HOUSE OF REPRESENTATIVES

FRIDAY, JULY 23, 1954

The House met at 10 o'clock a. m.

Chaplain Maj. Gen. Patrick J. Ryan, Chief of Chaplains, United States Army, offered the following prayer:

Almighty and everlasting God, we implore Your divine guidance upon this governing body which represents each individual in our Nation. Grant these lawmakers true concord and union with Your holy will. Give them a high devotion to duty and honor, a high regard for truth and justice that they may labor conscientiously in guiding the destiny of all Americans. Deliver them from the evils of selfishness and avarice. Help them to solve the many tasks that confront them. Renew their faith in the heritage of our democracy and grant them strength to carry the tremendous duties and obligations that go with it. Inspire them to make judgments and decisions that will keep our Nation in Your divine favor and show to the world our love for all men and the common good. We thank You, Almighty God, for Your divine protection over our Nation in the past. Bestow upon us Your grace that we may be worthy of Your help in the future, that we may bequeath to future generations of Americans the advantages of our precious liberty. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDERS GRANTED

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 5 minutes on today, tomorrow, and Monday, following the legislative program of the day and any special orders heretofore entered.

Mr. FERNÓS-ISERN asked and was given permission to address the House for 20 minutes on Monday, following the legislative program of the day and any special orders heretofore entered.

PROCEEDINGS AGAINST BOLZA BAXTER

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2455).

The Clerk read as follows:

PROCEEDINGS AGAINST BOLZA BAXTER

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Bolza Baxter, chairman, Labor Youth League of Michigan. The said subpena directed Bolza Baxter to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, in room 859, Federal Building, Detroit, Mich., on January 25, 1954, at 9:30 a. m., and as chairman of the Labor Youth League to bring with him all books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan; the names of all members of said league; all financial records of said league; and the minutes of meetings held by the Labor Youth League of Michigan during the years 1952 and 1953, and then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Bolza Baxter is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Donald T. Appell: You are hereby commanded to summon Bolza Baxter, chairman, Labor Youth League of Michigan, to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, and he is to produce all books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan; the names of all members of said league, all financial records of said league; and the minutes of meetings held by the Labor Youth League of Michigan during the years 1952 and 1953, in room 859, Federal Building, Detroit, Mich., on January 25, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States at the city of Washington, this 19th day of November 1953.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Donald T. Appell, investigator, who was duly authorized to serve the said subpena. The return of the service by the said Donald T. Appell, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Bolza Baxter, chairman, Labor Youth League of Michigan, before the Committee on Un-American Activities. Served the herein named at 4:34 p. m. in the corridor of the eighth floor, Federal Building, Detroit, Mich., on December 2, 1953.

"DONALD T. APPELL,
"Investigator, House of Representatives."

Successive telegrams were sent to Bolza Baxter by Hon. HAROLD H. VELDE, chairman of the Committee on Un-American Activities, postponing the date of his appearance before the Committee on Un-American Activities to May 3, 1954.

In compliance with the said subpena issued on the 19th day of November 1953 and extended as aforesaid to May 3, 1954, requiring the appearance of the witness at 9:30 a. m., in room 859, Federal Building, Detroit, Mich., and pursuant to an announcement by the chairman at the close of the sessions of the subcommittee on the 3d and 4th days of May 1954, that all witnesses subpenaed for May 3 and 4 who had not been heard should return at the same hour and place on the following day, the said Bolza Baxter appeared before the said subcommittee on May 5, 1954, and your subcommittee then and there demanded the production of all books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan; the names of all members of said league; all financial records of said league; and the minutes of meetings held by the Labor Youth League of Michigan during the years 1952 and 1953, and the said Bolza Baxter refused to produce the said records and documents, and refused to answer all questions relating thereto. The said Bolza Baxter having appeared as a witness and having been asked question, namely, "Mr. Baxter, I will address a new admonition to you or suggestion. You have been commanded by the proper subpena duces tecum issued by this committee, to produce the documents which Mr. Tavenner has described to you, and which were properly described in the subpena. Will you now produce those for the committee at this time?" which question was pertinent to the subject under inquiry, refused to answer such question; and as a result of the said Bolza Baxter's refusal to answer the aforesaid question and produce the aforesaid records and documents, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Bolza Baxter.

The record of the proceedings before the subcommittee on May 5, 1954, during which the said Bolza Baxter refused to produce the said records and documents pertinent to the subject under inquiry, and during which the said Bolza Baxter refused to answer the aforesaid question pertinent to the subject under inquiry, is set forth as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Detroit, Mich., Wednesday, May 5, 1954.

"The subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY, chairman, GORDON H. SCHERER, and MORGAN M. MOULDER, met pursuant to adjournment at 9:35 a. m. in room 859, Federal Building, Detroit, Mich., each of whom were present.

"After hearing the testimony of another witness, Bolza Baxter was called as a witness.

"Mr. CLARDY. Call your next witness.

"Mr. TAVENNER. Mr. Bolza Baxter, please.

"Mr. CLARDY. Hold up your right hand.

"Mr. BAXTER. Mr. Chairman.

"Mr. CLARDY. Hold up your right hand. After you are sworn I will permit you to address the Chair.

"Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. BAXTER. I do.

"Mr. CLARDY. All right. Will you identify your counsel? Will you identify yourself, Counsel?

"Mr. HENRY. My name is Milton R. Henry. I represent the defendant, Bolza Baxter.

"Mr. CLARDY. Will you both be seated now. I understand your witness has a remark he would like to address to the Chair, and he may do so.

"TESTIMONY OF BOLZA BAXTER, JR., ACCOMPANIED BY HIS COUNSEL, MILTON R. HENRY

"Mr. BAXTER. First, Mr. Chairman, I would like to ask for point of clarification.

"Mr. CLARDY. Very well.

"Mr. BAXTER. The denial of my special appearance motion, I want——

"Mr. CLARDY. I don't follow you there. You say you want an explanation of the denial?

"Mr. BAXTER. Yes. I want to know if the denial means that you refuse to receive it or that it wouldn't be——

"Mr. CLARDY. No, I mean to say this, and I understand why you might be confused, because I did make a brief statement. As you know, I told you yesterday I intended to call you as the first witness. I was unaware of the promise Mr. Tavenner made to the counsel for the witness who just preceded you. The subcommittee has considered the motion that you made, which, of

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course, in essence goes to the jurisdiction and the right of this committee in connection with your appearance here. We are receiving it for the files and are denying the relief which you seek in the petition, so we will proceed.

"Mr. BAXTER. Does that also mean, Mr. Chairman, that it will not be received for the record?

"Mr. CLARDY. Everything is received for the files and records of the committee, and it will be part of your file, you may be assured.

"Mr. BAXTER. Thank you.

"Mr. CLARDY. Now, Mr. Tavenner, will you proceed with your questions?

"Mr. BAXTER. Mr. Chairman, I would just like to make one observation——

"Mr. CLARDY. Is this in the form of a question?

"Mr. BAXTER. Well, no, it is not in the form of a question.

"Mr. CLARDY. Will you pause just a moment, and I will explain something to you. If you will answer our questions as they are propounded, freely and fairly, we will permit you at the conclusion of your testimony to make any relevant statement you may care to make. This rule is not made just applicable to you. It is a standing rule that is in print and has been for some time, a standing rule that if the witness refuses to answer and, in common parlance, 'takes the fifth amendment,' we do not permit the introduction of a statement, written or oral. With that understanding, if you have any other question, we will get it out of the way before Mr. Tavenner starts.

"Mr. BAXTER. I understand the procedure as far as the response to questions. But since this matter that I wanted to address you on had to do with some developments prior to my being sworn in, I think it is appropriate that I be permitted to comment on that aspect because it happened before this committee.

"Mr. CLARDY. No, I am sure you would not under any circumstances want this committee to single you out for either a special favor or something unusual in the opposite direction and we have no intention——

"Mr. BAXTER. That is precisely what has happened, and that is what I want to comment on.

"Mr. CLARDY. Pardon me just a moment.

"Mr. BAXTER. I want to indicate that I have been sworn under objections.

"Mr. CLARDY. Oh, well, I am sure of that.

"Mr. BAXTER. And I want to also state that I strenuously object to the indignities that you have subjected my attorney to, and——

"Mr. CLARDY. May we go off the record, Miss Reporter, just a moment.

"(Discussion off the record.)

"Mr. CLARDY. On the record. Will you proceed, Mr. TAVENNER, with your questioning?

"Mr. TAVENNER. What is your name, please?

"Mr. BAXTER. Bolza Baxter, Jr.

"Mr. TAVENNER. Mr. Baxter, do you appear here pursuant to a subpena served upon you by Mr. Donald T. Appell, investigator of the House of Representatives on the 2d day of December, 1953?

"Mr. BAXTER. I am here in response to a subpena served me under the signature of the Honorable HAROLD H. VELDE.

"Mr. TAVENNER. I offer the subpena in evidence, Mr. Chairman, and ask that it be marked 'Baxter Exhibit No. 1.'

"Mr. CLARDY. It will be received.

"The subpena of date November 19, 1953, and bearing service date December 2, 1953, marked 'Baxter Exhibit No. 1' was received in evidence.) [1]

"Mr. TAVENNER. Will the witness please examine the exhibit and state whether or not that is the subpena under which he appears?

"(At this point Mr. Baxter conferred with Mr. Henry.)

[1] See p. 1 for text of subpena.

"Mr. BAXTER. This appears to be a copy of the subpena served me. I see it carries the signature of HAROLD VELDE. I want to make it clear that I object to the form. The subpena is not addressed to me. It is addressed to one Donald Appell to summon me. I have never received a summons, and I want to indicate clearly that I don't waive any objections I have to the form of the subpena and its scope.

"Mr. TAVENNER. A copy or the original was left with you at the time service was made by Mr. Appell; was it not?

"Mr. BAXTER. I received the subpena signed by HAROLD H. VELDE. I am here in response to that subpena.

"Mr. MOULDER. You received a copy of the document that has been shown to you there?

"Mr. BAXTER. I received a subpena under the signature of HAROLD H. VELDE, and I am here in response to that subpena. I think that question is responsive, and I don't think it needs any elaboration.

"Mr. CLARDY. Well, Mr. Baxter, I am sure that you see what we are trying to get at.

"Mr. BAXTER. I don't know what you are trying to get at.

"Mr. CLARDY. I am sure you recognize this as an accurate copy of the actual document in the possession of the one who served the subpena, do you not? In other words, I don't want to quibble with you or you with me because I am sure you understand that this is merely a preliminary foundation question and nothing more.

"Mr. BAXTER. Well, I don't want to quibble with you, Congressman.

"Mr. CLARDY. Thank you.

"Mr. BAXTER. The only point I am making here is that I am here in response to the subpena served me, and I think to that extent the answer is responsive and establishes the necessary facts to proceed.

"Mr. CLARDY. It isn't responsive, but we will pass on.

"Mr. TAVENNER. Were you chairman of the Labor Youth League of Michigan on the 2d day of December 1953?

"Mr. BAXTER. I think I should make it clear at the outset that anything you ask me within the scope of the authority given you by the enabling resolution must necessarily be of such a nature as to come within the purview of either the Internal Security Act of 1950 or similar acts. Such acts are penal statutes, and the fifth amendment forbids inquiry into past conduct which may be construed by this committee or any other committee as penal in nature except after presentment or indictment of a grand jury. I invoke the due process section of the fifth amendment as well as other sections of the fifth amendment and will refuse to answer any questions that this committee may care to ask me. I further decline to answer any questions before this committee and invoke my privilege under the due process clause of the fifth amendment against testifying before a committee whose power is derived from a resolution barred under the first amendment as well as my privilege under the first amendment to be free in the exercise of my rights to inquire, think, and speak from either prior or subsequent congressional harassment through hearings, investigations, reports, subpenas, or through other devices.

"Mr. SCHERER. Now, Mr. Chairman, I ask that you direct the witness to answer the question.

"Mr. CLARDY. Yes. I so direct.

"Mr. BAXTER. I sought to make it clear at the outset.

"Mr. SCHERER. I ask that you direct this witness to answer the question.

"Mr. BAXTER. I understood you.

"Mr. SCHERER. Will you keep quiet just a minute?

"Mr. BAXTER. No, you keep quiet. The question had already been put to me.

"Mr. CLARDY. I think it would be well if we remember that the reporter can do a much better job if only one of us talks at a time, and we shall be more than patient with you, Mr. Baxter, but please refrain from interrupting any member of the commitee or counsel. We will——

"Mr. BAXTER. He interrupted me, didn't he?

"Mr. CLARDY. Pardon me. You are doing the very thing I am cautioning you against. At the moment that arrives for you to reply, we shall not cut you off unless you try to make a speech, in which event I shall be compelled to interrupt you and suggest that you direct yourself to the question. Now, hold still just a moment. Will you repeat your question, Mr. SCHERER, because I didn't get either side of that last exchange.

"Mr. SCHERER. I am asking that you direct this witness to answer the question asked by Mr. Tavenner.

"Mr. CLARDY. I did direct him and he——

"Mr. SCHERER. He started to make a speech.

"Mr. BAXTER. I started to give my answer.

"Mr. CLARDY. As I understand it, despite all the other things you may have said, you did decline to answer on the fifth amendment.

