the gentleman has said with regard to civilian control of the basic policies of Government. The founding fathers intended it to be that way, and I think this proposition of civilian control of atomic energy should be included as in the Senate version of the bill.

Mr. KEFAUVER. I do not think one military man on the Commission or two military men would necessarily sway the decisions that will be made. But I do say that would be a very bad principle for us to start at this late hour in connection with this important matter when the eyes of the world are upon us to see whether we are going to follow our traditional Democratic system or whether we are going to gradually drift toward a military government. If we sanction two military men on the board today making world reaching policy decisions we will be setting the stage for an increase in their authority tomorrow. Furthermore, there is another amendment which ought to be taken out of this bill, and that is the amendment authorizing the armed services to manufacture as many atomic bombs as they desire, with the consent of the President. That is a division of responsibility. If we are going to have civilian control, let us have civilian control. If we are going to say, "We want to have an armament race," and to turn things over to the military, as so many nations have done, then let us do it and let us make it clear-cut one way or the other.

The amendment relative to the manufacture of atomic bombs by the military, with the approval of the President, places no limit on the number they can manufacture. It places no limit on their activities.

Mr. Chairman, there is no need for me to trace for this body the long and careful history of deliberation which produced this bill. There is no need for me to repeat the arguments advanced, both within the Congress and without, for civilian control. Let me say only that here, in truth, the world leadership of the United States faces its most profoundly critical test. We have the bomb; the rest of the world has not. We are responsible, as a Nation, before the tribunals of humanity for its unleashing. Our justification will and must be measured in terms of our national determination that atomic energy must never again be used to destroy. At this very moment, our delegate to the United Nations Atomic Energy Commission negotiates with the nations of the world. Mr. Baruch has made known to the war-sickened peoples of the world our official national position. And that position, from beginning to end, rests on and depends upon the principle of civilian control as the only guarantee of peaceful exploitation of this cosmic force. Is it possible that we, the representatives of the people of the United States, should betray our own Government in the eyes of the world, and deny for all time the universal longing for peace?

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. KEFAUVER] has expired.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. ALMOND].

Mr. ALMOND. Mr. Chairman, I became a Member of the House on February 4 of this year. In point of service I am the youngest member of the Military Affairs Committee of the House. It is indeed with some trepidation that I endeavor to inflict my views upon this body with reference to this vital subject which concerns the Nation and which concerns the security of the world. Never before in all of the history of humanity has such a serious problem, fraught with more desperate potentialities, been inflicted upon humanity than was done with the discovery of the science of nuclear energy. When that atomic missile parachuted over Hiroshimo and blasted out of existence more than 62,000 human beings out of a population of approximately 85,000, this Nation and the world was catapulted generations into the future.

Now, we have this drastic, this terrible, this desperate problem, and it is incumbent upon every Member of this great body to address his or her attention carefully to the proper solution. Under our very system of government, to do anything else except to commit the control and development to a civilian agency would, in my judgment, be a mistake that would not only endanger the future security of this Nation but would endanger our standing before other nations of the world.

As a member of the Military Affairs Committee of the House, I opposed then, and I oppose now, placing this terrific force in the hands of the military. It is inconsistent with our concept of democratic government. We followed the leadership of Eisenhower during the titanic struggle from which we have just emerged. He does not want it in the hands of the military. Secretary Patterson does not want it in the hands of the military. The advice that we received from the Navy Department tells us pointedly that all of those agencies of government are satisfied with the McMahon bill.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ALMOND. I yield to the distinguished gentleman from New Jersey.

Mr. THOMAS of New Jersey. Does the gentleman from Virginia think that by putting one military man on a commission of five will place this whole thing in the hands of the military?

Mr. ALMOND. I answer the gentleman by saying that under the provisions of the McMahon bill, with the establishment of a military liaison committee, pursuant to the Vandenberg amendment, the military phase of this Government, charged with security and with the responsibility of protecting this Nation, is amply represented.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ALMOND. I yield to the distinguished gentleman from Ohio.

Mr. ELSTON. I would like to ask the gentleman from Virginia what the military liaison committee is authorized to do that the Army and the Navy cannot do at the present time under existing law.

The military committee is charged with the mandatory responsibility of observation of every single act of the Commission pertaining to the development of nuclear energy as it affects the national security.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman from Tennessee [Mr. JENNINGS] 5 minutes.

Mr. JENNINGS. Mr. Chairman, Abraham Lincoln once said that when he sent a man to look at a horse he did not want him to count the hairs in the horse's tail but wanted him to make a report on the horse's points.

This is a long bill. There has been a very clear explanation of it made by the members of the committee, and especially by the able gentleman from Ohio [Mr. ELSTON]. I am not going to begin to count the hairs in the horse's tail, but I do want to mention a few undisputed facts. First, we built this bomb at a cost of more than $2,000,000,000. We are the only government in the world that has it, that has the facilities to make it, the planes to fly it, and the know-how to use it. We do not intend to use it in aggressive warfare. Second, we have proposed to the world that we will outlaw its use and submit it to international control, provided we can be assured that no other nation is making it, or hereafter makes or is in possession of such a weapon. That proposal has been vetoed by the one power that has stalled every effort to make peace in the world. Our proposal has been vetoed in the face of facts that should alarm the people of this country.

We have just witnessed the judicial murder of Mihailovitch. We have just witnessed the assassination from ambush of members of our own armed forces. Russia now has two of our officers in prison. We are face to face with danger that is ominous and is imminent. Secretary of State Byrnes, Senator Vandenberg, and Senator Austin have made reports to the American people that are alarming. These facts are known to everybody, and yet we have a bill here that those who support it say is full of iniquities. They tell us it is full of socialism, that it is filled with communism, and is full of contradictions. They themselves admit they are adrift on an uncharted sea, on the dubious waves of errors tossed, their ship half foundered, and their compass lost. Yet they propose that we put the cart before the horse in the passage of this measure. We are frightened more than anybody else in the world. And this in the face of the fact that the United States is the only nation that has the bomb.

There is no imminent danger to this country from the use of atomic bombs because we are the only nation in the world that has them. Any person of intelligence who ever went through that vast plant down at Oak Ridge in my district would know that it would be years and years before a backward country like Russia could set up such a plant as that. Now, why get in a hurry about this thing? Why ask a lot of people in to help us keep a secret that up to this time has been kept? If you have a secret and wish to keep it, you keep it. You do not tell about it and ask those to whom you have divulged it to help you keep it.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. HARNESS of Indiana. Does not the gentleman believe that a little more delay at least would benefit the United States and the Congress in trying to arrive at some solution?

Mr. JENNINGS. Why, of course.

Mr. HARNESS of Indiana. We are spending millions of dollars out in the Pacific today to test the effectiveness of it.

Mr. JENNINGS. That is true.

Mr. HARNESS of Indiana. And to find out the scientific results of this.

Mr. JENNINGS. I may say that down in Oak Ridge there is a plant being built at a cost of millions of dollars to explore civilian use of atomic energy.

Why get in such a hurry? The trouble is that many of our people are like a hen. When a hen lays an egg she cackles. Every time we do anything we tell the world about it. To use a Texas and Oklahoma expression, we talk too much with our mouths. What do we get from Russia? Let us take our time and not do anything foolish. Why be in a hurry about this thing. We know about it. Nobody else knows about it. Let us stand pat, keep this knowledge to ourselves, keep this bomb and use some common sense. Then when and if the nations of the world agree to our generous proposal to share the secret of the atomic bomb and to outlaw its use in warfare, will be time enough to pass a measure setting up a commission.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS of California. Mr. Chairman, to me S. 1717 is the most important piece of legislation ever to come before Congress.

Having discovered how to harness the source of the sun's energy, we must now control that knowledge if we are to live to use it.

The controls must be such that they function for peace and express the will to peace. That is what this bill S. 1717 seeks to do and did before it was amended. We have heard much discussion on the floor. Unfortunately, we have heard little discussion about what is actually in the bill. I hope when we begin to read it for amendments we will discuss the bill.

In view of what has been said on the floor I want to stress the security aspect of this bill.

The bill was written to give security. Nobody wants to endanger the security of the country or to give away the technological secrets having to do with the atomic bomb. A half-dozen people on the floor keep getting up and saying, "Everybody wants to give away the secret of the bomb." I do not know to whom they refer—I have heard no one make such a statement on the floor of this House. This bill is expressly written so that these technological secrets may be closely guarded.

Mr. Chairman, security is divided into three parts. There is the temporary security to be found by guarding the secrets of the technological aspects of the making of the bomb which we now possess and which at present nobody else possesses.

There is another aspect to security. We must keep our preeminent position in science. At the moment we lead the world in science. So that any bill which we write to protect ourselves, must provide for the greatest possible development in science and in nuclear fission. We must see that we do not cripple ourselves. We must see to it that we do not lose our preeminent place in science because, if we do, we are not working toward security but instead are building a scientific Maginot line which will be as fatal to us, if we do not secure peace in the world, as the Maginot line was to France.

Thirdly, everyone agrees, including the President, the Secretary of War, the Secretary of the Navy, the Secretary of State, the Chief of Staff, Mr. VANDENBERG, and Mr. CONNALLY, who have just come back from Europe, that the only completely sure, enduring protection which we have against atomic energy being used for destructive purposes in the future is peace.

I had hoped to be able to read to you the facts which the Senate committee asked for and the answers which they found before they wrote this piece of legislation. These facts are very important. They show why peace is the only sure protection that we have. Therefore, the third aspect of security is a strong and harmonious United Nations—international control of atomic energy—peace. We must not write any piece of legislation which will in any way impede the program which Mr. Baruch is presenting to the nations of the world at this moment for the international control of atomic energy, because, if we do, then we set ourselves off on a war program and the end of that no one can see.

We should not concern ourselves only with the fire-engine aspects of atomic energy. If we do, we will not have protected ourselves. We have been absolutely foolhardy. So, with reference to these three aspects, when we begin to read the bill, I ask that you read it with security, our preeminent position in science and peace in mind.

One cannot legislate in a vacuum on atomic energy. There are certain facts of which one must be aware if we are to have a bill which really protects us, if we are to have any security, if we are to have any of the benefits of this cosmic force.

What are these facts?

To get the facts the Senate committee spent six long months asking questions—going to school, studying with the Nation's foremost scientists, with the foremost civilian and military leaders in the country.

What were the questions they asked? The same questions that we are asking on the floor of the House:

First. What had been the real effects of the atomic bombs dropped on Hiroshima and Nagasaki? What are the destructive potentialities of atomic bombs at present and in the foreseeable future?

Second. How difficult has it been to make the atomic bomb? How easy would it be for other countries to make it?

Third. What defense could be devised against the atomic bomb?

Fourth. What secrets did this country hold in connection with the production of atomic bombs? Could these secrets be kept; and if so, how long?

Fifth. What peacetime benefits would come from atomic energy?

Sixth. How was the Manhattan district project run? How had it originated? Who had contributed to it? How could it best be operated in the future?

The full answers to these questions are to be found in the Senate hearings. The Senate public hearings have been printed and are available for all those who have a serious interest in atomic energy.

I only have time here to give a brief synopsis from the Senate findings:

First. The atomic bomb is a weapon of appalling destructiveness. The bomb, and the improvements on it which will certainly be made, mean that another war in which atomic bombs are used will threaten the existence not only of cities and nations but of civilization itself.

Second. Other countries of the world will be able to make atomic bombs. The monopoly which we hold at present is precarious and certain to be short lived. The degree of industrialization of a nation will determine how soon bombs can be made in quantity rather than the possibility of mastering the art of making

an atomic bomb, which might be within 5 years.

Third. No real military defense against the atomic bomb has been devised and none is in sight. The destructiveness of atomic bombs is so engulfing that any defense which is not almost literally air-tight will not protect our country against devastation.

Fourth. The secrets which we hold are matters of science and engineering that other nations can and will discover. In large part they are secrets of nature, and the book of nature is open to careful, painstaking readers the world over. We can give ourselves a certain temporary protection by retaining the secrets we now have. But that protection grows weaker day by day, and our research must be vigorously encouraged, supported, and pursued if we are to maintain our place among other nations, to say nothing of retaining our advantage.

Fifth. The peacetime benefits of atomic energy promise to be great indeed, particularly in medicine, biology and many branches of research. These benefits are immediate in their promise but will require extended and unfettered development for full realization. The vast possibilities of utilizing atomic energy as a source of power depend on (1) further research and development; and (2) study of the economic and international implications of the establishment of plants producing and using fissionable material. In this connection, the point has been repeatedly emphasized that plants which produce power also produce material which constitutes the explosive element of bombs. This fact raises domestic and international issues of profound significance. In other words, people can be producing power for seemingly peaceful purposes while they are actually preparing for war. That is why international controls are necessary.

Sixth. Military control of atomic energy development, though necessary and useful during the war, is a form of direction to which scientists in peacetime will not willingly submit. The continuation of such control will probably discourage further development and research. And on that development depends not only peaceful progress, but the maintenance of a position in the military arts essential to the national defense. On the other hand, the armed services are entitled to extensive participation in this development, insofar as it relates to the military applications of atomic energy. It is their right also to have a voice in protecting the military secrets of atomic weapons.

It turns out that the real protection against the atomic bomb lies in the prevention of war.

Since the only real solution to the whole problem lies in continued world peace, legislation should be directed in specific terms toward that end and should contain a practical expression of our desire for international cooperation.

So state the findings of the Senate hearings from which I have been quoting.

At the same time that these answers to the essential questions were being found, certain steps were being taken toward the international control of atomic energy. For example:

First. The President's message to Congress, October 3, 1945, stressing the necessity for immediate atomic energy legislation and emphasizing the need for an international policy for the control of atomic energy.

Second. The President's letter to the Special Committee on Atomic Energy urging civilian control of atomic energy. Both these messages declared to the world that it was the policy of this great nation to utilize this force toward peaceful ends.

Third. The declaration on atomic energy by the President of the United States, the Prime Minister of the United Kingdom and the Prime Minister of Canada, issued November 15, 1945, and the ratification of this agreement by the foreign ministers of the Big Three at the Moscow Conference, December 27, 1945.

Fourth. The establishment of the Atomic Energy Commission of the United Nations.

Fifth. The Committee on Atomic Energy set up by Secretary of State Byrnes. As a result of the establishment of this committee, the Acheson-Lilienthal report was written, which stands today as one of the greatest of State papers. It is in the light of this report that Mr. Bernard Baruch made his recommendations to the Atomic Energy Commission of the United Nations. The Baruch report has raised the level of peacetime international discussion to new heights. We should all be proud that it was this country from which this report came.

We have to believe that the United Nations will soon enter firm agreements for the control and development of atomic energy for peaceful purposes, no matter what the obstacles.

If we do not believe this, then we are dangerously wasting our time. We, the most highly industrialized and therefore the most vulnerable nation in an atomic world should be, in this moment, decentralizing our cities and Congress should stay in session until the blueprints are drafted for a mass migration underground—if we have no faith that international understanding will be realized.

The Senate atomic energy bill, before it was amended, contained no obstacle to our Nation's full participation in and cooperation with urgent international agreements in this field.

In fact, Bernard Baruch urged the prompt passage of the bill, before amended, feeling that it would be a catalyst in his negotiations. It would, he felt, be a pledge of this country's faith in what he was trying to achieve with the other nations of the world.

This bill is predicated on the fact that peace is the only sure protection against the atomic bomb.

Therefore, it expressly states that any international agreements, ratified by Congress, shall take precedence over any conflicting provisions of its own.

The bill modifies itself, in advance, in accordance with probable future international arrangements. This is its flexibility on the international level. This is its adaptation to the shifting shape of the future.

On the national level, likewise, this bill maintains the utmost flexibility, so that it may effectively and intelligently meet the unforeseeable changes that new developments and applications of atomic energy will bring to our lives—in medicine, in agriculture, in the building of new communities and the prolonging of human life.

By its very nature, it is temporary legislation, acknowledging what we do not know as well as what we do know, and making room for new problems, new knowledge, which no one alive can now foresee.

It does this by establishing a Joint Congressional Committee which is required to make continuing studies of problems relating to atomic energy and to keep the Senate and the House completely informed of these activities.

It is the responsibility of the Atomic Energy Commission established by this bill to keep the Joint Congressional Committee in close touch with all atomic energy developments.

As new atomic devices are developed, Congress is to be advised and has 90 days in which to enact any further legislation that may be needed.

Congress will be kept informed in this particularly efficient way of all the developments in this new field and of the legislative requirements as they occur.

Here is a general survey of the provisions of the bill, without amendments. What the bill does:

It provides for a full-time Civilian Atomic Energy Commission which is to be appointed by the President and confirmed by the Senate. Under this Commission, the President appoints a general manager who is also confirmed by the Senate.

Under this general manager are four divisions; the Department of Research, the Division of Production, the Division of Engineering and the Division of Military Application.

The heads of these divisions will be appointed by the Commission.

The bill provides for a nine-man part-time general civilian advisory committee to the Commission which is consulted by the Commission on scientific and technical matters.

Answering the needs and wishes of the military, there is a special military liaison committee consisting exclusively of representatives of the War and Navy Departments, detailed or assigned by the Secretaries of War and Navy in such number as they may determine. The Atomic Energy Commission must consult and advise with the military liaison committee on all atomic matters which the military committee deems to have military application.

If the military liaison committee objects to any proposal or action the Atomic Energy Commission makes or fails to make, the committee may report to the Secretary of War or of Navy and if either

Secretary concurs in the objection, the matter is to be referred to the President whose decision is final.

The Atomic Energy Commission alone will manufacture fissionable materials and bombs.

The amount of fissionable material which will be manufactured and the number of bombs made will be determined by the President in consultation with the Commission and the War and Navy Departments.

It is the stated objective of the bill that the Atomic Energy Commission is to stimulate scientific research in this field to maintain our present preeminent position in the world.

Since only the Government will manufacture fissionable materials the Commission has a first claim on all thorium, uranium, and any other ores from which fissionable materials may be manufactured in the future.

Private patents for inventions and discoveries which are useful solely in the production of fissionable material are expressly prohibited by the bill. This is necessary because the bill establishes a Government monopoly in the atomic energy field. To delete this prohibition on patents, as has been suggested, would actually defeat the whole purpose of the bill. The patent prohibition not only protects the Government's control of atomic energy production, but also acts as a control of atomic energy information. We must leave the patent provisions as they are if we are to have the security we require to survive.

Ample provision is made in the bill to protect information which at this time would be dangerous to disclose but simultaneously the bill allows for the fullest possible development of scientific research in which, ultimately, our security lies.

To achieve these ends, special sections of the bill are devoted to such considerations as acquisition of source materials, manufacture of fissionable materials, patents on production devices, licenses for equipment, supervision of facilities for production, and the distribution of radioactive byproduct materials so vital to medicine and scientific research.

The bill without amendments covers all the situations in the field of atomic energy that we now know anything about. There should be no amendments at all since we cannot improve the bill intelligently at this time.

If the military amendments are passed the entire concept of the bill will be destroyed.

Having military men on the Commission gives our atomic energy program a warlike character.

To place them there would be a violation of our historical democratic tradition giving control of government to civilians and establishing the Army and Navy as the instruments of civilians for carrying out national policy. Military men are not the policy makers. The President, the Secretary of War, the Secretary of Navy, the Secretary of State who, as well as the Congress, have the responsibility of forming national policy, in relation to any war situation, are all civilians. This constitutional principle is recognized in the statute of 1870, providing that military men on active duty shall not hold civilian Government posts.

The Chief of Staff of the Army, the Chief of Naval Operations, the heads of our War and Navy Departments, and the Chief Executive have expressed their preference that the Commission be composed exclusively of civilians.

Since those most directly concerned with our military security and those who know the most about it want it this way, why should we write more military control in the bill than the heads of the Military Establishments themselves desire?

The four military amendments—the one requiring one member of the Commission to be a representative of the armed forces; the second, permitting two members of the Commission to be representatives of the armed forces; the third, providing that the Director of the Division of Military Application shall be a representative of the armed forces; and the fourth, permitting the Army, independent of the Commission, to make bombs must be defeated. They must be defeated to remove the characteristics of militarism from this bill and to prove to the world our peaceful intent.

In the eyes of the world, we already have two strikes against us while we make our fervent protestations of peace. It was we who first dropped atomic devastation from the skies—without forewarning. Therefore, when we say we will never do it again, there must be evidence of the validity of our statement.

Secondly, it is we who are experimenting with the death-dealing effects of atomic energy—its uses in war, not in peace—at the very same moment that we loudly contend that atomic warfare must be outlawed.

Are our contentions as loud in the ears of our neighbors as the explosions of the bombs at Bikini?

If, after dropping the bomb in the first place and experimenting with it in the second place, we put military men in charge of our atomic energy in the third place, who is going to believe that we are dedicated to the peaceful exploitation of the greatest miracle of modern man for the benefit of all mankind?

Suppose that one of our fellow United Nations had been first with atomic warfare, had been first to make sensational warlike experimentation with it, and then passed a bill putting its generals in the key position for development and control of atomic energy, what would we think?

What would we do?

Would we believe that nation's courtly compliments to peace? Or would we gear all our science and all our technology and all our industry to the speediest possible production of atomic bombs of our own?

We know that is what we would do, in the fair names of defense or realism.

Let us then, in the names of defense and realism, admit that the extent to which we militarize the Atomic Energy Commission is precisely the extent to which we incite our friends and fellow-nations to an atomic armament race against us.

Let us not become—through fear or fascination or folly—so preoccupied with the fire-engine aspect of atomic energy that we set off the sirens of war and lose all possibility of peace—our only real protection.

As cited by the Alsop brothers in the current issue of the Saturday Evening Post, the chosen experts of the Army General Staff, after great study of the strategic situation of the United States, concluded that "the only sure defense of this country is now the political defense."

This means a strong United Nations. This means international control of atomic energy. This means collective security for peace. You cannot have collective security if you have an armaments race.

This bill—unless militarized—has the vision and the protection which would simultaneously save us from suicide and open up to us the world of which the sages and the scientists of all times have dreamed.

If we are stupid enough to militarize the bill, we can make it into a militaristic mistake, more monstrous than the most publicized blunders of World War II. We can become so frenzied with war fear, suspicion, and hate, and so fixed on a specious security at the expense of scientific freedom, that we would build a Maginot line out of our atomic energy legislation.

This is what might happen if the military guard our sciences. While we built a great fortress full of pill boxes to protect our so-called secrets and sat down behind it with our blinders on, the other nations of the world, expanding their own science and technology, would swarm around its sides and set off explosions that would make Hiroshima sound like the dropping of a pin in the tabernacle.

Security depends finally on the will to peace. The possibility of a future rests in the hearts and minds of men; in their faith in their future; in their expression of their faith to each other.

The bill before us expresses our faith in the future and our faith in each other. It does so, that is, so long as it is free from amendments which would put the precision instrument of peace into the hands of the practitioners of war.

Let us pass the bill unamended—the bill the President wants, the Secretary of War wants, the Secretary of the Navy wants, the Chief of Staff wants, the bill the scientists want because they feel they can work under it.

Let us pass the bill which gives the Army and Navy full scope for the protection of our country, which gives the scientists sufficient freedom to move forward for the security and advancement of mankind which opens the way to international understanding, and which keeps in the hands of our civilian public the traditional democratic rights to control civilian affairs.

Let us pass the bill unamended as our contribution to the peace of the world.

Mr. Chairman, the Members of this House will be interested in the views of some of our most responsible citizens concerning the use of atomic energy:

In international relations, as in domestic affairs, the release of atomic energy constitutes a new force too revolutionary to consider in the framework of old ideas. * * * Civilization demands that we shall reach at the earliest possible date a satisfactory arrangement for the control of this discovery, in order that it may become a powerful and forceful influence toward the maintenance of world peace instead of an instrument of destruction. (Harry S. Truman, President of the United States.)

Improved atomic bombs * * * will be destructive beyond the wildest nightmares of the imagination—a weapon ideally suited to sudden unannounced attacks in which a country's major cities might be destroyed overnight by an ostensibly friendly power. * * * whether we recognize that atomic bombs will rain upon us or cling to the faint hope that only standard high explosives will batter our cities, we must realize that the time is at hand for the peoples of the world to admit that their warring power is too great to be allowed to continue. Through international collaboration we must make an end to all wars for good and all. (Gen. H. H. Arnold, commanding general, Army Air Forces.)

We have freely accepted the Charter of the United Nations and we recognize the paramount authority of the world community. * * *

We live in one world, and in this atomic age regional isolationism is even more dangerous than is national isolationism. * * *

Today the world must take its choice. There must be one world for all of us or there will be no world for any of us. (James F. Byrnes, Secretary of State.)

It has already been brought out by all scientists who have worked in this field and have spoken about it that there is no secret of the atomic bomb which can be permanently kept. * * * The laws of nature await discovery by anyone properly qualified and equipped.

If * * * an atomic race develops, I believe the Russians will produce their first atomic bomb in about 3 years. Thereafter, however, there is a definite possibility that the Russians might accumulate atomic bombs at a faster rate than we do. (Dr. Irving Langmuir, associate director of research, General Electric Co.)

Our success * * * was due to great industrial capacity, our freedom from bombing raids, and not in any way to any secret information which we had. (Dr. Reuben Gustavson, professor of political science, University of Chicago.)

The only defense is peace. (Dr. J. R. Oppenheimer, director of the laboratory at Los Alamos, N. Mex.)

Atomic explosives demand not 90 percent, but 100-percent defense. This we do not know how to achieve. (Ivan A. Getting, professor of physics, Massachusetts Institute of Technology.)

There is no such thing as a specific countermeasure that will prevent the explosion of an atomic bomb or will explode such a bomb while it is still a great distance from its target. * * * There is no defense. (Dr. Louis N. Ridenour, staff member, radiation laboratory, Massachusetts Institute of Technology.)

At the present time we would have to go down (underground) about half a mile to be safe from the explosion and the rays (of an atomic bomb), and would have to go deeper and deeper as more powerful bombs developed, and when we had gone underground we should run the risk of starvation and suffocation through the destruction of our systems of communication and ventilation. (Dr. Robert M. Hutchins, chancelor, University of Chicago.)

As a scientist, I tell you there must never be another war.

Because America is such an industrialized country, with such large populations concentrated into exposed cities, the effect of the atomic bomb will be to weaken America's military position. * * * The bomb is essentially cheap. Compared with the cost of other weapons and their comparative effectiveness, the bomb is the cheapest war weapon in the world. (Dr. Harold C. Urey, professor of chemistry, University of Chicago.)

Science could produce devastation beyond thinking. We must avoid war, not just control an atomic bomb. (Dr. Vannevar Bush, Director, Office of Scientific Research and Development.)

Once a nation builds an atomic-bomb stock pile large enough to demolish the major cities of potential enemies, no more military advantages result from larger stock piles. As time goes on, all nations possessing bombs will tend to become military equals. (Dr. John A. Simpson, metallurgical laboratories, University of Chicago.)

The cost of atomic weapons is not prohibitive. Any nation which can afford an army or navy can afford atomic bombs.

Outproducing the enemy is not much advantage in atomic warfare. Five hundred bombs may be better than 100, but 50,000 are not better than 5,000 because 5,000 would destroy all important targets in any country. Consequently, a small, relatively poor nation might defeat a larger, richer nation by attacking first.

The production of the first atomic bombs required about 3½ years. Of this time more than 1 year was spent in proving the feasibility of a bomb. Since: (a) All nations possess the basic scientific background and have the Smyth report available to them; (b) many nations possess an adequate corps of trained scientists and engineers; (c) uranium and other necessary raw materials are widely distributed on earth; (d) all industrialized nations possess an adequate plant and background of manufacturing experience; (e) any nation, if willing to make the required financial sacrifice, can afford the necessary monetary outlay; there appear to be no material obstacles in the way of any large industrialized nation, nor, indeed, of several smaller ones, to prevent them from duplicating or surpassing our effort in the production of atomic bombs in approximately the same time. Other nations may well have atomic bombs in from 2 to 5 years. (Atomic scientists of Chicago.)

* * * We are forced to the conclusion that the only defense against the bomb is political and moral, and the only solution to the bomb is a just and durable peace.

What are we to do about peace? * * * We need a three-way, triple-decker policy—long, intermediate, and short. The long-term program would be directed toward the establishment of world government; the intermediate program toward the support of the United Nations Organization; the short-term program toward the use of diplomacy, public and private, for the reduction of international tension. * * * (Beardsley Ruml, treasurer, R. H. Macy Co.)

The needless withholding of new developments is bound to delay progress in technical fields, and hence to have serious consequences for our national welfare and security.

The disclosure of a great store of new and useful information, however, will stimulate the growth and development of science and industry. It is to this end that we have primarily directed our recommendations.

The minute this information is made public at least one entire new major industry will be born. (Dr. Richard C. Tolman, dean, Graduate School, California Institute of Technology.)

Mr. SHORT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I rise just to say that I am afflicted with indecision, as so many of us apparently are. We are not yet ready to vote for this proposed repository of the greatest and most dangerous secret ever to be entrusted to any group of men. We should postpone action. I have read the hearings, but not as carefully perhaps as I should. I agree with the gentleman from California, JERRY VOORHIS. I also wish that atomic energy could be placed back in the secrets of the universe from which it came. I am so fearful of it. I listened and read carefully the address delivered by the gentlewoman from Connecticut. It was really a remarkable address. She is usually irresistible to me both in personality and argument in how she criticized the bill throughout. She referred early in her remarks to the New Deal jargon in the very preamble. How women can say "No" and mean "Yes" we cannot fully understand.

Mr. SHORT. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. ARENDS].

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Kentucky.

Mr. MAY. I do not expect to use my 5 minutes, and I do not want to be put in the attitude of deceiving anybody. The gentleman from South Dakota [Mr. CASE] asked me for time, but at the time it was allotted to the gentleman from Texas [Mr. SUMNERS], who now says he does not intend to take it. Does the gentleman from South Dakota desire that time?

Mr. ARENDS. I want some more time, Mr. Chairman.

Mr. CASE of South Dakota. I appreciate the courtesy of the gentleman from Kentucky. I do not know that I need 5 minutes, but I want an opportunity to ask a question.

Mr. ARENDS. Mr. Chairman, I want to direct my attention to the patent section of this bill. This is probably most important to the various Members of the House, and in my estimation it is a very important part of this bill, so I hope you will give some consideration to what I have to say.

Mr. Chairman, as a member of both the Military Affairs and Patent Committees of the House, I have had occasion to give the bill, S. 1717, under discussion long and careful study. I started with the assumption that as an American I had as my primary interest the welfare of the American people, and I am confident that my colleagues on both sides of the aisle will do no less in their consideration of the measure. As Americans, then, let us examine this bill, not in a partisan spirit, but solely in an effort to determine what we are about.

This is a loaded bill. It does not merely provide for policing the production and use of atomic energy. If it were so limited, I would vote for it. By section 11, the bill would also change our fundamental patent policies in a manner to remove the keystone of our technical and economic progress, that is, in a manner to insure a planned and regimented industrial economy in the United States for generations to come.

The first of these objectives is constructive; the second is utterly destructive. It can add nothing to the wealth and prosperity of our country. It can only retard, effectively, the marvelous industrial progress we have made since we were a Government by removing the incentive to invent, shift jobs from American to foreign workers, and break down the American standard of living by mingling it with the international standard of living.

It is not my purpose to defend our patent system, for it needs no defense. It needs only to be understood. Anyone who will ponder for only a moment must realize that the phenomenal industrial progress of this country is inextricably bound up in our patent system and that under it we have developed a talent for industrial growth that has stunned the world. To it we owe the automobile, electrical, chemical, and farm machinery industries which, during periods of peace, have provided jobs for more men and women and at higher wages than any other nation on earth. It has also served us in war. To it we owe the bazooka and rocket guns, either of which one man can carry and which gives him the fire power of a cannon weighing approximately 20 tons and which enable the Allies to march as on parade across a north African desert against the opposition of hostile enemies; the radar devices which enabled our pilots to hit their unseen targets, no matter how bad the weather; the instrumentalities which enable us to land huge armies on an open French beach and thus avoid the necessity of conquering strongly fortified harbor installations; and the atomic bomb itself. Our planners would change all this.

Without the benefit of any experience whatever in the practice of their theories in this or in any other country, they are perfectly willing to make the interests of our country and its people subservient to a trial of their theories at public expense and to substitute personal government centralized in Washington for our traditional democratic government. They would remake the United States as an incident to remaking the world. Apparently, they believe that their objectives transcend the objectives of ordinary human beings and, therefore, they should not be hampered by the Constitution or by any of the other ordinary rules governing free competitive enterprise. Are these statements too strong? Let us see. I will read from the testimony of Secretary of Commerce Wallace at a hearing held on January 31, 1946, by the Senate Atomic Energy Committee on the bill before the House. He said:

> With respect to patents, only the McMahon bill has any detailed provisions; the Johnson and May bills do not deal with this question at any length and presumably would permit private patents both on processes relating to the production of fissionable material and on devices for the use of fissionable material. Since atomic fission may ultimately form the basis of a large part of our economic activity, it is clear that private patent monopolies on critical and key processes should not be permitted. The McMahon bill would eliminate private patent monopolies by requiring sale to the Government of patents on all production processes, and the compulsory licensing with fair royalties to the inventor, of all patents on devices for the utilization of atomic energy. I should like to suggest that with respect to devices essential to the production of fissionable materials, which will be a Government monopoly or at least carried on only under Government license and control, that another method may be preferable. It might be desirable to short cut lengthy patent proceedings by forbidding private patents in this field and authorizing the Commission to purchase inventions directly from the inventor.
>
> With respect to patents on devices for the utilization of atomic energy, the compulsory licensing provisions of S. 1717 seem to me to be essentially sound.