"Mr. BAXTER. I did not yet. I was about to give my answer and would like to give it if the Congressman would permit me.

"Mr. CLARDY. I will shorten it. Do you——

"Mr. BAXTER. Congressman CLARDY, this is supposed to be a hearing, my hearing as well as yours.

"Mr. CLARDY. Do you invoke the fifth amendment?

"Mr. BAXTER. I am entitled to respond to the——

"Mr. CLARDY. Do you invoke the fifth amendment?

"Mr. BAXTER. I am as concerned with the taxpayers' money as you are, but I don't want the newspapers to say tomorrow that Baxter used the fifth amendment 57 times. I may use it 57 times, but I am going to use some other things also.

"Mr. CLARDY. Witness, may I give you a suggestion or two? If you desire to refuse to answer on the ground of the fifth amendment or any of the other amendments, even though we do not recognize them, you are entitled to state that fact. State that first and then if there is some explanation which the Chair deems relevant and pertinent, we shall not cut you off at all. Only in the event that you attempt to make a stump speech, so to speak——

"Mr. BAXTER. What kind of speech?

"Mr. CLARDY (continuing). As we have heard many times, will I interrupt you at all. Let us get back to the question. Do you decline to answer on the ground of the fifth amendment?

"Mr. BAXTER. I decline to answer the question on the ground previously stated which is the fifth amendment and also the first amendment which prevents Congress from making laws in the area of speech, assembly, press, et cetera, and I think the committee in the very posing of the question is violating that amendment, and I assert that amendment in refusing to allow you to violate my rights under the first amendment as well as the fifth amendment.

"Mr. CLARDY. Now, Mr. Baxter, so that we may, in your answering other questions, suggest, now that you have stated it rather fully, that in the next series, if you want to raise these objections that you have now voiced, you may do so and have full protection by saying that you decline to answer on the grounds already advanced, and that will be considered by the committee as a complete restatement each time of all of the grounds upon which you rely.

"Mr. BAXTER. Is that an order, or is that a suggestion that you want me to consider?

"Mr. CLARDY. I am at no time, as chairman, attempting to tell you precisely what you may say. You answer as you see fit; but, of course, at your own risk. Now will you proceed, Mr. Tavenner.

"Mr. TAVENNER. Mr. Baxter, the subpena served upon you by Mr. Donald T. Appell, investigator of this committee, constituting Baxter exhibit No. 1, requires you to produce all the books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan, the names of all members of said league, all financial records of said league and the minutes of meetings held by the Labor Youth League of Michigan during the years of 1952 and 1953. Will you produce them now?

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. BAXTER. Would you restate the question, please?

"Mr. CLARDY. Read it, Miss Reporter.

"(The question was read by the reporter as follows:)

" 'Mr. Baxter, the supbena served upon you by Mr. Donald T. Appell, investigator of this committee, constituting Baxter Exhibit No. 1, requires you to produce all the books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan, the names of all members of said league, all financial records of said league and the minutes of meetings held by the Labor Youth League of Michigan during the years of 1952 and 1953. Will you produce them now?'

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. BAXTER. I will refuse to answer that question, relying on my rights under the first amendment and my rights under the fourth amendment my reasons being, I believe with all my heart that the American Constitution, specifically the first and fourth amendments which I am relying on, protect me against the compulsion of a subpena issued in the form that it was——

"Mr. CLARDY. May I interrupt to ask you a question so I will understand what you are getting at?

"Mr. BAXTER. Yes.

"Mr. CLARDY. You said you refuse to answer the question. By that did you mean you were making a flat refusal to produce the documents demanded by the subpena served upon you?

"Mr. BAXTER. I mean that I am refusing to answer the question put to me.

"Mr. CLARDY. Well, you were asked to produce them, and I am merely trying to clarify it to be sure that you mean that you will not produce them. Is that the intent of what you are saying?

"Mr. BAXTER. I mean I will refuse to answer that question.

"Mr. SCHERER. There is no question asked the witness. It was a direction to produce.

"Mr. CLARDY. That is right.

"Mr. SCHERER. There is no question before the witness.

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. CLARDY. Mr. Tavenner, will you withdraw your question for a moment?

"Mr. TAVENNER. Yes, sir. The question is withdrawn.

"Mr. CLARDY. Mr. Baxter, I will address a new admonition to you or suggestion. You have been commanded by the proper subpena duces tecum issued by this committee to produce the documents which Mr. Tavenner has described to you and which were properly described in this subpena. Will you now produce those for the committee at this time?

"Mr. BAXTER. I will refuse to answer that question on the grounds of the first amendment and the fourth amendment because I believe that the American Constitution, specifically those amendments combined, protect me against the compulsion of a subpena issued under the form you indicated to accomplish the ends therein described and because I believe that the fourth amendment invalidates a subpena which performs the efforts of a writ of assistance or general warrant, no matter what agency of Government issues the same, and because I believe that a subpena so framed as the one issued me is in fact no subpena to me at all in the contemplation of the law, and because I have heretofore in the courts been denied the right to object to the process and the irregularities attending its form and issuance, I will, without admitting or denying membership in the Labor Youth League or being in possession of any books and records, deny that under my privilege raised under the fourth amendment any duty imposes upon me to respond in any fashion to the command of the subpena and to the question posed. I consider that to be my answer to the question raised.

"Mr. CLARDY. I will come back to my question because I do not consider it as a direct answer to the request that I made and say you refuse to answer the question.

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. CLARDY. Actually what I want to get at and to make sure on this record is that you will not at any time during the progress of this hearing produce for the use of the committee the documents sought by the subpena duces tecum. Am I correct in my understanding that you will not produce them?

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. BAXTER. I would like to pose a question at this point.

"Mr. CLARDY. You answer my——

"Mr. BAXTER. Then I will come back to your question.

"Mr. CLARDY. You answer me, sir, and then if you have a reasonable and proper question, I will be very glad——

"Mr. BAXTER. I can't answer your question until I find out the answer to the question I am about to pose.

"Mr. CLARDY. All right. May I point out to you——

"Mr. BAXTER. In other words——

"Mr. CLARDY. Hold still. I couldn't hear what you were saying because you cut in right in the middle of what I was saying. I think today you are doing your best to be a gentleman, sir.

"Mr. BAXTER. I always do, Congressman.

"Mr CLARDY. And I hope that you will continue. Now, bear with me. Answer my question, and then if you have any relevant inquiry to make of the Chair, we will be most happy to give you any information you want.

"Mr. BAXTER. Well, all I am saying is that I have what I consider to be a relevant point here which would assist me, perhaps, in responding to your question.

"Mr. CLARDY. All right.

"Mr. BAXTER. I think in all fairness I should——

"Mr. CLARDY. State it if it will be brief.

"Mr. BAXTER. The question is simply this: For what purposes, what legislative purposes could the request for names of all members of the Labor Youth League have for this committee?

"Mr. CLARDY. It will serve a most useful purpose for this committee to have information concerning the LYL, Labor Youth League, and all of its activities and the identity of its members. Beyond that the committee is not prepared to say anything further. It is our considered judgment, having asked for the documents, that they will greatly help the committee in the expediting and in the handling of the problems confronting it. Now will you come back to what I started out with a moment ago. I wanted this record to leave no doubt as to whether you intend to and will produce the records that have been subpenaed. Obviously, if by the end of the hearing you have not produced them, the conclusion will be inescapable that you will not do so, but I am giving you an opportunity to say whether you will or will not at this juncture.

"Mr. BAXTER. I have——

"Mr. CLARDY. Go ahead.

"Mr. BAXTER. I have not admitted being either a member of, an officer of, or being in possession of any records of a Labor Youth League, and a yes or no answer to the question posed would tend to imply or would lead to the inescapable conclusion that I am in possession of such records, which I will not do, and I will assert the answer previously given for the previously stated reasons in refusing to respond to the question, and I will invoke the fifth amendment also in refusing to respond to that question.

"Mr. CLARDY. Very well. The Chair now directs that you produce the documents called for in the subpena.

"Mr. BAXTER. I think I made it clear that anything that this committee may ask me, any demand that it may make of me comes under certain penal statutes, and it is my belief, and I assert that belief in refusing to respond to the question or the demand, that the fifth amendment forbids inquiry into past conduct which may be construed as penal in nature and to request me to produce anything except after presentment or indictment of a grand jury. I think that is the function of a grand jury, and I don't think this committee has any right to make any such demands, and I will assert the fifth amendment in refusing to respond to the question posed.

"(At this point Mr. Baxter conferred with Mr. Henry.)

"Mr. BAXTER. And the fourth and the first which I previously used."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Bolza Baxter relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the question, namely, "Mr. Baxter, I will address a new admonition to you or suggestion. You have been commanded by the proper subpena duces tecum issued by this committee, to produce the documents which Mr. Tavenner has described to you, and which were properly described in the subpena. Will you now produce those for committee at this time?" which question was pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE (interrupting the reading of the report). Mr. Speaker, since this report is available in printed form to the Members, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. WALTER. Reserving the right to object, Mr. Speaker, is it not a fact that this citation and all the others were unanimously agreed to by the committee, and by every member of the Committee on Un-American Activities?

Mr. VELDE. The gentleman is absolutely correct. It was agreed to by the members present.

Mr. WALTER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 664) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Bolza Baxter to answer questions before the said Committee on Un-American Activities, and as to the willful and deliberate refusal of Bolza Baxter to produce all books and records of the Labor Youth League of Michigan containing the names of all State and section officers of the Labor Youth League of Michigan; the names of all members of said league; all financial records of said league, and the minutes of meetings held by the Labor Youth League of Michigan during the years 1952 and 1953, before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the Eastern District of Michigan, Detroit, Mich., to the end that the said Bolza Baxter may be proceeded against in the manner and form provided by law.

Mr. VELDE. Mr. Speaker, under the rules of parliamentary procedure governing debate on the resolution, I yield 30 minutes of the hour's time to the gentleman from Pennsylvania [Mr. WALTER], and now yield myself such time as I may require.

Mr. Speaker, it is rather an unpleasant duty I have to ask my colleagues to accept the recommendations of the House Committee on Un-American Activities to cite 17 witnesses who have appeared before our committee in the last 6 months. But in line with the obligation which the committee has under Public Law 601, requiring that we investigate subversive activities in the United States and report to Congress for remedial legislation, it is absolutely necessary that these resolutions be approved by the House.

It has become increasingly difficult for the committee to obtain information concerning subversive activities, because the Federal courts have found that many of these witnesses need not furnish this information due to a legitimate fear of self incrimination.

Mr. Speaker, I wish to assure you that this is not hasty or ill-advised action on the part of the committee in selecting these individuals for citation. You will appreciate this more fully upon realizing that up to this time, during the 83d Congress, there have been 290 witnesses who have refused to furnish the Congress information they are known to possess on subversive activities. Out of this 290, with your approval and that of my colleagues, the total number of citations brought to your attention for approval will total 26, 9 having been previously cited on May 11, 1954.

Upon instructions of the committee, our able counsel, Robert L. Kunzig and Frank S. Tavenner, worked long and diligently making a search of court decisions and studying the testimony of witnesses the committee has heard. I feel it my pleasant duty at this time to compliment our two counsel for the hard work and competent advice they have given to the members of the committee.

It is a fact that some of my colleagues on the committee feel that there are many, many more witnesses who should have been recommended for citation by virtue of their contemptuous acts during our hearings in this 83d Congress; however, my colleagues on the committee have unanimously agreed that the 17 cases we are about to present for citation are the most flagrant and abusive of them all.

Realizing that all of us are anxious to dispose of the more urgent matters pending before the House at this time, the committee members have agreed to take the least time possible in presenting these 17 cases to you.

Other members of the committee will discuss these cases more in detail, after which it is my intention to ask for a rollcall on the first case which is the recommendation for citation of one Bolza Baxter who appeared before our subcommittee in Detroit, Mich.

The committee having learned of the dissolution in 1949 of the Michigan Communist youth groups and the assignment of many of their members to an organization known as the Labor Youth League, required Bolza Baxter, as State president of that organization, under subpena duces tecum, to produce before the committee certain records, documents, minutes, and membership lists of the Labor Youth League.

Bolza Baxter was the first chairman of the local chapter of the Labor Youth League at Flint, and under his leadership the Labor Youth League at Flint soon became the most successful and militant league in the State of Michigan. Flint was cited as an example of what could be done with groups of people, and its success was attributed to Bolza Baxter, whose services were rewarded by elevating him to the head of the State organization. The Communist Party was greatly impressed by the accomplishments of the Labor Youth League at Flint.

The records of the State organization of the Labor Youth League, which had been subpenaed, were of great importance to the committee in the performance of its legislative duties. Bolza Baxter, when he appeared as a witness, refused to answer whether or not he would produce them and when called upon to do so, also refused.

Prior to the designation of Bolza Baxter as the first chairman of the Labor Youth League at Flint, he had served as chairman of the Communist Party at Flint and was selected for attendance at the Jefferson School of Social Science in New York, a special training ground for prospective leadership of the Communist Party.

Mr. Speaker, it has been a familiar thing for the members of our committee to hear witnesses take the fifth amendment. They use the fifth amendment in all possible ways. They use it when we ask them to produce records. In some cases they use it to protect not their own admissions of membership, but they use it to protect those of their associates in the Communist Party. We have divided these 17 cases into the various categories depending upon how the various witnesses used the fifth amendment. Of course, there are other amendments to the Constitution, but the fifth amendment seems to be the only amendment which is considered by the courts as being grounds for refusing to give the committee information.