In other words, he would socialize inventions not yet made, as well as those which have been made for the commercial utilization of atomic energy, even those incidentally used in connection with the development of such energy. The bill itself carries out, perfectly, this purpose.

Section 11 (b) of the bill provides that—

> No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3.

And section 3 includes all fields, including industrial uses.

It will be seen, therefore, that the intent is to control the future industries of America. This inevitably would discourage the making of inventions for the industrial utilization of atomic energy by private initiative, enterprise, and capital, and may well result in economic stagnation with consequent widespread unemployment. While we thus retard ourselves other countries may forge ahead in their industrial development by the utilization of this new source of power under a more enlightened policy. As I view the matter, only a country which desires to bring about our economic destruction could think of a better way of retarding our future industrial growth than the restraints we would inflict upon ourselves by the enactment of this bill.

When Mr. Wallace tries to persuade us that the compulsory licensing provisions of the bill seemed to him to be essentially sound, he would have us mire ourselves in the mud of his factless theory. Why does he think the proposal sound? What are his facts? What experiences has the country had to justify his conclusion? The answer is there are none. There has been no more experience in this country with compulsory licensing of patents than there has been with respect to the compulsory leasing of real estate, or the compulsory renting of rooms in our homes, or with forced labor of free men. This share-the-property, or collectivists, theory has been before the House Committee on Patents many times during the past 20 years, and has always been emphatically rejected, often after voluminous testimony.

The trouble with this academic precept is that it is based on the engaging theory of a never changing society. The idea is that our society is static and that whatever private property there is should be equally and freely distributed to everybody, that is, if a man by his own ingenuity and effort has made a new discovery, or has planted a crop in his field, at his own expense, the State should compel him to share it with his competitors. It is only by a little manipulation of that section of the Constitution regarding the taking of private property without due process of law, that such a thing can be done in this country, but when and if it is done, no further discoveries or crops can reasonably be expected because no man in his right mind will make further discoveries or plant new crops for the crows to eat.

There are just two ways, and two ways only, of securing new inventions or new crops. One way is the American way. That way is to provide a profit incentive—a term obnoxious to the collectivists—which makes the wheels go round in this country. The other way is to force men to make new inventions or to plant new crops, and shoot them if they don't. That is the Communists' way. Anyone who takes the trouble to read can learn that under the Soviet law, members of collectives can be punished by death for failure to carry out official orders, as by neglect to irrigate crops or refusing to plant them. As I have previously intimated, unless we are prepared to adopt a similar policy of providing penalties, we need not expect any further inventions in the field of atomic energy to be made by private initiative, enterprise, and capital when the profit motive is removed.

This insidious attack on our patent system is merely the latest of numerous attacks which have been made in the past. Such attacks are not really attacks on our patent system. They are about the type of economy, the type of government, we are to have in this country. The planners know well that in a planned economy there is no room for a patent system such as ours. They know that if democracy which permits freedom of competitive enterprises is to go, the patent system must go first.

It is no mere accident that this bill is being forced through Congress without any consideration whatever of its patent provisions by the Patents Committee of either House. No opportunity was given either of those committees to consider the measure, notwithstanding its profound implications. These implications are frightening to those best able to judge of their effects. They have been unreservedly condemned by inventors everywhere, as well as by the organized small industries of the country. Likewise, it is no mere accident that the very carefully worded and irrelevant patent provisions of this bill were superimposed on its other provisions and the entire

bill then painted the same deceptive color and handed to Congress in the hope it would develop blind spots with respect to such provisions. All that was necessary to be done, if the intent were only to police the production and use of atomic energy and to authorize the Commission to acquire patent rights, was to say so. I wish to point out that the bill itself contains ample security provisions which supplement the various laws, such as the Trading With the Enemy Act, designed to control the unlawful use of technical information, and that such security was obtained all through the war period by the laws now in force.

Mr. MAY. Mr. Chairman, I yield the balance of the time to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, of course, I would be indeed vain should I think I might be able to change your minds on any part of this bill. At the outset I want to say that as a member of the great Committee on Naval Affairs and in my position as a member of that committee I think we are breaking our necks to do something quite prematurely and something which we should not undertake at this time. This bill should be sent back to that great Committee on Military Affairs. The fact that Henry Wallace urges haste on this thing should be a red light to every Member of the Congress. The fact that he wants it is reason for me not to want it. I want to tell you of an experience that I had along with Members on both sides of the aisle. Some time ago we visited Hiroshima. We saw the terrible destruction of that city. It was totally and completely destroyed. We trod the scorched earth and touched the seared flesh of those hapless people on whom was visited this terrible, terrible implement of destruction.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I am delighted to yield.

Mr. SHORT. Then what a pity and a tragedy it is that we ever dropped the bomb—this great Christian nation that we boast of.

Mr. RIVERS. I do not agree with the gentleman there.

Mr. SHORT. Japan was at our mercy and wanted to surrender a year before we ever dropped the bomb.

Mr. RIVERS. This was a good thing to bring the war to a close.

Mr. SHORT. Admiral Halsey and all the military and naval leaders said that it was unnecessary.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield.

Mr. CASE of South Dakota. This question has come up two or three times as to why we developed the atomic bomb. There was a time when it could have been pushed back into the test tube, as far as we are concerned. It was 18 months or 2 years before the bomb was dropped, when the Appropriations Committee was considering whether it would appropriate further money for the Manhattan project. We had provided quite a large sum of money and there was not much evidence of results. Some one expressed a fear that if nothing came of the experiment we would be blamed for putting so much into it. We went ahead, however, and the reason why we proceeded to give additional money was because General Marshall came before the committee in secret session and said it was a race against time; that if we did not find the secret and do it first, he was afraid Germany would. That is why the atomic bomb was developed and why we did not stop.

Mr. SHORT. I do not want the House to get the impression that I was against the development of the bomb.

Mr. TRAYNOR. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield.

Mr. TRAYNOR. Would the gentleman believe me when I say that I could name mechanical chemists in Russia now who worked for the du Ponts, who had been there since 1932, building chemical plants for the Russians?

Mr. RIVERS. I would not doubt it at all.

Now, Mr. Chairman, we are breaking our necks to give away this country. It seems that philosophy has gotten hold of certain people. We want to give everything away. We have no aggressive make-up in our being. We know one thing, we are not going to drop this bomb on anybody else. We know that. We have paid for the creation of this bomb and we are today going along with experimentation. We know that. Why go along with PM and the Daily Worker and say it is a good thing to come out and share something that nobody has with them?

Mr. RANKIN. Could the world suffer at all by our keeping the bomb?

Mr. RIVERS. Not at all.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. RIVERS] has expired.

All time has expired.

The Clerk will read.

The Clerk read as follows:

DECLARATION OF POLICY

SECTION 1. (a) Findings and declaration: Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore, any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

(b) Purpose of act: It is the purpose of this act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the field; and

(5) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

Mr. RANKIN. Mr. Chairman, a preferential motion.

The CHAIRMAN. The Clerk will report the motion offered by the gentleman from Mississippi.

The Clerk read as follows:

Mr. RANKIN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. RANKIN. Mr. Chairman, the best thing we can do is to send this bill back to the committee and let it rest there, for the time being at least.

There is no hurry about sacrificing what America has gained in the development of atomic energy. There cannot possibly be any danger to world peace by the United States maintaining its position and holding the secrets of the atomic bomb as she has them today. Every intelligent individual knows that America is not going to use this bomb for aggressive purposes. Every intelligent individual knows that the world is safer with this weapon in the hands of the United States than it would be with it in any other hands in the world. If a vote were taken of the entire English-speaking world I dare say it would be overwhelmingly in favor of leaving this atomic bomb exactly where it is, at least for the time being.

There is no hurry about legislation of this kind. You might pick out the average American district and go to the doughboys, if you please, who fought this war, and take a vote on whether or not you should give the secrets of this atomic bomb to those enemies who are seeking to get their hands on it, and you would not get enough votes for it in the average congressional district to wad a shotgun.

We spent $2,000,000,000 building this plant. The atomic bomb is the greatest weapon the world has ever known. From this time on, marching armies will probably be a thing of the past. The entire procedure of naval warfare is now obsolete. We have this powerful weapon in our hands and it is in the hands of the Military Establishment of the United

States and is controlled by men whose patriotism cannot be questioned. We have all the materials necessary, we have the bomb, we have the planes to drop it, we have the know-how; but everybody on earth knows that if this bill is recommitted and this proposition left as it is today that the world is safer from war at our hands than it would be from any other nation on earth with this weapon in its possession.

So I am making this motion that we may send this bill back to the committee for further study.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from North Carolina.

Mr. BARDEN. Does not the gentleman believe that we could well afford to put first on our objectives the securing of the peace, and second the distribution of any weapons we may have?

Mr. RANKIN. Absolutely. The gentleman from North Carolina has expressed it in terms that no one can deny. We had better first let the world settle down before we begin to give them weapons to carry on the kind of warfare that some of them are trying to carry on today.

I told you yesterday of the murder of General Mihailovitch at the hands of the Communists in a country he had given his life to defend. We had the leader of his nation stand at this desk and praise him as a great patriot. All over America today there are American boys whose lives he saved when they were shot down in that country. Are we going to turn over to those who murdered him the greatest weapon the world has ever seen? Are we going to turn over to the other nations this power to blow cities from the face of the earth? No. It is in civilized hands now. Let us keep it there.

God Almighty placed this great weapon in our hands. Let us keep it there at least for the time being. Then we can protect our own country and help to perpetuate the peace of the world.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi.

Mr. Chairman, I said in the very beginning of my opening statement on this legislation that I wanted the House to have an opportunity to work its will with respect to what it wanted on atomic bomb legislation. I stated equally emphatically that I was in favor of some sort of military control with respect to the secrets of the atomic bomb. I do not think the House ought to go haywire, so to speak, and strike the enacting clause, making it impossible for the House to work on this bill and do what it wants to do about it.

As I said before, the big issue comes on the very first amendment in section 2. Let me see what this bill declares here in the very first section entitled "Declaration of Policy." After reciting the dangers of the thing involved and the seriousness of the questions involved it states:

> Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount—

And I emphasize that word "paramount"—

> objective of assuring the common defense and security—

And so forth. Then it provides for the development and utilization of atomic energy for civilian use. You have a bill before you and if you strike out the enacting clause you simply leave things in status quo, whereas, if you continue to debate the bill and consider the amendment which puts the Military Establishment in some sort of communication with the matter, then you will have done your duty. I think you ought to retain military control to the extent that the committee has done so, but unless you go ahead with debate the bill as is will be left exactly where it is.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Missouri.

Mr. SHORT. I want to announce to the membership that if the pending motion prevails and we go back into the House, I propose to offer a motion to recommit the bill to the committee for further study, which will be voted upon before the recommendation of the committee.

Mr. MAY. I do not know what the parliamentary situation will be there.

Mr. RANKIN. Let me say to the gentleman from Missouri that if my motion prevails, the bill goes back to the committee presided over by the gentleman from Kentucky [Mr. MAY] for further consideration. The measure will be left there and we will still have the question before us at the next Congress.

Mr. MAY. It is my understanding that if the motion to strike out the enacting clause prevails it kills the legislation.

Mr. HINSHAW. That is my understanding.

Mr. MAY. That is all I care to say.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Indiana.

Mr. HARNESS of Indiana. After the weeks we spent on this bill, does not the gentleman feel it would be utterly impossible to perfect the present bill in the House? Would it not be better to send this bill back to the committee and to either adopt this or any other amendment or motion than to try to perfect a bill here that has the wrong approach to this whole problem?

Mr. MAY. I would be utterly inconsistent in what I have done heretofore and in what I have heretofore said if I did not take the position that this House ought to legislate on the subject because I have said from the beginning that I felt the House of Representatives would do what it wanted to do about the bill, and would probably do the right thing when it got to it.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from California.

Mr. JOHNSON of California. Every single phrase and sentence in this bill was read thoroughly by the committee and agreed on, was it not?

Mr. MAY. It was argued, it was read and reread, it was considered and reconsidered, it was studied and restudied, and we have done the very best we could. I doubt if we can do anything else.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Mr. Chairman, if the pending motion should be adopted and the enacting clause is stricken out, would not this bill, S. 1717, be dead? Would not the number be killed?

The CHAIRMAN. If the House agrees to the recommendation of the Committee of the Whole, yes.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. It would not be dead. It would merely go back to the committee for future legislation. The whole question would be in the hands of the Military Affairs Committee.

Mr. BARDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARDEN. As I understand the parliamentary situation, if this motion prevails, when we go back into the House it would be proper to introduce a motion to recommit the bill back to the committee for further consideration; is that not correct?

The CHAIRMAN. That is correct.

Mr. SHORT. That is exactly what I propose to do.

The CHAIRMAN. When we go back into the House, the House will vote whether or not they want to strike out the enacting clause.

Mr. BARDEN. Mr. Chairman, instead of voting whether or not we want to strike out the enacting clause, will it not be a vote to recommit to the committee?

The CHAIRMAN. After we go back into the House, a motion to recommit would be in order.

Mr. THOMASON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMASON. Is it not a fact that if the Committee of the Whole adopts the motion offered by the gentleman from Mississippi, we then go back into the House, and if the House approves that motion this bill is dead?

The CHAIRMAN. That is correct.

Mr. SHORT. The bill would be dead, but I am not letting them kill the bill.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 93, noes 102.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MAY and Mr. RANKIN.

The Committee again divided; and the tellers reported that there were—ayes 102, noes 131.

So the motion was rejected.

Mr. SHORT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri [Mr. SHORT].

The question was taken; and on a division (demanded by Mr. SHORT) there were—ayes 50, noes 107.

So the motion was rejected.

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: That lines 5 to 11, inclusive, on page 1 and line 1 to 4, inclusive, and the first three words of line 5, page 2, be stricken out.

Mr. JOHNSON of California. Mr. Chairman, the purpose of this amendment is to strike out all irrelevant matter in section 1. In fact, I do not believe in having any statement of policy at all. The purpose of a statute is to lay down a principle or rule of action, and the words used in the law itself indicate what you have in mind without putting in any statement of principle or purposes. However, it seems to be the custom in framing bills to set down some matters of principle or a statement of policy. These things that I refer to are absolutely irrelevant and have no place in the law. For instance, the first sentence says:

Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical.

That has nothing to do with the principles involved in this law.

The next sentence says:

The significance of the atomic bomb for military purposes is evident.

Certainly it is evident. It has no place in this law. That is in the very background of this law and is perhaps the reason for it.

The next sentence I want to strike out says:

The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined.

Well, we all know that, and that has no place in the law.

Mrs. LUCE. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of California. I yield.

Mrs. LUCE. With reference to the statement that the use of atomic energy for civilian purposes upon the social, economic, and political structure of today cannot now be determined, does not the gentleman agree that this bill will determine precisely the political effects upon our society?

Mr. JOHNSON of California. Not necessarily. It will have some effect on our society. But that refers to the effect of atomic energy in our life and in a subordinate way by virtue of the legislation our political and social life may be effected.

The next sentence reads:

It is a field in which unknown factors are involved.

Every one of those statements and the additional sentence, that I need not read, shows clearly that they are not fundamental basic statements of principles or facts. They are merely propaganda. They are merely statements of the evidence. In my opinion, they have no place in the statute at all. What I propose to leave in is a fair statement of principle, so that the section will read as follows:

It is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, and promoting world peace.

I believe those are the purposes for which this law is designed to be carried out, and they are the only ones that have any place in the preamble of this act. It is for that reason that I hope the Committee will strike out not only what is proposed in this amendment, but also two additional clauses that I propose to move to strike out in the next section.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MATHEWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, of all the bills that have come before this House in which the statement of purposes and policies in the act was frustrated by the provisions of the act itself, this is about the worst. I do not have much time. I will hasten.

Why did we become superior with the atomic bomb? Because we were one step ahead and kept one step ahead. Now, what will this act do? I am not going into theory. I am going into actual facts. The moment this act is passed there is to be a Commission of five persons, to be appointed by the President and confirmed by the Senate. That will take some time. The President has to make a careful selection of a Commission as important as this. The Senate should, and probably will, hold hearings on those appointments. An advisory committee must be appointed. The whole organization must be set up. There must be any number of employees hired. Some of them will have to be investigated by the FBI.

I cannot go into all of the ramifications because I do not have the time, but what happens in the meantime? The moment this act goes into effect every bit of ownership of material goes into the hands of this Commission, which does not exist. What is the manufacturer, the man who has the facilities, going to do? He does not know what to do. The act is so complicated that he will not know what to do with his facilities or with his material for months and months, and probably a year, before this Commission is formed. He cannot take any chances, unless he risks going to jail for 2 years to 20 years or paying a fine of $5,000 to $20,000. The net result is that this is not going to promote the development of atomic energy. It will stop it.

As to the patent clause, that adds to the confusion. There will be no incentive for further inventions. It revokes patents even in existence. If a person wanted a new patent there is no incentive for him to get it, because the moment he gets it it will be taken from him. Mr. Chairman, this will throw the whole question of atomic energy into the most unutterable confusion and will create a situation which the very purposes of this act are said to avoid.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield.

Mr. ELSTON. The gentleman said it would take some time for the FBI to investigate the personnel of the Commission. Does not the gentleman recall that recently the Civil Service Commission reported that it did not have adequate funds or adequate personnel to make investigations of civil-service employees?

Mr. MATHEWS. That is right.

Mr. ELSTON. And would not the net result be that this Commission would be hiring people whose activities are not known?

Mr. MATHEWS. That is right.

Mr. ELSTON. And would that not be an exceedingly dangerous thing in itself?

Mr. MATHEWS. It certainly would, because in a proposition like this the very essence of it is national defense and national security. You must have in that vast organization that you will form only the right kind of people.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield.

Mr. KOPPLEMANN. Does not the gentleman know that the incentive to inventors and industry is written right in this bill?

Mr. MATHEWS. No; it is not.

Mr. KOPPLEMANN. It is. If you will read it you will see it.

Mr. MATHEWS. I have read it carefully, and I cannot agree with the gentleman's conclusion.

It takes away from all persons any title in or to fissionable materials. It also becomes unlawful for any person except under certain circumstances to manufacture, process, or transfer any fissionable material except as authorized by the Commission or export or import fissionable material or directly or indirectly engage in the production of fissionable material outside the United States.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I cannot yield further. My time is limited. If I can get further time I will be glad to yield.

This is so important, this is so obvious that the moment this goes into effect the whole atomic energy industry of this

country will be affected. Every little firm that has a small device or a small quantity of fissionable material will be uncertain as to what it can do and it therefore will do nothing without great jeopardy to itself, and that will continue until this Commission is formed, completely organized, and ready to operate. It will be months, and months, and months before it will issue a single license, and then it can only issue a license after it has made an official investigation. I say it will bring about utter chaos. I hope this bill will be recommitted to the committee.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield.

Mr. GAVIN. Does not the gentleman believe that this matter should be left in the hands of the War Department where it rightfully belongs?

Mr. MATHEWS. I cannot go quite that far.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield further?

Mr. MATHEWS. I yield.

Mr. KOPPLEMANN. The gentleman's fears are fears only insofar as the protection of inventors and private industry is concerned. If the gentleman will read the bill, however, he will find that inventors are to be paid for their inventions and that industry will receive a royalty on any invention. So they are taken care of and the incentive is there.

Mr. MATHEWS. I am afraid the gentleman has misconstrued my position entirely. The fact that the inventor will, at some unknown future time, have to take an unknown sum determined by a body not yet formed, unless he appeals to a court, which causes further delay, is certainly anything but an incentive to him.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield.

Mr. PRICE of Illinois. If the gentleman will read section 11 of the bill, he will discover that the gentleman from Connecticut [Mr. KOPPLEMANN] was right in his contentions.

Mr. MATHEWS. I have read the bill very carefully and I still cannot agree with the contentions of the gentleman from Connecticut. To say an inventor is protected when he is forced to accept an arbitrary amount for his patent, instead of what he can make from it, as was intended by the patent law, seems to me a strange view of what protection is. And it certainly will not alleviate the confusion private industry will be in between the passage of this act and the organization of the Commission to the point where it can properly issue licenses.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been trying to find some reason why there should be all this hurry in passing this bill. The nearest approach to a direct suggestion as to why the bill should be passed at this time which I have heard, was in the remarks of the gentleman from Tennessee [Mr. KEFAUVER] and I am not sure that I understood him correctly. So I raise the question. I understood the gentleman to say that if this bill should be passed that we might enter into some international agreement on atomic energy. I want to ask the chairman of the Committee on Military Affairs or some member of the committee whether or not the passage of this bill will make it possible for this Commission to turn over to an international commission some agreement with respect to our handling of nuclear energy.

Mr. MAY. There is nothing in the legislation as I understand it, that authorizes or even directs turning over the atomic bomb to any international organization; but it does provide that on a reciprocal basis there may be exchanges with respect to the civilian uses of atomic energy.

Mr. CASE of South Dakota. But the Commission does not have the power or would not have the power by this act to commit us to any exchange or to control without an approval by the Congress?

Mr. MAY. I think not, undoubtedly.

Mr. CASE of South Dakota. One thing is self-evident; Congress cannot pass any law that is going to bind the hands of other nations. We cannot determine what they do. That was the compelling factor I think when the Appropriations Committee proceeded in its appropriations for Manhattan project. There was a time back in 1944 and early 1945, when some persons were very leery about going any further with the Manhattan project. One member of the subcommittee handling appropriations for the War Department raised the question during our deliberations because he was afraid that if the thing flopped we would be severely criticized for throwing good money after bad. We had then spent over a billion dollars and at least another billion was involved.

As a result of that we had some secret sessions with Secretary Patterson and General Marshall. The one consideration that appealed to us was that if we did not do this Germany might. Everything pointed to their trying to do it, and, as I said a few minutes ago, General Marshall said it was a race for time. That is the consideration which prevailed and that is why we continued to appropriate money for the Manhattan project.

By the same token we still cannot control what other countries do. That is why I am very reluctant to vote for any legislation which may shackle the development of nuclear energy in this country.

No matter what we do here the scientists, the engineers, the resources of every other country will be devoted to the development of atomic energy. I hope we do not handcuff the United States by any legislation which we propose here.

That is why I would be opposed to any legislation that would place this matter exclusively in the hands of the War Department, or any other single group, on the evidence now before me.

Why is there any hurry right now to pass this bill? I would like to have some real reason for taking action. There may be such a reason. I ask for information.

It has been said repeatedly on the floor here that Members are confused. Several members of the Military Affairs Committee have told us during this debate that they did not know which way to vote.

How, then, can the average Member of Congress, on the basis of the debate that has developed so far, know whether or not we should vote to do anything at this time?

What is the harm in letting things ride a little while? The War Department has these projects under way. The General Electric has taken over operation of the project at Hanford, Wash. General Electric and other organizations are pursuing their research and development. What is the reason for doing anything about this now? I ask for information. We all want to do the right thing in this matter.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. If the gentleman can answer that question, I am glad to yield to him.

Mr. JOHNSON of California. My answer to that is this, and I do not like to interrupt the gentleman: On October 3 last the President wrote a letter to our committee or to the Congress in which he requested what he called interim legislation, which resulted in the May-Johnson bill, a bill somewhat like this one. He claimed in the letter and by public statements, and witnesses claimed, including the Secretary of War, that this legislation is necessary as a forerunner of the efforts that our State Department is going to make to try to outlaw atomic-bomb warfare.

Mr. CASE of South Dakota. Then the gentleman is more or less supporting the position taken by the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from California.

Mr. VOORHIS of California. It seems to me not only is that an important reason for passing the bill now, but it is also true that unless effective domestic control over this admittedly very dangerous proposition is established, there is not any assurance that the whole business will not get completely out of hand at home, rendering it more difficult to enter into an effective international agreement; furthermore, under present circumstances there is nothing in law to prevent the possession of fissionable material by any one or preventing development taking place.

Mr. CASE of South Dakota. This bill does not cover that.

Mr. VOORHIS of California. Yes, it does.

Mr. CASE of South Dakota. No. This bill on page 20 says, "except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made." That is, existing mining claims are respected. And this bill does not require that the Secretary of Agriculture in administering claims in the national forests shall make any reservation of rights.

So, if it were desirable that all private interests were extinguished, it does not seem to me that this bill does it completely. And certainly it is debatable whether all private rights in the field should be extinguished.

The arguments that have been offered do not seem to me to be persuasive. Why should we create a control commission to put handcuffs on the development of some great new force or power? That is the question I have not heard answered.

I repeat the question, seeking an answer. Why should we handcuff ourselves unless we can have some assurance that other nations are going to handcuff themselves? No law that we can pass here will handcuff development in other countries.

We do not want the United States to get behind in this procession. If private interests are going to be able to develop nuclear energy in other countries, why should they not be free to do so here? I do not think that we ought to adopt a policy of fear here but that we ought to take plenty of time in deliberating on the question.

Every page in the bill carries language giving the Atomic Commission the power to make final determination on one matter or another. Together they constitute the most complete delegation of power to a bureau or agency that has ever been proposed in this country. The character of the problem may give us no choice. Perhaps we have to go the whole way or not at all. But should we set up such a colossus of bureaucracy with all these powers until we thoroughly explore the proposition?

Again I ask, what is the reason for doing this now? I do not seek to argue; I simply want to know.

TAKE THE PROFIT OUT OF WAR—OUR NATIONAL SECURITY AND SAFETY IS PARAMOUNT

Mr. DOYLE. Mr. Chairman, on yesterday reference was made to a member of the American Bar Association as opposing some of the features of this bill, so I respectfully call your attention to the American Bar Association Journal of May 1946, at page 292 thereof, to an article entitled "One World or None" by Reginald Smith of the Massachusetts bar, "The Need for World Law," and briefly quote as follows:

A symposium on the atomc bomb has been written by 13 preeminent scientists, the Federation of American Scientists, one military man (Gen. H. H. Arnold) and one political scientist (Walter Lippmann). The foreword is by Niels Bohr and the introduction is by Arthur H. Compton, both winners of Nobel prizes.

It is the latest word, in a real sense the last word, on the subject now the most important in the world. Its emphasis is not on how to make the bomb but on how to make some protection for civilization against the bomb. The concluding words are: "Time is short. And survival is at stake."

How much time have we? The answer is given: "We are led by quite straightforward reasoning to the conclusion that any one of several determined foreign nations could duplicate our work in a period of about 5 years" (p. 46).

Being a member of the Patents Committee of this House and also having practiced civil law for about 25 years; having had the benefit and pleasure of drafting very many contracts and licenses relative to patents and patent rights during that law practice, I do not feel as though studying S. 1717 on its patent and rights provisions is entirely a new subject to me. Already in this debate, there has been much emphasis by those who oppose the bill, or by those who want to postpone action and delay legislation or even kill the bill that the business, industrial, manufacturing, and patent interests of this Nation do not favor or approve so-called compulsory license provisions of this bill's proposal as contained in section 11 of the bill.

On yesterday the distinguished gentleman from Texas [Mr. LANHAM] referred to a letter from the chairman of the patents committee of the American Bar Association. I have in my hands two letters from the chairman of the committee on patents and research of the National Association of Manufacturers from its office in New York. The first letter to me is dated June 27, 1946, and the second July 16, 1946. That portion of these letters which I here and now quote is exactly the same in both letters. So there has been no change of opinion by the National Association of Manufacturers between the dates of its letter of June 27 and the one of July 16. Furthermore, we have the official opinion of two of the distinguished executives of the National Association of Manufacturers on the same subject for the letter to me of June 27, was signed by Edward Stone, committee executive, committee on patents and research and the letter of July 16 was signed by R. J. Dearborn, chairman of committee on patents and research. I again call your attention to the fact, that both of these distinguished authorities on patents, and both of them representing this Nation-wide association of manufacturers, take exactly the same position on the same subject of the licensing provisions of this bill. First, subdivision (b) of both letters is as follows:

(b) The sections on controls of source materials, production of fissionable materials, and Government ownership of all fissionable materials should be changed so as to permit private acquisition, production by private enterprise, and use by private enterprise under adequate licensing provisions by the Commission.

I emphatically call to your attention that not only do they frankly state that the control of source materials of atomic energy should be under Government ownership, but they frankly state that Government ownership should only allow production by private enterprise under adequate licensing provisions by the Commission on Atomic Energy proposed under this bill we are now debating. So, gentlemen, under this section (b), the National Association of Manufacturers recognizes that it is sound public policy and certainly not against the interest of free enterprise or private industry to have the control of the source materials and the production of fissionable materials under Government ownership, nor the rights by private enterprise to use the same subject to adequate license by the Commission representing the American people.

And just as subdivision (b), above-quoted, is identically the same in both letters, so subdivision (c) in both letters is exactly the same, to wit:

(c) Similarly, utilization of atomic energy should be permitted by private enterprise under appropriate licensing.

Therefore, I think it is not entirely sound or accurate reasoning for anyone to claim again in this debate that American industry and American manufacturers are opposed to either Government ownership of atomic materials or of exclusive Government control of its source nor of Government licensing by the Commission proposed. These two paragraphs in these two letters make it crystal clear that the National Association of Manufacturers recognize two fundamental requirements in the interest of national security and safety and in the interests of private and free enterprise development by reason of their position stated in paragraphs (b) and (c), respectively.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from California.

Mr. JOHNSON of California. Under the situation now prevailing, anybody could make an atomic bomb.

Mr. DOYLE. That is correct.

Mr. JOHNSON of California. We want some way to control it so that private individuals cannot make it.

Mr. DOYLE. I agree with the gentleman.

The objectives of this bill can be properly divided into two sections, to wit: First, as relates to production and development of atomic energy for military uses. And secondly, for industrial and scientific uses and purposes.

Does anyone disagree with me? Should we let the manufacturers of miiltary arms and munitions and of weapons for use in times of war have the right and privilege of acquiring and developing this God-given energy—an asset for the world's blessing—in order to produce munitions of war for the purpose of filling their pockets with more money gained? I say "No!" It is absolutely necessary, sound, and sensible, and in the interests of self-preservation of ourselves and of our world neighbors as well, that no right to produce, control, or use this energy shall be given to any person whatsoever directly or indirectly for the purpose of developing it for arms or military use—unless it is through the Commission

proposed in this bill. In this way, we can help to begin to take the motive of money profit out of war. This I believe to be absolutely essential in sound steps to help eliminate causes of war. Under section 4, this bill provides for the exclusive ownership in the United States of all facilities for the production of fissionable material in quantities sufficient to produce an atomic bomb or any other weapon by the Commission representing our beloved Nation, while section 5 provides that any person owning any interest in any fissionable material at the time of the enactment of this act or who lawfully produces any fissionable material incident to privately financed research "shall be paid just compensation therefor." And this bill does not intend to confiscate any private property but, as is necessary for war materials and in the interest of national defense and security, the bill proposes that any person having such material at this time shall be paid a just compensation therefor. This is sound. This is sensible. This is in accordance with American principles of fair dealing. Subdivision (2) of section 5 on page 17 of the bill provides that no person shall transfer or deliver title to any "source material" from its "deposit in nature" except by permission from the Commission. And why not? Again, for purposes of "national security and safety," it is imperative that our Nation be in the exclusive control of the "source of the material" in order to assure exclusive control and access in times of war or for needs of "national security and safety." Does any Member of this House now propose that private money gain or profits shall be placed paramount and above the national security and safety by allowing private ownership and production of this dangerous material at its source?

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from California.

Mr. McDONOUGH. The gentleman is an attorney, and he knows that the manufacture of firearms or explosive materials in all States is now controlled by statute. There is law now that controls that manufacture.

Mr. DOYLE. Those laws are not adequate to cover this subject. State laws cannot do it.

Mr. McDONOUGH. But there are laws.

Mr. DOYLE. Yes, but inadequate laws—ridiculously inadequate. We must take the profit out of war. Nor is that theoretical, either. I have no objection to my Government being placed in a position of maximum immediate ability to protect the safety and security of our Nation in its new world relationships.

Now, as to section 10, which relates to control of information about atomic energy and without being disrespectful, I really believe that some of the gentlemen who have talked against this section in the bill in this debate had not recently carefully read the full text of that section 10, for it expressly states on page 30 of the bill, as follows:

SEC. 10. (a) Policy: It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(1) That information with respect to the use of atomic energy for industrial purposes should be shared with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established.

You will note, gentlemen, that any dissemination of any information is first restricted so as to assure the common defense and security. This, then, is the controlling policy. No; not even any information about it for industrial purposes may be shared or disseminated by the commission, excepting Congress first declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established. The term "Congress," as used in this bill, Mr. Speaker, refers not only to this House of Representatives, but to the United States Senate. What chance does the Commission have to be put in a position of disseminating any atomic energy information for industrial purposes before it should, when a joint resolution of both Houses of this Congress must first be obtained, which clearly declares that enforceable international safeguards against the use of such energy for destructive purposes have been established.

Therefore, it does not appear that the arguments so far made that this Commission will be promptly releasing atomic energy information to foreign nations is well founded. It is in fact without any foundation, for under section 10 Congress controls the time and event when any such information shall be shared with other nations on a reciprocal basis. Furthermore, subdivision (c) of said section 10 on page 31 of the bill provides that the Commission is only authorized to establish information service as it may deem necessary as to nonrestricted data. And at line 10 on page 31 it further provides:

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable ma the production of power, but shall not in terial, or the use of fissionable material in clude any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

Therefore, section 10 makes it clear to any who desire to see it that there can be no dissemination of any data for either war or industrial purposes until joint resolution by both of the Houses of the United States Congress has first so declared, and the basis of this joint resolution thus required is that enforceable international safeguards against the use of such energy for destructive purposes have first been established.