Mr. Speaker, I hope all of these 17 citations pass unanimously.

Let me just add a word about our staff at the present time. Not only have our two counsel been very able and diligent in presenting these cases for contempt, but they have been able and diligent in all of the hearings to make sure that the law was complied with as nearly as possible, and to protect the rights of every witness who appeared before us. In most cases, our counsel—and let me say also the members of our committee—leaned over backward to protect the rights of witnesses appearing before us.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. VELDE. I yield.

Mr. HOFFMAN of Michigan. May I inquire as to whether members of the staff—all of the members of the staff and especially those who are looking after the legal procedure—have been cleared or approved by a majority or all the members of the committee?

Mr. VELDE. As nearly as has been possible, they have been cleared by the majority of the members of the committee.

Mr. HOFFMAN of Michigan. There is no objection to any of them so far as you know?

Mr. VELDE. There is no objection to any of them so far as I know.

I had asked originally, Mr. Majority Leader, that we discuss all of these cases before taking a vote on the first one.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. VELDE. I yield.

Mr. HALLECK. It had been our hope to avoid a quorum call, but I have been informed that if this discussion proceeds much further, there will be a quorum call. That is the only thing I had in mind.

Mr. WALTER. Mr. Speaker, in view of the statement just made, because I have no desire whatsoever to hold up these proceedings, I will not take any time but I do yield 1 minute to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. As a member of the House Committee on Un-American Activities for these several years I wish to join in a very sincere urge to my colleagues to vote for these contempt citations.

I wish also to call attention to one of our established rules of procedure of our committee, which rules were printed as of July 15 a year ago.

Rule 16 provides as follows:

No recommendation that a witness be cited for contempt of Congress shall be forwarded to the House of Representatives unless and until the committee has upon notice to all of its members made and considered the alleged contempt and by a majority of those present voted that such recommendation be made.

We are here before you, Mr. Speaker, having complied with this rule in all these cases we now refer to you.

Mr. VELDE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. VELDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 113]

YEAS—377

Abbitt
Abernethy
Adair
Addonizio
Albert
Alexander
Allen, Calif.
Allen, Ill.
Andersen, H. Carl
Andresen, August H.
Andrews
Arends
Ashmore
Aspinall
Auchincloss
Ayres
Baker
Barden
Bates
Beamer
Becker
Belcher
Bender
Bennett, Fla.
Bennett, Mich.
Bentley
Bentsen
Berry
Betts
Bishop
Boland
Bolling
Bolton, Oliver P.
Bonin
Bonner
Bosch
Bow
Bowler
Boykin
Bramblett
Bray
Brooks, Tex.
Brown, Ga.
Brown, Ohio
Brownson
Broyhill
Buchanan
Budge
Burdick
Burleson
Busbey
Bush
Byrd
Byrne, Pa.
Byrnes, Wis.
Campbell
Canfield
Cannon
Carlyle
Carnahan
Carrigg
Cederberg
Chelf
Chenoweth
Chiperfield
Chudoff
Church
Clardy
Clevenger
Cole, Mo.
Cole, N. Y.
Colmer
Cooley
Coon
Cooper
Corbett
Cotton
Cretella
Crumpacker
Cunningham
Curtis, Mass.
Curtis, Mo.
Davis, Ga.
Davis, Tenn.
Davis, Wis.
Dawson, Utah
Deane
Delaney
Dempsey
Derounian
Devereux
D'Ewart
Dies
Dodd
Dolliver
Dondero
Donohue
Donovan
Dorn, N. Y.
Dorn, S. C.
Dowdy
Doyle
Durham
Eberharter
Edmondson
Elliott
Ellsworth
Engle
Evins
Fallon
Feighan
Fenton
Fernandez
Fogarty
Forand
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Garmatz
Gary
Gathings
Gavin
Gentry
George
Golden
Goodwin
Gordon
Graham
Granahan
Grant
Green
Gregory
Gross
Gubser
Hagen, Calif.
Hagen, Minn.
Hale
Haley
Halleck
Hand
Harden
Hardy
Harrison, Nebr.
Harrison, Va.
Hart
Harvey
Hays, Ark.
Hays, Ohio
Hébert
Herlong
Heselton
Hess
Hiestand
Hill
Hillelson
Hillings
Hinshaw
Hoeven
Hoffman, Ill.
Hoffman, Mich.
Holifield
Holmes
Holt
Holtzman
Hope
Horan
Hosmer
Howell
Hruska
Hunter
Hyde
Ikard
Jackson
James
Jarman
Javits
Jenkins
Jensen
Johnson, Calif.
Johnson, Wis.
Jonas, Ill.
Jonas, N. C.
Jones, Ala.
Jones, Mo.
Jones, N. C.
Judd
Karsten, Mo.
Kean
Kearney
Kearns
Keating
Kee
Kelley, Pa.
Kelly, N. Y.
Kilburn
Kilday
King, Calif.
King, Pa.
Kirwan
Kluczynski
Knox
Krueger
Laird
Landrum
Lane
Lanham
Lantaff
Latham
LeCompte
Lesinski
Lipscomb
Lovre
Lyle
McCarthy
McConnell
McCormack
McCulloch
McDonough
McGregor
McIntire
McVey
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Marshall
Mason
Matthews
Meader
Merrill
Merrow
Metcalf
Miller, Calif.
Miller, Kans.
Miller, Md.
Miller, Nebr.
Mills
Mollohan
Morano
Morrison
Moss
Moulder
Multer
Mumma
Murray
Natcher
Neal
Nelson
Nicholson
Norblad
Oakman
O'Brien, Ill.
O'Brien, Mich.
O'Brien, N. Y.
O'Hara, Ill.
O'Hara, Minn.
O'Konski
Osmers
Ostertag
Passman
Patten
Patterson
Pelly
Pfost
Philbin
Phillips
Pilcher
Pillion
Poage
Poff
Polk
Price
Priest
Prouty
Rabaut
Radwan
Rains
Ray
Rayburn
Reams
Reece, Tenn.
Reed, Ill.
Reed, N. Y.
Rees, Kans.
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers
Roberts
Robeson, Va.
Robsion, Ky.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rooney
Sadlak
St. George
Saylor
Schenck
Scherer
Scott
Scrivner
Scudder
Secrest
Seely-Brown
Selden
Shafer
Sheehan
Shelley
Sheppard
Shuford
Sieminski
Simpson, Ill.
Small
Smith, Kans.
Smith, Miss.
Smith, Va.
Smith, Wis.
Spence
Springer
Staggers
Stauffer
Steed
Stringfellow
Sullivan
Taber
Talle
Taylor
Teague
Thomas
Thompson, La.
Thompson, Mich.
Thornberry
Tollefson
Trimble
Tuck
Utt
Van Pelt
Van Zandt
Velde
Vorys
Vursell
Wainwright
Walter
Wampler
Warburton
Watts
Westland
Wharton
Whitten
Wickersham
Widnall
Wier
Wigglesworth
Williams, Miss.
Williams, N. J.
Williams, N. Y.
Wilson, Calif.
Wilson, Ind.
Wilson, Tex.
Winstead
Withrow
Wolcott
Wolverton
Yates
Yorty
Young
Younger
Zablocki

NAYS—0

NOT VOTING—57

Angell
Bailey
Barrett
Battle
Blatnik
Boggs
Bolton, Frances P.
Brooks, La.
Buckley
Camp
Celler
Chatham
Condon
Coudert
Crosser
Curtis, Nebr.
Dague
Dawson, Ill.
Dingell
Dollinger
Fine
Fino
Fisher
Gamble
Gwinn
Harris
Harrison, Wyo.
Heller
Keogh
Kersten, Wis.
Klein
Long
Lucas
McMillan
Mailliard
Martin, Iowa
Miller, N. Y.
Morgan
Norrell
O'Neill
Patman
Perkins
Powell
Preston
Regan
Richards
Rogers, Tex.
Roosevelt
Short
Sikes
Simpson, Pa.
Sutton
Thompson, Tex.
Vinson
Weichel
Wheeler
Willis

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Simpson of Pennsylvania with Mr. Bailey.

Mr. Coudert with Mr. Chatham.

Mr. Dague with Mr. Sikes.

Mr. Fino with Mr. Dingell.

Mr. Weichel with Mr. Regan.

Mr. Miller of New York with Mr. Camp.

Mr. Angell with Mr. Boggs.

Mr. Martin of Iowa with Mr. Celler.

Mr. Curtis of Nebraska with Mr. Keogh.

Mr. Harrison of Wyoming with Mr. Roosevelt.

Mrs. Frances P. Bolton with Mr. Klein.

Mr. Mailliard with Mr. Fine.

Mr. Gamble with Mr. Dollinger.

Mr. Short with Mr. O'Neill.

Mr. Kersten of Wisconsin with Mr. Brooks of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST HORACE CHANDLER DAVIS

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2456).

The Clerk read the report as follows:

PROCEEDINGS AGAINST HORACE CHANDLER DAVIS

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Horace Chandler Davis. The said subpena directed Horace Chandler Davis to be and appear before the said Committee on Un-American Activities or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, on January 18, 1954, at the hour of 9:30 a. m., in their chamber in the Olds Hotel, Lansing, Mich., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Horace Chandler Davis is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Donald T. Appell: You are hereby commanded to summon Horace Chandler Davis to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber in the Olds Hotel, Lansing, Mich., on January 18, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th day of November 1953.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Donald T. Appell, investigator, House of Representatives (Detective Van Stratt, witness), who was duly authorized to serve said subpena. The return of the service by the said Donald T. Appell, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Horace Chandler Davis, before the Committee on Un-American Activities. Served herein named at 9:10 a. m., November 10, 1953, in his office, room 347B Eng. Bldg., U. of M. Campus, Ann Arbor, Michigan.

"DONALD T. APPELL,
"Investigator, House of Representatives.
"Det. VAN STRATT,
"Witness."

Successive telegrams were sent to Horace Chandler Davis by Hon. HAROLD H. VELDE, chairman, Committee on Un-American Activities, postponing the date of his appearance before the committee to May 10, 1954.

The said Horace Chandler Davis, pursuant to said subpena and in compliance with the later direction of the chairman, appeared before a subcommittee of the Committee on Un-American Activities on May 10, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Horace Chandler Davis hav-

ing appeared as a witness and having been asked questions, namely:

"During the period of time that you were at Harvard as an undergraduate say between 1942 and 1945 were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body?

"During that period [1947-48] were you aware of the existence of a group of the Communist Party within the graduate students or instructors at Harvard?

"Do you know Dr. Robert Gorham Davis?

"My question is based upon evidence that the committee has received whether or not there was any relationship between faculty members of the Communist Party [at Harvard], such as instructors, and student body members of the Communist Party, in a way in which one group would have any influence over the activities of the other group?

"As a matter of fact, weren't you in a position to know the answer to that question?

"Were you not a member of the Wendel Phillips Club of the Communist Party in Cambridge made up chiefly of members of the student body at Harvard?

"Do you know Dr. Furry [Dr. Wendell Hinkle Furry]?

"And you therefore, am I to understand, did not know him [Dr. Furry] personally?

"Were you aware of any Communist Party activities on his [Dr. Furry's] part during that period of time [1946-47]?

"Dr. Davis, were you aware of whether or not professors from the Massachusetts Institute of Technology took part in Communist Party activities along with groups of Communists at Harvard?

"Were you acquainted with Dr. Dirk Struik?

"Were you a member of either of those two organizations [University of Michigan Council of the Arts, Sciences, and Professions, and the Civil Liberties Committee of the University of Michigan] at the time that that pamphlet [Operation Mind] was disseminated?

"Were you not the treasurer of the Ann Arbor Chapter of the Arts, Sciences, and Professions at the time of the dissemination of that document?

"Isn't the reason you are refusing to answer this question and anything about it because of its Communist origin, inspiration, and direction?

"Do you have any familiarity at all with the document about which Congressman SCHERER and Mr. Tavenner inquired?

"Dr. Davis, isn't it a fact that the University of Michigan Council of the Arts, Sciences, and Professions and the Civil Liberties Committee of the University of Michigan had nothing to do with the distribution of this document?

"Isn't it a fact that they had not approved at any time the issuance of the document?

"Isn't it a fact that on February 20, 1952, you placed an order with the Edwards Letter Co., 711 North University, Ann Arbor, Mich., for the printing of this pamphlet, and that you ordered 4,000 copies at a cost of $112?

"Didn't the composition of that document, its issuance and dissemination, result from a meeting that was held on February 4, 1952, at the home of Betty Enfield?

"Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

"Having stated that the Passport Division of the State Department had informed him that his passport was being investigated as a result of information from an unnamed informant to the effect that he was a Communist, he was asked the question: 'Was that information that the State Department had correct?'

"Did you make any public statement of any kind denying the fact that you were a member of the Communist Party and the revocation had been unjustified?

"Having stated that it is his belief that violence is not an effective means of achieving political change, and that he does not knowingly belong to any such organization, the witness was asked the question: 'Do you have any knowledge of an organization which proposes to do that?'

"Dr. Davis, did you at any time during 1952 or 1953 solicit membership in the Communist Party of any faculty member or student of the University of Michigan?