Mr. Chairman, this time may come after many years, or it may come before we realize it.

The matter of the patent section of this bill has frequently been mentioned on this floor. It is claimed that the provisions of section 11 will destroy the fundamentals of the American patent system. I disagree with this contention and no man in this House feels more strongly than I do that we must preserve our competitive free enterprise, principles, and economy. But, gentlemen, we cannot perpetuate or preserve that free enterprise as it relates to our patent system if we make it easier than ever for there to grow up monopoly, restraint of trade, unlawful competition, or other restraints against free enterprise and free competitive economy by reason of allowing private or individual ownership and control of this atomic energy through patents in private control. There are four primary functions of a patent system as I understand it, as follows:

A. To induce disclosure of inventions.

B. To induce the investment of venture capital.

C. To promote what has been called enforced diversity of innovation, for instance, where the improvement is already patented, B will be forced to invent a new and different improvement in order to maintain his competitive position.

D. To reward the inventor.

Right here, gentlemen, let me call your careful attention to page 27 of the bill beginning at line 6 to line 22, inclusive, wherein it is provided as follows:

Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any person for activities which are not under or within the jurisdiction of the United States, to any foreign government, or to persons within the jurisdiction of the United States where the issuance thereof would be inimical to the common defense and security.

Assuming that no Member of this Congress desires to have any control of this destructive energy in hands of private money profit for war-munitions-making purposes, it is likewise my hope that no Member is thinking that this energy is a subject of proper monopoly or cartel for purposes of peace. Yet, I do know that in our system of free enterprise the facts have proven that some men get so greedy for material gain and economic power and dominion, that they interpret free enterprise to mean that they can and should be allowed to create monopolies or cartels and restrain free enterprise or competition with their particular business. Free enterprise in the highest sense should be encouraged in this new field of peaceful endeavor. It can be under the terms of this bill. Monopoly must not fasten its hands over free enterprise in the field of peaceful pursuits to be blessed by use of atomic energy.

But slight mention has yet been made of section 15, which establishes a joint committee of the Senate and House which by the terms of this bill is expressly charged with making continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. And not only is this joint committee of Congress so chargeable, but it charges the Atomic Energy Commission with keeping this very same joint committee of the Senate and House fully and currently informed with respect to the Commission's activities. Thus, Congress itself is placed in an intimate and continuing position of full and current contact with the Commission's plans and policies and actions. Furthermore, section (e), on page 47 of the bill, expressly empowers this joint congressional committee to appoint and fix the compensation of such experts, consultants, and technicians and clerks as it deems necessary. So, from our viewpoint, Congress is made a watchdog of the Commission, and in another sense a trustee in the same field as is the Atomic Commission itself—even though to a more limited degree, of course.

So much has been so splendidly said about the place and province of atomic energy from here on and forward in the life of our Nation and the world that I will not dwell at length along the same lines. But you and I are in a new era from which we cannot extricate ourselves if we would. Nor can nations withdraw from a world neighborhood, for in the twinkling of an eye whole cities can how be obliterated. Rifle bullets kill men singly, while atomic bombs obliterate hundreds of thousands of people and crush concrete buildings into dust instantly. Use of atomic energy for peaceful pursuits must come to be the first and only use from here on all over the world—else there will be no survival of civilization. World understanding and cooperation is essential for either national or international existence as civilized people.

Mr. JUDD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I should like to approach this whole subject of atomic energy from a little different standpoint than has been touched upon so far. Most of the discussion has been about the explosive, the blasting effects of the release of atomic energy. But there is a possibly even more devastating force released in nuclear fission and that is radioactive energy. It so happens I have had considerable personal experience with one form of radioactive energy and bear about in my body the marks of overexposure to it. So I have been interested in it for a great many years.

The physical and biological history of this planet has been one of decreasing radioactive energy. The earth originally was and still is at its center a ball of fire—that is a body gradually disintegrating by atomic fission. The sun supposedly is a body engaged in violent atomic fission. Gradually through the centuries the materials in this earth have been losing their radioactive energy, even as radium constantly gives off radioactive energy until it becomes exhausted through hundreds and thousands of years, and then becomes lead. From the radioactive energy standpoint, our planet so to speak, has been running down since its original formation. It was only when radioactive energy fell below a certain level that it became possible for vegetation to grow on the planet, and then after more millenniums of running down the level of radioactive energy was low enough so that animal life could exist.

As many of you know, I am sure, radioactive energy can have a special effect upon germ cells, the cells that bring into being new life, a new organism. It can cause internal changes in germ cells which produce mutations, sports, or biological monsters. Thus the period when radioactive energy became just low enough to permit animal life, but was still high enough to act on the chromosomes in germ cells, was the period when dinosaurs and all sorts of bizarre biological freaks inhabited the earth—a period when great varieties of new species appeared. Doubtless it was one of those mutations that produced the new species, man.

In the beginning, God created the heavens and the earth, and all that live therein. Perhaps it was through the operation of His radioactive energy that He produced all that live.

In any case, here we now are after all the millenniums. There has been one steady process of gradual exhaustion of the radioactive energy stored in the earth in a form which was released naturally.

Now for the first time in man's history he has discovered how to release radioactive energy artificially. This is a reversal of the direction in which physical processes on the planet have been going since its formation. It involves profoundly not just this Nation but life itself from the standpoint of sheer existence.

Hitherto most of the radioactive energy we have had was that which we discovered already active in such elements as radium. We could use what existed. Now we have found a way to increase the amount in existence, a way to release new radioactive energy.

Heretofore it has been gradually dying down; now we can start building it up, in active form and at a terrible rate.

This can mean far more to us ultimately than just the blasting effect of bomb explosions, destructive as they are.

If too much radioactive energy is released in an uncontrolled form, what may it do to human life itself; in fact, to all life?

Incidentally, I have been told that the reason they had the Hiroshima bomb go off about 1,500 feet in the air instead of closer to the ground was that they wanted only the blasting effect and were afraid of the possible radioactive effect. If it exploded high in the air, most of the radioactive particles would be carried miles high and dispersed. If it went off too low down it might spread over the area so much radioactive energy that the land would not again support even plant life, to say nothing of animal life. No one yet knows. To find out is one of the great tasks with which this Commission is to be charged. That is why we want the greatest scientists and statesmen on it. We want to know the possible uses of atomic energy in military weapons, in industry and commerce, and in medicine. We also must make sure that radioactive energy is not released in such forms and quantities that the surface of the earth returns to where it was ages ago. One or the other of two things would result, extermination of all life or, in an intermediate stage, drastic effects on germ cells of species which have long been stable, so that mutations would result, and the human being as we know him be changed to a biological sport, or a freak of some sort, other than the freak he already is at times.

I do not know whether I have been able to make clear what I have in mind and my great concern lest we bungle the handling of this great power with truly cataclysmic results. This is the only reason I would consider giving any commission such monopolistic power. It is the chief reason in my own mind which requires that we set up this Commission for controlling the development of atomic energy for civilian use as well as for military use.

Several Members have said they want to have everything under military control. Others have said they do not want to have anything under military control. I do not think either of those extreme positions is tenable. This force has enormous significance for our industry and our economy. It has terrible implications for civilian life, as well as for military security. We have to deal with both of them in a reasonable sort of balance. I do not see any better way to handle this titanic power than to put it under the control of a commission of truly great men who will have available the knowledge and services both of the military and of the civilian scientists who are acutely aware of all the dangers I have mentioned and more. They developed this process; they have lived with it day and night for years; they see far-reaching implications which we in our debate as to what the Bikini explosion means to the future of our Navy do not adequately appreciate. I do not know any safer hands in which to place it.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last two words. What the gentleman from Minnesota, himself an eminent physician, just said, only underlines the importance for the time being and until people know something about what atomic energy is and will do, and until such time as nations have grown up sufficiently in their international relationships to control it, what the gentleman has said only underlines the necessity of effective controls over this thing during the period that lies immediately ahead.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield gladly.

Mr. JUDD. This is the only possible justification, if there is an adequate justification, for the patent provisions of this bill.

Mr. VOORHIS of California. I agree with the gentleman that it justifies that section.

Mr. JUDD. Because if we knew more about atomic energy, and if we knew what the effect would be on human lives as well as in war, we could not have section 11. I am not sure that we can have it even so. But this is the only justification until we do know more of what the ultimate significance is and we dare not allow anybody at their own will to begin experimenting out in their own back yards. Our very existence does not permit us to allow it.

Mr. VOORHIS of California. I agree with the gentleman. I think there is another reason for the patent provisions. At least, it will prevent the private monopolization of a thing so fundamental and so revolutionary as atomic energy. I believe that would be wrong—morally wrong and economically wrong. I am not talking about applications of atomic energy, but I am talking about the patent on fissionable material itself, on the very energy itself.

I want to make this first point, that the bill does provide, and I quote: "That the Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this act."

It will give the possibility of control over sporadic, dangerous uses of atomic energy, just as the gentleman from California suggested a while ago.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. CASE of South Dakota. Assuming that that control were desirable, if it could be obtained, how does the gentleman propose to establish control in Argentina, in Spain, or in Russia, or in any other part of the world other than the United States?

Mr. VOORHIS of California. That is precisely what we are attempting to do through the Baruch proposals. Further answering the gentleman, the gentleman makes the point that he did not want us to block our own development while other nations had not agreed to any type of international control. I am in full accord with that. I would not be in support of this bill if it were not for the fact that all of the testimony of every reputable scientist that I know of is to the effect that under the terms of this bill atomic-energy development will be encouraged in the scientific field where it is all important. That testimony has been given over and over again. It is true that that development is safeguarded in certain respects. It is true there are controls more far reaching than the Congress would authorize under any other circumstances. Those who seem to feel that atomic energy is comparable to natural gas or firecrackers will find it hard, naturally, to understand. But those who have at least an inkling of what this energy is will know why it is necessary that there be control of private development and regulation of the possibility of anyone going out and dealing with fissionable material as he sees fit. I personally think such control absolutely essential for the time being if the national interests are to be effectively protected, but I am convinced that the passage of this bill will make much more possible than it is today the continuance of atomic-energy development in the United States and that it provides the only way that can be done. May I say further, it disturbs me very much to find some people who are concerned about the preservation of what they term the secret of the atomic bomb, arguing in the next breath that atomic energy itself should be patentable under which circumstances the patented devices and the patented processes have to be made a matter of public record in the Patent Office. It does not seem to me that those two things possibly can be fitted together. I think this bill goes as well as it can down the middle of the road, providing for the kind of control that is necessary under existing circumstances and on the other hand, assuring provision for the continuance of scientific development.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. CASE of South Dakota. Does not the gentleman feel that the agreement for international control should precede our handcuffing of our own research and development?

Mr. VOORHIS of California. I do not think we are handcuffing our own research and development. I think that it is severely crippled for the want of legislation precisely like this. Most of our scientists have left the project. I believe they will return if this bill is passed. Obviously, it is most important that they do so. I believe further that American leadership in working for international control now is most important. Indeed, it is the only leadership there can be. I think it necessary that this Congress rise to a plane of vision where it can see that our country, after all, is the sole possessor of this thing and has the responsibility and opportunity of leadership for the possibility of peace, and unless the structure of peace is built there can, as other speakers have said, be no safety for anyone, anywhere. It seems clear to me that adequate domestic control must precede, not follow, international control.

The CHAIRMAN. The time of the gentleman from California [Mr. VOORHIS] has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the gentleman from Minnesota, Dr. JUDD, a question, if he will answer it, as he has had experience with overradiation. I would like to ask the gentleman if he does not feel that it is important to keep the Army, at least in a measure, in control for the time being. It seems to me the Army did an amazing job in protecting human beings during the Manhattan project. I would like to have that protection continued; also, the military forces are responsible for the security and protection of America. They are the ones who follow constantly the danger to our country.

Mr. JUDD. I think it has done a magnificent job in protecting all those who were working on that project. As you know, there was a great corps of physicians meticulously checking every process in the whole project. On the other hand, we cannot sit down and say that because we have achieved this high stage of development in atomic energy nobody else has caught up or will catch up with us. We ought to move ahead, and we are going to move ahead, in its development for civilian use, as well as military.

The two should be integrated and carried on together. The bill protects the military aspects, but does not keep it solely under the military. It will enable those working with it for civilian purposes to have the benefit of the knowledge and experience gained in the Manhattan project. It was civilian scientists who were responsible for most of this excellent protective work done by the military. I believe the military need to have their share in the work and the civilians have their share. I think on the whole the bill achieves that general integration and balance.

Mrs. ROGERS of Massachusetts. But who would have the last word?

Mr. JUDD. The last word would be with the military of course.

Mrs. ROGERS of Massachusetts. But not in this bill, as I understand it.

Mr. JUDD. Yes; it can go to the President. The Military Liaison Committee, which has access to all the information, can always appeal to the President, if it is not satisfied.

Mrs. ROGERS of Massachusetts. I am very much afraid, if the military does not have control, that the President will side with civilians. It may be hard for the military to place the security angle before him. It will give enormous power to any civilian board—power for evil as well as power for good. I am very much afraid of it.

Mr. MAY. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I am glad to yield. I am seeking information.

Mr. MAY. I wanted the lady to yield to me that I might ask the gentleman from Minnesota, Dr. JUDD, a question.

Mrs. ROGERS of Massachusetts. I yield.

Mr. MAY. The gentleman from Minnesota made the statement in his most excellent address that there ought to be reasonable balance of control between the civilian and military aspects of the problem. May I ask the gentleman if the provision which the House committee wrote into the bill providing for some sort of military control, would be a reasonable balance on that subject, with the provision for letting it out to laboratories and so forth.

Mr. JUDD. Yes. I also think it is adequately taken care of in the original McMahon bill. I expect to vote to strike out the committee amendment. On

the other hand, if it stays in I do not think it makes any great difference.

All members of the Commission will be serving first of all as Americans and I cannot believe that any damage would be done by having one or two members of the military forces on this Commission. On the other hand, I cannot believe any damage would be done by having them all civilians with the Military Liaison Committee also on the job. I do not think that is the really great consideration here, although it has been made the chief bone of contention. I think the great consideration is to see that we begin to get progress in an integrated, balanced way between the military and civilian uses of atomic energy.

Mrs. ROGERS of Massachusetts. I wish to say that I have always found the Army and Navy extremely anxious to allow civilians to get the advantage of any of their developments. Recently in the matter of prosthetic appliances, Secretary of War Patterson has done a magnificent job in connection with civilians who are working with artificial arms and legs. In 2 years some of the experimental prosthetic appliances I hope will be perfected. That is one of the reasons why I am so anxious to have automobiles for the amputees to allow those veterans a couple of years in which they may get about before artificial legs are perfected. That is just one instance—and there are thousands of others—where the Army and Navy were very anxious to cooperate with civilians. They have given Army and Navy orders to many civilian firms, and have sponsored great inventions in such things as radar, robots, and so forth. I, for one, am duly grateful to the Army and Navy for their scientific work.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. I should like also to ask the members of the Military Affairs Committee if there has been anything in connection with the United Nations organization that would set up a commission, that would handle the exchange of military secrets among the nations? I think it is a very pertinent question. Why should we do it in the matter of this and not all other military secrets?

Mrs. LUCE. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I am very glad to yield, for I want all the information I can get.

Mrs. LUCE. Anyone who has followed carefully the Baruch proposals and the comments in the press by experts in that field realizes that there will be set up in UN a framework for the control of all forms of heavy armaments and weapons, including the atomic bomb which in effect does mean that if that control works, all of our military secrets will probably be shared; and as further proof of that you will find in the Lilienthal report or rather the Acheson report on the atomic bomb that such is the intention of the authorities.

Mrs. ROGERS of Massachusetts. Again I say apparently the so-called friendly nations will be given all our secrets. Truly this measure is starting an endless giving to other countries of our resources besides our loans and gifts of money. We shall be an impoverished Nation.

The following is the letter from Col. Robert S. Allen who has done such dynamic work in prosthetic-appliance development. The amputees in the service and civilian amputees owe him much. He is the chairman of the advisory board of the Prosthetic Appliance Service under Assistant Director of the Veterans' Administration Walter Bura. Both the gentleman from Pennsylvania and I are members of that board.

WASHINGTON, D. C., *July 15, 1946.*

MY DEAR MRS. ROGERS: Through the kindness of Judge Patterson, Secretary of War, I had the opportunity to attend the July meeting of the Committee on Prosthetic Devices. The meeting consisted of two sessions, a symposium in San Francisco and a visit to the Northrop prosthesis laboratory in Los Angeles. This letter is a brief report on my observations.

I was tremendously thrilled and inspired by what I saw and heard. At the San Francisco symposium I saw the artificial arm developed by Northrop, which unquestionably is the best device of its kind in existence today. It weighs about 2 pounds, with the hook, has an automatic elbow-locking mechanism, and is a great advance over existing artificial arms. It is already being distributed to Army amputees, and a project has been initiated under which the United Drug Co. will undertake the marketing of these devices at cost to all arm amputees, civilian as well as military. Northrop also has begun work on a mechanical hand to replace the unsightly hook. This is still in the early stages, but on the basis of the outstanding results already achieved by the company, I am sure that in the not-too-distant future they will produce an efficient and practical artificial hand.

Northrop also has developed an artificial leg with a suction mechanism. This mechanism is a German device. The Germans have been using a suction leg for some 10 years. Northrop is now applying it to American climatic conditions and, on the basis of its preliminary experiments, is confident that it can produce a workable suction leg in a relatively short time. The advantages of such a prosthesis are obvious. It would eliminate the cumbersome and trying harness now necessary and be a great boon to the leg amputee.

In addition, several other concerns, working under contracts from the committee, have made considerable progress in developing a self-locking knee. Northrop has a device of this kind already in use by test pilots with very good results. There is no reason why in the next 12 months these projects should not develop a reliable and practical self-locking knee. This device combined with the suction mechanism should give the leg amputee an artificial limb that would be a tremendous advance on anything now in existence.

The most exciting and stirring demonstration at the meeting was an electrical arm produced by International Business Machines Corp. This was only a mock-up model; actually, only a few days old. That is, it was completed only a few days before the meeting. It is still only a promise. But it is a tangible promise that bears every hope of full realization in a matter of a year or so.

The basic essentials of this device, the motor and batteries, are available. The problem now is merely of developing the prosthesis to the point where it is durable and can be produced in quantity at a reasonable cost. The model weighed about 4 pounds and the engineers were confident that they could bring this down to 3 pounds. The whole mechanism is revolutionary in design and operation. Instead of hanging on the stump, it rests on a cradle that extends from a belt around the waist. This not only eliminates the onerous feature of dead weight hanging from a stump, but also gives the wearer complete freedom of shoulder movement.

The committee also has a number of studies under way. One of the basic motions of the leg by the University of California, and another by UCLA on the arm and hand. These studies already have been extremely useful to the contractors and I am sure will be increasingly so as they develop new facts and data.

All in all, as I said, I was tremendously inspired and heartened by what I saw and learned. I have every confidence that if this research and development work is continued without hitch for another year or so that truly modern and scientific prostheses will be evolved. The important thing now is continuity; that is, to insure that the work of the committee is continued without hitch or impairment. That is the crux of the whole situation and that is the thing on which everyone interested in this field must concentrate at this time. I have made a few recommendations to Judge Patterson toward this end and I have every belief that these suggestions will be instituted. They call for no radical departures but are implementations which members of the committee feel would greatly assist their work.

With warmest personal regards.

Sincerely,

ROBERT S. ALLEN.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I am not a scientist nor do I claim to be one. We are being advised today however, by a good many individuals and groups who are not scientists but who claim to know all about atomic energy and demand from us that we should pass certain legislation on the subject. They know very little about it, probably less than we do who are seeking the true and the best solution to handle atomic energy for the general good. As I see it, the thing that should come first with all of us is the question of the security for our country.

Up to about 2 weeks ago I thought that I would support the McMahon bill. It seemed to me that was a good measure and that to turn control of atomic energy over to a civilian commission might be the best plan, but after hearing the debate and talking with members of the Military Affairs Committee and also talking to certain members of the FBI, I have come to the conclusion that it might be better for the safety of our country to delay action on the pending bill until matters among the allied countries reach a more satisfactory conclusion.

We are given some information from behind the iron curtain as to what is going on and we know that the world situation in our effort to secure peace is not progressing satisfactorily. We also learn that there are thousands of foreign agents running loose throughout the United States who are working to get all the secret information they can on the atomic bomb so they can pass it back to their respective countries. I doubt very much if our agents are having the same freedom in some of the Allied countries as we are giving foreign agents sent over here to the United States. I am not naming any countries. You may draw your own conclusions.

Mr. Chairman, I do not see any particular harm in delaying action on this legislation for 3 or 4 months or until a peace treaty is written. We have been running along from the beginning of time—I do not know how long it is, whether it is 9,000 years or 100,000,000 years—without any knowledge on atomic energy. Now, what harm can there be if we wait 3, 4, or 5 months until there is a peace conference to determine whether or not the nations of the world can work together on a peaceful basis before we go into this matter of turning deadly secrets over to any group? The larger the group the easier it will be to divulge the secrets to some of these organizations or countries that are so anxious today to get hold of them.

I have a high regard for scientists. There are many good Americans among them, probably all of them are good, patriotic Americans that will be on the commission, but I also know some scientists in our country, in the United States, who are as red as you can make them. If they were to get any information about atomic energy, I know that it would go outside the United States just as quickly as they could hand it to some agent who would be willing to pass it along.

When conditions become settled in the world, especially between the Big Three nations, we can begin talking about sharing our atomic secrets with scientists, and until that time occurs, I strongly believe that it will be in the interest of our national security to leave matters as they now stand. A few months delay in turning the handling of the secrets of atomic energy over to a civilian commission, will not retard human progress.

Speaking for myself, I am unalterably opposed to sharing the secrets of the atomic bomb with Russia or any other country. The safety and future security of the world will depend upon our retention of this destructive force and the know-how to produce it. I do not believe it will be in the interest of peace for us to make the secret available to any country.

I may support the McMahon bill for the control of atomic energy, when conditions become more settled in the world, but for the time being, I suggest that no legislation be considered until after the peace conference.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HERTER. Mr. Chairman, I move to strike out the last seven words.

Mr. Chairman, throughout this whole debate all those who have spoken have admitted very freely and very frankly that they were confused, that they were not in full possession of the so-called secrets that all of us feel should be zealously guarded in this country, and that because of this confusion and uncertainty, and in many cases a very real fear that the secret will be divulged to those who might use it badly, they argue that all legislation ought to be postponed. I cannot agree with that point of view. I have not any more information than any other Member of this House, but when reaching a final judgment on this subject it seems to me we ought to give some consideration as to where this legislation originated, and who the individuals are who feel it is desirable that we pass this type of legislation.

The individual principally involved in the drafting of the original May-Johnson bill was Mr. George Harrison, president of the New York Life Insurance Co., formerly president of the Federal Reserve Bank of New York, who worked for 2 years as personal assistant to Secretary Stimson and sat as Mr. Stimson's alternate delegate on the Board that recommended this legislation. He was representing a hardheaded, practical point of view as to why the control over this newly found power should be put into the hands of a civilian commission. Working with him were the two men who did more to develop the scientific coordination that made possible the building of the bomb than any two others, namely President Conant, of Harvard University, and President Compton, of the Massachusetts Institute of Technology, both of them very distinguished scientists in their own right.

The recommendations of those gentlemen, which led to this legislation that we have before us, were, as I said, based on the fundamental thesis that we are now embarking on an era of scientific rivalry where all nations are trying to get ahead in this particular matter. Testimony has been given that the development of the bomb did not come from a single new scientific discovery; that everything scientific about it was known before the war period; that the development of the bomb came entirely through the development of technological processes for putting that scientific information into effective use.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield to the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for that statement. That is exactly the idea that General Groves expressed to us at the very first hearing on the May-Johnson bill, only he elaborated on it a little more. But it is the same idea that the gentleman expresses here.

Mr. HERTER. There is no question in my mind about it that if we are really interested in the security of this country we have to do everything that we can to encourage our scientific people to devote their energy toward seeing what further progress can be made in this particular field until satisfactory international controls have been developed. To my mind, to delay, or not to enact any legislation—and I am not worrying too much about any amendments to be offered; I am merely speaking of some form of legislation—at this moment, is playing with our security rather than enhancing our security.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. In what way does this bill offer inducements for private research or scientific research that would not exist without the bill?

Mr. HERTER. It does this: This particular Commission will have control through license of all fissionable materials, but at the present time, under War Department controls, General Groves, or whoever the responsible official may be, cannot divulge anything that he has got, nor can he allow the scientists of the country to use fissionable material to experiment with. Today the War Department, under existing regulations, is extremely tight. But the minute the war is over, from the point of view of the realistic situation that we are up against here, the controls that the War Department has over this thing disappear like that, and you have an absolutely free field in this country which is not covered by any peacetime legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. THOMAS of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMAS of New Jersey. The gentleman said that the War Department at the present time—he mentioned General Groves—did not have any right to permit any experimentation and give out any secrets. The gentleman is absolutely wrong about that. At the present time industrial experiments are being made, and much of that information has been given out.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield to the gentleman from Ohio.

Mr. ELSTON. As a matter of fact, the testimony before the Committee on Appropriations given by General Groves was to the effect that the War Department is giving out whatever may be needed by industry to develop atomic energy for industrial purposes.

Mr. HERTER. That may be very true. The War Department at the moment, under war powers, has control of this situation. The minute those war powers are over, that control is gone.

Mr. CASE of South Dakota. Mr. Chairman, if the gentleman will yield further, what would be wrong with such a situation? I am asking for information. Is that not a situation that is going to obtain in every other country? Is there any control or restriction upon the

use of atomic energy in other countries? Or at least any that we can dictate?

Mr. HERTER. There is absolutely no control that I know of.

Mr. CASE of South Dakota. Why should we have restriction in this country when it does not exist in other countries?

Mr. HERTER. I feel that this is an orderly expansion of research.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. I think perhaps the gentleman excepts totalitarian countries when he says there is no control of research in other countries.

Mr. HERTER. I meant to say no restriction of research in other countries. I think certainly every country is doing everything it can to encourage its scientists to work as hard and as fast as they can in this particular field; in fact, they are making very large grants of money in every country, I think, for the development of this field.

Mr. CASE of South Dakota. I certainly would agree with the gentleman that the War Department should not have permanent control. I do not believe in that. However, we ought not to handicap ourselves when other nations do not.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on pro forma amendments to section 1 do now close, and that bona fide amendments to the section be reported for discussion.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. JOHNSON].

The amendment was rejected.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 1, line 4, after "Section 1. (a) Findings and declaration", strike out the remainder of paragraph (a) and insert: "It is hereby declared to be the policy of the people of the United States that the development and utilization of atomic energy shall be directed toward the public welfare and increasing the standard of living of all peoples, and for the promotion of world peace, including assuring the common defense, security, and protection of all peace-loving nations."

Mr. FULTON. Mr. Chairman, this amendment is to make a restatement of the declaration of policy found at the beginning of the bill. If you look at the declaration of policy as we now have stated in the bill you will find that it is nothing but pious platitude. Read it with me:

Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practicable.

It would take a fool not to know that is true.

The significance of the atomic bomb for military purposes is evident.

If it is evident, why do we say it? To me, legislation should be passed for a particular purpose with a policy definitely stated. We should not in legislation keep repeating things that are self-evident and are mere drapings.

I read further:

The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined.

Of course that is true. If we need anybody to tell us that it surely ought not to be in a measure cluttered up with things like that.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from California.

Mr. JOHNSON of California. Does the gentleman realize that the Committee of the Whole voted just a few minutes ago to retain that language in the bill and turned down the amendment I offered to strike it out?

Mr. FULTON. I am putting something else in its place.

Mr. JOHNSON of California. I wanted to put something else in its place. Let me tell the gentleman what happened.

Mr. FULTON. I realize what happened, but the question is, should this be substituted when the gentleman's language was not accepted?

Mr. JOHNSON of California. I will vote for the gentleman's amendment. I think it is all right.

Mr. FULTON. I thank the gentleman. [Reading further:]

This is a field in which unknown factors are involved.

I agree with what the gentlewoman from Connecticut [Mrs. LUCE] said yesterday, that there are unknown factors in everything. Important legislation will necessarily be subject to revision from time to time. I have yet to see any legislation in this House, even the Constitution of the United States, that would not be subject to revision from time to time. Then the declaration of policy says it is reasonable to anticipate, however, that adopting this new source of energy will cause definite changes in our present way of life.

Our life is full of changes and, of course, that is to be understood. But why put it in here and clutter up the bill? Now, what we should do, of course, is to assure the people of the world and the people of this country that we are going to use atomic energy for the public welfare, not only of ourselves, but of all peoples, and also to increase the standards of living of ourselves and of all peoples. We should put that first. Then we should say we want it for the promotion of world peace and we want it for security and protection. But we should say that we want it not only for ourselves but for all peace-loving nations. That does not mean that we will let foreign nations have the secrets at this time, but it certainly says what our aims are and states them specifically, shortly, and directly.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the distinguished gentleman from Michigan.

Mr. DONDERO. The gentleman mentions world peace. Do you think we should share the secrets of this bomb if the peace conference which will convene in Paris on the 29th of this month fails because of the veto power of one or more of our allies, as it has failed up to the present time?

Mr. FULTON. I agree with the intent of the question and with the presumption made by the gentleman from Michigan that we should not share it. But because we have this stewardship and trusteeship, we should let the people of the world know that in the protections that we are throwing around the development of atomic energy and the secrets of atomic energy we will see that it is done for the good of the world. I hope we will do just contrary to what some other countries might want to do, who would keep it selfishly for themselves and then use it, not for the good of the people in raising the standards of living for the people, but for aims that they might call protection but which really were for purposes of aggression.

Mr. DONDERO. I think the whole world knows now that the secret of this bomb is in the hands of a government that does not think it is necessary for the whole world to adopt our form of government in order to insure world peace.

Mr. FULTON. I think the gentleman's remarks are very much to the point and agree with them. May I then ask the chairman of the Committee on Military Affairs two questions?

On page 3 is found this language which my Harvard training will not permit me to read and make any sense out of. The language is as follows:

A program of federally conducted research and development to assure the Government (with a capital "g") of adequate scientific and technical accomplishment.

Is the word "Government" there used in the sense of the Federal Government, or is the word "Government" used to mean the control of accomplishment?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MAY. I might answer the gentleman's question, although I am not a Harvard man, by saying that I would understand from the language in line 13 on page 2 that it is the purpose of the act to effectuate the policies set out in section 1 (a), which is the preceding section, which provides, among other things, for the following major programs relating to atomic energy. Then when you go to subsection (3) it would be a program of federally conducted research. That means the Government would carry on the program of scientific research and

development to assure the Government of adequate scientific and technical accomplishment.

Mr. FULTON. Do you mean to assure the Government adequate scientific and technical accomplishment, or do you mean to assure the Government—meaning "control"—of adequate scientific and technical accomplishment? If you mean the Federal Government, you have to strike out the word "of."

Mr. MAY. All it does is to assure a program of federally conducted research and development. That is all.

Mr. FULTON. Then may I recommend that the conferees, when they meet, change that section (3) to read: "to assure the Federal Government" and strike out the word "of." The word "of" does not fit there according to the meaning that you have given.

Subsection (5) on page 3 refers to a program of administration which will be consistent with the foregoing policies "and international arrangement made by the United States." I ask the chairman of the Military Affairs Committee whether any arrangements already have been made internationally, by the United States. Have there been any international arrangements already made by the United States in respect to atomic energy? In this act the committee seems to assume that there have been.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FULTON. Yes.

Mr. MAY. This bill by a subsequent provision provides adequate facilities and plans, under licensed systems of authority, to research laboratories, industries, colleges, and universities. This is merely a statement of federally conducted experiments through this Commission. The Commission will determine who is licensed and under what conditions.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FULTON] has again expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. But you say, "international arrangements made," not to be made, which infers they already have been made by the United States. That is international agreements with respect to atomic energy. Why do you use the statement, "made"? If they are to be made, let us say it, but if they are already made, then I ask you, What are those international arrangements already made in respect to atomic energy, by the United States? Are there any? Let me hear directly.

Mr. MAY. Let me call the gentleman's attention to section 8:

> As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreements hereafter approved by the Congress during the time such treaty or agreement is in full force and effect.

That is the answer.

Mr. FULTON. May I state to the chairman of the Military Affairs Committee, as a practicing attorney, that is what the definition would be if the act were passed. The act is not now in effect. So I again ask the chairman of the Military Affairs Committee, Are there any international agreements in respect to atomic matters that are now in existence? I would appreciate a yes or no answer.

Mr. MAY. Well, you are not going to get a yes or no answer out of me, because I am not on the witness stand to be cross-examined. In the second place, this bill provides what the Commission may or may not do. It does not make it mandatory.

Mr. FULTON. May I then request, Whom shall I ask to find out as to the possible existence of these international atomic agreements?

Mr. MAY. I suggest to the gentleman that he study the bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes to answer the questions of several Members now on their feet.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DURHAM. Mr. Chairman, I object.