"Are you now a member of the Communist Party?

"Have you ever been a member of the Communist Party?"

which questions were pertinent to the subject under inquiry, refused to answer such question; and, as a result of Horace Chandler Davis' refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Horace Chandler Davis.

The record of the proceedings before the committee on May 10, 1954, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Lansing, Mich., Monday, May 10, 1954.

"The Subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY, chairman, GORDON H. SCHERER, and MORGAN M. MOULDER, all of whom were present, met pursuant to recess at 10:01 a. m. in the house chamber, State capitol, Lansing, Mich. After hearing the testimony of another witness, Dr. Howard Chandler Davis was called as a witness.

"Mr. CLARDY. * * * Call your next witness.

"Mr. TAVENNER. Dr. Horace Chandler Davis, will you come forward please, sir.

"Mr. CLARDY. You do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Dr. DAVIS. I so affirm.

"Mr. CLARDY. You may be seated. Are you accompanied by counsel?

"Dr. DAVIS. No; I am not.

"Mr. CLARDY. Do you desire to have counsel?

"Dr. DAVIS. No; I don't.

"Mr. CLARDY. You understand under the rules of the committee that if you desire, you might be accompanied by counsel?

"Dr. DAVIS. Yes; I understand that.

"Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF HORACE CHANDLER DAVIS

"Dr. DAVIS. Horace Chandler Davis.

"Mr. TAVENNER. When and where were you born, Mr. Davis?

"Dr. DAVIS. Ithaca, N. Y., August 12, 1926.

"Mr. TAVENNER. What is your occupation or profession?

"Dr. DAVIS. I teach mathematics at the University of Michigan.

"Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been in preparation for the practice of your profession?

"Dr. DAVIS. I attended Harvard University, I attended Harvard College first from 1942 to 1945 when I received the degree of B. S. After a period of naval service I returned to graduate school at Harvard, receiving the Ph. D. degree in 1950.

"Mr. TAVENNER. When did you return to Harvard for work on your doctor's degree?

"Dr. DAVIS. September 1946.

"Mr. TAVENNER. Will you tell the committee, please, how you have been employed in the teaching profession since 1950, the time you received your doctor's degree?

"Dr. DAVIS. Only since 1950.

"Mr. TAVENNER. Has that entire employment been at the University of Michigan?

"Dr. DAVIS. Yes.

"Mr. TAVENNER. During the period of time that you were at Harvard as an undergraduat, say, between 1942 and 1945, were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body of Harvard?

"Dr. DAVIS. That is a question concerning my political associations, I believe, and I will refuse to answer all such questions before this committee.

"Mr. TAVENNER. I suggest that the witness be directed to answer the question.

"Mr. CLARDY. The witness is so directed.

"Dr. DAVIS. I don't believe I am under any legal compulsion to answer that question. I believe that when you direct me to answer a question concerning my political beliefs or my political affiliations, that it is entirely without force. You are a congressional committee, and you can take no action which will infringe freedom of speech or freedom of assembly, and I maintain that questions concerning my politics under these circumstances do infringe my rights in that respect.

"Mr. SCHERER. Do you consider the Communist Party to be a political party, as we hold political parties in the United States, Dr. Davis?

"Dr. DAVIS. Mr. SCHERER, that is again a political question. You are asking my evaluation of a political subject, and I am not going to answer that, either.

"Mr. SCHERER. I am only asking you that because of what you just said.

"Dr. DAVIS. I understand, but the same objection to that question applies as to the previous one because it is a question concerning my belief on a political question. I might point out that I have not finished stating my reasons for refusing to answer the question that Representative CLARDY directed me to answer.

"Mr. CLARDY. You had a long pause there, and I am sure Congressman SCHERER thought you had concluded. I know I did, and I was about to ask you one myself. Proceed, if you want to say anything more.

"Dr. DAVIS. Thank you. I wanted to explain in what respect I believe that this question exceeds your authority. It seems to me that such a question infringes my freedom of speech. It infringes my freedom of speech because it seeks to oblige me to discuss my political activities and my political opinions under highly abnormal circumstances. This is not the way you discuss politics for the purposes of arriving at the truth. These are abnormal circumstances. I am under oath where I have to watch every word. In addition, I think that it infringes freedom of speech because it focuses attention in the evaluation of political ideas or of individuals on how close they are to Communist ideas or to the Communist Party, and thereby takes attention off the question of whether the ideas are right and the question of the worth of the individuals. I believe that this stifles the type of discussion which is necessary in a democracy in order that the people may arrive at the conclusions which are in accordance with their will.

"Finally, I would claim that in addition to these two respects it also infringes the freedom of speech of people who are not on the stand. It infringes the freedom of speech of everyone in that it acts as a threat—it implies a threat that if their opinions are not such as to meet with the favor of this committee, they may be subjected to the same sort of treatment that the witnesses today are being subjected to, and in that respect it opens the way to stigmatization of political views which would lead the citizens to make

political choice on the basis of fear rather than on the basis of reason.

"Now, I would claim that it is highly essential to a democracy that this freedom of political choice be preserved; in fact, that this is the freedom which the first amendment is designed to protect. Therefore, I claim that this question is improper since it exceeds the authority of Congress. It oversteps the bounds placed on Congress by the first amendment. Therefore, I am under no compulsion to answer.

"Mr. CLARDY. At this juncture, Miss Reporter, will you, if you can find it, go back and reread the question for us?

"(The question was read by the reporter, as follows:

"('During the period of time that you were at Harvard as an undergraduate, say between 1942 and 1945, were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body of Harvard?')

"Mr. CLARDY. Witness, I had that read back after you had concluded a rather plain, and I think understandable, statement of your position——

"Dr. DAVIS. I had not quite concluded, by the way.

"Mr. CLARDY. You paused again, and you fooled me, but I will say what I have to say now because I want to direct you to answer. I want to point out to you that you were only asked the question as to whether or not you knew of the existence of the group, not whether you were a member, not whether you took part in its activities, so in the conclusion, if you have more to say, I hope you take that into account, and since you say you want to weigh each word, I think I would suggest that you proceed maybe just a little bit slower, so that you won't misstate yourself.

"Dr. DAVIS. I would like to repeat my reasons for feeling—or not repeat, I would like to state my reasons for feeling that this question is, as I claimed it was, a question concerning my political beliefs or associations. Information in this regard, if I had it, would imply something about my political knowledge and associations, and I will refuse to answer any questions of this nature.

"Mr. CLARDY. Witness, I interrupt you again. You are merely asked if you knew of the existence of the group. Now, some of those groups have been very flamboyant in flaunting the fact that they did exist, and there can be certainly no odium attached to you to say that you knew it. Probably some of the most loyal citizens in that community, if there was such a group there, would know it also. It is not a question of odium or lack of odium.

"Mr. DAVIS. I refused to answer the question not because it was odious or the answer would be odious, but because it was a question concerning my political beliefs or associations.

"Mr. SCHERER. I think that is where you missed the point. The Communist Party and the Communist organization in this country has been declared by the Supreme Court of this land not to be a political party but a criminal conspiracy, and certainly we have the right and the duty to inquire as to the nature of the operation of that conspiracy in this country, and that is the purpose of the questions being asked you, Doctor, so your whole premise is wrong. You consider it to be a political party, when it is not a political party. It is a criminal conspiracy seeking to overthrow this Government by force and violence. Now that has been clearly established, and you, with all the degrees behind your name, certainly know that, and you with your record in Communist Party activities certainly know that.

"Dr. DAVIS. The question asked me——

"Mr. CLARDY. Have you finished the recitation of your reasons why you were going to decline to answer?

"Dr. DAVIS. I would like to add a few more points if I may.

"Mr. CLARDY. All right, and then in the future if you are going to decline, without repeating this, you may merely say for the reasons already advanced.

"Dr. DAVIS. I would like to explain that in my opinion not merely do I have the right to refuse to answer a question which has been improperly made, but that furthermore it is highly desirable for me to refuse to answer questions concerning my politics before this committee. If I were to answer these questions, I would be contributing to the precedent that everyone must, on demand by this committee, state his political position, his political affiliations, and therefore I would be contributing to the precedent that people's political activities must be judged in terms of their content. This, I think, does injury to the first amendment, and therefore my preference not to answer is based on desire not to oppose the first amendment to myself.

"Mr. CLARDY. Does that conclude your statement of reasons?

"Mr. DAVIS. With respect to that question; yes.

"Mr. CLARDY. Very well. You were directed to answer as we went along. I will repeat it now, and if you desire to decline again on the same grounds, you may so state.

"Dr. DAVIS. Certainly, if the question is improperly asked, I feel no compulsion to answer.

"Mr. CLARDY. So you are again declining on the grounds already advanced.

"Dr. DAVIS. Yes; on the grounds of the bounds placed by the first amendment to the Constitution.

"Mr. CLARDY. Very well.

* * * * *

"Mr. TAVENNER. The committee has received evidence that there was in existence during a part of that period, at least, a cell or group of the Communist Party, an organized group of the Communist Party among instructors at Harvard. Did you engage in any work of the character of instructor during that period of time?

"Dr. DAVIS. Was I an instructor at Harvard?

"Mr. TAVENNER. Yes.

"Dr. DAVIS. I never held the rank of instructor at Harvard. I was a teaching fellow at Harvard in the year 1947–48.

"Mr. TAVENNER. During that period were you aware of the existence of a group of the Communist Party within the graduate students or instructors at Harvard?

"Dr. DAVIS. This again is a question concerning my political associations, and I refuse to answer that for the same reasons as before. I think it is an improper question.

"Mr. SCHERER. Does that include the fifth amendment?

"Dr. DAVIS. My reasons for refusing to answer I stated before. I feel that the fifth amendment is irrelevant. Whether or not you are trying to get me to be a witness against myself is not to the point because I claim that the question is improperly put in the first place.

"Mr. SCHERER. Then you are not relying on the fifth amendment?

"Dr. DAVIS. No.

"Mr. SCHERER. As I understand it, you did not rely on the fifth amendment in refusing to answer all of the other questions which you have refused to answer?

"Dr. DAVIS. That is correct, Mr. SCHERER.

"Mr. TAVENNER. Dr. Robert Gorham Davis testified before this committee on February 25 of 1953 regarding a much earlier period at Harvard—it was 1938 and 1939——

"Mr. CLARDY. May I interject there? Do you know Dr. Robert Gorham Davis?

"Dr. DAVIS. This seems to be a question concerning my friends and associates. I am not going to answer any questions in that regard, either. Earlier this morning you said, in connection with the testimony of Dr. Nickerson, that you might call to the stand people with whom he had conversed, and I feel that the possibility that you might do this to people who I might know or to determine whether I knew people is a very strong argument for my not naming their names.

"Mr. SCHERER. Do you know Dr. Nickerson?

"Dr. DAVIS. I am going to explain my answer to all such questions, if you like.

"Mr. SCHERER. I am just interrupting you.

"Mr. CLARDY. Let him finish that answer, and then I think your question is a very good one, and I will ask you to answer it after you finish this one.

"Dr. DAVIS. I am still answering the first question. If the committee is to discover the friends and associates of people called up before this committee and attacked by this committee, then I feel that the tendency of this will be to make people avoid association with anyone who might be attacked by this committee.

"Mr. CLARDY. May I interrupt you to tell you that the Dr. Davis referred to was not only not attacked by this committee, but that he cooperated fully with the committee, that he is not now a member of the Communist Party, and that he has already testified. He is not someone who is yet to be called as your answer would imply up to this point.

"Dr. DAVIS. Perhaps I should——

"Mr. SCHERER. He was commended by the committee for his testimony.

"Mr. CLARDY. Very much so, because he gave us a great deal of very helpful information that has been put to use in legislative proposals we have laid before the present Congress.

"Dr. DAVIS. Apparently I haven't made clear my statement. I will try, beginning over.

"Mr. CLARDY. Well, I think you have, but I was merely correcting two of the impressions you had.

"Dr. DAVIS. My point is this: If witnesses are to be compelled to state before this committee who their friends and associates are under circumstances where the witnesses themselves are purported to be particularly shocking people, in other words, in connection with witnesses such as myself who refuse to answer some of the committee's questions, then the tendency will be, of course, for people to dislike being named before the committee in this way, and second, for them to avoid in the future association with anyone who might perhaps be a witness before this committee and refuse to answer some questions. This constitutes definite pressure on them to choose only certain friends, only those who would be cooperative with the committee or who would not be called. This type of pressure is a restriction on their freedom under the first amendment to have whatever associations they please, and therefore I claim that this question in itself is improper as the other one was, and I would refuse to answer. In addition, if there is any intimation that the question concerned my political affiliations, then it would be even more improper because it would be a violation of the first amendment in the same way as other political questions would. That is my understanding of the Bill of Rights. Of course this would not necessarily apply if the question were other than a question as to personal acquaintances or a question as to political associations.

"Mr. TAVENNER. Dr. Robert Gorham Davis testified at some length before this committee regarding the conduct of Communist Party affairs at Harvard during the period he was acquainted with it, he having been a member of the Communist Party at Harvard. The question of influence by the faculty members upon the student body was discussed by him. He told the committee that at the time he was a member there was no direct connection between the faculty members and the student body on the subject of communism for security reasons. We are very anxious to investigate that situation fully and as at late a period as possible. We want to know from you, if you have knowl-

edge of it, whether or not there was any relationship between the faculty members of the Communist Party and student body members of the Communist Party at Harvard and what influences were brought to bear by one group upon the other.