Mr. SHAFER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. SHAFER. Mr. Chairman, the gentleman from Pennsylvania [Mr. FULTON] asked the chairman of the Military Affairs Committee if there had been any international agreements entered into in connection with the atomic energy. Apparently there have been. If my understanding is correct, we have agreements with Great Britain and Canada. Is that not true?

Mr. MAY. That is my understanding, but I do not know what they are.

Mr. SHAFER. Everyone seems to be greatly interested in what we are going to do with the atomic bomb. I hold in my hand a message from Mr. Ernest Adamson, chief counsel of the Un-American Activities Committee, and I think it should be read at this point in the debate. The message, written today, reads:

> I have just learned through the State Department channels that an International Scientists Conference will be held in Paris during the month of September to discuss control of the atom bomb. The head of the conference is one Joliot-Curie, an active member of the French Communist Party. A large group of delegates from the United States is expected to attend.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. AUGUST H. ANDRESEN. Does the gentleman have any suspicions that there might be some secret agreement which was made over in Potsdam or some other place?

Mr. SHAFER. I do not know whether there are secret agreements. I have my own opinions, but I do not care to state them here.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. JOHNSON of California. Is this a conference of private individuals or an official government conference?

Mr. SHAFER. It is called an International Conference of Scientists. I do not know whether it is a government conference; it is an international conference.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. BROOKS. The gentleman knows that while this matter was under consideration by the House Military Affairs Committee we made special inquiries of the State Department as to whether or not there were any secret agreements affecting the atomic bomb that had not been published in any respect and we received definite and positive word without qualification to the effect that there was nothing affecting this legislation that had not been completely published and publicized. Is that correct?

Mr. SHAFER. That is what we were told.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. BARDEN. That leaves me somewhat at a loss to understand why the chairman of the committee would say he does not know what they are.

Mr. SHAFER. That is the reason why I called attention to the fact that we do have agreements with Great Britain and Canada.

Mr. BROOKS. The chairman had those in mind when he referred to agreements.

Mr. BARDEN. Possibly the gentleman from Louisiana would know the contents of those agreements.

Mr. SHAFER. I will yield for him to tell us.

Mr. BROOKS. I have just told the gentleman that the State Department stated that there was no secret agreement on the subject. As to whether or not another agreement covers the subject, the gentleman is aware of what has been published in the daily press just as well as I, and I presume he has read them as carefully as I did.

Mr. BARDEN. Mr. Chairman, will the gentleman yield further?

Mr. SHAFER. I yield.

Mr. BARDEN. Would the gentleman mind giving us the benefit of the contents of the agreements that are in existence with Great Britain and Canada?

Mr. BROOKS. No. I can tell the gentleman that if he had read what has been published, he would know just as well as I do. I understood there was some sort of understanding between Canada and us because we did obtain the

original materials from Canada, but there is nothing secret at all. It was called to our attention at the time.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. RICH. Does not the gentleman believe that the House should know something about these agreements and promises that are being made with these foreign countries before we turn loose what is probably the most destructive force that the world has ever known?

Mr. SHAFER. If there are any agreements or promises, I think it is highly important to find out all about them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FULTON].

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes 5, noes 42.

So the amendment was rejected.

Mr. MAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAY. Are there further amendments pending at the desk with reference to section 1?

The CHAIRMAN. There are not.

Mr. MAY. Then I ask unanimous consent that all debate on this section and all amendments thereto do now close.

Mr. THOMAS of New Jersey. I object.

The Clerk read as follows:

ORGANIZATION

SEC. 2. (a) Atomic Energy Commission:

(1) There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five members. Three members shall constitute a quorum of the Commission. The President shall designate one member as chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to the expiration of 2 years after the date of enactment of this act shall expire upon the expiration of such 2 years. The term of office of each member of the Commission taking office after the expiration of 2 years from the date of enactment of this act shall be 5 years, except that (A) the terms of office of the members first taking office after the expiration of 2 years from the date of enactment of this act shall expire, as designated by the President at the time of appointment, one at the end of 3 years, one at the end of 4 years, one at the end of 5 years, one at the end of 6 years, and one at the end of 7 years, after the date of enactment of this act; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the chairman, shall receive compensation at the rate of $15,000 per annum; and the chairman shall receive compensation at the rate of $17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.

(3) The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place. The Commission shall hold such meetings, conduct such hearings, and receive such reports as may be necessary to enable it to carry out the provisions of this act.

(4) There are hereby established within the Commission—

(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $15,000 per annum. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager.

(B) a Division of Research, a Division of Production, a Division of Engineering, and a Division of Military Application. Each division shall be under the direction of a director who shall be appointed by the Commission, and shall receive compensation at the rate of $14,000 per annum. The Commission shall require each such division to exercise such of the Commission's powers under this act as the Commission may determine, except that the authority granted under section 3 (a) of this act shall not be exercised by the Division of Research.

(b) General advisory committee: There shall be a general advisory committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of 6 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years, after the date of the enactment of this act. The committee shall designate one of its own members as chairman. The committee shall meet at least four times in every calendar year. The members of the committee shall receive a per diem compensation of $50 for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the committee.

(c) Military Liaison Committee: There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

With the following committee amendment:

Page 3, line 19, after the word "members", insert "at least one of whom shall be a representative of the armed forces."

Mr. THOMASON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are two gentlemen who always add a lot to the best thinking of this body. One of them is the gentleman from Minnesota, Dr. JUDD, and the other is the gentleman from Massachusetts, Mr. HERTER. I share the views of the distinguished gentleman from Minnesota when he says that it is not exactly a life-or-death matter whether this amendment is adopted or not. But I go back to the statement I made earlier in the debate, that I think there is a fundamental principle involved. As he said, they are all going to be good Americans, and whether they are in the Military Establishment or in civilian life does not matter. However, if a military man goes on there he has divided interests. His first big interest is the military. You will recall that under the bill the President must give the qualifications of his nominees when he sends them to the Senate. I have an idea that the Senate will comb those nominees with a fine-tooth comb, as that body ought to do. They will have to be able and patriotic.

Mr. Chairman, I am as sincere as I know how to be about the following statement: In view of the Vandenberg amendment which sets up this liaison committee that has completely satisfied the Secretary of War, the Secretary of the Navy, General Eisenhower, and everybody in authority in our Military Establishment, there is no use going out and getting military men to set up our policy-making in this country. You might just as well put a high general in as Secretary of War or a high admiral in as Secretary of the Navy. We just have not got that kind of a government, and it is not necessary. Besides, you would have the military liaison setting around the table making their requests, and even their demands, which they would take back to their superiors, and if they were not accepted they could take them to the Commander in Chief, the President of the United States. What is there to fear from the military angle of the situation? The war is over. We are trying to work out world peace. We do not want to add to the suspicion that some of our allies have, that we are getting ready for another war. I am not willing to give our atomic-bomb secret to anybody or any nation, and we are not doing so under this bill. I want the President and Secretary of State to handle our foreign affairs and determine our foreign policy. I do not

want the Army and Navy to do that. Theirs is a different function.

Secretary Byrnes and Senators CONNALLY and VANDENBERG have been sitting around the conference table. They are back here now, but I assume they will return on the 29th. It seems to me a very appropriate time to allow this atomic-energy problem, insofar as its military application is concerned, to remain in the hands of the Army or in the hands of the liaison committee and let us devote our time and energy putting this great discovery to peaceful purposes for the benefit of mankind.

This is no time for an atomic bomb armament race. I am frank with you in saying that there are some nations in the world, particularly one, that look on us with suspicion, and that may add to suspicion on our part. I want us to stand our ground, defend our principles and assert our rights, but I want to be sure we do nothing to provoke another war.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. THOMASON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

Mr. THOMASON. As the gentleman from Massachusetts [Mr. HERTER] so well said, we are trying to get back on the track to world peace, and if this will not do the job, will somebody please suggest some means by which we can get some kind of a commission together or somebody to place this atomic energy in the hands of that would use this for the promulgation of peace and understanding between the nations of the world?

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Illinois.

Mr. ARENDS. I agree with the gentleman from Texas that possibly the question of life and death whether this committee is constituted of civilians entirely, or of civilians and one military man, is not so important. But, will the gentleman tell me one good reason that might be advanced why there should not be one military man on this committee, or what damage would result?

Mr. THOMASON. I do not know if there would be any special damage done, but you cannot find any policy-making commission in the Government, that has generals and admirals members of it. The Army and Navy think in terms of war and national defense. They think in terms of the military, as they ought to. Perhaps they were educated at West Point, and if so, that is their business and their profession. That is commendable; I do not find fault with that, but this idea has to do with turning atomic energy into peaceful pursuits and not for use by the military. The military will take care of our military needs just as they did in the last war. They have no business on our civilian policy-making commissions.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. THOMASON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from North Carolina.

Mr. DURHAM. Is not the main question as to the composition of this commission what they are going to be worth to the country, what they can contribute? There are very few military men who are scientists.

Mr. THOMASON. You hear a lot of criticism of scientists. Some people say they are crackpots, long-haired guys, and Communists. Nevertheless, they are the ones who discovered and developed this bomb. It is true that a good friend of mine whom I admire extravagantly, General Groves, was in charge there as the boss of the show, the physical end of it. But Dr. Oppenheimer, the president of Boston Tech, the president of Harvard, Dr. Vannevar Bush, and other great scientists are the men who developed this bomb. They are good Americans just as we are and just as the Army is. They are to be trusted and ought to be encouraged.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. I agree with the gentleman's viewpoint, that no particular good will come of putting a military man on this commission, but does the gentleman realize that in all the very lengthy debate and hearings on this subject in the Senate practically all the scientists themselves testified that there should not be more than one scientist on the commission?

Mr. THOMASON. Yes, I believe that is true, but I know a lot of fine businessmen in this country. I think Barney Baruch is one of our greatest Americans. I know many more great businessmen and industrialists. Their great passion is to do something for their country. Many of them would be eminently qualified for membership on this commission. I beg of you to vote down this amendment and let the military attend to their affairs.

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California to the committee amendment: That the word "shall" in line 19 on page 3 of the bill be stricken out and in lieu thereof the word "may" be inserted.

Mr. JOHNSON of California. Mr. Chairman, I can see that perhaps a man who has had some military experience, and I include naval experience, might be a very valuable member of this Commission. As I see it, the Commission is not to be a group of men who are scientists; in fact, the scientists wanted to keep the number at one or possibly two. There are men with judgment, with vision, men who can take a set of facts and look at a situation and make the right determinations when the facts and information are given to them. We know there will be developed a scientific research department in the Army and the Navy following this war. It is being set up now. It may very well be that an officer who has handled such a department, who has conducted that sort of an operation for the Army or the Navy, would be a most valuable man to have on this Commission.

The way my amendment reads, it leaves it optional with the President to pick out a man of that caliber and that training if he feels that would advance the program of the Commission. I do not want to tie the President's hand, but it does give him that extra field to look to for men for this Commission. As I say, there are many men on the retired list and some on the active list of the Army and Navy who by their experience, their training, and their outlook would make a very excellent addition to such a Commission. That is the reason I offer this amendment. To me it looks like just plain common sense. It leaves the matter entirely in the hands of the President. I hope you will take my views and adopt this amendment. It does not put the stamp of approval of the military on the Commission, nor does it make it obligatory on the President to appoint military men.

Mr. FOLGER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from North Carolina.

Mr. FOLGER. The committee amendment reads, "at least one of whom shall be a representative of the armed forces." Does not that mean that all of them could be, if the President wanted it that way?

Mr. JOHNSON of California. Later on there is an amendment that limits it to two. In fact, I should like to limit the number to just one, and then make it permissive.

Mr. FOLGER. Why not strike out the words "at least" and say "one of whom shall be"?

Mr. JOHNSON of California. "One of whom may be."

Mr. FOLGER. Yes; "one of whom may be."

Mr. JOHNSON of California. Mr. Chairman, I ask unanimous consent to modify my amendment by adding that the words "at least" shall be stricken from the committee amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: That the word "shall", in line 19, page 3 of the bill, be stricken out and in lieu thereof the word "may" be inserted and strike out the words "at least", in line 19.

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not intend to be either rude or discourteous to my genial colleague who has always been cooperative and nice to me, but I must admit that the amendment to the committee amendment as proposed by the gentleman from California seems entirely futile. It strikes out the words "at least" and changes the word "shall" to "may", so that the committee amendment would read "one of whom may be a representative of the armed forces." The purpose of the word "shall" as written in by the committee after study and consideration was that some representative of the armed forces should be a member of this Commission.

Mr. ELSTON. As a matter of fact, the amendment offered by the gentleman from California would completely destroy the committee amendment.

Mr. MAY. That is exactly what it would do because the intent and purpose of the committee was to be certain that there was one representative of the armed forces on this Commission. The argument of my colleague the gentleman from Texas [Mr. THOMASON] was to the effect that in reality there was not any trouble with this amendment if there was any idea in the minds of the membership of this body that there ought to be any representation of the armed forces on this Commission. If there is to be a balancing of responsibility, as stated by the gentleman from Minnesota [Mr. JUDD], then the only way it can be balanced is to have a balanced representation. If this amendment to the committee amendment is adopted, we might just as well eliminate the entire amendment because that is exactly what it does. I am definitely opposed to the crippling of any legislation on this vital subject that affects mankind the world over and affects the security and safety of this country

Now, what is wrong—I go back for an answer—what is wrong with letting somebody who is a military man, who knows the military workings of our armed forces, be a member of this Commission, with four civilians with him? If he wanted to do something wrong, could he do it? If he wanted to militarize the Commission, could he do it? If he wanted to set up a militaristic government under that Commission, could he do it? No. He could not do either one. I am persuaded that there must be something behind the opposition to this proposal or there would not be such persistent objection to that one thing.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAY] has expired.

Mrs. LUCE. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I have already expressed my opposition to the committee amendment, which requires that one member of the Commission shall be a member of the armed forces.

My opposition is not by any means heated, because I think the whole issue is unimportant compared to the many other issues which this legislation brings up, in later sections of this bill. I agree with my colleagues who say that one military man on the Commission will not make a dictatorship out of this Commission. It is a dictatorship anyway. Moreover, I am completely satisfied, having studied the legislation and read much of the McMahon committee hearings, that the military and their interests are adequately represented through the military liaison committee provided for in the Senate bill. But I am concerned, and deeply concerned, about the composition of this five-man commission. Yesterday I referred to the Senate hearings on this bill, part II, pages 172 to 174. There testimony was given on the subject of the proper composition of the Commission by a most distinguished and most important scientist, Dr. Howard Shapley. Dr. Shapley, as you know, is director of the Harvard Observatory and a member of the Harvard University faculty. When he was asked by the chairman of the committee what type of men he thought should be on this Commission he replied, "heroes." He went on to say that he meant by "heroes" "men who do see that this is an unusual situation and who are willing to sacrifice their past and their future to take positions and responsibilities on the Commission." He then went on to say that he personally could think of a dozen men in the United States who would be competent to be on this Commission, but he added that all of them, men with either industrial or scientific training, were in highly successful or remunerative positions now, and it would be a great sacrifice for them to give these up for a job on the Commission. The men who go on this Commission are going to be on it for 6 years. Four of them are going to get salaries of $15,000 and the Chairman $17,500 per year. Now, it seems to me that a man qualified to take the chairmanship or of serving on this Commission should be one of three things: A great scientist, a top-notch American industrialist, or a top-notch administrator. Now, any top-notch industrialist I can think of would surely be earning more than $15,000 a year. He might even be earning $100,000 or $200,000 a year.

Now, it has been suggested by the gentleman from Texas that we ought to have men on this Commission of the caliber of Bernard Baruch. I agree, but how many Bernard Baruchs are there in the United States? If the mold made for that great public servant is not already broken, and if there are any more Baruchs you may be well assured that they have highly satisfactory, useful, remunerative jobs now. I am concerned about this question: Where shall we find men of the caliber to run what may be a $20,000,000,000 atomic corporation exerting vast dictatorial powers? How shall we find men to fill such gigantic shoes? Is not the danger that we shall be forced to put bureaucratic peewees into jobs that should be held only by supermen?

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mrs. LUCE. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. LUCE. I assure you the danger about such a commission is not whether or not we put one military man on it, since he at least would probably be a qualified specialist. The danger is what kind of civilians competent to serve on this Commission can we get for $15,000 a year. I ask myself that every day.

Mr. O'HARA. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. O'HARA. Does not that illustrate one of the dangers perhaps of creating this Commission at this time?

Mrs. LUCE. Oh, I have been saying right along this is a very dangerous bill, insofar as it affects the political structure of our Government. But I think it is necessary for many of the reasons given by the gentleman from Massachusetts [Mr. HERTER], and I agree with my colleague the gentleman from Texas [Mr. THOMASON] that we must have some civilian control of atomic energy if we are both to control and guide further scientific developments for war or peace in the nuclear field.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. AUGUST H. ANDRESEN. I can think of a lot of men who are now in high places who should not be on the Commission.

Mrs. LUCE. I agree with the gentleman. The danger is that only $15,000 a year may be no inducement to great and able citizens, but it will be a great inducement to bureaucrats who are not fit to run a shoe factory, let alone a $20,000,000,000 life-and-death corporation.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. THOMAS of New Jersey. Who is going to appoint this Commission?

Mrs. LUCE. The President will appoint the Commission. Now, I do not doubt for a second that he will seek the best men for the job, but will the best men—men of brains and ability—give up 6 years of their life—all their past and future, as Doctor Shapley called it—to work at this salary?

Mr. JUDD. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true that someone is going to control atomic energy? Is there not a better chance of getting high-grade men under this sort of bill than to let it go without any guidance or control?

Mrs. LUCE. There is no limit to the heights of patriotism men can be carried to in wartime, and I hope that even in peacetime men who could make $100,000 a year will give that up and 6 years of their life for $15,000, particularly when you consider the dead cats and tin cans

that always get thrown at even the most disinterested public servant.

Mr. GAVIN. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Would it not be better then to let this matter rest and keep it in the hands of the War Department until such time as we can find men of the character and ability to do the kind of job the gentlewoman wants done?

Mrs. LUCE. No; no; I say to the gentleman from Pennsylvania, we must not let this matter rest, we must think it through.

Mr. GAVIN. I disagree with the gentlewoman.

Mrs. LUCE. We have got to get on with controlling atomic energy.

Mr. GAVIN. Then leave it with the Army; they will take care of it.

Mrs. LUCE. The thing for us to do here is to use our brains, and perfect this legislation here, or in committee, but to get on with it.

Mr. GAVIN. We will be using our brains if we leave it with the War Department.

Mr. ARENDS. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from Illinois.

Mr. ARENDS. My understanding is that officers such as Gen. George C. Marshall when they are retired would be available. Knowing the spendid work that General Marshall has done as Chief of Staff and since the end of the war in other capacities, would not he be the type of man to sit on this Commission and one in whom we would all have faith and confidence?

Mrs. LUCE. We all have faith in General Marshall's military services. I certainly think no one in the Nation would object to General Marshall on the Commission.

The CHAIRMAN. The time of the gentlewoman from Connecticut has again expired.

Mr. ALLEN of Illinois. Mr. Chairman, I ask unanimous consent that the gentlewoman from Connecticut may proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BROOKS. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. BROOKS. In reference to what my colleague from Illinois has just referred to regarding officers of the caliber of Gen. George C. Marshall being appointed, even without the committee amendment referred to, there would be no objection under the bill as presently drawn to his appointment to the Commission if the President decided to make the nomination, would there?

Mrs. LUCE. I think there would be no objection. But may I continue to answer the question of postponement which has been repeatedly brought up on the floor. All during the Senate hearings, which have become required reading on this legislation, Senator MILLIKIN had one standard question he asked of every single witness. You will find it, I believe, in every piece of testimony. His question of every witness was, Would there be any irreparable damage done to the United States if this matter were "bottled up" for a year? To that question Dr. Harlow Shapley, for example, said, "No"—there would be no harm to the United States if there was no legislation for a year.

I offer that, not as final, but as a clue for those who have the time and inclination to wade through those very thick Senate hearings to see how other witnesses testified. I say no, we dare not postpone the passage of legislation unless we wish to take risks with American lives. That is why I am for the passage of a good bill and not for any bill being pigeonholed.

Mr. JOHNSON of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from California.

Mr. JOHNSON of California. Why would not the sensible thing be then to pass my amendment and let the President place a military man on there if he wants to, but not compel him to do so? Maybe he wants Arnold or Marshall to be a member.

Mrs. LUCE. I think the gentleman's amendment is a very good compromise, but not a necessary one, because it does not matter greatly whether or not there is a military man on the Commission. You may be quite sure that, if the President wants to put General Marshall on, he may do so even under the Senate bill.

Miss SUMNER of Illinois. Mr. Chairman, will the gentlewoman yield to me?

Mrs. LUCE. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I wish the gentlewoman from Connecticut would elaborate on her statement, that has been made here two or three times, that you risk lives if you wait. I do not get the connection. I do not know how that conclusion is arrived at.

Mrs. LUCE. It seems to me that the problem of atomic energy is largely the bomb problem. How many bombs can we stock pile so that if we are attacked we can launch a conclusive reprisal? And how can we make, if we must make, more powerful atomic weapons?

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mr. ALLEN of Illinois. Mr. Chairman, I ask unanimous consent that the gentlewoman from Connecticut may proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. LUCE. Mr. Chairman, the facilities used in the atomic process are the same, I am told, whether their product is bombs, or energy, or material for cancer cures. Peacetime nuclear energy facilities and plants constructed for generating heat or electrical energy or for scientific research in cancer or leukemia can, I am told, overnight be turned over into the making of bombs and vice versa. Every single scientist in the Senate hearings, and in the old May-Johnson hearings, testified that the bombs of today, the ones that we have now on the stock pile, are going to look like firecrackers compared with the ones science of other lands may be able to make. We must keep abreast and ahead of all developments.

They say that there are two ways to make a horse run. You may give him a lick with a whip, or you can offer him a carrot. The whip is military procedure; the free-enterprise system up until now has favored carrot. This bill conserves a few carrots for the scientists. It is important to remember that a hundred or two hundred scientists are the key figures, the absolute key figures in our atomic development, and these men just will not work for brass hats. In times of peace, they will only work in civilian enterprise, and short of conscripting them forcibly, you will not be able to make them work for the Army in peacetime; therefore, you must have civilian control in order to guide induce and control scientists while they work and under conditions that are pleasing to them as civilians.

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the committee amendment and in opposition to the amendment offered by the gentleman from California. We have been trying for a long time to have somebody give us one good reason why a military man should not serve on this commission, and up to the present time we have not received that reason.

There is a very good reason stated in this bill why a member of the armed services should be on the Commission. I refer to that part of the declaration of policy itself, which says:

> Subject at all times to the paramount objective of assuring the common defense and security.

In other words the paramount objective of this bill is to assure the common defense and security. Either the language I just quoted is idle words, put in the bill for the purpose of misleading somebody or they mean exactly what they say. If the language in question is given the only interpretation it is susceptible of, then this becomes a national defense measure along with its other features. If that is true, why should we not have a representative of the armed forces on the Commission? This would not create military control but would simply permit the armed forces to be represented. The cases referred to by the gentleman from Texas, [Mr. THOMASON], and others, where military men do not serve on commissions because of tradition, refer solely to commissions not dealing with matters of national defense. The contention is made that everything is taken care of by the section that sets up a liaison committee. However, if you will examine that section you will find that the liaison committee is given absolutely no authority.

Furthermore, there is nothing that that liaison committee is authorized to do that it cannot do at the present time. For example, this section requires the Commission to consult with the liaison committee. Suppose we did not have this committee and the War Department wanted to consult with another department of Government and there was a refusal to meet. It would take only an order from the President to bring about the desired meeting. Then it is claimed the liaison-committee section authorizes an appeal by members of the armed services to the Secretary of War or the Secretary of the Navy. In response to this contention I should like to ask what Army or Navy officer cannot now appeal to the Secretary of War or the Secretary of the Navy? If the Secretaries, in turn, want to appeal to the President, it is their privilege to do so, Certainly no legislation is necessary to accomplish it.

So the military-liaison-committee sections adds absolutely nothing to this bill. I contend it was inserted in the bill merely for the purpose of making it appear that the armed forces have been given recognition, when actually they are granted no more authority than already exists. If the committee amendment is not adopted, men like General Groves, for example, could not serve on the Commission, although he was the one who supervised the Manhattan project and the building of our atomic bombs. I don't believe in turning everything over to the professors and the bureaucrats.

I submit that there is no reason why the armed services should not be represented on the Commission. In fact since matters of national defense are involved there is every reason why they should be so represented.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ARENDS. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ELSTON. The War Department is not concerned entirely with military matters. The Panama Canal, for example, was built by the Army. All of our rivers and harbors projects and all of our flood-control projects have been constructed under the supervision of the Army Corps of Engineers. They are in no sense of the word war projects.

Mr. Chairman, another reason why I submit we should have military men on this Commission is because of security. If this becomes entirely a civilian Commission, all the employees will become civilian employees. The Civil Service Commission recently announced that they did not have the personnel to examine into the subversive activities of their employees, whereas the War Department does have such facilities. The employees at Oak Ridge are today under the supervision and direction of the War Department; but even with that supervision, they are having a difficult time keeping down subversive activities. So from the simple standpoint of security it is infinitely better that at least one member of the armed services be represented on this Commission. Therefore, I submit that the amendment offered by the gentleman from California, which would completely destroy the committee amendment, should be voted down, and the committee amendment should be adopted.

Mr. MARTIN of Iowa. Mr. Chairman, I rise in support of the committee amendment and in opposition to the amendment offered by the gentleman from California removing the compulsory portion of that amendment.

The gentleman from Ohio [Mr. ELSTON] has well stated the background of his amendment, which is now the committee amendment, in that we need some military participation on the Commission. I say very seriously that I am not willing to take the determination of Secretary of War Patterson or anyone else who says the Army should pass this responsibility up. As a citizen I am primarily interested in putting on the doorstep of the War Department the responsibility of determining the use of the atomic bomb, of helping determine that policy, and of helping guard our Nation through building a defense against the atomic bomb. It is the responsibility of the Navy and the Army to defend our Nation and to look into this highly scientific and highly technical new superweapon with a view to protecting us as a national defense measure against any use of it against us by any possible future enemy. They cannot get out from under their responsibility by a mere statement of Mr. Patterson before the Committee on Military Affairs that they are satisfied with this bill, which does not give them that responsibility.

I call the attention of the gentleman from North Carolina [Mr. DURHAM], who spoke about the need for scientists on this Commission, to the fact that the Senate report on page 21 states:

> While the Commissioners need not be scientists or technical experts, they must combine clear judgment with imagination and courage, and they must, like the members of the judiciary, be so divorced from private and competing concerns as to give complete, disinterested, and undivided attention to their tasks.

I ask where could you find a better definition of an Army or Navy man than right there in that very paragraph by the Senate Committee. I look to the War Department and the Navy Department as being charged with the protection of this country. If you bar the 1,500,000 members of the armed forces from active participation on this Commission you may forget the importance of some of these developments to our national defense until it is too late. If you overlook the defense of the Nation in the development of atomic energy by not having any military men or naval men on the Commission, then when we are attacked, it will be entirely too late. I want to pin the responsibility squarely on the armed forces of this Nation to protect us before it is too late. In my opinion, it is highly important that a member of the armed forces be on this Commission. I have an amendment which will come up later, a committee amendment, that limits the number to not more than two in order to avoid military control of the Commission because I would be opposed to military control of the Commission. But that is a far different matter. In my opinion, we are letting down on our obligations to the Nation and its defense if we make ineligible for appointment to this Commission the 1,500,000 men who make the national defense of our Nation their life study and their life's work. At no time is it more important to get them into the picture than now in dealing with this super weapon that may be hurled against us by any future enemy of our country.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. JOHNSON of California. Under my amendment it is possible and probable that the President, the Commander in Chief, will and he can appoint an Army or Navy man. Is that not a fact?

Mr. MARTIN of Iowa. My answer to that is that the people speaking through their Congress should here and now make certain there is a member of the armed forces serving on this Commission because of the far-reaching responsibility in the field of national defense.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have heard some observations made here about the fact that General MacArthur and other men, even after retirement, as I understood, and if I did not understand it correctly I would like to be corrected, could not serve if appointed to this Commission. I would like to be enlightened on that because the information I have as to existing law is that after retirement they could serve on the Commission, although if their salary exceeds their retirement pay they would have to make an election as to what compensation they would accept.

Mr. MARTIN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MARTIN of Iowa. You will find on page 8 of the bill, subsection (d), the section enabling retired and active duty officers to serve on such an assignment.

Mr. McCORMACK. Yes; I have noticed that. That is particularly intended to relate to officers on active duty.

The law I have before me is to the effect that after June 30, 1932, no person holding a civilian office or position, appointive or elective, under the United States Government, and so forth, can accept it where he gets over $3,000 retirement or pension unless he waives it. So that, as I understand the law, General Marshall could be appointed without the necessity of this amendment being adopted except that he would have to waive his retirement pay during the time that he is appointed if the salary that he receives while on the Commission were to exceed his Army pension.

Mr. BIEMILLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BIEMILLER. I think the gentleman from Massachusetts is entirely correct. In the past 2 days I have checked with members of the Senate Committee on Atomic Energy and they informed me that in their opinion the bill as it left the Senate would permit any retired officer to serve.

Mr. McCORMACK. The gentleman from Ohio [Mr. ELSTON] made an observation that he has not heard one good reason why a military man should not serve on the Commission. As I look at this bill on page 7 under title "Military Liaison Committee," certainly there is complete protection here of our security from the angle of our military and our armed forces.

The bill provides, in addition to the creation of a Military Liaison Committee, consisting of representatives of the Department and the Navy, after defining their powers:

> If at any time the committee concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the departments of War or Navy, derived from the Constitution, laws, and treaties, the committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes; I yield.

Mr. ELSTON. Can those things not be done under existing law? If any Army officer is dissatisfied with something that the Commission is doing, can he not appeal to the Secretary of War and cannot the Secretary of War appeal to the President?

Mr. McCORMACK. But this is a provision in law. It is definite. It is governing. What the gentleman refers to is not anything of a governing nature. It is one thing in the practical operation that certain things may happen, but as a matter of law they cannot happen. Here we put it into the bill.

I have given a great deal of thought to putting anyone in active military service on any civilian commission. I am opposed to it on a fundamental basis. I consider it fundamental, in a democracy, that outside of war itself, during peacetime, the relationship of our armed forces to democratic institutions of govment should take their normal course.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes; I yield.

Mr. ELSTON. Does not the gentleman feel that a commission such as this, which deals with national defense, is more than a mere civilian commission? As a matter of fact, it is not simply a civilian commission; it is a commission dealing with matters of national defense and civilian interests.

Mr. McCORMACK. That is a matter of opinion. One of the main purposes of this will be the progress that will be made in the future, the use of it in our ordinary everyday life. The security question, I concede, is involved, but I do not concede it is the primary question. Wherever it is involved, wherever it might come to the front as a matter of importance, under the provisions of paragraph (c) on page 7, to which I just referred, absolute power exists for the War Department and the Navy Department to take such steps to assure the national security of our country.

I am firmly wedded to the fact that under the democratic institutions of government, when war is over the military should go back to its normal and proper place in the democracy. They do not perform civilian activities. The purpose of the conduct of our Government from a civilian angle is by civilians, not by any member of the armed forces being placed upon a commission which is civil in its nature.

I think this violates the fundamental rule of democracy that we have adhered to for over 150 years. There is adequate protection within this bill from the security angle to protect our country in case any situation arises where the security of our country is involved, and that is provided in the paragraph to which I have referred.

The committee amendment violates the spirit and the traditions of American institutions of government in practical operation and should be defeated.

Mr. BATES of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the Members of the House, at least the greater number of us, are quite disturbed about this bill being enacted into law at the present time.

The papers every day carry headline stories emphasizing the great difficulty our representatives are having in the United Nations organization in their efforts to get some of our allies to agree on the fundamental questions of world peace. It surely can never be said that this Nation has not been interested in world peace. All through the course of our history, we have set the pattern and surely we have made more sacrifices in the interest of world peace than any other country on the face of the earth. You will recall that in 1922, in order that we might establish permanent peace, we entered into a naval disarmament conference and agreed to scrap 29 of our battleships, believing that by so doing, we could have peace in this world. How disillusioned we have been!

We are now perhaps in the most distressing period of our history in times of peace, and when the people of the world are craving for peace, yet, there is no peace to be had because, apparently, we have not yet learned to live together. Why are we at this moment in such a hurry to create this new Commission? Why are we so anxious to change the status of things insofar as the development of this bomb is concerned and the progress we may make in the further development of nuclear energy?

It was only a few weeks ago that we appropriated over $7,000,000,000 for our Army and over $4,600,000,000 for the Navy. We are calling the youth of this land into the armed forces because of the most critical period that lies ahead as stressed by President Truman, and because of unsettled conditions that exist everywhere in the world. Why are we so anxious, at this moment, to turn over to another Commission, all information and control, and to take it away from our military authorities at a time, when we are told that our Nation and the world are still in a great emergency.

We are told that we need 1,200,000 men in our Army by next July and that we must maintain a Navy of 500,000 men in the postwar period. I have seen with my own eyes the effect of the atomic bomb. I have visited and been on the spot at Hiroshima and Nagasaki and only recently I returned from Bikini. With these vivid pictures in mind, I say, why all this hurry at a time when there is so much unrest in the world? Why is it we cannot live together in peace and harmony? Why is it that we have not been able to get around a table even before now and establish a pattern of world peace?