"Mr. CLARDY. And in extension of what the counsel has said, we have before us for consideration now—speaking of the committee—some proposed legislative proposals. This answer, if you will choose to give it, will be information the committee can use to very good effect.

"Now proceed.

"Dr. DAVIS. Insofar as the question asks for my knowledge of political events, I must refuse to answer it on the same basis as the previous question. However, it perhaps implies a question as to improper practices in the conduct of classes or of relations between faculty and students at Harvard, and as such it is perhaps a proper question. I will say that during the period that I was at Harvard I found the instruction there and the conduct of the faculty there to be of the highest quality.

"Mr. TAVENNER. I had no intention of asking anything about the character of instruction.

"Dr. DAVIS. I am sorry, I thought this did refer to the character of the instruction.

"Mr. TAVENNER. No; absolutely not as to the character of instruction. I am not going into the classroom. I haven't been in the classroom. I am in Communist Party organizations; that is what I am confining my question to. Now will you answer it, please, in the light of that statement?

"Mr. CLARDY. Maybe you had better rephrase it, Mr. Tavenner, so there will be no confusion.

"Mr. TAVENNER. My question is, based upon evidence that the committee has received, whether or not there was any relationship between faculty members of the Communist Party, such as instructors, and student body members of the Communist Party, in a way in which one group would have any influence over the activities of the other group?

"Dr. DAVIS. This is a question of the same sort as the previous ones, and I refuse to answer.

"Mr. TAVENNER. I am trying to restate the question. As a matter of fact, weren't you in a position to know the answer to that question?

"Dr. DAVIS. This is again the same sort of question, and I refuse to answer it for the same reasons.

"Mr. TAVENNER. Were you not a member of the Wendel Phillips Club of the Communist Party in Cambridge, made up chiefly of members of the student body at Harvard?

"Dr. DAVIS. I am not going to answer that for the same reason as before, and I think for an additional reason: An inquiry of this sort as to my association with a group which has been under such attack or in fact, as to my personal association with any such group, carries in this committee hearing an implication that certain answers would be reprehensible. This, I claim, infringes my freedom of speech in addition to the infringements that I discussed before in connection with any political question.

"Mr. CLARDY. May I point out to you, Witness, this one very important fact: Unless you have been associated with some group that you, yourself, as you define it, regard as reprehensible, a truthful, honest answer can do nothing other than serve your own best interests. If the group was of a subversive character, if the group was reprehensible in some way or other, it is, of course, conceivable that a truthful answer that you know something about them or that you associated with them or that you did something in connection with them, conceivably might do something to you. But you are being given here today—the first time you have been confronted with any of these questions, because we have said nothing to the public, to the press, or to anyone else until you took this stand—you are being given today a full, free, fair opportunity to say to the public and to this committee and to the Congress whether or not you have had any associations whatsoever, remote or otherwise, with a conspiracy whose avowed purpose is the destruction of the freedom that we enjoy, and your continued refusal, prating the Communist Party line—and it is nothing else, because we have had it from witness after witness—will do you ill, and I think you ought to reconsider your position during the noon hour—because we are going to adjourn within the next about 7 minutes—and come back and tell us all that you know, if you do know anything. If you do not, a frank honest answer that you do not, instead of all of this lengthy discussion about something that is entirely irrelevant in the opinion of the Chair, if you will do that, you will serve your own best interests. Now, I am interjecting that so you will understand that all we are seeking are facts, and we are not interested in your political beliefs, your political faith, if you have any. We are not interested in anything else except in uncovering all of the tentacles of the Communist conspiracy, and if you can aid us you can tell us what you know. If you cannot, you can deny any knowledge instead of retreating behind the first amendment as you have.

"Will you proceed, Mr. Tavenner?

"Dr. DAVIS. If that was a question, I would like to answer it.

"Mr. CLARDY. It is not a question. I am merely imploring you to reconsider what I think is an ill-advised decision on your part to take a stand that will do you a disservice.

"Proceed, Mr. Tavenner.

"Mr. TAVENNER. Dr. Wendell Hinkle Furry, from Harvard, was also a witness before this committee. On his first appearance before the committee he refused to answer any material questions relating to the operation of the Communist Party organization within the faculty at Harvard, but he came back voluntarily several weeks later and stated to the committee that he was not then a member of the Communist Party and had not been a member since 1948.

"Mr. CLARDY. I think you are wrong as to the date. I think I managed to back him up on the calendar for about a year and a half or 2 years, and I think he established a March 31, 1952, or 1951 date. My memory may be in error, but it didn't go very far back.

"Mr. TAVENNER. I believe you are correct. Do you know in what department Dr. Furry taught at Harvard?

"Mr. MOULDER. Let me ask the witness, do you know Dr. Furry?

"Dr. DAVIS. That question I am sure I should not answer on the grounds that I gave previously. It is a question concerning my personal associations. I was wondering what I should say to the question Mr. Tavenner asked.

"Mr. SCHERER. You have refused to answer the question as to whether or not you know Dr. Furry, and you are not declining to answer or not refusing to answer that question on the basis of the fifth amendment, I understand.

"Dr. DAVIS. The question involved Dr. Furry?

"Mr. SCHERER. Yes.

"Dr. DAVIS. That is correct. My grounds are not those. I do have, and I do not want to relinquish, the right to refuse to be a witness against myself. However, that is not necessarily pertinent to this question because this question is improper from the outset.

"Mr. MOULDER. May I ask, were you a student at Harvard at any time while he was instructor or teacher there?

"Dr. DAVIS. When was he a professor or teacher there?

"Mr. MOULDER. During what period——

"Mr. CLARDY. Do you know when he was professor or teacher there?

"Dr. DAVIS. I am uncertain what my answer should be to that for the——

"Mr. CLARDY. Take your time.

"Dr. DAVIS. Thank you. I believe I can answer that. I don't believe that it does concern my personal associations. I know what department he was in, yes, and I don't know exactly which years he was teaching there, no.

"Mr. CLARDY. And you therefore, am I to understand, did not know him personally?

"Dr. DAVIS. I would refuse to answer that on the same basis as before.

"Mr. TAVENNER. What was the department in which he was a teacher?

"Dr. DAVIS. Physics.

"Mr. TAVENNER. Did you take any courses under him?

"Dr. DAVIS. Yes.

"Mr. TAVENNER. What were the courses, and what years?

"Dr. DAVIS. The years, I believe—I believe in the fall semester, 1946, physics 40–A. On the spring semester, 1947, physics 40–B, and in the fall semester, 1947, physics 40–C.

"Mr. TAVENNER. Were you aware of any Communist Party activities on his part during that period of time?

"Dr. DAVIS. That is a question of a similar nature to those which I refused to answer before, and I would further refuse to answer on the grounds that it might be specifically an infringement on his right of freedom of speech.

"Mr. CLARDY. Perhaps I should tell you that under familiar court decisions you are entitled to invoke your constitutional objections only as they apply to you and not on behalf of anyone else.

"Dr. DAVIS. Thank you.

* * * * *

"Mr. TAVENNER. Dr. Davis, were you aware of whether or not professors from the Massachusetts Institute of Technology took part in Communist Party activities along with groups of Communists at Harvard?

"Dr. DAVIS. I again refuse to answer on the basis that this question refers to my political associations.

"Mr. TAVENNER. Were you acquainted with Dr. Dirk Struik?

"Dr. DAVIS. This question, like others you have asked, refers to my personal associations, and I refuse to answer that, too.

"Mr. SCHERER. Who was Dirk Struik?

"Mr. TAVENNER. Dr. Dirk Struik was a member of the department of mathematics at Massachusetts Institute of Technology.

"Mr. CLARDY. He has appeared before this committee some time back?

"Mr. TAVENNER. Yes; and refused to answer questions relating to Communist Party activities, relying upon the fifth amendment.

"Mr. CLARDY. He has, however, been identified by a number of other witnesses who appeared before us as a member of a cell at Harvard.

"Mr. TAVENNER. That is true.

"Dr. Davis, there has come to the attention of the committee a pamphlet entitled 'Operation Mind,' which was disseminated at the time the Committee on Un-American Activities arrived in Detroit for its hearing in 1952. This pamphlet calls upon all groups to oppose the committee's presence in the area of Detroit. I have it before me; I note that there is a notation on it stating, 'Distributed by University of Michigan Council of the Arts, Sciences, and Professions, and the Civil Liberties Committee of the University of Michigan.' Were you a member of either of those two organiations at the time that that pamphlet was disseminated?

"Dr. DAVIS. I am sorry you are so distressed by this opposition.

"Mr. CLARDY. I didn't hear what you said.

"Dr. DAVIS. I said I am sorry you are so concerned about this opposition.

"Mr. CLARDY. What makes you think we are concerned? We are merely seeking to get facts; and if you had anything to do with it, you should not hesitate at all to tell us. Don't try to lecture the committee, please.

"Dr. DAVIS. And this question is a question again about my association or lack of association with groups which as described are certainly political, and this certainly therefore comes under my previous refusal.

"Mr. TAVENNER. Were you not the treasurer of the Ann Arbor chapter of the Arts, Sciences and Professions at the time of the dissemination of that document?

"Dr. DAVIS. That is exactly the same type of question, and I refuse to answer again.

"Mr. CLARDY. I direct that you answer the question.

"Dr. DAVIS. I refuse to answer on the same basis as before. I say that your direction that I answer is without force.

"Mr. CLARDY. Do you conceive that there is something about that organization that is subversive in nature?

"Dr. DAVIS. I conceive that there may be something about that organization which is political in nature and I claim that your questions as they pertain to my political activities exceed your constitutional authority. I am not refusing to answer exclusively on the grounds that there might be blame attached to me for a correct answer; I am refusing to answer on the basis that you are exceeding your authority in asking the question and I am extremely concerned to defend the democratic rights which we enjoy in this country of which you spoke this morning, and in line with that defense I must challenge you and I believe you have been overstepping your authority as a Government officer.

"Mr. SCHERER. You are not refusing to answer the question with reference to this pamphlet on the grounds of the fifth amendment then, are you?

"Dr. DAVIS. No, I am not. I am answering——

"Mr. SCHERER. You are not invoking the fifth amendment?

"Dr. DAVIS. I am answering on the previous grounds. If the question pertains to the pamphlet, there is additional reason for refusing to answer, namely, the provision that Congress shall not restrict freedom of the press, because I believe that freedom of the press implies the freedom to issue written material and to circulate written material and to read written material without intimidation.

"Mr. SCHERER. Yes, but by this pamphlet you seek to prevent the right of a committee to meet in the State of Michigan.

"Dr. DAVIS. I beg your pardon?

"Mr. SCHERER. You seek to prevent this committee meeting in the State of Michigan. You would deprive this committee of the very thing that you say you want protected.

"Mr. CLARDY. Yes, you want free speech for everybody.

"Mr. SCHERER. But you don't want free speech for this committee.

"Mr. CLARDY. You want free speech only for everybody who agrees with you, and you do not like anyone's viewpoint other than yours expressed, if I understand your 'Operation Mind' pamphlet and your attitude here today.

"Dr. DAVIS. This is a question?

"Mr. CLARDY. I am telling you the facts, sir. Isn't the reason that you are refusing to answer this question and anything about it because of its Communist origin, inspiration, and direction?

"Dr. DAVIS. Is this a question also?

"Mr. CLARDY. Yes, sir. If you don't understand questions, then that line of degrees that you have has misled me terribly. Now, can you answer it?

"Dr. DAVIS. Once before when I thought you were asking me a question, you weren't.

"Mr. CLARDY. Read the question, Miss Reporter.

"(The question was read by the reporter as follows:)

" 'Isn't the reason that you are refusing to answer this question and anything about it because of its Communist origin, inspiration, and direction?'

"Mr. CLARDY. Isn't that the fact?

"Dr. DAVIS. The answer to that question is the same as the answers I have given previously to questions about my political beliefs or affiliations.

"Mr. CLARDY. Proceed, Mr. Tavenner.

"Mr. SCHERER. Just a minute. Weren't you the author of that pamphlet?

"Dr. DAVIS. This is again a question concerning my——

"Mr. SCHERER. I should say it is.

"Dr. DAVIS. This is a question concerning what political activities I engaged in and concerning what words I wrote, and I therefore claim that that is an improper question, both because it violates freedom of political choice——

"Mr. CLARDY. If Rudyard Kipling——

"Dr. DAVIS. Also freedom of the press.

"Mr. CLARDY (continuing). Should be asked if he was author of a given article or book, do you think he would be ashamed to acknowledge it? Aren't you in effect saying, 'I am ashamed to admit that I was the author of the article in question'?

"Dr. DAVIS. I am not saying now and I will not say that I am ashamed of any political activities I have engaged in or any political opinions that I hold. If I am convinced my political ideas are wrong, naturally I will change them, so what need to be ashamed of them, and I can be convinced only by reason and facts.

"Mr. CLARDY. Do you have any familiarity at all with the document about which Congressman SCHERER and Mr. Tavenner inquired?

"Dr. DAVIS. This is a question, I believe, which concerns my political affiliations and activities, and it also concerns what I read, and I will not answer questions of that nature.

"Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question whether or not he was the author of the pamphlet in question.

"Mr. CLARDY. I so direct, witness.

"Dr. DAVIS. I will not answer because I assert that it is an improper question.

"Mr. SCHERER. And you are not relying on the fifth amendment?

"Dr. DAVIS. That is correct.

"Mr. SCHERER. The witness is obviously in contempt of the Congress of the United States.

"Mr. CLARDY. There is no doubt about that. He has been in contempt all day here, but I think on this last question that it should be made perfectly clear to him that we are inquiring about something on which we have positive knowledge of your direct connection, and your refusal to answer something that is public knowledge cannot in any way incriminate you. You haven't raised that objection.

"Dr. DAVIS. I have not.

"Mr. CLARDY. It certainly is not an invasion of any of the rights under any other amendment to merely inquire whether you are the author, proud or not as you may be, of what you have done. If you are ashamed of it, you can change your mind and tell us you repudiate it later, but we are not even asking you to do that, to merely acknowledge that you did it.

"Mr. SCHERER. An article which seeks to restrict the speech of the Congress of the United States.

"Dr. DAVIS. I would deny that I am in contempt of Congress. I am attempting to cooperate with the Government to the highest possible degree——

"Mr. CLARDY. By not answering questions?

"Dr. DAVIS. In challenging the committee when I believe that it is overstepping the bounds allowed it by the Constitution.

"Mr. SCHERER. Am I overstepping the bounds when I ask you about your connections with Gerhart Eisler, a man who fled the United States to avoid prosecution and who is now the leader of the Communist group in Germany in the zone occupied and governed by Soviet Russia?

"Dr. DAVIS. You are again asking me about my personal association, and I claim that information as to my personal——

"Mr. SCHERER. Personal association as to a conspiracy, you say that is overstepping our bounds?

"Dr. DAVIS. Did you ask me whether I was conspiring?

"Mr. SCHERER. No, whether you knew him.

"Dr. DAVIS. You asked me whether I knew him. That is a question as to my personal associations, and I refuse to answer.

"Mr. SCHERER. When did you last hear from him?

"Dr. DAVIS. I think that is the same sort of question.

"Mr. SCHERER. Have you heard from him since he left this country?

"Dr. DAVIS. Again the same answer.

"Mr. SCHERER. You are not invoking the fifth amendment on the question?

"Dr. DAVIS. No.

"Mr. CLARDY. Are you acquainted with and do you know President Harlan Hatcher of the University of Michigan?

"Dr. DAVIS. That is again the same sort of question. I refuse to answer for the same reason.

"Mr. CLARDY. Please, we must insist there be no demonstration, either way, of approval or disapproval.

"Now obviously you are not raising the fifth amendment in connection with my question.

"Dr. DAVIS. With neither of them.

"Mr. CLARDY. Would you refuse to answer any question of this committee with respect to your knowing anyone, including members of the staff or this committee?

"Dr. DAVIS. If there was an implication that there was anything improper in my knowing the person, or if the question was asked other than as a question regarding my personal associations, I don't know. The questions that you have asked me sounded to me like questions about my personal associations or about my political associations, and I would claim that you are overstepping your rights when you insist on my answering them.

"Mr. CLARDY. Asking you about your acquaintance with President Hatcher then is invading your field of freedom of speech or something of that kind?

"Dr. DAVIS. Yes. Let me give you an example to show you how.

"Mr. CLARDY. No, you don't have to give me an example. You have made it perfectly plain. Proceed, Mr. Tavenner. Let us make this as short as we can, because I don't think any useful purpose will be served.

"Mr. TAVENNER. I have a good many questions I would like to ask the witness.

"Mr. CLARDY. I have a lot I would like to ask him, but I don't care to encumber the record with this sort of thing.

"Mr. TAVENNER. Dr. Davis, isn't it a fact that the University of Michigan Council of the Arts, Sciences, and Professions and the Civil Liberties Committee of the University of Michigan had nothing to do with the distribution of this document?

"Dr. DAVIS. I won't answer that for the same reason.

"Mr. TAVENNER. Isn't it a fact that they had not approved at any time of the issuance of the document?

"Dr. DAVIS. I will not answer that question for the same reason.

"Mr. TAVENNER. Isn't it a fact that on February 20, 1952, you placed an order with the Edwards Letter Co., 711 North University, Ann Arbor, Mich., for the printing of this pamphlet, and that you ordered 4,000 copies at a cost of $112?

"Dr. DAVIS. That question is improper, just as the others are.

"Mr. CLARDY. Are you refusing to answer?

"Dr. DAVIS. Yes.

"Mr. CLARDY. For your own protection, I suggest you should say that, if you are refusing to answer, because the kind of answer you gave will afford you not even a smidgen of a legal ground on which to stand in the event of a contempt citation.

"Dr. DAVIS. Thank you, Mr. CLARDY.

"Mr. TAVENNER. Isn't it a fact that you are the author of that document?

"Dr. DAVIS. I thought I had already refused to answer that.

"Mr. TAVENNER. Isn't it——

"Mr. SCHERER. Wait a minute. Let us not let him get by with that. I ask you to direct the witness to answer that question.

"Mr. CLARDY. You are so directed.

"Dr. DAVIS. I refuse to answer that question on the grounds that it is an improper one.

"Mr. TAVENNER. Didn't the composition of that document, its issuance, and dissemination, result from a meeting that was held on February 4, 1952, in the home of Betty Enfield?

"Dr. DAVIS. I refuse to answer that question for the same reason.

"Mr. TAVENNER. Isn't it a fact that you and several other members of the Communist Party, including Ed Shaffer and Lawrence K. Northwood, expecting that members of the Communist Party from Ann Arbor would be subpenaed before the hearing contemplated to be had in Detroit in 1952, met and had counsel there to advise and discuss with you and your group what attitude should be taken in the event any of the members of the Communist Party from Ann Arbor were called as witnesses before the committee?

"Dr. DAVIS. This is a rather elaborate question, but it seems clear that it relates to my political activities, and accordingly I refuse to answer.

"Mr. SCHERER. It might relate to subornation of perjury, that might. That doesn't deal with political activities, sir.

"Dr. DAVIS. Are you charging me with subornation of perjury?

"Mr. SCHERER. I just said it might deal with subornation of perjury, such a question. You might properly invoke the fifth amendment to that question, I can see that.

"Mr. CLARDY. You are not invoking the fifth amendment though, as I understand it.

"Dr. DAVIS. That is correct.

"Mr. TAVENNER. Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

"Dr. DAVIS. I refuse to answer on the same basis as before.

"Mr. SCHERER. You mean suppress the activity of this committee?

"Mr. TAVENNER. Not suppress, but to interfere with the conduct of the hearings by the pamphlet which you originated and distributed.

"Mr. SCHERER. They want freedom of speech for——

"Mr. TAVENNER. I am not certain whether the witness has answered the question.

"Mr. CLARDY. No, he hasn't.

"Dr. DAVIS. I didn't know it was a question; I am sorry. I thought it was an assertion.

"Mr. TAVENNER. Will you read the question, please?

"(The question and answer was read by the reporter, as follows:)

"'Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

"'(Answer. I refuse to answer on the same basis as before.)'

"Mr. TAVENNER. He has answered the question.

"Mr. CLARDY. You rephrased it, and I will now direct him to answer it, because I think it is important.

"Dr. DAVIS. I still refuse to answer for the same reason.

"* * * * *

"Mr. TAVENNER. Have you ever applied for United States passport?

"Dr. DAVIS. Yes.

"Mr. TAVENNER. Was it granted you?

"Dr. DAVIS. Yes.

"Mr. TAVENNER. When did you travel abroad—or did you travel abroad under it?

"Dr. DAVIS. Yes, I did.

"Mr. TAVENNER. When was that?

"Dr. DAVIS. That was from, I believe, June of 1952 until September of 1952.

"Mr. TAVENNER. In what countries did you travel?

"Dr. DAVIS. Primarily in France.

"Mr. TAVENNER. In what other countries did you travel?

"Dr. DAVIS. Switzerland for 1 day, Monaco for 1 day, and Ireland and Canada as stops on the plane coming back.

"Mr. TAVENNER. A passport has a life of 2 years. Do you still hold it?

"Dr. DAVIS. No, I don't.

"Mr. TAVENNER. Why?

"Dr. DAVIS. The passport was claimed by a representative of the Department of State in November of 1952.

"Mr. CLARDY. You mean it was revoked by the Department of State.

"Dr. DAVIS. It may have been revoked; I am not certain.

"Mr. SCHERER. You know it was revoked. Why do you say 'It may have been revoked'?

"Dr. DAVIS. I am the authority on what I know, Mr. Scherer. I don't know whether it was revoked.

"Mr. SCHERER. Not a very good authority.

"Dr. DAVIS. I know it was reclaimed by the Department of State and it is not in my possession now.

"Mr. CLARDY. Weren't you advised in writing by the Department of State that it was being revoked?

"Dr. DAVIS. I was not advised of anything in advance of its being claimed. It was picked up by a representative of the Department of State.

"Mr. CLARDY. Were you advised afterward?

"Dr. DAVIS. Yes, in response to inquiry the State Department told me the reasons for its being claimed.

"Mr. CLARDY. It was not returned to you at any rate?

"Dr. DAVIS. That is right.

"Mr. SCHERER. You are using the word 'claimed' instead of 'revoked.'

"Dr. DAVIS. I don't know the technicalities, Mr. Scherer; I don't know.

"Mr. SCHERER. With your Ph. D. you don't know the difference.

"Dr. DAVIS. Between what and what?

"Mr. SCHERER. The State Department claiming your passport or revoking your passport.

"Dr. DAVIS. I don't think anybody has revoked my Ph. D.

"Mr. SCHERER. Well, maybe they haven't.

"Mr. TAVENNER. Were you requested to surrender your passport?

"Dr. DAVIS. Yes.

"Mr. TAVENNER. For what reason?

"Dr. DAVIS. As I say, the man to whom I surrendered it did not state the reason.

"Mr. TAVENNER. What reason was given to you?

"Dr. DAVIS. In response to inquiry the State Department informed me that the passport had been revoked because of a——

"Mr. SCHERER. You say the State Department informed you that it had been revoked. You just used those words.

"Dr. DAVIS. As I said, I don't know what word is technically correct.

"Mr. SCHERER. You just said it.

"Dr. DAVIS. I am not certain whether the word 'revoked' is technically correct or not, I am sorry.

"Mr. CLARDY. Proceed to finish your answers of the question.

"Dr. DAVIS. The Passport Division of the State Department informed me that my passport was being confiscated, at any rate, as a result of information from an unnamed informant to the effect that I was a Communist.

"Mr. SCHERER. Was that information that the State Department had correct?

"Dr. DAVIS. That is the same question you asked before. I will refuse to answer it on the same basis.

"Mr. CLARDY. Now I want to ask you this, in view of what you have written in the past: Following that revocation did you attempt to go into the courts of this land and meet that accusation head on in any way?

"Dr. DAVIS. I took no further steps.

"Mr. CLARDY. Did you protest it in any fashion whatever?

"Dr. DAVIS. No, I did not.

"Mr. CLARDY. Did you make any public statement of any kind denying the fact that you were a member of the Communist Party and that the revocation had been unjustified?

"Dr. DAVIS. This concerns my public statements that I might have made and not governmental operations; therefore it is an improper question.

"Mr. SCHERER. I ask that you direct the witness to answer that last question.

"Mr. CLARDY. I so direct, Witness.

"Dr. DAVIS. I refuse to answer on the grounds that this question is an improper one because of the restrictions on congressional authority of the first amendment.

"Mr. CLARDY. Then if any wrong was done you by your Government, you did absolutely nothing to right that wrong, did you?

"Dr. DAVIS. I took no further steps to recover my passport.

"* * * * *

"Mr. MOULDER. I want to refer to the pamphlet which our counsel, Mr. Tavenner, mentioned a few moments ago and read one paragraph from it as follows:

"'The record of the committee's activities in the past few years indicates that its character has changed in no essential way. Throughout its history the committee has never concerned itself with acts of force and violence designed to overthrow the Government of the United States. It has not questioned people about concealing arms or about organizing groups to commit violent acts against minorities. It has never fulfilled its most basic duty, that is, it has never operated predominantly as a bona fide factfinding body to legislative ends.'

"Now, I want to ask you in this introductory question, Would you answer any questions that you have knowledge of concerning any acts or organization planning acts of force and violence designed to overthrow the Government of the United States?

"Dr. DAVIS. I would answer any question whatever which I was convinced was a proper one and of which I was convinced I was——

"Mr. MOULDER. I wish to say, however, of course it isn't a violation of the law for anyone who sees fit to criticize this committee, to criticize it as much as they want to.

"Dr. DAVIS. Thank you.

"Mr. MOULDER. And there may be differences in opinions about that. I now ask you then, do you believe in or are you a member

of any organization which proposes the overthrow of the Government of the United States by force and violence?

"Dr. DAVIS. As I explained before, I believe that violence is not an effective means of achieving political change, and therefore, of course, I do not knowingly belong to any such organization.

"Mr. MOULDER. Do you have any knowledge of any organization which proposes to do that?

"Dr. DAVIS. I think that this is a question of political evaluation again. It seems to me that that also is a question which I should not answer.