It is only because some of our allies apparently still distrust us. How do we know that? We know that because in recent days on the floor of this House, we have had the so-called Dirksen amendment which stipulated that in providing aid through to UNRRA, we must have the authority and the right to send our newspaper men into those countries in which we are giving this relief. Up to the present time none of our representatives has been permitted to visit these areas.

Is there still distrust in this world? If you do not believe there is, then visit Korea; if you doubt there is, travel in North China and see what has been happening there for a long period of time. Talk to our Marines stationed there, discuss the situation with our intelligence officers in the Marine Corps, as I have done, and you will find the real truth as to what is the cause of the present unrest in the world.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BATES of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BATES of Massachusetts. Mr. Chairman, when we are drafting our youth into the armed services, is this a time to spread the information and knowledge we have of atomic energy? It was only last week on a ship from the Pacific that I viewed a motion picture prepared by the FBI in showing how

information was leaking out from the Manhattan Project. Are we going to establish new commissions to spread more information, are we going to have more civilian employees brought into it, or are we going to just hold ourselves for a little while longer, until the United Nations organization may at the peace conference to be held at the end of this month try to arrive at some foundation for a peace?

Mr. Chairman, we speak about the atomic bomb being the most devastating instrument or weapon ever devised by the mind of man. Yet, on the day after I returned from Bikini last week I clipped from a Honolulu paper in Hawaii the following statement:

POWERFUL NEW WAR POISON CAN SLAY MILLIONS

Figures given with the scientific report of the method of purifying the toxin show that 1 ounce of the pure white, needle-shaped crystals could kill 200,000,000 men each weighing 165 pounds.

These are facts behind the undetailed revelations of naval biological warfare researches made in Congress recently.

This deadly stuff, believed the most poisonous known substance per unit of weight, is only one of the weapons of germ warfare forged by United States scientists during the war.

Surely this germ is more deadly than the atomic bomb. Surely the devastation created by this new germ carries in its wake more horror and destruction than the atomic bomb. Whatever we have heard about the atomic bomb, it does have its limitation. This germ has recently been developed by our United States scientists. Do we want to give that over also to another commission or do we for the time being, in the face of uncertainty and unrest, want to keep this information to ourselves about atomic energy that cost us over $2,000,000,000 to create?

Mr. Chairman, for the reasons stated above I hope this bill will be recommitted to the committee until peace can be definitely and permanently established once again in this world.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. O'HARA. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I confess from the bottom of my soul a great concern about not only the legislation which we are debating today but the subject with which we are dealing. I know that from my heart and from yours we all want to do what is the right thing.

It is well for us to proceed with some calmness of decision in arriving at what is to be done. I join with those who have spoken and who have asked the unanswered question why the haste in acting upon this legislation? I might ask, also, what is wrong with having one from the military services serve on the Commission? If it is not possible for us to agree, if we give this power to a commission, on what the make-up of that commission will be, then, Mr. Chairman, how is it humanly possible for us to give them the great power that will be theirs by this bill?

After all, in dealing with the ingredients of the atomic bomb you are dealing not only with national defense, but with the cause of science, which means that so far as national defense is concerned we must act wisely, but that likewise the benefits from nuclear fission should be used in a scientific sense for the betterment of mankind, so it is well that we deal with that question also.

But, let me ask you this one single question: When in the history of this country, under conditions such as this, have we been so anxious to give away our most valued military secret? It has been a military secret up to date. It has been some 15 months now since we have had the end of the European war, and today we are still without a peace treaty. I think back in the last war which ended on November 11, 1918, they began the peace treaty negotiations some time in January or the latter part of December 1918, and the treaties were signed early in 1919. I wonder why we are having so much difficulty in arriving at what should be a simple matter of getting together at the peace table. I am wondering if there is a lack of confidence on the part of the Allies themselves. I hope there is not. That is why I say in this legislation that we are dealing with today that it might be just a swell if we waited a few months. There should be a conference and an agreement among the nations of the earth upon armament, including the right of inspection of arms and the atomic bomb and atomic bomb development, and unless we can agree upon that and not have to deal behind an iron curtain, where can there be any trust between nations or between men? That is the thing that causes me to hesitate and to say to you Members of the House, that I am a little worried about this legislation. Let us wait a few months and review it and then act. I agree with the gentlewoman from Connecticut that we should do something, but why should we rush to do that which might be bad?

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. Does it not strike the gentleman as odd that everywhere you have heard of the terrible thing about sinking these ships, and immediately afterward, when they get the most damaging weapon in all history they want to black it out and not even have the War Department have anything to do with it. It seems downright suspicious to me the way this thing is working out. I cannot understand this effort to suppress the War Department.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and my colleagues, at long last, after being here 2 days, I finally have a chance, not being a member of the committee, to at least ask a question on this legislation that is declared to be the most important and significant legislation that has ever come before this House. It is because I have heard that repeated so often that I would like to get a little information in order to intelligently vote on the issue that is now before the House. That issue is the amendment offered by the gentleman from California [Mr. JOHNSON] to the committee amendment that appears in italics in the bill.

There has been a great deal of talk about this situation, and we all have had considerable mail and correspondence. There seems to be a feeling that the McMahon bill as it came to the House provided strictly for a civilian commission to administer the subject of atomic energy. I read the bill:

There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five members. Three members shall constitute a quorum of the Commission. The President shall designate one member as Chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee.

There is not another word in this bill that indicates any prohibition upon the appointing power that would prevent him, as far as I can see, from appointing five representatives of the Army and the Navy. The restriction against service by Army and Navy personnel in civilian status or upon civilian commissions is to be found in other legislation.

I know we have called military men to various civilian commissions. We called them in at the time of WPA, we called them in at the time of the Civilian Conservation Corps, we called them in from the Army to head up housing projects. In each case, as I recall, legislation was passed that would permit those Army officers to serve in civilian capacities. One of the late ones was the authorization of a military man to serve in one of the capacities in the Federal Security Agency.

Is not this the situation, and I am asking for information, as far as this specific bill is concerned, if there were no other prohibitions in the law the President could appoint five Army generals or five admirals to serve on this Commission?

Mr. ELSTON. May I say to the gentleman that existing law would preclude such an appointment.

Mr. KEEFE. I just said that. I said were it not for the existing law the President could appoint five generals or five admirals.

Mr. ELSTON. If the exception which has been written into this bill does not remain in the bill, such appointments cannot be made.

Mr. KEEFE. I go over to page 8, and I think it is important in the argument on this very question, where in line 19 you attempt to give by another committee amendment the right on the part of the President to appoint not to exceed two active or retired officers of the Army or the Navy. It says, "not to exceed two active or retired officers of the Army or the Navy may serve at the same time as members of the Commission."

Unless you adopt that provision which is found on page 8, an Army or Navy

officer would not be permitted to serve on this Commission. Is that true?

Mr. ELSTON. That is correct.

Mr. McCORMACK. I think it refers to an officer on active service.

Mr. KEEFE. I am not going to quibble over the situation as to whether he is in active service or in retired status.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KEEFE. I understand thoroughly there is legislation on the books now which prevents the retired officer from serving in this sort of civilian capacity unless he sees fit to relinquish his retirement pay and take the pay that is provided in the job of civilian status.

Mr. McCORMACK. He can elect.

Mr. KEEFE. He can elect; that is what I understand it to be.

May I invite your attention to the language of this proposed amendment. It states, "at least one of whom shall be a representative of the armed forces." The amendment offered by the gentleman from California, if adopted, would make it read "five members, one of whom may be a representative of the armed forces." Then I turn to the committee report itself which states on the last part of page 6 and on page 7, "This member under that language may be a civilian who at the time of his appointment is designated by the President as being a representative of the armed forces." What are we quibbling about? What is all this argument about? Why, the President can appoint a man, a civilian. He can appoint Joe Doakes if he wants to, and say, "Joe Doakes shall be the representative of the armed services on this Commission." Joe Doakes may never have seen the Army nor the Navy and may never have had any connection with them whatsoever. As this language reads, he may appoint a representative of the armed forces—a civilian. Then what are we arguing about? I would like to hear some response from someone on this question about which we have been arguing here for 3 or 4 days. It is all a quibble, it seems to me.

Mr. ELSTON. I do not agree that the language "representative of the armed services" would include a civilian. You do not say somebody representing them—you say a representative of those services.

Mr. KEEFE. It says "a representative of both services." Then we have a situation confronting us. We have to depend upon somebody to construe the language in this bill. The minority says we have one construction and the majority has another construction. Who is going to be the judge and who will ultimately construe this proposition? In my opinion, the matter rests with the President of the United States, and he can submit his nominees to the Senate of the United States under the language of this bill and is only required to set forth the experiences and qualifications of the nominees. He can appoint five civilians under this very language, in my humble judgment, he can do this under the very language that the committee is offering to this bill as an amendment. I do not see how there can be a shadow of a doubt about that. The only thing the President would have to do when he makes the appointment is to say, "I designate Joe Doakes to be a representative of the armed services." We are quibbling over this situation. It is all a matter of quibble and speculation as whether the Navy or the Army shall dominate this situation. It is clear that the intent of the Senate, with which I thoroughly agree, was that there should be a Commission of five civilians. If the President wants to appoint an ex-military man, and that man wants to serve, he may appoint him under the language of the Senate bill. The jurisdiction and the authority is committed clearly to the President of the United States, the only restriction being that the Senate of the United States must confirm the people whom the President nominates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. I, as one Member of the Congress, am not prepared to say that the Senate of the United States or the President of the United States is going to put on this Commission or permit to be put on this Commission men who will willfully, knowingly, or unintentionally, if you please, throw away the protection and the best interests of the United States of America. If we have reached a point in this country when we say that we cannot trust the President in a matter of this kind and cannot trust the United States Senate to see to it that the ineresets of America are protected, then I say, God help America and its future. I, for one, am willing to trust the integrity, honor, and patriotism of the President, whoever he may be.

I am willing to trust the integrity and the honor of the men who compose the United States Senate.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 3:30 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. JENNINGS] for 1¼ minutes.

Mr. JENNINGS. Mr. Chairman, we are still at war. Up to this time the secrecy of the atomic bomb has been safely guarded. A person up in Canada seems to have stolen some uranium and managed to send it over to Russia. He has been convicted and sentenced to jail for 6 or 7 years. Up to this time the Army, Gen. Leslie R. Groves and Gen. Kenneth Nichols, and other magnificent members of the armed services, have kept inviolate this secret. Why slap them on the wrist? Why run the risk, in the dissemination of knowledge with reference to this terrible weapon in time of war? These men have proved true to their trust. No graduate of West Point or Annapolis has ever betrayed his country or any trust or confidence reposed in him. Let us guard the secret of this atomic bomb. We are walking daily in the shadow of a potential war—war with a country that has sought to steal and buy this secret. Let us leave it in the hands of General Groves and the men who up to this time have preserved the secret.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The gentleman from Wisconsin [Mr. BIEMILLER] is recognized.

Mr. BIEMILLER. Mr. Chairman, I want to pay tribute to the speeches made earlier by the distinguished majority leader and my colleague from Wisconsin [Mr. KEEFE]. I agree heartily with the views they have expressed.

I want to take this brief time to remind the members of the committee that there is a Military Liaison Committee provided for in the bill. The charge has been made on the floor that the War Department loses all control whatsoever over the use of atomic energy for military purposes. The reverse is true.

The bill specifically creates a Military Liaison Committee appointed by the Secretaries of War and Navy; and the Atomic Energy Commission is charged under the terms of the bill with consulting with the Military Liaison Committee on all items which the committee thinks are important to the defense of this country. Note that the military officers appointed by the War and Navy Departments make the decisions as to what aspects of atomic energy questions concern them.

Furthermore, in the event the committee and the Commission get into a disagreement either Secretary may take that disagreement to the President of the United States for solution.

It seems to me we have adequate safeguards in the bill for any military use of atomic energy and I hope this House will see fit to pass the original Senate version of the bill, rejecting the committee amendments and leave us with a Commission in the best American traditions, a civilian Commission from top to bottom.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I yield.

Mr. COOLEY. What is the real objection to having a military man on the committee? I have heard objection after objection raised but no one has stated why it would be objectionable.

Mr. BIEMILLER. My objection is the same that has been stated many times; namely, the tradition of America is against any military officer serving on a governmental body. We do not have them in the Cabinet, we do not have

them on any Commission. The laws of the United States specifically prohibit them from serving in any civil capacity without an exception being made by the Congress.

Mr. COOLEY. America has no tradition when it comes to dealing with atomic energy. It is something new entirely.

Mr. BIEMILLER. The Secretaries of War and Navy and General Eisenhower have testified that they favor an all-civilian committee. I stand with them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The gentleman from Iowa [Mr. MARTIN] is recognized for a minute and a quarter.

Mr. MARTIN of Iowa. Mr. Chairman, first of all, I wish to state that this liaison committee has no powers in this matter They are purely a contact agency for information purposes and giving advice.

What I really rose to speak about at this time however is the very important point made by the gentleman from Massachusetts [Mr. MCCORMACK], with reference to eligibility of retired officers or men for service on the Commission. In the general debate yesterday I made the statement that special authorization is needed for the appointment of retired members of the armed forces as well as of members of the active list but I should have limited that requirement to the Director of Military Application and not to members of the Commission except as to matters of pay. I called the Judge Advocate General just after the gentleman from Massachusetts made his statement to varify the limitations and I will give you this as it was reported to me over the telephone in the last few minutes: Title 5, section 62, of the United States Code for 1940, which you will find cited in the enabling section 2 (d) on page 8 of the bill, is a bar to any active officer's holding civil office under the Federal Government; and it also operates against a retired officer's holding such a job. Certain exceptions are made and these exceptions include persons appointed by the President and confirmed by the Senate. Officers on that echelon or that level are specifically exempted from the law of July 31, 1894. Members of the Commission fall in this category whereas the Director of Military Application does not.

The other enabling legislation on page 8 of the bill has to do with the matter of pay and it is very important to have those provisions include both the retired list and the active list.

I want to thank the gentleman from Massachusetts for bringing that point out so we could get it more definite in the debate.

The CHAIRMAN. The gentleman from Ohio [Mr. ELSTON] is recognized for a minute and a half.

Mr. ELSTON. Mr. Chairman, since there seems to be some question about the interpretation of the word "representative" I have offered an amendment to the committee amendment to change the word "representative" to "member" so the amendment will read "at least one of whom shall be a member of the armed forces."

I believe the word "representative" is sufficient, but since there appears to be some question about it, it perhaps would be well to change it.

I presume the amendment will be voted on after the pending amendment of the gentlemen from California is disposed of.

The CHAIRMAN. The gentleman's amendment is not an amendment to the pending amendment and would have to wait until we dispose of the other first.

Mr. ELSTON. That was my first impression.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr. KOPPLEMANN. Mr. Chairman, my good friend from North Carolina asked the question, What is the objection to military men? Mine is a simple one. A military man on a commission of this nature would have a divided responsibility. The act as it now reads calls for commissioners who are divorced from any and every other activity. They must concern themselves solely with atomic energy problems as they affect the Nation as a whole. A military man's first loyalty is to the interests of the military. If a question came up wherein military and civilian interests conflicted, pro forma his decision would uphold the military.

The bill already grants full provision for the military to appeal to the President of the United States whenever they feel their interests are jeopardized by the attitude of the Commission. Furthermore, the Army and Navy heads, and General Eisenhower have protested that they do not want military representation on the Commission. I would like to ask why the urgency with all the conditions as now written into the Senate bill that the military be adequately recognized, why the demand that they be given supreme authority in a matter that will increasingly pertain to the civilian economy of the Nation?

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. KOPPLEMANN. I yield to the gentleman from North Carolina.

Mr. COOLEY. Does not the gentleman regard the atomic bomb as an instrumentality of war at the moment?

Mr. KOPPLEMANN. The atomic bomb—like any bomb—is an instrument of war. I would prefer that the bomb not be used at all. But this legislation is above and beyond the application of atomic energy for military purposes alone. We are endeavoring to formulate policy for the application of atomic energy for civilian purposes, for improving the public welfare, raising the standard of living, and promoting world peace. We must now progress from the restricted military use to opening atomic research for peaceful industrial application. Were we to continue to confine ourselves to military application alone this legislation would not be necessary. Our position today is comparable to our position when our scientists began to unearth the potentialities of electrical energy and envisioned the social and industrial revolution that would ensue. The power of electric energy has played its major role in military application too—but the military application has always been subordinate to the national civilian interest, except when in the emergency of war the military necessarily came first, and new inventions and discoveries were given wholeheartedly for the purpose of war. Only now are numerous inventions, developed during the war, and used solely for the war, being made available for civilian application. We have heard of their wondrous achievement during the war, but have yet to enjoy their use in our daily lives.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

The Chair recognizes the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS of California. Mr. Chairman, in answer to the gentleman from North Carolina, we think of the atomic bomb at the moment as when we think of atomic energy; but, nevertheless, if we put all our faith in the future on atomic bombs, and General Eisenhower testified to this as well as General Arnold and general after general, then our future is very insecure indeed. Only peace can assure a future. If we put a military man on the commission it will give us no added security but will be harmfully unnecessary under the section providing for a military liaison committee; we will have every possible military protection by consultation, by direct suggestion from the military by control of military information, decision on how many atomic bombs there will be made and decision as to the amount of fissionable material to be used for military research. That has all been provided in the bill. By putting a military man on the commission we would run the risk of having the world think at this hour, when the scales are balancing between war or peace, that our preoccupation is with war, not with peace.

The proposal to place military members on the Atomic Energy Commission is both unnecessary and harmful.

The case against this amendment to militarize the Atomic Energy Commission is so clear and so compelling from both the military and civilian points of view, that it is possible only to wonder why these proposals were made at all.

Our colleague who told us yesterday that he had prepared this amendment, declared that he wrote it in for the purpose of removing from the bill the disqualification of members of the armed forces.

The one thing that S. 1717, unamended, does not do to the armed forces is to disqualify them. The armed forces are given the utmost power and scope throughout the bill. The amendment would actually detract from the effectiveness of the military in this program.

Most important in the structure of the atomic-energy program here proposed is the Military Liaison Committee.

The Military Liaison Committee consists of an unlimited number of officers detailed by the Secretary of War and

the Secretary of Navy to consult continuously with the Atomic Energy Commission. It is the duty of the Atomic Energy Commission to keep the Military Liaison Committee in close touch with all developments, inventions, and activities in the field of atomic energy, most particularly with all matters which might have military significance. The Military Liaison Committee has the responsibility of advising the Atomic Energy Commission on courses of action which it deems desirable.

If the Military Liaison Committee feels that the Atomic Energy Commission has failed to heed a valuable suggestion, or is proposing to take some militarily undesirable course, the Military Liaison Committee is specifically charged in this bill with the obligation of presenting its objections to the Secretary of War or the Secretary of Navy. If either or both of these Cabinet members concur in the Military Liaison Committee's objections to the Atomic Energy Commission's procedure, the objection is brought before the President of the United States—the Commander in Chief. The decision of the President in such a case would be final.

Through their liaison with the Atomic Energy Commission, the Military Establishments would be absolutely free, under this bill, to conduct military research with fissionable materials, to perform such public or secret nuclear experiments as might be necessary, to manufacture atomic weapons, to develop military tactics and strategy in atomic warfare, both defensive and aggressive. Military secrets would be closely guarded by the military, as they are at present. There is no restriction in this bill on military research.

What greater scope, what greater power could the military have in the atomic-energy program than this. What greater scope, what greater power has the military ever had in any governmental or industrial operation, including the munitions business?

These are the reasons why I say to you it is unnecessary to have military members of the Atomic Energy Commission.

And why is it harmful, as well as unnecessary? How would it detract from the effectiveness of the military?

Military membership on the Atomic Energy Commission would limit the power of the otherwise very powerful Military Liaison Committee.

If military men were members of the Atomic Energy Commission, decisions of the Commission would be assumed to have their approval—the approval of the military. This would weaken the role of the Military Liaison Committee in taking exceptions to such decisions. The Military Liaison Committee would be deprived of the force of its procedure. If it went to the Secretaries of War and Navy, protesting actions of the Atomic Energy Commission, it would seem like a farcical intramural fight among the military themselves, rather than a protest from the military against a civilian agency.

Placing military men on the Atomic Energy Commission would be a violation of a fundamental, underlying principle of our Constitution—that the functions of the military and the civilian agencies are kept separate, that the civilian government forms national policy and the military branch is an instrument of the Government for carrying out that policy. The military services do not form national policy. That is an essential concept of democracy. Only in a Fascist, totalitarian state does the military make policy. The Atomic Energy Commission is a policy-making body. The military, through the Military Liaison Committee, can object to any policy and can carry these objections to the President. But the Commission itself, to stay within the framework of our form of government, must be civilian and responsible to the civilian public.

The fact that our President, our Secretaries of War, Navy, and State, and our Congress, all of whom make the national policy relating to war and to peace, are civilians, is the most striking manifestation of our fidelity to this principle in our structure of government. A statute, passed in 1870, expressly prohibits any military officer on active duty status from occupying any position in the civilian government. This statute is a clear expression of our historic separation of military and state.

We have declared to the world that we have peaceful intentions. We have announced to our fellow nations that we believe atomic warfare should be outlawed. Placing military men on the Atomic Energy Commission would give our whole atomic energy program an overt warlike character. It would be an open challenge to an atomic armaments race—a suicidal competition.

The amendment to militarize the Atomic Energy Commission would be the final admission of faithlessness—a mortifying confession that we do not believe in the possibility of peace. And by this confession, we would atomize the possibility of peace. It would be a legislative Bikini.

I beg you to weigh these facts dispassionately and without prejudice—the fact that the armed forces, through the Military Liaison Committee, have a strong and effective representation in the atomic energy program; the fact that the efficiency of this machinery would be impaired by putting military men on the Atomic Energy Commission as well; the fact that the research program of the military is in no way hampered by the unamended bill; the fact that the separation of military from civilian agencies is a basic principle of democracy; the fact that militarization of the Commission would inspire the mistrust of our own people and the people of the world, and would thus wantonly throw away our single chance for peace. I feel sure that when you have weighed these facts, you will find no single counterbalance to the placing of military men on the Commission; I have confidence that you will agree with me that a vote against this amendment is a vote for peace.

The CHAIRMAN. The time of the gentlewoman from California has expired.

The Chair recognizes the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, with reference to the question of a retired military officer serving on this commission, legislation which the House approved earlier in the session dealt with retired officers who were to serve with the Veterans' Administration. That bill did pass the House and it passed the other body and is now in conference. I find also that we have two amendments to the general statutes to permit retired officers to serve in the diplomatic or consular service and permitting them to appear before departments. I think it would be necessary for us to include language in this legislation if retired officers are to serve on the Atomic Energy Committee.

The CHAIRMAN. The time of the gentleman from South Dakota has expired. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. JOHNSON of California) there were—ayes 3, noes 94.

So the amendment was rejected.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON to the committee amendment: Page 3, line 20, strike out the word "representative" and insert in lieu thereof the word "member."

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 115, noes 87.

Mr. THOMASON. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. THOMASON and Mr. MAY.

The Committee again divided; and the tellers reported that there were—ayes 127, noes 86.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 1, after the period insert "The Director of the Division of Military Application shall be a representative of the armed forces."

Mr. MAY. Mr. Chairman, I ask unanimous consent to correct the committee amendment to conform with the vote just taken on the amendment to the previous committee amendment by striking out the word "representative" and inserting in lieu thereof the word "member."

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THOMASON. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, the reasons I have tried to advance in opposition to the amendment which was just adopted are prac-

tically the same as I advance in opposition to this amendment except I feel there is even more reason for the rejection of this amendment. We are going to have a peace conference meet in Paris on the 29th day of this month. It is my conviction that having the military predominate and even glorified by this bill is not conducive to the best efforts for establishing peace. I repeat what I said in connection with the remarks of the gentleman from Minnesota [Mr. JUDD] on the last amendment, and I do not know that that is so serious from a practical standpoint, but the reason I opposed that amendment was as a matter of policy because I do not regard the military as the policy makers of this country. Ours is a civilian government, and the military are the agents and representatives of the civilian government to preserve and promote peace and provide adequate national defense and to win wars if and when we have any. Atomic energy will, I hope, be diverted to the pursuits of peace rather than of war and toward the development of scientific research that will bring happiness, peace, and prosperity to not only the people of this Nation, but to the peoples of the earth.

We learned at Hiroshima and in the Pacific what the bomb can do and to now say that the director of this division shall be a military man is just carrying it a little bit too far in my judgment. It is fraught with danger and dissension.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield? The gentleman from Texas says he is afraid that this may endanger the peace of the world. Does not the gentleman also feel that the appointment of General Bedell Smith as Ambassador to Russia and General Marshall as our representative to China may also endanger the peace of the world?

Mr. THOMASON. General Bedell Smith and General Marshall are abroad trying to promote peace and they do not have atomic bombs in their pockets. That is waving a red flag in the face of other people regardless of what their views may be and how much we may disagree with them. If we are ever going to have peace in this world, I do not think we ourselves can be guilty of making the military the supermen in civilian and peacetime activities.

Mr. COOLEY. Mr. Chairman, will the gentleman yield? Does not the gentleman now regard atomic energy as an instrumentality of war and not of peace?

Mr. THOMASON. Of course, it is an instrumentality of war. That is what it has been. But heaven knows I hope that is not the only thing that we are going to do with atomic energy. I want to promote peace, just as I know the gentleman from North Carolina does.

Mr. COOLEY. We are still in the midst of conducting military experiments costing a tremendous amount of money. Does the gentleman think this Commission will be weakened domestically or internationally by putting some capable military man on the committee?

Mr. THOMASON. I think insofar as military advice is concerned that they get that from the military, and they will get it under the terms of this bill without placing military men in high command. We want their advice and cooperation but there is no justification in peacetime for them running the show.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. PRICE of Illinois. Will the gentleman stress the fact that during the development of the atomic bomb this particular division was presided over by a civilian, Dr. Oppenheimer?

Mr. THOMASON. Well, it was the scientists of the country who developed and discovered atomic energy. It is true they had a distinguished and able Army officer there in charge of the business end of it, but you still have to depend on the scientists of the country to develop atomic energy for the aid of medical research, for the development of power, and for the development of all things we hope will come as the result of it, just as we enjoy the blessings of electricity.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MAY. Does the gentleman admit that this particular amendment would apply only to the director of the particular division that has to do with the military application of atomic energy?

Mr. THOMASON. Yes. I think I would agree to that.

Mr. MAY. In view of the vote that has just been taken on the membership of the Commission, is it not more important that the men on this division be military men?

Mr. THOMASON. Well, I do not think either is necessary or important, especially in view of the fact that the Army will be consulted about this anyway, as well as the Navy. So if we are to have a civilian government and also at the same time have the aid of the military and naval authorities, why put all these high-ranking Navy and Army officers in charge of this division? It is neither necessary nor advisable and this amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GALLAGHER. Mr. Chairman, much has been said about atomic energy and the atomic bomb. Many references have been made to its beginning with Einstein, the author of the theory of relativity and a man who speaks a language that neither you nor I can understand. But I was taught the principles of the split atom 53 years ago in high school.

Let me say further that I am not giving the principal credit for the production of the bomb to the scientists at the present time, for if they had been given the authority to pick their assistants they would have been 10 years late and it would have cost much more than the $2,000,000,000 it did cost to produce it. The fact of the matter is that the highly trained technicians who carried out the theories were hampered because the scientists did not know their business at every stage of the game; they were hampered in every way, shape, and manner; but eventually the trained fingers of the technicians and that trained organization—in other words, American know-how—produced the atomic bomb. I repeat, Mr. Chairman, that had the scientists been left alone at it, it would have taken at least 10 more years to have produced the bomb; and I want to say that even if another country could produce it, let them spend their $32,000,000,000, let them hire their technicians if they do not hire the ones that Roosevelt picked, and I venture to say that even with all that they would not have the class of bomb that we have.

Remember also that America wants the land of no other country. America is not an imperialistic nation. She will use what she knows only in the interest of peace.

I believe we are more than 10 years ahead of other countries and I believe in keeping that knowledge to ourselves and under our own control, because I am certain America will not abuse that control.

Mr. SIKES. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. SIKES. Mr. Chairman, I am unable to follow or to comprehend the alarm which appears to attend our efforts to secure the inclusion of military personnel in this program. At no point, as some have indicated, do we attempt to place control of the atomic program in the hands of representatives of the War or Navy Departments. Let us take a look at the record and see just where we stand. The bill provides:

> There are hereby established within the Commission: (A) a general manager—

We did not ask that he be a military man. Then the bill provides that there shall be established a Division of Research. We did not ask that the director of that division be a military man.

There is established a Division of Production. We have not asked that the head of the Division of Production be a military man.

There is also established a Division of Engineering, and we did not ask that the head of that division be a military man. But then there is the Division of Military Application and we simply are asking that the people who fight this Nation's battles and who win its wars on the field of battle shall be the people who shall decide the policies of the Division of Military Application. They are the people who test and use the equipment. They are the ones primarily whose lives are at stake. That they should direct the policies of their own department seems to me to be reasonable enough and it seems to be perfectly in keeping with the action we have just taken in voting to include one or more persons from the armed forces on the personnel of the Commission.

I think we all are agreed here, as has been pointed out time after time, that the only real value of atomic energy at the present time is its military value. We hope it will have other values in the future, we are confident that other values will be developed, but at the moment the

only value it has is its military value. It has been pointed out in the bill that the paramount objective of our present effort is the common defense and security of this Nation. That is what this amendment seeks to implement.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Kentucky.

Mr. MAY. I think I can recall that in the testimony before our committee the distinguished Mr. Compton, president of the Massachusetts Institute of Technology, testified that it would probably be 10 years before the civilian uses of this thing will be utilized to any great extent. Are we going to wait all that time and allow the other features of the military application of it to be wandering around?

Mr. SIKES. I would like to emphasize that in no way can the action of our committee be construed as an attempt to turn the field of atomic energy control over to military personnel. We seek to give them a voice in it, a voice which they need in order to carry on the defense and to further the security of this country. That is all we are trying to do. I urge the adoption of the committee amendment.

Mr. ELSTON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ELSTON: Page 6, line 2, after "(a)", strike out the word "representative" and insert the word "member" in lieu thereof.

Mr. MAY. Mr. Chairman, that amendment has already been adopted.

Mr. ELSTON. It was an amendment to the other section.

The CHAIRMAN. No. It was to this section.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when I was speaking before I did not have the opportunity to refer to the testimony of General Groves which he gave before the Committee on Appropriations. You will recall that recently we appropriated $375,000,000 for the Manhattan project for the purpose of carrying on its work and for further research in connection with atomic energy. There has been raised in debate a question about whether or not the work carried on by the Army will be beneficial at all from an industrial standpoint. So I want to read from the testimony of General Groves before the Appropriations Committee during the month of May of this year.

The gentleman from Florida [Mr. HENDRICKS] asked this question:

Mr. HENDRICKS. General, the public sometimes gets the idea that the Army should not be in control of the atomic bomb and that it should be turned over to the scientists and let them develop energy for industrial uses and for the use of the public. Can you give us a statement as to whether or not the development of atomic energy for the use of the public is being delayed by the fact that the Army controls the atomic bomb?

General GROVES. The fact that the administration of the atomic-energy program is under the Army, in my opinion, neither impairs nor delays in any way the development of atomic energy for peacetime uses. As a matter of fact, I think that the administration by the Army—and I may be a little biased as the Administrator—has been of such a nature that, in fact, the peacetime uses of atomic energy will be discovered much sooner than they would be otherwise, and that they will be developed on a broader and on a much better basis than they would have been otherwise.

Mr. HENDRICKS. And our scientists are now working with the Army along that line?

General GROVES. Yes.

Mr. HENDRICKS. Doing experimental work?

General GROVES. We are doing considerable work in development of this energy for peacetime use. We are arranging, for example, the distribution of radioactive isotopes for research programs. They are very difficult to make. They are dangerous to make, and they are—most of them—involved in unknown processes. We are arranging to do that and we are doing it in close cooperation with the National Academy of Sciences in Washington, and we expect that as soon as possible the actual distribution will take place.

I submit, Mr. Chairman, that that is an answer to the claim of some that if the Army continues its control of the Manhattan project or has any voice in the affairs of the Commission, that they will delay the development of atomic energy for industrial purposes.

I want to join in the statement that the gentleman from Florida [Mr. SIKES] just made that it is exceedingly important that the member of the Military Application Committee be from the armed services. If you will read the section you will find that he can do nothing except under the direction of the Commission, for it is provided:

The Commission shall require each such division to exercise such of the Commission's powers under this act as the Commission may determine—

Since the Director of the Division of Military Application will be engaged entirely in the handling of military matters, its head should be someone who is trained in military subjects.

Mr. GAVIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, yesterday the speakers repeatedly impressed upon us the fact that S. 1717, an act for the development and control of atomic energy, was without question the most important legislation that has ever been presented to this House.

Faithfully I listened to the debate. However, nothing was said that would cause me to change my mind, except the remarks of my good friend, the gentleman from Texas [Mr. LANHAM]. I ask the Members to read the remarks of this distinguished and able gentleman; it will give you something to think about. We again heard about the consequences if we did not take this legislation and what would happen to us. They are the same old catalog arguments that have been presented on almost every piece of legislation that has come before the House: You take this—or else.

The committee has been working on this legislation for several months, and, as stated by many speakers, the more they discussed it the less they knew about it and the more confused and befuddled they became. How can the Members of the committee expect to present this legislation to the House and in a couple of hours digest it and determine what should be done?