* * * * *

"Mr. TAVENNER. Mr. Davis, did you at any time during 1952 or 1953 solicit membership in the Communist Party of any faculty member or student of the University of Michigan?

"Dr. DAVIS. That is an improper question for the same reason.

"Mr. TAVENNER. I suggest the witness be directed to answer the question.

"Mr. CLARDY. I so direct.

"Dr. DAVIS. I refuse to answer on the basis that this question is an improper one because of the first amendment.

"Mr. TAVENNER. Are you now a member of the Communist Party?

"Dr. DAVIS. I refuse to answer for the same reason.

"Mr. TAVENNER. Have you ever been a member of the Communist Party?

"Dr. DAVIS. The same answer, the same reason.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"Mr. CLARDY. Any further questions, Mr. SCHERER?

"Mr. SCHERER. When you say "Same answer, same reason," you are not invoking the fifth amendment.

"Dr. DAVIS. I am not invoking the fifth amendment."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Horace Chandler Davis relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"During the period of time that you were at Harvard as an undergraduate, say between 1942 and 1945, were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body?

"During that period [1947–48] were you aware of the existence of a group of the Communist Party within the graduate students or instructors at Harvard?

"Do you know Dr. Robert Gorham Davis?

"My question is based upon evidence that the committee has received, whether or not there was any relationship between faculty members of the Communist Party [at Harvard], such as instructors, and student body members of the Communist Party, in a way in which one group would have any influence over the activities of the other group?

"As a matter of fact, weren't you in a position to know the answer to that question?

"Were you not a member of the Wendel Phillips Club of the Communist Party in Cambridge made up chiefly of members of the student body at Harvard?

"Do you know Dr. Furry [Dr. Wendell Hinkle Furry]?

"And you therefore, am I to understand, did not know him [Dr. Furry] personally?

"Were you aware of any Communist Party activities on his [Dr. Furry's] part during that period of time [1946–47]?

"Dr. Davis, were you aware of whether or not professors from the Massachusetts Institute of Technology took part in Communist Party activities along with groups of Communists at Harvard?

"Were you acquainted with Dr. Dirk Struik?

"Were you a member of either of those two organizations [University of Michigan Council of the Arts, Sciences and Professions and the Civil Liberties Committee of the University of Michigan] at the time that pamphlet [Operation Mind] was disseminated?

"Where you not the treasurer of the Ann Arbor Chapter of the Arts, Sciences and Professions at the time of the dissemination of that document?

"Isn't the reason you are refusing to answer this question and anything about it because of its Communist origin, inspiration, and direction?

"Do you have any familiarity at all with the document about which Congressman Scherer and Mr. Tavenner inquired?

"Dr. Davis, isn't it a fact that the University of Michigan Council of the Arts, Sciences and Professions and the Civil Liberties Committee of the University of Michigan had nothing to do with the distribution of this document?

"Isn't it a fact that they had not approved at any time of the issuance of the document?

"Isn't it a fact that on February 20, 1952, you placed an order with the Edwards Letter Co., 711 North University, Ann Arbor, Mich., for the printing of this pamphlet and that you ordered 4,000 copies at a cost of $112?

"Didn't the composition of that document, its issuance and dissemination, result from a meeting that was held on February 4, 1952, in the home of Betty Enfield?

"Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

"Having stated that the Passport Division of the State Department had informed him that his passport was being investigated as a result of information from an un-named informant to the effect that he was a Communist, he was asked the question: 'Was that information that the State Department had, correct?'

"Did you make any public statement of any kind denying the fact that you were a member of the Communist Party and the revocation had been unjustified?

"Having stated that it is his belief that violence is not an effective means of achieving political change, and that he does not knowingly belong to any such organization, the witness was asked the question: 'Do you have any knowledge of an organization which proposes to do that?'

"Dr. Davis, did you at any time during 1952 or 1953, solicit membership in the Communist Party of any faculty member or student of the University of Michigan?

"Are you now a member of the Communist Party?

"Have you ever been a member of the Communist Party?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE (interrupting the reading). Due to the fact that the report is on each Member's desk, I ask unanimous consent that further reading of the report be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 665) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Horace Chandler Davis to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the Eastern District of Michigan, Detroit, Mich., to the end that the said Horace Chandler Davis may be proceeded against in the manner and form provided by law.

Mr. VELDE. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, in the interest of expediting the business of the House this morning I ask unanimous consent at this time to introduce in the RECORD following the resolution in each case material dealing with each of the subsequent cases. This matter is all contained in the reports which are available to the Members, and I believe that if it can be handled in this manner it will expedite business.

Mr. WALTER. Mr. Speaker, reserving the right to object, do I understand that it is the purpose to place in the RECORD after each one of the citations a résumé of the facts which formed the basis for the action our committee took?

Mr. JACKSON. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent that all Members may have 3 days in which to extend their own remaks on these resolutions.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JACKSON. The résumé in the Davis case follows:

B. USED FIRST AMENDMENT ONLY

Horace Chandler Davis, Lansing, Mich.: refused to answer questions relating to an organized group of the Communist Party at Harvard University, his acquaintanceship at Harvard with Dr. Robert Gorham Davis and Dr. Wendell Hinkle Furry; as to membership in the University of Michigan Council of the Arts, Sciences, and Professions, and the Civil Liberties Committee of the University of Michigan; as to his knowledge of, connection with, and purposes of a pamphlet entitled "Operation Mind" published and disseminated prior to the 1952 Detroit hearings of the committee; the holding of a conference by Communist Party members at Ann Arbor, Mich., on February 4, 1952, at the home of Betty Enfield; the solicitation of faculty members and students of the University of Michigan to membership in the Communist Party and his membership in the Communist Party, relying in each instance upon the first amendment, and specifically disavowing any intention to rely upon the fifth amendment as a basis for his refusal to answer. He testified on May 10, 1954, at Lansing, Mich. (*Barsky* v. *United States*, (167 F 2d, 241, cert. den. 334 U. S. 843); *Lawson* v. *United States* (176 F 2d, 149, cert. den. 339 U. S. 934).)

Mr. VELDE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. VELDE) there were—ayes 340, noes, none.

So the resolution was agreed to.

PROCEEDINGS AGAINST LLOYD BARENBLATT

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2457).

The Clerk read as follows:

PROCEEDINGS AGAINST LLOYD BARENBLATT

Mr. VELDE, from the Committee on Un-American Activities submitted the following report:

The Committe on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Lloyd Barenblatt, Shady Creek Road, Pleasant Valley, Poughkeepsie, N. Y. The said subpena directed Lloyd Barenblatt to be and appear before said Committee on Un-American Activities at the hour of 10:30 a. m., on June 28, 1954, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Lloyd Barenblatt is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to George E. Cooper: You are hereby commanded to summon Lloyd Barenblatt to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Hon. Harold H. VELDE is chairman, in their chamber in the city of Washington, room 225-A, Old House Office Building, on Monday, June 28, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the City of Washington, this 28th day of May, 1954.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, House of Representatives of the United States."

The said subpena was duly served as appears by the return made thereon by George E. Cooper, investigator, who was duly authorized to serve the said subpena. The return of the service by the said George E. Cooper, being endorsed thereon, is set forth in words and figures, as follows:

"Subpena for Lloyd Barenblatt before the Committee on Un-American Activities for the House. Served in person Friday, June 4, 1954, 11:15 a. m. at his home, Shady Creek Road, Pleasant Valley, Poughkeepsie, N. Y.

"GEORGE E. COOPER,
"Investigator, House of Representatives."

The said Lloyd Barenblatt, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 28, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Lloyd Barenblatt having appeared as a witness and having been asked the questions, namely:

"Are you now a member of the Communist Party?

"Have you ever been a member of the Communist Party?

"Now, you have said that you knew Francis Crowley. Did you know Francis Crowley as a member of the Communist Party?

"Were you ever a member of the Haldane Club of the Communist Party while at the University of Michigan?

"Were you a member while a student of the University of Michigan Council of Arts, Sciences, and Professions"?

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Lloyd Barenblatt's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Lloyd Barenblatt.

The record of the proceedings before the committee on June 28, 1954, during which the said Lloyd Barenblatt refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE
COMMITTEE ON UN-
AMERICAN ACTIVITIES,
"Washington, D. C.,
"Monday, June 28, 1954.

"PUBLIC HEARING

"A subcommittee of the Committee on Un-American Activities, continued its hearing at 3:30 p. m. on June 28, 1954, in the caucus room, Old House Office Building, the Honorable HAROLD H. VELDE, chairman, presiding. During the interrogation of another witness, Hon. HAROLD H. VELDE, committee chairman, appointed a subcommittee to be composed of himself as chairman, and Representatives FRANCIS E. WALTER, MORGAN M. MOULDER, and CLYDE DOYLE. At a point preceding the testimony of Lloyd Barenblatt, Representative MORGAN M. MOULDER left the room, thus leaving a quorum of the subcommittee present, consisting of Representatives HAROLD H. VELDE, chairman, FRANCIS E. WALTER, and CLYDE DOYLE.

"Mr. VELDE. Mr. Reporter, for the purposes of this hearing, let the record show that I have appointed Mr. WALTER, Mr. MOULDER, Mr. DOYLE, and myself as chairman.

"Mr. KUNZIG. Mr. Lloyd Barenblatt.

"Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. BARENBLATT. I do.

"Mr. VELDE. Be seated.

"Mr. KUNZIG. Would you state your full name, please, sir?

"TESTIMONY OF LLOYD BARENBLATT, ACCOMPANIED BY HIS COUNSEL, PHILIP WITTENBERG

"Mr. BARENBLATT. My name is Lloyd Barenblatt, B-a-r-e-n-b-l-a-t-t.

"Mr. KUNZIG. What is your present address, sir?

"Mr. BARENBLATT. My present address is Route No. 2, Pleasant Valley, N. Y.

"Mr. KUNZIG. Mr. Barenblatt, I see that you are accompanied by counsel. Would counsel please state his name and office address for the record.

"Mr. WITTENBERG. Philip Wittenberg, W-i-t-t-e-n-b-e-r-g, 70 West 40th Street, New York City, N. Y.

"Mr. KUNZIG. Thank you, sir.

"Mr. Barenblatt, will you give the committee a brief résumé of your educational background?

* * * * *

"Mr. BARENBLATT. In the summer of 1947 I enrolled in the University of Michigan in the graduate school of studies for the purpose of working for the Ph. D. in social psychology.

"Mr. KUNZIG. What period of time exactly now were you at the University of Michigan?

"Mr. BARENBLATT. I was in residence at the University of Michigan from the summer of 1947 until the spring semester of 1950.

"Mr. KUNZIG. Did you know Francis Crowley at that time, who testified here this morning?

"Mr. BARENBLATT. Sir, I would like here to state my objections to the power and jurisdiction of this committee to inquire into my political beliefs, my religious beliefs, and any other personal and private affairs or my——

"Mr. KUNZIG. Just a minute. I ask you a very simple question, which I don't think has anything to do with religious beliefs, or all the other beliefs you mentioned. Do you know Francis Crowley?

"Mr. BARENBLATT. Yes.

"Mr. KUNZIG. You do know him?

"Mr. BARENBLATT. Yes.

"Mr. KUNZIG. You can hold that for a minute. I will get around to it in a minute. Now, did you hear Crowley testify this morning?

"Mr. BARENBLATT. Yes, sir.

"Mr. KUNZIG. You heard him identify Lloyd Barenblatt as a person he knew to have been a member of the Communist Party?

"Mr. BARENBLATT. I believe I heard him to say, I believe his words were more in the way of saying that I was a member of the Haldane Club. I don't recall exactly his saying that I was a member of the Communist Party. However, I suppose the record will show that.

"Mr. KUNZIG. The record shows the Haldane Club meant the Haldane Club of the Communist Party .

"Mr. VELDE. And I think that was made clear in his previous testimony.

"Mr. BARENBLATT. If the record so states, I don't remember, sir.

"Mr. KUNZIG. It does. Now were you a member of the Haldane Club of the Communist Party at Michigan?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. At this point I respectfully would like to object to the questions——

"Mr. DOYLE. Mr. Chairman——

"Mr. VELDE. All right. You have the floor.

"Mr. DOYLE. Before the young man takes the time of the committee to read that, whatever it is, may I just urge you to think even more seriously than you have about whatever position you are going to take before this committee.

"I know you have competent counsel, and of course you should rely on him, possibly, but I anticipate you might be preparing yourself to take the position opposite to that of cooperation with the committee.

"I am in no position to give you legal advice, but I know from the record that you are an instructor in a certain very distinguished college, by reputation, at least, and wouldn't it be a magnificent thing if you could take the position that if you ever were a member of the Communist Party, that you say so frankly and clean up and get out of that embarrassing situation and then start from there? Wouldn't that do you and the country a lot more good today——

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. DOYLE. Or put it on this basis. Wouldn't it do your country a lot more good?

"Mr. BARENBLATT. I appreciate your concern, sir.

"Mr. DOYLE. I am opening the door for you, sir.

"Mr. BARENBLATT. I understand, sir. However, I feel that this statement of objection which I am about to read might explain some things to the members of the committee.

"Mr. DOYLE. Well, as a young man you can never say now that we haven't opened the door deliberately, and maybe I am embarrassed before the committee at this point——

"Mr. VELDE. You certainly have given him every opportunity, Mr. DOYLE, and I think he has had every opportunity before to come clean.