One of the speakers yesterday pointed out why we should accept this legislation, and then pointed out why we should not accept this legislation. Was for it and against it. Pointed out the consequences we would suffer and the trouble it would cause if we accepted it, and the consequences we would suffer if we did not take it.

Then the argument against having a member of the War Department represented on the Commission. Personally, I feel the War Department should control the Commission. The atomic bomb, and the further development and control of atomic energy, to my way of thinking, is a weapon of war and has been in the hands of the War Department. And the War Department has done a good job. We have thus far had no difficulty whatsoever in the handling of atomic matters. Now we propose to get civilians in on it. A civilian commission is going to direct the show. Why do not we mind our own business and let well enough alone until it is firmly established what direction the affairs of the world may take.

We seem to be in a sharing mood. Share everything, even though it may eventually destroy us. I wonder if it has ever occurred to any of the Members of the House how much consideration would be given us if some of the other countries of the world had the atom bomb and we insisted they share it with us? Now does not that make you laugh when you think of the attitude some nations have assumed in world affairs?

Now we want to enact legislation which will involve us in atomic-energy discussions with these same nations. Why not mind our own business and leave the matter rest with the War Department until such a time as the nations of the world indicate to us in no uncertain terms that they want Peace. I have faith in the character, integrity, and ability of the War Department and in their brilliant records in World Wars I and II. I have faith that they can handle this matter satisfactorily, not alone satisfactorily to the Congress, but to the people of this Nation and the world as well.

This legislation should be given further thought and study before any hurried action is taken by this House which we may have cause to regret.

I am in favor of this proposed bill, shall vote for the amendment, and shall vote to recommit the bill for further study.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:20 p. m.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mrs. DOUGLAS of California, Mr. FOLGER, and Mr. COOLEY objected.

Mr. MAY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 4:20 p. m.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS of California. Mr. Chairman, there is a difference between putting a military man in as head of the Division of Military Application and putting a military man on the Commission. The Commission will make policy. The Division will be concerned directly with research. This is work for a scientist. During the war radar, rockets, fighter planes, jet-propelled engines, proximity fuses, and atomic bombs were all discovered and developed either by the Office of Scientific Research and Development or the National Advisory Committee of Aeronautics. None of these discoveries were made or developed under the Army and the Navy, and the Army and the Navy would be the first to say so. They may have been carried out under contract with the Army and the Navy, but they were not made in the Army and Navy laboratories.

The head of the Los Alamos Laboratory was a man named Dr. Oppenheimer, a civilian. The head of that laboratory now is Dr. Bradbury, a civilian. It is in Los Alamos that the atomic bombs are made and that military research will be carried on. We need a scientist at the head of the Division of Military Application, if scientific research in this field is to go ahead. Making an atomic bomb is not a production job, it is a laboratory job and it takes a scientist to do it.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Chairman, many thoughtful and able Members of this House, whose opinions all of us respect, have proposed that nothing would be lost and that much might be gained by postponing atomic-energy legislation 6 months or longer. I submit, Mr. Chairman, that there is a compelling reason why such postponement would be contrary to the basic philosophy of our form of government. Nothing is more firmly grounded in our beliefs than that military authority in America must be subordinate to civilian authority. Yet, if this legislation is now postponed, the military are left in sole control of a force so awful as to endanger the very existence of the world. When our country has been endangered in the past, have we replaced a President of the United States with an admiral or a general? Of course we have not. We believe in civilian control. That is the reason this legislation should not be postponed.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. MARTIN], a member of the committee.

Mr. MARTIN of Iowa. Mr. Chairman, I want to call attention at this point to the fact that the Director of Military Application is appointed by the Commission and is therefore not exempt from the disability existing as to the holding of civilian appointive jobs in the same manner that the members of the Commission itself are exempt. Therefore, to qualify a retired officer or enlisted man, as well as an active officer or enlisted man for this job, we will have to put in enabling legislation which appears in section 2 (d) on page 8 of the bill. I, for one, cannot imagine turning over the military application of this superweapon of all times to a civilian and providing that that particular job shall not be filled by a member of the armed forces. If there is any position created by this legislation for which members of the armed forces should be eligible, it is this particular job of Director of Military Application. We have 1,500,000 men who are making the Army or Navy their career, and there are many highly qualified men among them who could take over the responsibility of the directorship of military application which we are now considering. For that reason, I am vigorously supporting the committee amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, I would like to just ask this question: Whether it does not seem very "logical" that the Secretary of War should be a military officer. But he is not, and never has been in the United States. I am against this amendment for a little different reason than the ones advanced. A number of Members have said that this work of the production of military atomic weapons has been well carried on. If so, it would not seem wise to change the fact that a civilian has been at the head of it and that a civilian is now at the head of it. As a matter of fact, the atomic bomb was not produced by men in uniform, but by scientists. As a matter of fact, I believe it would be good policy and a fine gesture if we did not produce more bumbs during the time while negotiations are in progress to try to bring about international controls. But I am not in favor of abandoning our further development, research, or experimentation in the military field until we get the international control upon which some of us believe everything depends. If I feel that way, I feel it would be unwise to run the risk of making a change here which, in my judgment, will be calculated to decrease the efficiency of the military application work. Remember, this only has to do with scientific work. It does not have to do with what you do with your military equipment afterward, but only with the scientific work in the field of atomic energy. If you want that development to continue, it would seem wise to listen to the counsel of the only people who know how to do it. I believe it would be wiser to have a civilian head this agency. I grant all the arguments on the other side may sound logical. I, too, believe it sounds logical—military application—military man in charge. But the fact of the matter is the admirals, for example, do not direct the construction of battleships. An admiral runs a battleship afterward, but he does not build it.

Mr. COOLEY. Mr. Chairman, in the month of January through the dust of dead men I walked to the heart of a city of silence. I looked upon the cold, gray ashes, the mortal coils of the countless dead, I saw Hiroshima. My mind toyed with the tender sensibilities of my heart. I could not laugh; I was not happy, neither could I be sad or permit myself to become sentimental. I could not be sorry that it had happened, for I realized that Hiroshima was but a prelude to the abject surrender of a ruthless enemy. Frankly, I could not comprehend the real meaning of it all. In vain I tried to contemplate the magnitude of the devastation I was witnessing. Hiroshima, a thriving city of many thousands, dedicated to a dying cause, had, within the twinkling of an eye, been swept from the shores of sound to the great realms of silence, and I was certain that not a tear had been shed by any man, woman, or child who was devoted to the cause of liberty.

The dead cities of Hiroshima and Nagasaki are silent witnesses of the effective forces of atomic energy and the seared and dying flesh on the bodies of the few survivors supply the living testimony which speaks of destruction the like of which the world has never before witnessed. Atomic energy is at the moment an instrument of destruction. It is an implement of war. At some distant date man may be able to harness it and to use it in the prosecution of the pursuits of peace, but everyone admits that it is now the deadliest instrument of destruction that the genius of mankind has devised. I for one am therefore anxious to guard it, and every part and parcel of it, as carefully and as cautiously as it is possible for us to do.

If military men or others owing allegiance to this country were to divulge the secrets of the atomic bomb at this time, they would be guilty of treason and would be subject to the penalties of death. Do we need others to help keep the secrets involved in this mysterious and destructive power? Are we so anxious to apply this terrific force and energy to other and more beneficial uses that we are willing now to imperil the military secrets that are now being kept inviolate? All this talk about international psychology and the effect that the withholding of the secrets of the atomic bomb may have upon other people of the world just does not appeal to me at the moment. We are told that we should throw away our guns before we go to the peace table. If this argument is carried to its logical conclusion, we should by the same token disband our armies and sink our navies and at a time when we are very much afraid—yes, we are afraid—of the dreadful and uncertain future.

I believe that the time has come when all men of all nations should deal fairly and frankly one with the other. I believe that the time has come when we should insist upon an immediate termination of unilateral transactions which have handicapped and embarrassed our military men during the war and since war ended. If we have an ally which will not even permit our highest ranking military officers to inspect freely territory

which has been conquered or liberated by our joint efforts, and if we have an ally that is unwilling to advise us fully regarding postwar plans and programs, an ally which will tell us nothing of her resources or manpower and nothing of demobilization plans, if any have been adopted and approved, should we disclose all of our secrets and deliver up all of our instruments of destruction, not knowng what use may be made of them in the near or distant future? Certainly the world knows that America will never use the atomic bomb or any of its secrets in aggressive warfare, but, certainly, this does not mean that we should share the secrets with all the world.

Not a single sound argument has been made in opposition to the pending amendment. No reason has been shown why a member of the armed forces of America should not serve upon the committee, and I, frankly, do not believe a single such argument can be made. Technically, we are still at war. The atomic bomb is an instrument of war and we still have confidence in the members of our armed forces and I am willing for the high ranking men in our armed forces to know and be advised fully concerning all of the developments of atomic energy. I believe that the amendment should be adopted. Its adoption will strengthen rather than weaken the committee which, if finally established, I hope, will guard with its life all of the military secrets and all of the future developments which may play a vital part if war should ever again curse civilization.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The gentleman from North Carolina [Mr. FOLGER] is recognized for 2 minutes.

Mr. FOLGER. Mr. Chairman, I am distressed that there is now about to be written, with what has already been done, all over the face of this bill the substantial announcement to the world that we are particularly engaged in an effort to enlarge our military preparations for some kind of a war. Coming back to what we did a while ago, "At least one of whom shall be a member of the armed forces." That is not said about any other part of this Commission, that it is to be this man or that man in civilian life, a man of any particular employment.

Then we turn from there and the next thing we see is, "Division of Research." No requirement as to who he shall be. Division of Production. No requirement as to who he shall be. Division of Engineering. Then we go down to the Division of Military Application, and we added this amendment in bold type, "The Director of the Division of Military Application shall be a member of the armed forces." Then we turn to the next page and we see "Military Liaison Committee," with all kinds of power, with the right to tell the Commission what they want and what they shall do; and if they do not do it, then to appeal to the President for him to say whether they shall have their authority or not. It looks militaristic from beginning to end when you put all those things in here. I am sorry that this has been the case by these amendments, placing us in the position of hurrying to announce we are, above all, concerned with military control of the policies of this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

All time has expired.

The question recurs on the committee amendment as modified.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 8, line 6:

"(d) Appointment of Army and Navy officers: Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 ed., title 10, sec. 576), section 212 of the act entitled 'An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes,' approved June 30, 1932, as amended (U. S. C., 1940 ed., title 5, sec. 59a), section 2 of the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' approved July 31, 1894, as amended (U. S. C., 1940 ed., title 5, sec. 62), or any other law, not to exceed two active or retired officers of the Army or the Navy may serve at the same time as members of the Commission, and any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to their commissioned status as such officers. Any such officer serving as a member of the Commission or as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in paragraph (2) or (4) (B), as the case may be, of subsection (a) of this section."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment to section 2.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Page 3, line 23, after the word "Commission", add the following: "Not more than three of whom shall be members of any one political party."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes on his amendment.

Mr. JOHNSON of California. Mr. Chairman, I am a little discouraged at the experience I have had in offering amendments. Let me say, however, that every amendment I have offered I thought was helpful and would improve the bill.

The amendment I am offering here is to insure that the Commission members will not be completely taken from one party. I realize that the men who will be appointed should be men of high caliber and men who have no particular interest in politics, but when I look back and see what happened to the Supreme Court of the United States, when I find that eight members of it were of one political party, when there are public statements made that men were appointed because they were members of a party, I am a little apprehensive of what could happen under this bill to this Commission.

Undoubtedly the President will want to appoint men on their qualifications only, irrespective of their party affiliations, but the thing that worries me is that I do not believe the men who surround the President of the United States will let him do that. They will want men placed on the Commission who have some political value to the party, and the pressure that might be placed on the President to put those party men on who ostensibly have the qualifications would be so great that he could not resist it. That is the only purpose of offering this amendment. We have this same principle in the Federal Power Commission, we have it in the Federal Trade Commission. I believe this amendment would insure the Commission being bipartisan by not having more than three members of one political party. That means the other two would be from other political parties. It seems to me it is a very sound safeguard to place on the President in the appointments that he will make to this Commission.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield.

Mr. BAILEY. Is it not safe to assume that all these appointees will be Americans?

Mr. JOHNSON of California. Certainly.

Mr. BAILEY. Does not that answer the question?

Mr. JOHNSON of California. That does not answer my question. That is a silly and frivolous one. It is safe to assume that every member of the Supreme Court will be an American, but we know from our experience that every day certain men from the Supreme Court are dabbling in partisan politics.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield.

Mr. THOMAS of New Jersey. If there ever was an amendment offered to this bill or a statement made by any Member in connection with anything having to do with the bill that shows how ridiculous the bill is, it is the gentleman's amendment, and I will tell him why. We hope to get the right kind of people on the Commission—not Democrats, not necessarily Republicans, or anything else, but the gentleman is making a political issue out of it.

Mr. JOHNSON of California. I am not making any political issue out of it at all. The gentleman from New Jersey is the one who takes the biased view in this case by continually dragging in Communists and other red herrings. I am trying to insure that we will have a balanced Commission. I am trying to take away from the President the pressure that will be put on him to put people in there because of their politics.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield.

Mrs. ROGERS of Massachusetts. I would just like to give the gentleman the date on which the agreement was reached between Great Britain, Canada, and the United States. It was reached by Truman, Attlee, and King on the 5th of November 1945. Prior to that time the Chiefs of Staff negotiated the agreement.

Mr. JOHNSON of California. That has nothing to do with my amendment.

Mrs. ROGERS of Massachusetts. I agree it has not.

Mr. JOHNSON of California. And it should be put in at the appropriate place.

I hope the Committee of the Whole will accept this amendment in the spirit in which I have offered it. As I said before, I want a balanced Commission, I want the best men we can get, and I want to take the heat off the President so he can select that kind of men and not have to listen to party politicians.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. COLE of Missouri) there were—ayes 38, noes 69.

Mr. JOHNSON of California. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. MAY. Mr. Chairman, I ask unanimous consent that the bill may be considered as read and that the amendments be called up and voted on as they appear in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

The Clerk read as follows:

RESEARCH

SEC. 3. (a) Research assistance: The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expending fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, grants-in-aid, and loans) for the conduct of research and development activities relating to—

(1) nuclear processes;

(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) utilization of fissionable and radioactive materials for medical, biological, health, or military purposes;

(4) utilization of fissionable and radioactive materials and processes entailed in the production of such materials for all other purposes, including industrial uses; and

(5) the protection of health during research and production activities.

The Commission may make such arrangements without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and may make partial and advance payments under such arrangements, and may make available for use in connection therewith such of its equipment and facilities as it may deem desirable. Such arrangements shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life or property, and to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine; but shall not contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(b) Research by the Commission: The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in subsection (a) above.

Mr. CLASON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLASON: On page 11, line 2, after the period on line 2, insert "The armed services, as well as private individuals, shall be permitted to engage in independent military research and to enter into research and development contracts with nongovernmental organizations provided that all such contracts are made subject to the provisions of this bill."

Mr. CLASON. Mr. Chairman, this amendment is taken from the words in the report of the Senate committee which are set forth on page 53. The amendment is based upon the statement of Mr. Kenney, the Assistant Secretary of the Navy. In his testimony before our committee he pointed out that the Navy is in a unique position; that the Navy is the greatest user of power and the largest power engineering organization in the world, which gives it an interest in the development and application of atomic energy for power uses.

Then he goes on to say that these ships have to carry fuel, and if they can use atomic energy it will mean much to them. He pointed out also that there are two propositions which, in connection with this bill, have given the Navy great concern. The first of them has to do with whether or not the armed services would be adequately taken care of on the Atomic Energy Commission. I believe that adequate protection for the Navy's interests will be furnished by any commission which is appointed.

The second proposition is whether the armed services will be free to continue its energetic program of research and development in the field of atomic energy. In connection with that program he pointed out that the Navy Department is at the present time engaged in a very large research and development activity. They have contracts with outside private firms and they wish to carry them on. Their point is that unless an amendment is offered in this bill the Navy must rely upon an interpretation of the provisions in this bill made in the report of the Senate committee to carry on these contracts and this research development.

Unfortunately the House committee in its report on page 8, section 3, research, makes no mention whatsoever as to the right of the armed services, either the Army or the Navy, to carry on their own development and research work. Because of that there is no interpretation by the House or its committee as to what the Army and the Navy would be able to do.

In view of the position of the Navy Department Mr. Kenney stated that the Navy Department is vitally interested in the development and use of atomic energy for many purposes, particularly as a source of power in ship propulsion. Plans are already under way whereby an extended program of research and development will be undertaken in the near future in the field of atomic power for use in ship propulsion.

The Navy's plans contemplate that eventually such a program will be carried out by projects placed with governmental organizations, including naval laboratories, and by means of contracts with private educational institutions and commercial organizations.

In view of the statement made by the Assistant Secretary, Mr. Kenney, I feel that the House ought to protect the armed services in this regard. The only purpose of this amendment is to put in this bill words which will indicate that the House agrees with the Senate, that the proper interpretation of this bill is that the armed services may go ahead with the work which they have already carried on with such outstanding success during the war. In peace it is going to mean much more to the United States insofar as the Navy and the Army are concerned if they can continue the development and research work which they have been heading up over the last 5 years.

For that reason I have offered this amendment, and unless it is in the bill, as I see it, the Navy might be wiped out by the absolute terms of this legislation from continuing work on which they have already expended millions of dollars and upon which they have a program which will also run into more millions. I feel it is very important that the Navy and the Army should be allowed to carry on the work which they have developed so well in the past.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CLASON].

The amendment was rejected.

Mr. MATHEWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHEWS: On page 9, line 16, strike out "grants-in-aid."

Mr. MATHEWS. Mr. Chairman, the purpose of this amendment is to prevent the giving of a blank check of unknown millions of the taxpayers' dollars for unnamed purposes to an unformed body of men. This Commission will be in a position of spending many millions and billions of dollars, particularly in paying for patents and royalties thereon, and for its own expenses and salaries. I do not think we should go so far as to give it a blank check in the form of grants-in-aid. Therefore, I think the amendment should be adopted.

More important, however, I am of the belief from talking to several Members of this House that they and outsiders

in business and industry are laboring under a misconception about this bill. This misconception is simply this. They are assuming that under the provisions of this bill the necessity for obtaining a license and the ability to obtain that license will be simultaneous. That is not correct. The moment the President signs this bill, if it is passed, all restrictions on ownership, on export and import, on transfer, and in every other respect will go into effect. The requirements for the licenses will go into effect, but there will be no place to get the licenses. That creates the gap, the hiatus, of which I spoke this morning, which will put the whole industry in an uproar and confusion.

A man using fissionable material or facilities in his own industry for his own business will go to his lawyer and say, "Tell me what I can do under this act without a license, or what I have to have a license for." If his lawyer is very, very smart he might be able to tell him. If he tells him what he needs a license for, the man may say, "Get me a license." The lawyer will say, "I cannot. The Commission is not formed, it has no organization, it has no employees, it has no forms of application, it has no personnel to make an inspection, and it has nobody to make a decision." That is the situation the industry will be in if this bill is passed and is then signed by the President.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I hope the gentleman's amendment will be adopted, for the further reason that the Commission is the judge of its own expenditures. Under the language of the bill on page 52, the General Accounting Office will not have the usual accounting authority over the Commission.

The bill provides that—

> The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only.

In other words, the Commission alone will decide about these grants-in-aid, and they cannot be restricted or examined by the General Accounting Office.

Mr. MATHEWS. That is right. That is why it is a real blank check.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. MATHEWS) there were—ayes 60, noes 55.

Mr. HINSHAW and Mr. BIEMILLER demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MAY and Mr. MATHEWS.

The Committee again divided, and the tellers reported that there were—ayes 79, noes 68.

So the amendment was agreed to.

The Clerk read as follows:

PRODUCTION OF FISSIONABLE MATERIAL

SEC. 4. (a) Definition: As used in this act, the term "produce," when used in relation to fissionable material, means to manufacture, produce, or refine fissionable material, as distinguished from source materials as defined in section 5 (b) (1), or to separate fissionable material from other substances in which such material may be contained or to produce new fissionable material.

(b) Prohibition: It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

(c) Ownership and operation of production facilities:

(1) Ownership of production facilities: The Commission shall be the exclusive owner of all facilities for the production of fissionable material other than facilities which (A) are useful in the conduct of research and development activities in the fields specified in section 3, and (B) do not, in the opinion of the Commission, have a potential production rate adequate to enable the operator of such facilities to produce within a reasonable period of time a sufficient quantity of fissionable material to produce an atomic bomb or any other atomic weapon.

(2) Operation of the Commission's production facilities: The Commission is authorized and directed to produce or to provide for the production of fissionable material in its own facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce fissionable material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce fissionable material in facilities owned by the Commission to the extent that the production of such fissionable material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (A) prohibiting the contractor with the Commission from subcontracting any part of the work he is obligated to perform under the contract, and (B) obligating the contractor to make such reports to the Commission as it may deem appropriate with respect to his activities under the contract, to submit to frequent inspection by employees of the Commission of all such activities, and to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under such contracts. The President shall determine at least once each year the quantities of fissionable material to be produced under this paragraph.

(3) Operation of other production facilities: Fissionable material may be produced in the conduct of research and development activities in facilities which, under paragraph (1) above, are not required to be owned by the Commission.

(d) Irradiation of materials: For the purpose of increasing the supply of radioactive materials, the Commission is authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material.

(e) Manufacture of production facilities: Unless authorized by a license issued by the Commission, no person may manufacture, produce, transfer, or acquire any facilities for the production of fissionable material. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish and shall be issued in accordance with such standards and upon such conditions as will restrict the production and distribution of such facilities to effectuate the policies and purposes of this act. Nothing in this section shall be deemed to require a license for such manufacture, production, transfer, or acquisition incident to or for the conduct of research or development activities in the United States of the types specified in section 3, or to prohibit the Commission from manufacturing or producing such facilities for its own use.

Committee amendment:

On page 12, line 20, after the comma, insert "except as authorized by the Commission."

Mr. MAY. Mr. Chairman, that merely means that without that amendment the Commission would not be able to subcontract in the letting of licenses. This was put in by the committee to enable them to expand their operations to small business.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as folows:

Committee amendment: Page 13, line 20, strike out the word "is" and insert "and persons performing pursuant to section 3 (a), section 4 (c) (1) (A) and (B), or section 7 are."

Mr. MAY. Mr. Chairman, I offer a corrective amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY as a substitute for the committee amendment: On page 13, line 20, strike out the word "is" and insert in lieu thereof the following: "and persons lawfully producing or utilizing fissionable material are."

The substitute amendment was agreed to.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: On page 11, line 18, after the word "Commission", insert a comma and the words "as agent of and on behalf of the United States."

Mr. HINSHAW. Mr. Chairman, I hope the committee will agree to this amendment. I would like to call attention to the prohibition contained in line 11, page 11, which reads:

> It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

If you will note the language on page 43, lines 4, 5, and 6, the Commission is authorized to acquire and purchase land and hold real and personal property as agent of, and on behalf of, the United States.

The language I have used here is identical with that language on page 43.

My reason for offering the amendment is because of the definition in the bill of the term "person" and referring now back to the prohibition on page 11:

> It shall be unlawful for any person to own any facilities—

Please note that the definition of the term "person" means not only any indi-

vidual, corporation, partnership, and so forth, but it means also the United States or any agency thereof. The United States is included in the term "person."

I merely ask for the insertion of these words, Mr. Chairman, in order that this section shall be in such form as not to conflict with the definition of the term "person."

I hope the chairman of the committee will agree to accept the amendment, as I think it clarifies the matter. It is purely clarifying in nature.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. HINSHAW) there were—ayes 49, noes 2.

So the amendment was agreed to.

The Clerk read as follows:

Page 14, line 14:

"CONTROL OF MATERIALS

"SEC. 5. (a) Fissionable materials:

"(1) Definition: As used in this act, the term 'fissionable material' means plutonium, uranium enriched in the isotope 235, any other material which the Commission determines to be capable of releasing substantial quantities of energy through nuclear chain reaction of the material or any material artifically enriched by any of the foregoing; but does not include source materials, as defined in section 5 (b) (1).

"(2) Government ownership of all fissionable material: All right, title, and interest within or under the jurisdiction of the United States, in or to any fissionable material, now or hereafter produced, shall be the property of the Commission, and shall be deemed to be vested in the Commission by virtue of this act. Any person owning any interest in any fissionable material at the time of the enactment of this act, or owning any interest in any material at the time when such material is hereafter determined to be a fissionable material, or who lawfully produces any fissionable material incident to privately financed research or development activities, shall be paid just compensation therefor. The Commission may, by action consistent with the provisions of paragraph (4) below, authorize any such person to retain possession of such fissionable material, but no person shall have any title in or to any fissionable material.

"(3) Prohibition: It shall be unlawful for any person, after 60 days from the effective date of this act to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States.

"(4) Distribution of fissionable material: Without prejudice to its continued ownership thereof, the Commission is authorized to distribute fissionable material, with or without charge, to applicants requesting such material (A) for the conduct of research or development activities either independently or under contract or other arrangement with the Commission, (B) for use in medical therapy, or (C) for use pursuant to a license issued under the authority of section 7. Such material shall be distributed in such quantities and on such terms that no applicant will be enabled to obtain an amount sufficient to construct a bomb or other military weapon. The Commission is directed to distribute sufficient fissionable material to permit the conduct of widespread independent research and development activity, to the maximum extent practicable. In determining the quantities of fissionable material to be distributed, the Commission shall make such provisions for its own needs and for the conservation of fissionable material as it may determine to be necessary in the national interest for the future development of atomic energy. The Commission shall not distribute any material to any applicant, and shall recall any distributed material from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as may be established by the Commission, or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

"(5) The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located, without regard to the provision of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

"(b) Source materials:

"(1) Definition: As used in this act, the term 'source material' means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

"(2) License for transfers required: Unless authorized by a license issued by the Commission, no person may transfer or deliver and no person may receive possession of or title to any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

"(3) Issuance of licenses: The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

"(4) Reporting: The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

"(5) Acquisition: The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.

"(6) Exploration: The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.

"(7) Public lands: All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States; except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made, if such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy: *Provided, however,* That no person, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such person, corporation, partnership, or association took part in such project. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials had been made under this subsection; except that when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the

Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.

"(c) Byproduct materials:

"(1) Definition: As used in this act, the term 'byproduct material' means any radioactive material (except fissionable material) yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material."

Mr. THOMASON. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with, with the understanding that any amendments may be offered at the appropriate places.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. THOMAS of New Jersey. Mr. Chairman, reserving the right to object, how many amendments are there at the Clerk's desk?

The CHAIRMAN. There are 16 amendments.

Mr. THOMAS of New Jersey. How many committee amendment are there?

Mr. THOMASON. Three more.

The CHAIRMAN. There are three more.

Mr. THOMASON. Mr. Chairman, this is not an effort to deprive any one from offering an amendment at the appropriate place in the bill, but inasmuch as the Speaker is anxious to conclude the consideration of this bill on account of a very crowded calendar, we want to save time.

Mr. THOMAS of New Jersey. Will the gentleman tell us when he expects to have the Committee rise?

Mr. THOMASON. If I may quote the Chairman and also the Speaker, I think there is an understanding to rise at 5:30.

Mr. THOMAS of New Jersey. If the gentleman will agree to rise at 5:30, I will not object; otherwise I will have to object.

Mr. KEEFE. Mr. Chairman, reserving the right to object, this is an extremely important bill and should be read section by section so that the Members may understand it; therefore I object.

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

The Clerk read as follows:

(2) Distribution: The Commission is authorized to distribute, with or without charge, byproduct materials to applicants seeking such materials for research or development activity, medical therapy, industrial uses, or such other useful applications as may be developed. In distributing such materials, the Commission shall give preference to applicants proposing to use such materials in the conduct of research and development activity or medical therapy. The Commission shall not distribute any byproduct materials to any applicant, and shall recall any distributed materials from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such materials in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(d) General provisions:

(1) The Commission shall not distribute (A) any fissionable or source material to any person for a use which is not under or within the jurisdiction of the United States or to any foreign government.

(2) The Commission shall establish by regulation a procedure by which any person who is dissatisfied with the distribution or refusal to distribute to him, or the recall from him, of any fissionable or byproduct materials or with the issuance, refusal, or revocation of a license to him for the transfer or receipt of source materials may obtain a review of such determination by a board of appeal consisting of three members appointed by the Commission. The Commission may in its discretion review and revise any decision of such board of appeal.

With the following committee amendments:

Page 20, line 10, strike out "person" and insert "individual."

Page 10, line 14, strike out "person" and insert "individual."

Page 20, line 15, after the word "project", insert "unless first authorized so to do by the Commission."

Page 22, line 22, after the word "distribute" insert "(A)."

The committee amendments were agreed to.

The Clerk read as follows:

Committee amendment: Page 22, line 23, strike out the words "or source."

Mr. THOMASON. Mr. Chairman, I offer a substitute for the committee amendment on page 22, line 22.

The Clerk read as follows:

Substitute offered by Mr. THOMASON for the committee amendment:

Page 22, line 22, strike out all of paragraph (1) and insert in lieu thereof the following:

"(1) The Commission shall not—

"(A) Distribute any fissionable material to (i) any person for a use which is not under or within the jurisdiction of the United States, (ii) any foreign government, or (iii) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

"(B) License any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security."

Page 18, beginning in line 1, strike out "and no person may receive possession of or title to" and insert in lieu thereof "receive possession of or title to, or export from the United States."

Page 23, line 11, strike out "transfer or receipt" and insert in lieu thereof "transfer, delivery, receipt, or exportation."

The CHAIRMAN. The question is on the committee substitute.

The committee substitute was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended by the substitute.

The committee amendment was agreed to.

Mr. THOMASON. Mr. Chairman, I offer a clarifying amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMASON: Page 20, line 4, strike out the semicolon and all that follows down through the word "enjoy" in line 9, and insert in lieu thereof the words "subject to valid claims existing on the date of the enactment of this act."

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I understand the amendment correctly, it proposes on page 20 to strike out the language between line 4 and line 9 and to substitute merely langaguge reading "subject to existing claims."

Mr. THOMASON. Mr. Chairman, if the gentleman will yield, I will say to the gentleman from South Dakota that the language reads "subject to valid claims existing on the date of the enactment of this act." May I add that I do not pretend to be too familiar with the matter except the chairman of the committee, with the advice of counsel, tells me that the Department of the Interior sent this amendment over, with the assurance that it does not change the meaning or the import of the language in the bill but merely clarifies it to conform to existing law.

Mr. CASE of South Dakota. The language which is proposed to be stricken, as nearly as I can determine its meaning, seeks to make clear that valid claims are not violated or rights are not lost.

Mr. THOMASON. That is correct, and the substitute does the same thing.

Mr. CASE of South Dakota. The gentleman from Texas says it does the same thing?

Mr. THOMASON. That is what the chairman of the committee as well as counsel for the committee advise me, and that it was the request of the Department of the Interior.

Mr. CASE of South Dakota. While I am here, I would like to ask the gentleman from Texas also whether the committee proposes to do anything about the matter on the same page to which I drew attention yesterday? I pointed out yesterday that the language in the bill, which reads: "The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources," apparently would not apply similar requirements to lands in the national forest administered by the Secretary of Agriculture unless they went to patent.

Mr. THOMASON. My information is that it is subject to existing Executive orders which cover the subject, and therefore the committee would have no other amendment.

Mr. CASE of South Dakota. I should like to ask the gentleman then what would happen in a situation like this: Claims are filed in the national forests simply by the act of the individual who files the claim. He goes out with a hatchet and pencil and makes his location. Within a certain number of days he files that location notice, if he desires, in the county courthouse. But from the time that he has put up his notice there he may mine that particular claim if he does a certain amount of development each year, called assessment work.

Mr. THOMASON. My personal opinion is that if the substitute amendment offered by the committee is

adopted, this is just about as plain as it could be made, because it is all subject to valid claims existing on the date of the act. Therefore, there could be no violence done to the existing claims.

Mr. CASE of South Dakota. I think that is probably correct, and certainly I am not objecting to that. I am trying to draw attention to another matter in the language that follows. I assume the purpose of the legislation from line 16 on is to make a specific reservation and have the Secretary of the Interior put it in any form of mineral permit he administers. I am wondering why you do not do the same for lands under the Secretary of Agriculture.

I know, as a matter of fact, for example, that a permit system is in operation on certain lands in the national forests in South Dakota which are what we call Federal game sanctuaries. Under that system, prospecting permits and mining permits are issued but they are issued by the Secretary of Agriculture and not by the Secretary of the Interior.

It is entirely immaterial to me. I am not seeking to tighten the bill in this respect, but in all fairness to the Committee I thought I should point out that there are mining permits which are administered by the Secretary of Agriculture and not by the Secretary of the Interior. If the Committee does not care to do anything about it, it is immaterial to me.

Mr. THOMASON. Existing claims are not affected in any way.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Texas.

The committee amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: On page 23, strike out subsection (2).

Mr. ELSTON. Mr. Chairman, the purpose of offering this amendment is to eliminate from the bill a rather strange form of procedure. This section you will notice touches on control of materials. The Commission under this section has the power and authority to distribute materials which may vitally affect the private industry of the Nation. The concluding paragraph of this section reads as follows:

The Commission shall establish by regulation a procedure by which any person who is dissatisfied with the distribution or refusal to distribute to him, or the recall from him, of any fissionable or byproduct materials, or with the issuance, refusal, or revocation of a license to him for the transfer or receipt of source materials may obtain a review of such determination by a board of appeal consisting of three members appointed by the Commission.

You will note that the Commission appoints its own board of appeal to pass on a question which may mean life or death to an industry, because if the time comes when fissionable material is used for industrial purposes it may make or break a company to be able to get it or not get it. The Commission makes an order on the use of fissionable material, and if a person is aggrieved by the order of the Commission, he may appeal, but he appeals to a board of appeal consisting of three members appointed by the Commission. If a person is not satisfied with the decision of the board of appeal, he does not appeal to the courts. The only recourse he has under this section is to do what is provided for in the last sentence of this section, which I read:

The Commission may in its discretion review and revise any decision of such board of appeal.

In other words, the Commission appoints the board of appeal in the first instance, and makes its own choice of membership. If the person or company aggrieved is not satisfied with the decision of the board of appeal, which the Commission appoints, such person or company appeals back to the Commission itself. That is about the strangest appeal procedure of which I have ever heard. I submit that it should be eliminated from the bill, and the general provisions of the administrative code of procedure, which we adopted some time ago in this House, should apply.

Under that code an appeal could be had to the courts of the land. That code was inserted in this bill by an amendment which I offered in committee, and it was made applicable to any decision of the Commission. But since this separate section remains here I believe it would be construed as a special section and as an exception to the general appeal provisions laid down in the administrative code of procedure if it is not stricken out. Therefore, I am offering an amendment to strike this special appeal section out of the bill.

Mrs. LUCE. Does that mean if the Atomic Commission should manage, as Mr. Lilienthal predicts it will, to generate heat and electrical energy for commercial use, since it has the power to license this and sell it to the public, if an industry was not satisfied with what it got, it could only appeal to this board?

Mr. ELSTON. This is not the section under which you appeal with reference to the issuance of a license. This is the section under which you would appeal from an order of the Commission allocating fissionable or byproducts material, which would be about the same thing because if you have a license and cannot get the material, the license would be meaningless.

Mr. THOMASON. Mr. Chairman, I think there is merit to the amendment offered by the gentleman from Ohio. I do think there ought to be some appeal from the acts of the Commission, but since I am led to believe that it would be covered by the Administrative Appeals Act it seems to me it is more or less unnecessary. In my judgment, it seems to be a rather awkward procedure.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. VORYS of Ohio. As I understood the gentleman from Ohio, by striking out this very awkward attempt at providing an appeals section we therefore put this bill under the appeal provisions of the code of administrative procedure over which the Congress has labored for so many years.

Mr. THOMASON. I think the gentleman is correct.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. VOORHIS of California. Where would that leave the situation? I mean, where would that leave a person under the circumstances described by the gentleman from Ohio?

Mr. ELSTON. Mr. Chairman, if the gentleman from Texas will yield, may I say we not only depend on the code of administrative procedure, which we adopted some time ago in the House and which is now law, but to make certain that every kind of appeal that you might take from an order of the Atomic Energy Commission could be taken, we wrote into this bill that the code of administrative procedure should apply. The amendment which I offered in committee appears on pages 45 and 46 of the bill. So, if the section which I am endeavoring to strike from the bill is stricken from the bill, it is my opinion that we are fully protected under the code of administrative procedure plus the committee amendment which appears on pages 45 and 46 of the bill.

Mr. THOMASON. May I say to the gentleman from California, if I recall correctly, the gentleman from Ohio had offered in committee an amendment putting this under the terms of the Administrative Procedure Act.

Mr. ELSTON. Yes; that is correct.

Mr. THOMASON. So it does seem to me that it is not only rather cumbersome but superfluous.

Mr. VOORHIS of California. What I was trying to get at was, What would be the practical effect on a person if he felt he had been unjustly treated?

Mr. THOMASON. My reply to that is, from my limited knowledge of the subject, that he could appeal to the Commission, and if he still felt aggrieved he would have the right of judicial review.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. VORYS of Ohio. Such a person would hire a lawyer and proceed under the code of judicial procedure which we have set up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ELSTON].

The amendment was agreed to.

Mr. LANHAM. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: On page 15, line 24, after the word "material", insert "owned by it."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the Chair being in doubt, the Committee divided; and there were—ayes 69, noes 39.

The motion was agreed to.

Mr. THOMASON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JOHN J. DELANEY, Chairman of the

Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1717) for the development and control of atomic energy, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6739) entitled "An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes."

The message also announced that the Senate still further insists upon its amendment No. 39 to the foregoing bill, disagreed to by the House; asks a still further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. McKELLAR, Mr. RUSSELL, Mr. MEAD, Mr. MURDOCK, Mr. WHITE, Mr. BALL, and Mr. BRIDGES to be the conferees on the part of the Senate.

DEPARTMENT OF LABOR AND FEDERAL SECURITY AGENCIES APPROPRIATION BILL, 1947

Mr. HARE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6739) making appropriations for the Department of Labor and Federal Security Agencies, with Senate amendments thereto and that the House further insist on its disagreement to Senate amendment No. 39.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HARE, TARVER, ROONEY, NEELY, ENGEL of Michigan, KEEFE, and H. CARL ANDERSEN.

EXTENSION OF REMARKS

Mr. DOYLE asked and was given permission to extend his remarks in the RECORD in two instances, to include in one a communication from the Federal Council of Churches, and in the other an editorial by William Green.

Mr. GEELAN asked and was given permission to extend his remarks in the RECORD and include five resolutions which were unanimously adopted at the Twenty-sixth Annual Department Encampment, Department of Connecticut, of Veterans of Foreign Wars.

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include an editorial from the Pittsburgh Catholic, entitled "To the Point."

Mr. BIEMILLER asked and was given permission to include in the remarks he made in the Committee of the Whole today a newspaper advertisement.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD and include a poem from a blind constituent and also to extend his remarks in the RECORD and include an editorial from the Advertiser Review.

Mr. BENDER asked and was given permission to extend his remarks in the RECORD in three instances and to include a series of articles written by the editor of the Cleveland Plain Dealer.

Mr. JOHNSON of Indiana asked and was given permission to extend his remarks in the RECORD.

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD and include several newspaper articles.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include a letter from Robert S. Allen.

Mr. PITTENGER (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include a statement he made before the Post Office and Post Roads Committee.

AMENDMENT TO SOCIAL SECURITY ACT

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that I may have until midnight tomorrow night to file supplementary views on the bill (H. R. 7037) to amend the Social Security Act.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDER GRANTED

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that after other special orders today I may address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SITE, ACQUISITION, AND DESIGN OF FEDERAL BUILDINGS

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 714, Rept. No. 2563), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6917) to provide for the site acquisition and design of Federal buildings, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Public Buildings and Grounds, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FOREIGN SERVICE OF THE UNITED STATES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 715, Rept. No. 2564), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6967) to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDMENT TO SOCIAL SECURITY ACT

Mr. GORE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORE. Mr. Speaker, I believe the Members of this body will be very interested, and I know many will be surprised, at an analysis of the compromise bill amending the Social Security Act which it is anticipated will soon be before this body for consideration.

There is something wrong with it, badly wrong. Ninety percent of the new Federal expenditure which it provides for old-age assistance will go to five States; the remaining 10 percent will go to 26 States, while the increase for 17 States will be exactly zero.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the able gentleman from West Virginia.

Mr. RANDOLPH. Am I correctly informed that no increase will go to West Virginia?

Mr. GORE. That is right. No increase would go to the needy old people of West Virginia and I do not think that is fair, especially so when by the terms of the bill more than $24,000,000 would go to the old people of only five States.

Mr. Speaker, H. R. 7037, the compromise bill amending the Social Security Act, which it is anticipated will be presented for consideration within the next few days, does a great injustice to the needy old people of a great many States.

I have never thought that need stopped with a State line nor that rank discrimination between our citizens should be perpetrated by the Federal Government.

H. R. 7037 increases the inequity of existing disbursement of Federal social-security funds. For instance, I have before me a chart compiled by the Social Security Board which shows that by this bill the old people most direly in need of increased assistance would receive no increase whatsoever. In a great many other States the needy old people would receive very little increase by this bill. But on the other hand, Mr. Speaker, five States would receive very large additional Federal assistance. That would be unfair treatment. That would be discrimination. We must not do it.

By terms of H. R. 7037 increased assistance would be provided for States be-

ginning with October 1, 1946, and running through December 31, 1947—five quarters. I would like to point out that States would have little opportunity, to say nothing of ability, to meet the increased requirements in order to benefit from the provisions of H. R. 7037 before October 1. On the other hand, some States already have State laws and State programs by reason of which they could receive immediate benefit of the augmented Federal funds provided by this bill; but that would be of little consolation to the needy old people in a majority of the States where only a pittance is now being provided and where in a great many cases the States are simply not able to match Federal funds already available. I understand that it was the able young Member from Arkansas on the committee, the Honorable WILBUR MILLS, who insisted that this provision be limited to the five-quarter period.

Before going further, I would like to show the actual amount of increased Federal expenditure provided for each State over the present rate by H. R. 7037 for old-age assistance:

State:	*Increase over 1943–44 rate of expenditure*
Alabama	$4,000
Alaska	25,000
Arizona	355,000
Arkansas	----------
California	13,031,000
Colorado	1,496,000
Connecticut	200,000
Delaware	----------
District of Columbia	5,000
Florida	----------
Georgia	----------
Hawaii	----------
Idaho	14,000
Illinois	271,000
Indiana	----------
Iowa	146,000
Kansas	302,000
Kentucky	----------
Louisiana	126,000
Maine	8,000
Maryland	2,000
Massachusetts	4,969,000
Michigan	72,000
Minnesota	40,000
Mississippi	----------
Missouri	----------
Montana	10,000
Nebraska	----------
Nevada	82,000
New Hampshire	6,000
New Jersey	250,000
New Mexico	155,000
New York	2,810,000
North Carolina	----------
North Dakota	32,000
Ohio	32,000
Oklahoma	60,000
Oregon	71,000
Pennsylvania	58,000
Rhode Island	85,000
South Carolina	----------
South Dakota	----------
Tennessee	----------
Texas	----------
Utah	326,000
Vermont	----------
Virginia	----------
Washington	2,200,000
West Virginia	----------
Wisconsin	34,000
Wyoming	6,000
Total	27,289,000

Source: Social Security Board.

Mr. Speaker, I submit that this is wrong, that by this bill the gross inequity now prevailing is only made worse.

What is the remedy? We must amend the bill. If we are afforded no opportunity of doing so by the terms of the rule presented for the purpose of governing consideration of the bill, then we must vote down the previous question on the rule and amend it so as to give the House an opportunity to correct this wrong. It is said that we cannot write legislation on the floor. Well, Mr. Speaker, I think we can do better than the committee has done on H. R. 7027; certainly no worse. Anyway, I am not one of those who is willing to delegate to one small committee of the House the sole and unquestioned right and responsibility of writing all of the country's laws affecting social security in which the whole people as well as the whole Congress is interested, vitally interested, giving it to us in a confused, jumbled manner, saying merely, "Take it or leave it."

The Social Security Board recommended a formula for correcting some of the rank inequities of the social-security program. The Ways and Means Committee reported a bill on July 1 embodying the variable matching formula for distribution of Federal funds for old-age assistance. But for some reason, unknown to me, the committee has now backed down and on July 15 reported a new bill, H. R. 7037, which worsens instead of bettering the present situation. True, there are some features in the bill which all of us would like to support, particularly the provisions relating to veterans' benefits, but those benefits for veterans need not be adversely affected even though it becomes necessary to defeat outright H. R. 7037, because the Senate has already passed a separate bill embodying these benefits for veterans, and I am sure that the chairman of the committee could call this separate veterans' bill up in the House and pass it by unanimous consent.

There is another feature of the bill in which some Members may be interested, and that is the provision which freezes the social-security tax rate. The Congress appropriated $50,000 for the Ways and Means Committee to employ a technical staff to make a study of this question. The competent Calhoun staff was employed by the committee, and after exhaustive study the staff recommended that the social-security tax rate be increased. The Social Security Board also urgently recommended an increase. At first accepting and acting favorably upon this recommendation, the committee has now done a right-about face, reporting a bill freezing the rate. The freezing of the social-security rate, embodied in H. R. 7037, is contrary to the best judgment of the most competent technical advisers available to the Congress, and yet by the rule we are asked to swallow this bill in toto with no opportunity to dot an "i" or cross a "t."

But however Members feel about freezing or increasing the social-security tax rate, the injustices and inequities of the Federal old-age assistance program should be corrected, at least ameliorated, not worsened.

The variable-matching formula may not be a perfect method for allocation of Federal funds for old-age assistance, but it is a step in the direction of equality of treatment by the Federal Government of the individual aged citizen in need of assistance.

After careful study, technical experts have devised the formula which in their opinion would best meet the needs of the program which after trial has been found to work unfairly and inadequately. Indeed, the Ways and Means Committee, by a heavy majority, I am informed, recommended adoption of the formula in a report accompanying H. R. 6911. I hope the Congress will have an opportunity to consider this formula. Perhaps the House might want to substitute H. R. 6911 for H. R. 7037. In order that Members may know just how it would affect each State's old-age assistance program, I am listing below the amount of Federal expenditures for old-age assistance to each State in 1943–44, the amount which would be provided by H. R. 6911, and a third column which shows the increase provided by H. R. 6911 over the 1943–44 disbursement:

Old-age assistance from Federal funds in 1943–44 and under H. R. 6911

State	1943–44	Total	Increase over 1943–44
Total	$326,870,000	$428,444,000	$101,574,000
Alabama	2,325,000	4,650,000	2,325,000
Alaska	253,000	273,000	20,000
Arizona	2,185,000	3,153,000	968,000
Arkansas	2,470,000	4,944,000	2,474,000
California	36,522,000	52,038,000	15,517,000
Colorado	8,907,000	11,390,000	2,482,000
Connecticut	2,798,000	3,090,000	292,000
Delaware	139,000	139,000	0
District of Columbia	497,000	501,000	4,000
Florida	4,272,000	6,414,000	2,142,000
Georgia	4,412,000	8,827,000	4,415,000
Hawaii	171,000	171,000	0
Idaho	1,683,000	2,055,000	373,000
Illinois	24,609,000	25,706,000	1,097,000
Indiana	8,601,000	8,601,000	0
Iowa	8,268,000	9,446,000	1,177,000
Kansas	4,617,000	5,706,000	1,089,000
Kentucky	3,408,000	6,816,000	3,408,000
Louisiana	4,633,000	9,457,000	4,824,000
Maine	2,273,000	2,564,000	291,000
Maryland	1,884,000	1,919,000	35,000
Massachusetts	16,261,000	20,236,000	3,975,000
Michigan	14,742,000	15,179,000	437,000
Minnesota	9,658,000	12,299,000	2,638,000
Mississippi	1,462,000	2,922,000	1,461,000
Missouri	13,382,000	17,031,000	3,648,000
Montana	1,886,000	1,946,000	60,000
Nebraska	3,948,000	5,236,000	1,283,000
Nevada	457,000	528,000	72,000
New Hampshire	1,082,000	1,496,000	414,000
New Jersey	4,003,000	4,203,000	200,000
New Mexico	920,000	1,846,000	926,000
New York	20,205,000	22,458,000	2,253,000
North Carolina	2,276,000	4,549,000	2,273,000
North Dakota	1,380,000	1,865,000	485,000
Ohio	21,390,000	21,710,000	320,000
Oklahoma	11,409,000	22,812,000	11,403,000
Oregon	3,525,000	3,731,000	206,000
Pennsylvania	14,872,000	15,250,000	378,000
Rhode Island	1,271,000	1,339,000	69,000
South Carolina	1,667,000	3,336,000	1,669,000
South Dakota	1,796,000	2,695,000	899,000
Tennessee	3,693,000	7,380,000	3,686,000
Texas	22,357,000	36,509,000	14,153,000
Utah	2,828,000	3,452,000	625,000
Vermont	627,000	831,000	204,000
Virginia	1,185,000	1,706,000	521,000
Washington	13,537,000	15,582,000	2,045,000
West Virginia	1,741,000	3,380,000	1,639,000
Wisconsin	7,743,000	8,383,000	641,000
Wyoming	640,000	694,000	53,000

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain compilations prepared by the Social Security Board.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMENDING CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JACKSON, MANASCO, RAYFIEL, REES of Kansas, and BYRNES of Wisconsin.

INDIAN CLAIMS COMMISSION

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JACKSON, FERNANDEZ, STIGLER, MUNDT, and ROBERTSON of North Dakota.

SUGAR ACT OF 1937

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6689) to extend for an additional year the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 2, strike out lines 7 to 10, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. HOPE. Mr. Speaker, reserving the right to object, will the gentleman explain the purport of the matter stricken out by the Senate?

Mr. FLANNAGAN. The House passed the extension bill for 1 year. The Senate reported out a 3-year bill but finally accepted the House extension for a year to eliminate section 3 which applies to sugar quotas from the Philippines, due to the fact that the Philippines in the meantime had been granted their independence, and the sugar quota was taken care of in the act granting independence to the Philippines.

Mr. HOPE. It therefore would be superfluous?

Mr. FLANNAGAN. It would be superfluous now. It should have been in the original act, but at that time the Independence Act had not gone into affect.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication:

JULY 19, 1946.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Accounts.

Respectfully yours,

LEO E. ALLEN,
Thirteenth Illinois District.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PANAMA CANAL

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. PETERSON of Flordia, BONNER, and HERTER.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPOSITION OF PROPERTY ACQUIRED BY GOVERNMENT AGENCIES

Mr. BRADLEY of Michigan. Mr. Speaker, I was very much surprised to learn in the hearing before the Committee on the Merchant Marine and Fisheries yesterday, at which several division heads from the General Accounting Office were present, that the Accounting Act does not provide for the Comptroller General to check on the disposition of property acquired by the various Government departments and agencies with the single exception of the Maritime Commission, and that is provided in the Merchant Marine Act of 1936, as amended. In other words, they check into the financial transactions only. They make sure that the proper payments are made for the proper materials as ordered and as received, but they have no authority to check into the disposition of that property. It may be lost or stolen, and no check is made by an independent agency. The next Congress should correct that situation.

EXTENSION OF REMARKS

Mr. FULLER asked and was given permission to extend his remarks in the RECORD.

Mr. HINSHAW (at the request of Mr. MARTIN of Massachusetts) was given permission to include certain excerpts in the remarks he made in the Committee of the Whole today.

APPOINTMENT OF AN ADDITIONAL JUDGE FOR THE DISTRICT OF DELAWARE

Mr. SUMNERS of Texas submitted a conference report and statement on the bill (S. 1801) authorizing the appointment of an additional judge for the district of Delaware.

FEES OF UNITED STATES COMMISSIONERS

Mr. SUMNERS of Texas submitted a conference report and statement on the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597), prescribing fees of United States commissioners.

FIXING THE SALARIES OF CERTAIN JUDGES OF THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent for immediate consideration of the bill (S. 920) to fix the salaries of certain judges of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RUSSELL. Reserving the right to object, Mr. Speaker, may I ask the chairman of the committee if this is the bill that raises the salaries of all the members of the judiciary, in some brackets as high as 50 percent, and as to Federal district judges from $10,000 a year to $15,000 a year?

Mr. SUMNERS of Texas. That is the bill.

Mr. RUSSELL. Does not the chairman think that a bill of this magnitude, in view of the strained financial condition of our country, should come before the House when a quorum is here to consider it and decide whether or not we should agree to an inflationary measure like this?

Mr. SUMNERS of Texas. May I say to my disinguished friend that while we do not have as many Members here as we sometimes have, we certainly have a very fine cross-section of the House on each side, Members with lots of intelligence, and I imagine they can pass on the question.

Mr. RUSSELL. Mr. Speaker, much as I hate to do so, and without any reflection upon the chairman of the great Committee on the Judiciary or the fine gentleman who is the author of this bill, I am compelled to object to the present consideration of this bill.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SUSPENSION OF THE RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order on Saturday next for the Speaker to recognize Members to move to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from South Dakota [Mr. MUNDT] is recognized for 30 minutes.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter which I have written to J. Edgar Hoover of the Federal Bureau of Investigation and a letter which J. Edgar Hoover wrote to me.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WHAT IS HAPPENING TO AMERICA'S FIRST LINE OF DEFENSE?

Mr. MUNDT. Mr. Speaker, if that great American was right who said, "Eternal vigilance is the price of liberty," and in my opinion he was 100-percent correct, then the Budget Bureau of President Truman is eternally wrong in gambling with fate the way it has in recommending specific cuts in appropriations which virtually mean the dismantling of the investigation service of the United States Civil Service. It should be a matter of real public concern to determine just who it was, either on or off the staff of the Budget Bureau, who succeeded in thus sabotaging America's first line of defense because certainly the first place to safeguard our Nation's security is to make certain that those who work for our Government believe in the system which they are privileged to help operate.

It is, however, of even greater public concern that Congress now take steps to protect America against the foolhardy and dangerous relaxations which have been made in the investigation of potential Government employees so that it now amounts to practically giving the green light to every political saboteur and un-American agent in this Republic who desires to see our public offices infiltrated to the point of saturation with undesirable, unpatriotic, and un-American personnel. In my opinion, it has never been more important at any time in our whole national history to "place only Americans on guard"; instead, we have let down the bars and unlocked the doors without justification, without reason, and without due regard to our national security.

Mr. Speaker, I am not alone in these fears. In the course of my remarks, I propose to quote no less an authority than J. Edgar Hoover, himself, who as Director of the Federal Bureau of Investigation is charged with safeguarding our civilian security. I shall also quote from Mr. Arthur S. Flemming, our able and alert Civil Service Commissioner. Both of these good public officials are seriously disturbed at this action by the Budget Bureau which, due to the pressure of a multitude of other public duties upon Members of Congress, has up to now all but escaped public notice and completely escaped congressional correction.

I am recommending that the appropriate committees of Congress take action without delay to correct a condition which if longer ignored or completely neglected is likely to result in the certifying into positions of public responsibility a large number of people whose primary motive for seeking public service is to destroy rather than to develop the system of government which gives them employment.

As a member of the House Committee to Investigate Un-American Activities, I shall ask our committee to devote special attention to the conditions which are apt to develop from the horrific lassitude—if it is not worse than that—which the Budget Bureau has exemplified toward the all-important matter of carefully screening and systematically investigating the character and suitability of applicants for Federal positions before they are given places of responsibility and access to records and data of vital importance to our country as a whole. However, our Committee to Investigate Un-American Activities can function only to expose that which has already occurred—we are not able to enforce standards of selection which will prevent the employment of political saboteurs, un-American agents, and outright criminals. That must be done by authorities charged with the responsibility and equipped with the personnel and the authority to make the necessary preemployment checks and investigations required to make positive that those who would work in the American Government are loyal to America and are adherents to the American way of life.

Only the Civil Service Commission and the Federal Bureau of Investigation are equipped with the authority to do that and I shall show conclusively that neither agency has the personnel or funds with which to accept this significant responsibility. Both agencies recognize the need for such investigations, both agencies view with acute alarm the steps which have been taken by the Budget Bureau to circumscribe their powers of investigation, and both agencies have made public their warnings that they cannot be expected to safeguard America against the employment of undesirables on the public pay rolls under prevailing circumstances.

Mr. Speaker, here is the record of the sordid story showing how under the false guise of economy, the preemployment investigation services of our Government have been almost destroyed insofar as the Civil Service Commission is concerned and how they have been hopelessly crippled insofar as the Federal Bureau of Investigation is concerned. The evidence is all taken from the public records except for that which I am including with my discussion in the form of a letter from J. Edgar Hoover.

Congress last week voted to loan or give $3,750,000,000 to Great Britain under the stimulus of arguments which emphasized over and over again that the loan was necessary "to stop the extension of communism." That loan is now a fait accompli, Mr. Speaker, and I have no desire to rehash the arguments as to its merits or demerits. The unfolding of history will answer that enigma.

However, it should be axiomatic to all Americans that the first place and the most important place "to stop the extension of communism" insofar as this Republic is concerned is right here in the United States and especially within the ranks of those on the Government pay roll and among those making and executing decisions on public policy as officials of this Government. Instead, we are confronted with indisputable evidence to show that at the very time we are making $3,750,000,000 available to a single foreign country "to stop communism," we practice penny-wise and pound-foolish economy by accepting Budget Bureau recommendations which under the guise of saving a few million dollars, actually leave the doors of Government employment open in this country to hundreds and thousands of people whose main objective may well be to create confusion and inefficiency in Government so that our free institutions can be made to fumble and falter to the end that those advocating communism can point to these deficiencies in support of their own poisonous political creed. Even worse, we leave our doors open to those who may not be content to create confusion but who may well go so far as to reveal secrets and to relay information to countries to which they pay a greater allegiance of loyalty than they do to the United States.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield.

Mr. BRADLEY of Michigan. I have been listening with a great deal of interest to the gentleman's remarks, and I subscribe to them in their entirety. Of course the gentleman knows, as he pointed out earlier, that a great deal of this attack on our investigative services is due to the activities of the Bureau of the Budget. At the present time the Acting Director of the Bureau of the Budget is Mr. Paul H. Appleby, formerly with the Department of Agriculture.

Mr. MUNDT. That is correct.

Mr. BRADLEY of Michigan. Appleby has under him a gentleman by the name of George F. Schwarzwalder, who was sent out to streamline the intelligence departments of the Army, the Navy, and the State Department, and he said that the records of the Communists in those files should have a "lean and hungry look," and so they have been pulled out and destroyed.

He also sought to replace Mr. J. Edgar Hoover, head of the Federal Bureau of Investigation. Should the FBI files be pulled, we would never have a record of

any of the Communists who now seek employment with the Government. The point of the matter is that Mr. Paul H. Appleby, in a communication over his own signature, which I have seen, stated that—

A man in the employ of the Government had just as much right to be a member of the Communist Party as he has to be a member of the Democratic or Republican Party.

If Mr. Appleby should be proposed as Director of the Budget to succeed the very splendid man who left a short while ago to accept a better position, then I suggest, in the interest of real Americanism and in the interest of the soundness of this Government of ours, the Senate had better give pretty careful consideration to Mr. Appleby's philosophy of government before confirming such an appointment.

Mr. MUNDT. I certainly appreciate the gentleman's contribution. It is doubly important, due to the fact that the Members know the gentleman has made a careful study of the investigating service of this Government, and the gentleman from Michigan is also the man who delivered a splendid speech on the floor of the House some few months ago when there were rumors that some of the New Deal crowd were trying to displace J. Edgar Hoover. Largely as a result of his speech and his direction of public attention to that well-planned effort, the scheme collapsed and J. Edgar Hoover has been continued in his position as Director of the FBI.

Mr. BRADLEY of Michigan. I thank the gentleman for the compliment he has extended. Of course, at that time it was rumored that this man Schwarzwalder was due to succeed Mr. Hoover. He had no record of past accomplishment in crime detection. For 9 years before entering the Government service he was a social-service worker in Philadelphia. He sold books for the United Cigar Co. He was a surveyor. He was a clerk for the Pennsylvania Railroad. All of which shows his remarkable ability as a superdetective, as a New Dealer interprets job qualifications.

Mr. MUNDT. I certainly agree that it would have been a calamity had J. Edgar Hoover been removed and Mr. Schwarzwalder put in his position, or if anybody else selected by the New Deal crowd had been put in as a political appointee instead of that great public servant, J. Edgar Hoover.

I want to say about Mr. Paul Appleby, who was brought into the discussion, that later on in my speech I suggest that the House Committee on the Civil Service make an investigation to determine who it was in the Bureau of the Budget who brought about this almost complete scuttling of the investigative service. If the particular individual who engineered this travesty, whoever he is, should be considered as Director of the Budget, the United States Senate should know about his record in advance, because obviously he would be an unfit man for such a position.

Mr. BRADLEY of Michigan. I think the House is to be commended for the prompt action it took, in blocking the dismissal of Mr. Hoover and seeing to it that his salary was increased 40 percent. It should have been done long ago. The House thereby showed their confidence in his ability.

Mr. MUNDT. The gentleman is absolutely correct.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield.

Mr. CHURCH. The gentleman from Michigan [Mr. BRADLEY] has suggested the possibility of certain files being pulled and everything lost. Would not the gentleman, one of the active members of the Committee on Un-American Activities, think that your committee should make certain that those files and the information in them are gotten for your committee so that the people and the Congress should have that information forever?

Mr. MUNDT. I may say that the files to which the gentleman from Michigan refers are files which he says have already been pulled, and we would only be attempting to lock doors behind stolen horses.

The Committee on Un-American Activities of the House, of which I am a member, is doing all it can, however, to see to it that the type of thing that the gentleman from Michigan described does not occur again.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Michigan.

Mr. RABAUT. In all this talk about Mr. Hoover, let it be remembered that Mr. Hoover had his great opportunity since the day the Democrats came into power, and even the raise he received recently was instigated right on this side of the aisle, I will say, with the full cooperation of everybody in this House; and we have championed his cause if anybody has ever championed it. We hold him in high regard as a great public official.

Mr. MUNDT. I am certainly delighted to know that the Democrats are supporting J. Edgar Hoover as vigorously as are the Republicans. I might add that if the Democrats would extend the same good judgment in support of other public officials which they have manifested in favor of J. Edgar Hoover they would perform a great service to the entire country.

Mr. BRADLEY of Michigan. Let me say for the RECORD that Mr. Hoover has been Director for 21 years.

Mr. MUNDT. That, of course, is true. I do not believe the gentleman from Michigan knows whether Mr. Hoover is a Republican or a Democrat; but he is a mighty fine public servant. He merits the support of all good men of all patriotic parties.

A HIDDEN STORY IN THE PUBLIC RECORDS

Mr. Speaker, tucked away in a few pages of the 1,189-page volume of hearings held by the independent offices appropriation bill subcommittee is found the testimony of Civil Service Commissioner Arthur S. Flemming, beginning on page 1070 of that volume. In reviewing these hearings for another purpose, I first came across the prolog to the dangerous drama I am about to describe. I shall authenticate it for you by verse, chapter, and line.

On page 1096 of his testimony, Mr. Fleming discusses the recommendations made by the Budget Bureau for appropriations for the investigatory services of the Civil Service Commission. He speaks particularly about the funds for investigations to "determine the general suitability" of prospective employees. That, Mr. Speaker, is fancy, polysyllabic language to identify the type of investigations made by the Civil Service Commission to make certain it does not certify for employment people with subversive, un-American backgrounds, Communists, Fascists, political saboteurs, or political agents. It is the check the Civil Service Commission makes to meet its objective of "placing only Americans on guard" in positions of public trust and Government responsibility.

Mr. Flemming says of the Budget Bureau recommendations for money for this type of work, "It will leave just $78,624 to be used for the purpose of making investigations to determine general suitability." Mr. Speaker, let us examine the situation carefully so that we can fully grasp the significance of Mr. Flemming's plaintive protest against cutting the funds for the investigation of general suitability to "just $78,624." I have discussed this matter with Mr. Flemming and I have gone into the past records of the requirements of the civil-service investigation staff for this purpose. Here is the startling situation which we now confront:

In 1945 the civil-service investigation staff had $2,246,498 for this purpose.

In 1946 the civil-service investigation staff had $438,539 for this purpose.

In 1947 the civil-service investigation staff has $78,624 for this purpose. Bad as is the story indicated by this drastic cut, it does not reveal the total description of the dangerous situation which is created by this action of the Budget Bureau.

Mr. Flemming reports, for example, the following break-down of what this cut entails:

In 1945, 100,905 civil-service investigations were made as to general suitability.

In 1946, through May, 24,483 civil-service investigations were made of the general suitability of applicants for Federal positions.

In 1947 only 1,400 such investigations can be made on the $78,624 made available.

Mr. Speaker, even these facts do not indicate the full extent of the actual threat which this situation creates to the preservation and the functioning of our free American institutions of Government. For example, Mr. Flemming told me this week that it is estimated that in 1947 there will be 790,000 placements to be made in the Federal service. Of these only 1,400 can be given any investigation as to their loyalty and general suitability; only 1,400 can be carefully screened to make certain they are not

agents of communism or other un-American forces.

Commissioner Flemming pointed out to me in my conversation with him this week that, since many positions temporarily filled by war-service appointments during the war must be replaced or reclassified during 1947, the need for funds and personnel to investigate their loyalty and general suitability is actually more than normal. Instead, we find that the flow of funds for this protective service has been reduced to a trickle and money enough has been provided for only 1,400 such investigations. This means that well over 750,000 Federal employees may enter the Federal service in the fiscal year of 1947 without being screened by an adequate examination or investigation to determine their loyalty.

BOTH FLEMMING AND J. EDGAR HOOVER VOICE ALARM

Mr. Speaker, if Congress permits this wanton gamble with our national security to occur, in all fairness the American public should blame neither Commissioner Flemming of the Civil Service Commission nor J. Edgar Hoover, Director of the Federal Bureau of Investigation, for the debacle which may well result if our Government offices are soon teeming with termites of political disaster who are guided into Government service by American Communist leaders and other political agents provocateurs who are motivated by un-American motives. Both Flemming and Hoover have publicly warned the country of what may happen unless remedial steps are taken before it is too late.

Mr. LANDIS. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Indiana.

Mr. LANDIS. As a matter of fact, is it not true that the Truman administration is responsible for this shocking condition because the Bureau of the Budget is an arm of the White House rather than of Congress?

Mr. MUNDT. I am glad the gentleman brings that up, because many citizens who are not Members of Congress do not realize that the Budget Bureau is not an independent agency or government or that it has no relationship with Congress. The gentleman is precisely correct. The Budget Bureau is an arm of the White House. It comprises the financial eyes and ears of the White House. It recommends its financial proposals in conformity with White House policy. Congress has no way in which to determine what type of recommendation the bureau will make or to influence its decisions.

Mr. LANDIS. Is it not a fact that in every campaign year the Democrats always make some statement down there in the executive departments about investigating Communists, but, in fact, nothing is ever done about it. The only way we are ever going to get rid of these subversive individuals in the Government is to elect Republicans.

Mr. MUNDT. I think that is the best and surest way. I am not sure it is going to be the quickest way. I hope, however, it is as quick as it would be sure. According to the best data which can be collected, there are now some 2,000 Communists of one degree or another who have wormed their way on to our Federal pay roll. Every one of them should be removed and adequate precautions should be taken to make positive that no more disloyal un-American agents of any stripe, kind, or description are ever again employed.

On page 1096 of the Independent Offices Appropriation Hearings for 1947, Mr. Flemming says, "Under this greatly reduced program, the Commission will, of course, continue to require that the fingerprints of all appointees to Federal positions be cleared through the FBI fingerprint file. It also hopes that arrangements can be worked out whereby the names of such employees can be cleared through the FBI name file." I asked Mr. Flemming last Monday whether the FBI had advised him as to its ability to render this service with their present personnel. Mr. Flemming replied, "Yes, and the FBI has told us it does not have the personnel with which to undertake this responsibility." That situation is verified, Mr. Speaker, in a letter which I received from Mr. Hoover and which I shall include as a part of these remarks.

Again, J. Edgar Hoover, in testifying on January 17 of this year in support of his request for appropriations said—and his testimony in this connection is found on pages 150 to 158 of the Justice Department appropriations hearings:

> I am informed as a result of the cut in the appropriation of the Civil Service Commission, they will not make any investigations of persons who are being considered for Government positions except on very special projects. I feel that such a practice is very undesirable. It does not come within my jurisdiction but I feel that persons who apply for positions with the United States Government ought to be thoroughly investigated and fingerprinted to ascertain whether they have good records and whether they have criminal backgrounds or arrest records. This information should be available before appointment.

It is significant, Mr. Speaker, that J. Edgar Hoover, of the FBI, whose great work in fighting un-American influences and disloyal agents is universally recognized and acclaimed went out of his way to warn the country against discontinuing the preemployment investigations by the civil service and that he says with reference to checking the suitability of Federal appointees, "This information should be available before appointment."

Indeed, sir, the time to detect disloyalty and un-Americanism on the part of a potential Federal employee is before appointment. Anybody acquainted with the Government knows how difficult it is to remove or disqualify a civil-service appointee once he has become entrenched in his position. Congress tried to do it by an overwhelming vote in the case of Watson, Lovett, and Dodd, and the United States Supreme Court reversed our action. Numerous department chiefs have told me it is almost impossible to force the dismissal of a civil-service employee on evidence of un-American activities once the 1-year probationary period of employment is passed. I was reliably informed this week that the State Department has encountered real difficulty in ridding its rolls of persons whom its security committee has defined as undesirable. If Mr. Flemming is right when he estimated there will be 790,000 Federal placements in the fiscal year 1947 and that the paltry sum of $78,624 he has been allocated for suitability investigations will permit an adequate investigation of only 1,400 cases per year, it will require over 563 years to complete the check-up on the recruitments to Federal service for next year alone. If such a state of affairs is not the complete sabotaging of our preemployment inspection system, Mr. Speaker, I defy any Communist in the United States to do the job more effectively.

On July 15 I addressed a formal letter to J. Edgar Hoover asking him whether the FBI was equipped and financed to undertake the new responsibilities of checking upon the loyalty of potential Federal employees which must fall to it or be entirely neglected for all practical purposes, and inquiring, secondly, whether in his opinion "checking the name and fingerprint files of the FBI would provide a sufficient safeguard to make certain that un-American influences do not find an opportunity to exert themselves from within our Government."

Under date of July 16, I received a prompt and direct reply from Mr. Hoover. Both of these letters will be inserted in the RECORD in full at this point. However, let me say here for purposes of emphasis that Mr. Hoover said positively the FBI could not do the work now being abandoned by the economies forced upon the Civil Service Commission by the Budget Bureau. Mr. Hoover wrote:

> The demands upon the FBI occasioned by the current crime situation and special matters growing out of the war effort have exceeded our expectations, and consequently it would be impossible for us to assume any further investigative responsibilities such as the investigative work formerly performed by the Civil Service Commission. As a matter of fact, as the result of our reduced appropriation and personnel, our work is in a seriously delinquent status at the present time.

In response to my question about the adequacy of a name check and fingerprint file examination, Mr. Hoover wrote:

> As indicated in my testimony (before the Appropriations Committee), I feel very strongly that all persons who are being considered for appointment in the Federal service should be thoroughly investigated to determine their suitability for employment. Otherwise, there can be no assurance that individuals with undesirable tendencies and backgrounds will not secure employment in the various agencies of the Government and possible access to important and highly confidential documents and information.

Mr. Speaker, our exchange of communications reads as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 15, 1946.

Mr. J. EDGAR HOOVER,
Director, Federal Bureau of Investigation,
Department of Justice,
Washington, D. C.

DEAR MR. HOOVER: I have been considerably disturbed by the drastic reductions in the appropriation made available for 1947 to the

Civil Service Commission for the purpose of making preemployment investigations of people seeking positions with the Federal Government. I note that while in 1945, $2,246,498 were available for this purpose and while in 1946, $438,539 were allocated for this purpose, Mr. Arthur S. Flemming, Civil Service Commissioner, testified on page 1096 of the independent offices appropriation bill hearings for 1947 that for next year $78,624 were recommended by the Budget Bureau to be used for the purposes of making investigations to determine the general suitability of people desiring employment with the Federal Government. I note in the testimony which you gave to the Appropriations Committee on January 17 of this year that on pages 150 and 151 of the hearing you view with considerable alarm the fact that there has been such a serious reduction in the appropriation for the investigatory service of the Civil Service Commission. I definitely share with you this alarm since I have always felt that a complete and authentic preemployment investigation of potential Federal employees is an essential step in the process of getting the proper type of personnel in our various Federal agencies and departments.

In reading the hearings, I notice that Commissioner Flemming said on page 1096 that the Civil Service Commission hopes to compensate for this virtual dismantlement of its investigatory service by asking the FBI to undertake a considerable part of the responsibility which formerly fell to the Civil Service Commission. Commissioner Flemming said in part: "It (the Civil Service Commission) also hopes that arrangements can be worked out whereby the names of such employees can be cleared through the Federal Bureau of Investigation main file." My purpose in writing this letter is to inquire of you frankly whether the Federal Bureau of Investigation will have sufficient funds and personnel under the appropriation as passed for the fiscal year of 1947 to enable it to adequately take over the investigatory service formerly performed by the Civil Service Commission. I shall appreciate a candid reply from you in response to this question.

It also occurs to me that if the investigation of applicants for Federal appointments and positions is to be adequate that something more is required that merely the checking of the FBI name file and the checking of the fingerprint records of applicants for employment. It would appear from where I sit that it is entirely conceivable that people with un-American affiliations and with subversive backgrounds might well escape detection altogether in their efforts to secure Government positions if no further investigation is made of their background from what can be found in a name and fingerprint file. In my opinion, many of the most highly undesirable people from the standpoint of their un-American connections might well be those whom police officials have never had occasion to fingerprint and who have no criminal record which might have resulted in their names being present in any of the FBI files. I would appreciate it if, when writing me, you would also comment as to whether you believe checking the name and fingerprint files of the FBI is a sufficient safeguard to make certain that un-American influences do not find an opportunity to exert themselves from within our Government through the appointment of people whose loyalty to America is under question.

I shall deeply appreciate it if you will write me at your early opportunity in connection with the contents of this letter.

With best wishes, I am,

Cordially yours,

KARL E. MUNDT,
Member of Congress.

JULY 16, 1946.

Hon. KARL E. MUNDT,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: I have received your letter, dated July 15, 1946, in which you express concern with respect to the limited funds granted to the Civil Service Commission for the purpose of making investigations to determine the general suitability of persons desiring employment with the Federal Government during the fiscal year 1947.

You inquire "whether the Federal Bureau of Investigation will have sufficient funds and personnel under the appropriation, as passed for the fiscal year of 1947, to enable it to adequately take over the investigatory service, formerly performed by the Civil Service Commission."

In response to your inquiry, I desire to advise that the appropriation of the Federal Bureau of Investigation for the fiscal year 1947 will not permit it to perform such functions. The 1947 appropriation for the FBI, as recommended by the Budget Bureau and approved by Congress, made it necessary for the Bureau to reduce its staff by 1,200 employees by July 1, 1946, below the number of employees originally requested by the FBI for the present fiscal year. The demands upon the FBI occasioned by the current crime situation and special matters growing out of the war effort have exceeded our expectations and, consequently, it would be impossible for us to assume any further investigative responsibilities, such as the investigative work formerly performed by the Civil Service Commission. As a matter of fact, as the result of our reduced appropriation and personnel, our work is in a seriously delinquent status at the present time.

You also inquire whether I feel that checking the name and fingerprint files of the FBI of applicants for employment in the Federal civil service "is a sufficient safeguard to make certain that un-American influences do not find an apportunity to exert themselves from within our Government through the appointment of people whose loyalty to America is under question."

In my testimony before the Subcommittee on Appropriations of the House of Representatives on January 17, 1946, in referring to this matter, I made the following statement: "* * * I am informed as a result of the cut in the appropriation of the Civil Service Commission, they will not make any investigations of persons who are being considered for Government positions except on very special projects. Again I feel that such a practice is very undesirable. It does not come within my jurisdiction, but I feel that persons who apply for positions with the United States Government ought to be thoroughly investigated and fingerprinted, to ascertain whether they have good records and whether they have criminal backgrounds or arrest records. This information should be available before appointment."

As indicated in my testimony, I feel very strongly that all persons who are being considered for appointment in the Federal service should be thoroughly investigated to determine their suitability for such employment. Otherwise, there can be no assurance that individuals with undesirable tendencies and backgrounds will not secure employment in the various agencies of the Government and possible access to important and highly confidential documents and information.

I trust that the foregoing will answer the questions propounded in your communication of July 15, 1946.

With expressions of my high esteem and kind personal regards, I am

Sincerely yours.

Mr. Speaker, I want to call attention to the fact that Mr. J. Edgar Hoover has described the situation so that all the country may know exactly the hazardous conditions facing us from the standpoint of the potential Federal employment, not only of Communists and political saboteurs but of outright criminals.

Over in the other body today and during the past few weeks an investigating committee has been making an examination of war contractors. At least one and perhaps more of the clerks whom they have investigated are clerks who were employed by the Federal Government but who had police records before they were so employed. Those police records were not exposed in part at least because neither the FBI nor the Civil Service Commission had money enough to make a proper and adequate preemployment investigation as to the character, the loyalty, and general stability of the people being employed and put on the public pay roll. Now the funds for these investigative services are again being drastically curtailed by the administration's program.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Michigan.

Mr. BRADLEY. It looks as though some of those gentlemen may have a longer police record in the future. The committee over there is to be congratulated.

Mr. MUNDT. The gentleman is correct and I hope justice prevails—let the chips fall where they will.

In his testimony on page 150 of the Justice Department appropriations hearings, J. Edgar Hoover calls attention to the desperate although futile effort which the Civil Service Commission is planning to make to overcome the dismantling of its own investigative service which was forced upon it by the President's Budget Bureau. He says:

> The procedure now, I understand, is that each individual governmental agency will send to us (the FBI) the prints of persons whom they consider for employment. I consider the proposed practice a great defect; because, when you scatter this responsibility through many Government agencies complete compliance may not be secured. It is entirely possible that certain of the agencies will fail to submit the prints for check against our files. I feel that the previous methods of submission should be continued if at all possible.

In other words, Mr. Speaker, the man in America who knows most about the activities and methods of un-American agents solemnly and publicly warns us all that the new proposal will not do the job and he calls specific attention to the need of continuing the civil-service investigations as they have formerly operated and as they have concentrated on making their loyalty checks before appointment.

That, sir, is the situation which I desire to call to the attention of the Congress and the country in this address. This is not the alarmist language of a Red baiter; it is not the story of somebody accustomed to seeing bugaboos under the bed; it is the report to the American public of Commissioner Flemming

of the United States Civil Service and of J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Many citizens will wonder, as I do, as to just who it was—working from within the secret walls of the Budget Bureau or exercising a controlling influence upon the Bureau from without—who succeeded in sabotaging the preemployment investigation services of our Government. I think the public should be entitled to know who was responsible for this travesty upon our national security before the President selects a new director of the Budget Bureau. Surely it would be a tragedy if by some unhappy chance the President should select as the Budget director the person responsible for scuttling America's first line of defense against the un-American influences which plot to work behind the scenes in Government.

RECOMMENDATIONS

First. I recommend therefore that the Civil Service Committee of the House of Representatives which is now undertaking an investigation of un-American elements in the public service expand its investigation so that it can determine the identity of the person or persons who engineered this break-down of our preemployment investigation service. Once that identity has been determined, it should be made a matter of public knowledge. I commend this recommendation to the special attention of the gentleman from Kansas, Congressman EDWARD REES, who has been doing trojan work in pushing the investigations by the House Committee on Civil Service.

Second. I recommend that before this Congress adjourns it pass a special appropriation bill or authorize a deficiency appropriation for restoring to the Civil Service Commission the funds and the personnel required to continue and augment its program of investigating "before appointment" the suitability and loyalty of people seeking Government employment. In view of Mr. Hoover's testimony, I also recommend that additional money be made available to the FBI for this crucial period.

Third. I recommend that veterans' organizations, patriotic groups, public-spirited newspapers, and others join in insisting that America's first line of defense against internal collapse and planned confusion be restored as proposed in the preceding paragraph.

As a member of the House Committee to Investigate Un-American Activities, I assure the Congress and the country that our committee will continue and intensify its effort to expose and prevent the efforts of un-American forces to gain footholds within the sacred confines of our citadel of Government. However, we alone cannot meet this challenge. If the country and the Congress choose to ignore the solemn warnings of J. Edgar Hoover and Mr. Flemming, we shall continue to run up warning signals where they are needed and to sound the alarm as indicated. However, if the skipper of a ship, no matter how sturdy its construction, closes his eyes to the well-marked dangers ahead, there is little which can be done to avert disaster.

Americans, awake! A country and an ideal worth fighting for abroad is assuredly worth protecting at home. The cash transaction involved in the British loan with its announced aim to stop the extension of communism may prove to be a good or a bad investment. The passage of time alone can answer that. Since it is now an investment by all Americans, all Americans must hope it proves to be a successful program. However, this much is obviously clear today—the amount of money involved in that transaction would provide the additional funds required for our investigative services to provide adequate pre-employment screening to stop the extension of communism within our own citadel of Government here in the United States for more than 1,000 years.

That which we are trying so valiantly and with so much sacrifice to safeguard throughout the world let us not recklessly abandon here at home through hasty oversight or a misguided sense of what is sound economy. Let us restore without delay the funds required to give J. Edgar Hoover and Arthur S. Flemming the personnel and equipment they need to protect our Government against the poisonous creeds of un-American concepts which can so effectively be promoted when the wrong man gets in the right position of authority in our Federal service.

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. HOEVEN] is recognized for 15 minutes.

SHORTAGE OF FARM MACHINERY

Mr. HOEVEN. Mr. Speaker, the shortage of farm machinery is still very acute, and if the farmers of America are to produce the food the world needs so much, they must be given the tools—the farm machinery—with which to do the job. In an Iowa farm poll taken early in July, 40 percent of Iowa farmers felt that they were handicapped by not being able to buy items of farm equipment which they needed. Tractors ranked highest on the farmers' list of needed equipment. Besides tractors, Iowa farmers ranked repairs on implements, cultivators, planters, discs, corn pickers, combines, and plows high on their list of items they needed. The result of this poll is only typical of the situation throughout the food-producing States.

Farmers are becoming aroused and resent the fact that the manufacture of farm machinery and equipment has been held up as a result of strikes among farm-machinery plant workers and in other industries. In the poll abovementioned, for instance, 64 percent of the Iowa farmers feel that much of the shortage of farm equipment could have been avoided and farm production helped had the Government taken over and operated the strike-bound farm-implement plants. Now, however, we have the distressing news that an industry-wide strike of farm-machinery plant workers is advocated by the international executive board of the CIO United Farm Equipment and Metal Workers if the Allis-Chalmers and J. I. Case strikes are not settled by July 31.

In the 3½ years of its existence, the Republican Congressional Food Study Committee has established a unique record of anticipating well in advance most of the difficulties which have arisen in our production and distribution of food, and of making recommendations which, had they been heeded by the administration, would have prevented most of those same difficulties.

Most of this committee's major recommendations have eventually been adopted by a reluctant administration—but only after their own pet theories have failed in operation, or have actually created situations which became so intolerable to the American people that the administration was forced to take the action this committee had recommended.

There is no better example of the Administration's fumbling and fiddling than in the case of farm machinery.

The cold fact today is that—in spite of the Department of Agriculture's optimistic predictions—we are not going to grow and harvest in the United States this year as much food as we are going to need next winter to meet the demands of our own consumers and people in other countries.

Food production in the United States is being seriously retarded by lack of farm machinery. There is not a State where production will reach the point it could have reached if farmers had the tools and machinery they need.

There is only one reason why they do not have these tools. That reason is the administration's failure and refusal—over a period of more than 3 years—to take the most elementary steps to see that farmers were provided with the tools they need to do their food-production job.

From the very beginning our Food Study Committee has insisted that food production should be made an essential industry—with priorities and manpower allocations second to no industry in the country.

On April 24, 1945, this became the official position of all the Republicans in Congress, when the Republican conference adopted such a recommendation and forwarded it to the President over a year ago. On June 30, 1945—when there had been no action by the administration—I pointed out on the floor of the House, speaking for the committee, the urgent necessity of priorities for stimulating the production of farm machinery.

Our committee then—more than a year ago—clearly foresaw the demand that would be made upon our food supplies by war-ravaged peoples. We knew that food could not be produced in the tremendous quantity required without new machinery. We urged—even pleaded with the bureaucrats to give farmers the tools they needed to do their job.

What happened? The bureaucrats fiddled and faddled while war plants stood idle after VJ-day, while the output of farm machinery dwindled until it was

not even enough to meet necessary replacements in 1945, and while crops went unharvested for lack of machinery.

When the present Secretary of Agriculture took office, I assured him of our support in his announced intention of establishing agriculture on the same priority footing as other war agencies, and said on the floor of the House:

> In a spirit of helpfulness, may I suggest to the new Secretary of Agriculture that he turn his attention first to the War Production Board—and to the task of somehow convincing the industrialists in WPB that if farmers are to produce the food the world needs so much, they must be given the tools—the farm machinery—with which to do the job.

By the end of 1945, with the war then completely over and all war production stopped, it was apparent that the Secretary's efforts to secure priorities and other aids to the production of farm machinery had failed completely—assuming he had made such efforts.

Therefore, during January 1946—anticipating the great need for new farm machinery this crop year—the food study committee carried on informal negotiations with the Department of Agriculture and the Civilian Production Administration, trying to get them to agree to issue priorities for materials to farm machinery manufacturers. We got nothing but promises and excuses.

On March 15, 1946, Chairman Jenkins of the Food Study Committee, publicly renewed this committee's demand in a letter to Civilian Production Administrator Small, in which he said:

> It is difficult to understand the indifference with which the administration has viewed—and apparently continues to regard—the whole subject of farm machinery. * * * I urge you to give the manufacturers of farm machinery top priorities on all necessary materials, and to do everything in your power to encourage and assist the production of such machinery in time to be of benefit during the coming season.

As usual, nothing was done—except to write a long letter full of excuses and meaningless double-talk—until the situation was so desperate that the bureaucrats in the administration were virtually forced to act.

Finally on July 1, 1946, 4½ years after the war started, more than 3 years after this committee had clearly seen the need for such action, at least 6 months too late to be of real assistance during this critical crop year, finally, on July 1, 1946—just 17 days ago—the Civilian Production Administration put into operation the first effective priority for steel that had been given farm machinery manufacturers since the tremendous wartime need for food materialized. This new regulation allows manufacurers of wheeled tractors and harvesting equipment to automatically certify their own orders at the steel mills, thus in effect giving them first priority on steel. It is to be hoped that this regulation will assure the production of new equipment scheduled by the farm equipment industry.

People are going hungry in the world again next winter. And some of them are going hungry simply because of stubborn bureaucratic refusal to give American farmers the tools they need to plant and harvest all the abundant food this country is capable of producing.

But while our administration planners have been adamant in their refusal to provide American farmers with new machines, they have not been so niggardly with foreign countries. Our exports of farm machinery have mounted during the war years.

During 1945, $163,569,902 worth of farm machinery was shipped abroad, and more than $132,000,000 of this was tractors. This is more than twice as much farm machinery as was exported in 1942—and the value of the tractors shipped overseas in 1945 was 240 percent of the 1942 figure.

Now an order of the CPA directs the exportation of 14,500 tractors to Europe in the next 6 months. A spokesman for the International Harvester Co. was quoted in a press release dated July 11, 1946, as stating that this order would wreck their export schedules since they had been operating on a basis of sending tractors where the need is greatest and where the season is approaching. He stated that normally they exported tractors to wheat countries like Argentina, Australia, Canada, and Brazil, and he pointed out that the 14,500 tractors under the CPA order were apparently going to the rocky and barren countries like Greece and Albania. Everyone knows of the rugged topography in these countries and it seems that these tractors are being forced into localities where they cannot be used and very likely are not even wanted.

More than a third of these tractors are to be delivered behind Stalin's iron curtain for use in Communist-dominated Poland, Yugoslavia, Albania, Czechoslovakia, and Rumania. UNRRA was recently shamed into stopping shipments to Russia proper when press reports disclosed that the Russians were peddling tractors in the Argentine.

The extent to which agriculture was mechanized in these countries is suggested by the number of tractors which the United States exported to them in the 5 years before the war. In that period Poland bought 25 American tractors, Czechoslovakia, 8; Yugoslavia, 7; and Albania, 1. Figures are not available on Rumania.

The whole program is nonsensical. Obviously, the peasants of these countries do not know how to use tractors and will abandon them and leave them to rust whenever they break down. UNRRA tacitly expects this when it confesses that it will have to train 10,000 or more tractor drivers and mechanics in Poland. Nor are the mountain fields of Yugoslavia, Czechoslovakia, and Albania suited, in most instances, to tractor culture. Peasants there cultivate tiny pieces of ground and where the Russian Army holds sway the larger farms have been cut up and redistributed or collectivized.

Although all shipment of tractors by UNRRA is contributed by the United States, other farm equipment is contributed in approximately the following proportion: United States, 45 percent; United Kingdom, 25 percent; Canada, 15 percent; and Australia, 15 percent.

In spite of decreasing production early this year, the export rate of farm machinery being sent to foreign countries was almost as large during the first 3 months as it was last year and included for those 3 months $25,611,000 worth of tractors.

It might be remarked, parenthetically, that during the last 3 months of 1945 and the first 3 months of 1946—when $50,000,000 worth of tractors were being shipped overseas—there were not enough tractors available to farmers in the United States to even meet the priority certificates held by returning veterans.

Unfortunately, the farm machinery problem has been handled on a "too little and too late" basis. The harvesting of small grain has already begun in the Midwest, and the farmers are getting along with their old machinery as best they can. Perhaps they will be able to get some of the needed repairs for their corn-picking machinery before the corn crop matures, but it appears rather doubtful just now. Therefore, about the most we can do is to set our sights for 1947 and do everything in our power to see that farm-machinery repairs are made available before the planting season begins next year. At the same time, we must exert every effort to get the needed new machinery without further delay. In addition, I think it is high time that the Congress make an investigation relating to the exportation of farm machinery, and we should insist that the unwarranted exportation of such machinery be stopped.

There is yet much work for the Republican Food Study Committee to do. But we can assure the farmers of America that we will continue our study and investigation of this problem to the end that the farmers may have the tools they need before another planting season arrives. In our effort to be generous to all the nations of the earth, we must not forget the farmers of America, who are being called upon by all humanity to provide food, not only for our own people, but for all the unfortunate people of the world.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. CHURCH] is recognized for 5 minutes.

PAYMENT OF EARNED SALARIES OF POST-OFFICE EMPLOYEES

Mr. CHURCH. Mr. Speaker, I have today introduced a continuing resolution to provide for payment of wages previously earned by post-office employees which cannot be paid because of the failure of the Congress to enact the Treasury and Post Office Departments appropriations bill for 1947.

About 2 months ago, by virtually a unanimous vote, the Congress agreed to increase postal salaries and now because of a matter with which post-office employees have no concern, payment of all salaries is being denied.

Senate amendment No. 7 to the Treasury and Post Office Departments appro-

priations bill for 1947 authorizes the sale of Treasury-owned silver, amends the Silver Purchase Act, repeals the transactions tax on sales of silver bullion, and prohibits the establishment of price ceilings on silver and silver products. Failure to agree to this unrelated amendment to the Treasury-Post Office Appropriations Act of 1947 is not a just cause for withholding earned salaries of some one-half million postal employees. These employees have fixed obligations and are dependent upon the regular payment of wages. They are made to appear ridiculous when such wages are not paid. Such failure to pay has an effect on merchants and tradesmen, who have a right to expect all postal employees to pay their bills on time.

A continuing resolution such as I have today introduced, allowing for the payment of earned salaries and leaving for future determination the question at issue, is only simple justice. On behalf of postal employees everywhere, and particularly those in the Tenth Congressional District of Illinois, the district I have the honor to represent, I express the hope that we will take immediate steps to correct this obvious and needless injustice to this group, which I consider the most worthy and hard-working of all Federal employees.

As part of my remarks, I am inserting in the RECORD the attached letter from E. C. Hallbeck, legislative representative of the National Federation of Post Office Clerks:

NATIONAL FEDERATION OF
POST OFFICE CLERKS,
Washington, D. C., July 18, 1946.

Hon. RALPH E. CHURCH,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN: The unfortunate plight of more than 400,000 postal employees who are denied earned wages by the failure of the Congress to pass the Treasury-Post Office Appropriations Act of 1947 is one that deserves immediate consideration.

In your district, more than 2,000 employees have already been denied wages earned during the first half of July and unless action is taken in the near future, their condition will become progressively worse.

Your good offices in an effort to correct the present unwholesome situation will be sincerely appreciated.

Sincerely yours,

E. C. HALLBECK,
Legislative Representative.

(Mr. CHURCH asked and was given permission to revise and extend his remarks and include a letter received from Mr. E. C. Hallbeck, legislative representative of the National Federation of Post Office Clerks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TOLAN, for an indefinite period, on account of illness.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 162. An act for the relief of Walter S. Faulkner; to the Committee on Claims.

S. 357. An act for the relief of the Forward Columbus Fund, of Columbus, Nebr.; to the Committee on Claims.

S. 669. An act to name a dam on the Little Missouri River in Pike County, Ark., and the reservoir created by the same; to the Committee on Flood Control.

S. 1277. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown; to the Committee on Claims.

S. 1372. An act to officially name the flood-control project authorized by Public Law 534, Seventy-eighth Congress, approved December 22, 1944, on Lytle and Cajon Creeks near San Bernardino, Calif., the "Sheppard Floodway"; to the Committee on Flood Control.

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald; to the Committee on Immigration and Naturalization.

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson, a minor; to the Committee on Claims.

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942; to the Committee on the Judiciary.

S. 1573. An act for the relief of James H. Wilkinson; to the Committee on Claims.

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California; to the Committee on the Public Lands.

S. 1607. An act to provide for the naturalization of Peter Kim; to the Committee on Immigration and Naturalization.

S. 1674. An act for the relief of Michael Joseph Bennett, a minor; to the Committee on Claims.

S. 1731. An act for the relief of Lester A. Dessez; to the Committee on Claims.

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors; to the Committee on Claims.

S. 1751. An act for the relief of Wayne Parker; to the Committee on Claims.

S. 1890. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.; to the Committee on Claims.

S. 1910. An act for the relief of George D. King; to the Committee on Claims.

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point; to the Committee on Military Affairs.

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6777. An act making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1947, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania; and

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended.

ADJOURNMENT

Mr. RABAUT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House, under its previous order, adjourned until tomorrow, July 19, 1946, at 10 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Friday, July 19, 1946, at 9:30 a. m. to consider H. R. 7038.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1467. A letter from the Administrator, Office of Price Administration, transmitting the Seventeenth Report of the Office of Price Administration, covering the period ended March 31, 1946 (H. Doc. No. 711); to the Committee on Banking and Currency and ordered to be printed.

1468. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1469. A letter from the Chairman, Reconstruction Finance Corporation, transmitting report covering its operations for the period from the organization of the Corporation on February 2, 1932, to March 31, 1946, inclusive; to the Committee on Banking and Currency.

1470. A letter from the Secretary of State, transmitting a letter and enclosure from the President of the Cuban Senate, entitled "Roosevelt"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREWRY: Committee on Naval Affairs. S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes; with amendments (Rept. No. 2549). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 6968. A bill to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes; with amendments (Rept. No. 2550). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2551. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. MADDEN: Committee on Naval Affairs. S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes; without

amendment (Rept. No. 2552). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of New York: Committee on Naval Affairs. S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes; without amendment (Rept. No. 2553). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Naval Affairs. H. R. 6992. A bill to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service; without amendment (Rept. No. 2554). Referred to the Committee of the Whole House on the State of the Union.

Mr. BIEMILLER: Committee on Naval Affairs. H. R. 6993. A bill to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; without amendment (Rept. No. 2555). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of New York: Committee on Naval Affairs. H. R. 6994. A bill to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes; without amendment (Rept. No. 2556). Referred to the Committee of the Whole House on the State of the Union.

Mr. HESS: Committee on Naval Affairs. H. R. 7039. A bill to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II; without amendment (Rept. No. 2557). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 6995. A bill to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad; with amendments (Rept. No. 2559). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEDRICK: Committee on Immigration and Naturalization. H. R. 6996. A bill to amend the Immigration Act of February 5, 1917, as amended; with amendment (Rept. No. 2560). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABATH: Committee on Rules. House Resolution 714. Resolution providing for the consideration of H. R. 6917, a bill to provide for site acquisition and design of Federal buildings, and for other purposes; without amendment (Rept. No. 2563). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 715. Resolution providing for the consideration of H. R. 6967, a bill to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration; without amendment (Rept. No. 2564). Referred to the House Calendar.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 4502. A bill to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts, and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer; with amendments (Rept. No. 2565). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEARNEY: Committee on Immigration and Naturalization. H. R. 5047. A bill for the relief of Edna Rita Saffron Fidone; with amendments (Rept. No. 2548). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Immigration and Naturalization. H. R. 6376. A bill for the relief of Mrs. Fuku Kurokawa Thurn; with amendment (Rept. No. 2558). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS:

H. R. 7071. A bill to amend section 421 of the Internal Revenue Code so as to provide for the refund of income taxes paid for taxable year beginning after December 31, 1941, by persons who die while serving in the armed forces; to the Committee on Ways and Means.

By Mr. NEELY:

H. R. 7072. A bill to increase the compensation of postmasters and employees of the postal service; to the Committee on the Post Office and Post Roads.

H. R. 7073. A bill to increase the rates of compensation of officers and employees of the Federal Government; to the Committee on the Civil Service.

By Mr WHITE:

H. R. 7074. A bill to amend sections 3533 and 3536 of the Revised Statutes with respect to deviations in standard of ingots and weight of silver coins; to the Committee on Coinage, Weights, and Measures.

By Mr. O'BRIEN of Michigan:

H. R. 7075. A bill to supersede the provisions of Reorganization Plan No. 2 of 1946 by reestablishing the United States Employees' Compensation Commission; to the Committee on Expenditures in the Executive Departments.

By Mr. D'ALESANDRO:

H. J. Res. 384. Joint resolution providing for payment of compensation of employees of the postal service; to the Committee on Appropriations.

By Mr. BALDWIN of New York:

H. J. Res. 385. Joint resolution authorizing the President to establish rationing of various commodities under certain circumstances; to the Committee on Banking and Currency.

By Mr. CHURCH:

H. J. Res. 386. Joint resolution providing for payment of salaries of postal employees payable in the month of July 1946; to the Committee on Appropriations.

By Mr. MANSFIELD of Texas:

H. Res. 713. Resolution directing that the Board of Engineers for Rivers and Harbors prepare a revised edition of a compilation of all preliminary examination and survey and review reports transmitted to Congress prior to July 31, 1946; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LESINSKI:

H. R. 7076. A bill for the relief of Hristos Paulos Divitaris, alias Christ D. Paul; to the Committee on Immigration and Naturalization.

By Mr. LEWIS:

H. R. 7077. A bill for the relief of Pantelis Georgelis; to the Committee on Immigration and Naturalization.

By Mr. SIKES:

H. R. 7078. A bill for the relief of Mrs. E. H. Lundy; to the Committee on Claims.

By Mr. STEFAN:

H. R. 7079. A bill for the relief of the Forward Columbus Fund of Columbus, Nebr.; to the Committee on Claims.

By Mr. BLOOM:

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang; to the Committee on Foreign Affairs.