"Let me say this about this statement you are about to read. You are familiar with the rules of this committee——

"Mr. BARENBLATT. I believe so, sir.

"Mr. VELDE. The committee made them some time ago. And are you familiar with rule 9 concerning statements by witnesses?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. VELDE. If not, let me read them again.

"'Any witness desiring to make a prepared or written statement for the record of the proceedings in executive or public sessions shall file a copy of such statement with the counsel of the committee within a reasonable period of time in advance of the hearing at which the statement is to be presented.

"'All such statements so received which are relevant and germane to the subject of the investigation may, upon approval, at the conclusion of the testimony of the witness by a majority vote of the committee or subcommittee members present, be inserted in the official transcript of the proceedings.'

"It is my feeling—and I am sure the other members agree—that your submitting the statement at the present time is not a reasonable time prior to the hearing. Now——

"Mr. BARENBLATT. May I say this——

"Mr. VELDE. Now, let me ask you one question. If you answer in the affirmative or in the negative, either one, then I believe that the committee would be very willing to let you read this statement.

"Are you now a member of the Communist Party?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. Sir, this is an objection to the questions asked by the committee.

"Mr. VELDE. I realize——

"Mr. BARENBLATT. It is not a preliminary statement——

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. And I ask for leave to read the objections.

"Mr. VELDE. It is assumed by the committee to be a preliminary statement. Now, will you answer the question if you are a member of the Communist Party at the present time?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I object on the following grounds——

"Mr. KUNZIG. Mr. Chairman, he is about to read an 11-page legal brief. This is obviously a delaying tactic.

"Mr. VELDE. I am not going to let him do it. The committee will take the statement up in executive session and determine if it should be placed in the record.

"Mr. BARENBLATT. But, sir, I believe I have a right to state my objections to the question. That is all I am doing.

"Mr. VELDE. You will be given that right if you will answer the question in the affirmative or the negative.

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. What is the question?

"Mr. VELDE. Whether you are a member of the Communist Party at the present time.

"Mr. BARENBLATT. May I confer with counsel?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I object to this on the grounds that I will state and that I have handed to the committee.

"Mr. WALTER. Never mind objecting. Do you decline to answer?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I do not decline to answer. I am objecting to the question.

"Mr. VELDE. Then will you answer?

"Mr. BARENBLATT. I am objecting to the question, sir. I wish that I might make that clear. I don't see what the trouble is about stating my grounds for objection. I notice that the other witnesses have been able to do so, and I wish to claim the privilege——

"Mr. KUNZIG. The other witnesses didn't decline to answer. Do you decline to answer?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I decline to answer——

"Mr. VELDE. Now, Mr. Witness, perhaps you are not familiar with the procedure before a congressional committee. It is entirely different than before a court of law. This is not a court of law. Your privileges are set up in the rules of the committee, and I assume you have a copy of the rules of the committee.

"Mr. WITTENBERG. I have, sir.

"Mr. VELDE. And we cannot have counsel putting the answers into the witness' mouth. You have a right to confer with your witness as far as his constitutional rights are concerned, but you have spoken loud enough to show that you are trying to get the witness to read this statement. Obviously——

"Mr. WITTENBERGER. Sir, that would be my advice to him.

"Mr. KUNZIG. Now, he had started to say, Mr. Chairman, he declines to answer the question as to whether he is now a member of the Communist Party. Now, do you so decline on the grounds of the fifth amendment, among other things, in this statement?

"Mr. BARENBLATT. I wish to confer with my counsel, please.

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I do not invoke the fifth amendment in declining to answer. I decline to answer on the grounds stated in my objections as presented to the members of this committee, which you have not allowed me to read.

"Mr. WALTER. Now, may I inform you that you haven't the right to decline to answer by virtue of any decision of the court. It is because of the Constitution. Now, do you decline to answer because of the constitutional provision?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. May I consult with counsel, sir?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I am declining to answer on constitutional grounds as stated in my objections.

"Mr. VELDE. But you do not include the fifth amendment in your reasons in declining, is that right?

"Mr. BARENBLATT. You are correct, sir.

"Mr. KUNZIG. Are you stating in this document which you have just handed to us, and which we have had no time to look at at all, that the fifth amendment is not included?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. Not included in my list of objections.

"Mr. KUNZIG. So you are declining to answer the question as to whether you are now a member of the Communist Party, and you are specifically not giving the fifth amendment as a reason for declining?

"Mr. BARENBLATT. That is correct, sir.

"Mr. KUNZIG. All right. Now, Mr. Chairman, I respectfully request that the witness be directed to answer the question: Are you now a member of the Communist Party.

"Mr. VELDE. The witness is directed by the Chair to answer that question.

"Mr. BARENBLATT. I would like to consult with counsel, sir.

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I decline to answer on the following grounds:

"I, Lloyd Barenblatt, having been subpenaed before the Committee on Un-American Activities, by subpena dated the 28th day of May 1954——

"Mr. VELDE. Now, you have gone far enough with the statement. You are trying to read it into the record.

"Mr. BARENBLATT. May I continue with my grounds——

"Mr. VELDE. I say the statement is accepted by the committee and will be considered for insertion in the record. Now, proceed with your answer.

"Mr. BARENBLATT. This is not a statement, not a preliminary statement. This is the grounds——

"Mr. VELDE. Whatever you want to call it.

"Mr. BARENBLATT. I would like to get it into the record.

"Mr. VELDE. Whatever you want to call this, if it is a statement of objections, it will be considered by the committee at a future time for insertion into the record. Now, will you answer the question?

"Mr. BARENBLATT. May I consult with counsel?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. I am objecting on these grounds, and I will not answer any questions about which the list of objections is read: my political beliefs; my religious belief; any other personal and private affairs; my associational activities.

"I will not answer any of those questions on the grounds of my objections in this statement which I again respectfully request that I be able to read at this point to get into the record the objections so that we can proceed from that point.

"Mr. WALTER. We will spare you a lot of time. I have read this, so a member of the committee is well acquainted with what is in it. Now, let's proceed.

"Mr. VELDE. I want to know this from the witness. In refusing to answer this question upon direction by the Chair, you are not relying upon the fifth amendment to the Constitution?

"Mr. BARENBLATT. You are correct, sir.

"Mr. VELDE. All right. Proceed.

"Mr. KUNZIG. And at no time in this interrogation of you today, at no time in your appearance before the House Committee on Un-American Activities, are you relying on the fifth amendment?

"Mr. BARENBLATT. I can't make any statement about what might occur in the future, sir. All I can say at this point, I have no anticipation now of doing so.

"Mr. DOYLE. At least today you are not relying on it, at this time?

"Mr. BARENBLATT. All I can talk about is the present——

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. KUNZIG. Mr. Chairman, I respectfully request that since the witness has asked to be able to put this document into the record as his reason for not answering the question that he has been asked, which is, 'Are you now a member of the Communist Party?' which he was directed to answer and which he refused again to answer, I respectfully request that this document be included in the record as his reason for not answering.

"Mr. VELDE. Yes. I have not had an opportunity to read the full statement, but I am going to take the word of my colleague

from Pennsylvania and my colleague from California, and without objection, at this point the objections or statement, or whatever witness wants to call it, will be inserted into the record as 'Barenblatt Exhibit No. 1.'

"(The document headed 'Objection to Jurisdiction of the Committee on Un-American Activities and to Questions Propounded by It,' was received in evidence as Barenblatt Exhibit No. 1.)

"BARENBLATT EXHIBIT No. 1

OBJECTION TO JURISDICTION OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES AND TO QUESTIONS PROPOUNDED BY IT

"1. I, Lloyd Barenblatt, having been subpenaed before the Committee on Un-American Activities, by subpena dated the 28th day of May, 1954, returnable on the 28th day of June, 1954, hereby respectfully object to the power and jurisdiction of this committee to inquire into:

"(a) My political beliefs.

"(b) My religious beliefs.

"(c) Any other personal and private affairs.

"(d) My associational activities.

"2. I am a private citizen engaged in work in the fields of education and research, and in writing and speaking in connection therewith. I hold no office of public honor or trust. I am not employed by any governmental department. I am not under salary or grant from any governmental department.

"3. The grounds of my objection are as follows:

"(a) Any investigation into my political beliefs, my religious beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this committee. I rely not upon my own opinion but upon statements contained in the opinions of the Supreme Court of the United States. Among others, in *United States* v. *Rumely* (345 U. S. 41, 58), the Supreme Court of the United States said in a concurring opinion by Mr. Justice Douglas:

" 'The power of investigation is also limited. Inquiry into personal and private affairs is precluded.'

"In *McGrain* v. *Daugherty* (273 U. S. 135), the Court said:

" 'Neither House is invested with "general" power to inquire into private affairs and to compel disclosures.'

"And in *Kilbourn* v. *Thompson* (103 U. S. 168), the Court said:

" 'Neither the Senate nor the House of Representatives possesses the general power of making inquiry into the private affairs of the citizens.'

"In *West Virginia State Board of Education* v. *Barnette* (319 U. S. 624), the Court, in an opinion by Mr. Justice Jackson said:

" 'If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein.'

"It follows therefore that this committee is without power to examine into my political, religious, associational and private affairs.

"(b) The right to refuse to answer to any official, or indeed to anyone, with regard to one's personal affairs is a valuable right in a democracy which ought not lightly be ceded, or indeed ought ever be impinged upon by any public official. The Congress of the United States is composed of elected officials who have no power of intrude into the private affairs of American citizens. They cannot by resolution increase their constitutional authority. As was said by the Supreme Court of the United States in *Jones* v. *Securities and Exchange Commission* (298 U. S. 1):

" 'The citizen when interrogated about his private affairs has a right before answering to know why the inquiry is made; and if the purpose disclosed is not a legitimate one, he may not be compelled to answer.'

And again in *McGrain* v. *Daugherty* (273 U. S. 135):

" 'That a witness rightfully may refuse to answer where the bounds of the power are exceeded.'

"It was said by Mr. Justice Frankfurter in *United States* v. *United Mine Workers of America* (330 U. S. 258, 307):

" 'The historic phrase "government of laws and not of men" epitomizes the distinguishing character of our political society:' * * *

" ' "A government of laws and not of men" was the rejection in positive terms of rule by fiat, whether by the fiat of governmental or private power. Every act of government may be challenged by an appeal to law, as finally pronounced by this Court.'

"And again in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579):

" 'The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertions of authority.'

"Within the meaning of these decisions I regard it as one of the duties of a citizen of the United States to be vigilant against the accretion of dangerous power. I call to the attention of this committee the opinion of Mr. Justice Douglas in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579), that even the cold war and the emergencies said to have been created thereby 'did not create power.'

"(c) Under the first amendment to the Constitution the power of investigation by Congress in matters involving freedom of speech and freedom of the press is limited. There can be no investigation except for the purpose of legislation. As was said by Mr. Justice Van Devanter in *McGrain* v. *Daugherty* (273 U. S. 135, 178):

" 'The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating.'

"The Congress of the United States has no constitutional right to legislate with regard to prior restraint on utterance in either form; and as to any books already written or statements made no ex post facto law can be passed determining innocence or criminality, and therefore any investigations into my writings or speech or communications is beyond the power of this committee. As was said by Mr. Justice Douglas in *United States* v. *Rumeley* (345 U. S. 41, 58):

" 'Through the harassment of hearings, investigations, reports, and subpenas government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. Inquiry into personal and private affairs is precluded.'

"(d) Under our Constitution our Government is a government of limited powers, tripartite in form, consisting of the legislative, the judicial, and the executive. This separation is fundamental to the preservation of the rights of the people in order that no one department may, through its power, rise to become a despotic arbiter. This committee through this investigation into my political, associational, religious, and private affairs trespassed upon the judicial department and has caused a lack of balance of power which constitutes a threat to my liberty as an American citizen and is an unconstitutional usurpation. This usurpation has reached the point where the Supreme Court of the United States in *United States* v. *Rumely* (345 U. S. 41, 44), said:

" ' "And so, we would have to be that 'blind' court, against which Mr. Justice Taft admonished in a famous passage, that does not see what all others can see and understand" not to know that there is wide concern, both in and out of Congress, over some aspects of the exercise of the congressional power of investigation.'

"No place is that usurpation better seen than in the trespassing by the legislature upon the judiciary. As was said in *Lichter* v. *United States* (334 U. S. 742, 779):

" 'In peace or in war it is essential that the Constitution be scrupulously obeyed, and particularly that the respective branches of the Government keep within the powers assigned to each by the Constitution.'

"And again in *Myers* v. *United States* (272 U. S. 52, 116), by Mr. Justice Taft:

" 'If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive, and judicial powers.'

"And again by Mr. Justice Brandeis in *Myers* v. *United States* (272 U. S. 52, 293, 71 L. ed. 160):

" 'The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to fight friction but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.'

"And again in *Kilbourn* v. *Thompson* (103 U. S. 168):

" 'It is believed to be one of the chief merits of the American system of written constitutional law that all the powers entrusted to governments, whether State or National, are divided into the three grand departments: the executive, the legislative, and the judicial. * * * It is also essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others but that each shall by the law of its creation be limited to the exercise of the power appropriate to its own department and no other.'

"Not only did the founders of our Republic separate the departments of Government, but they also limited the powers of each of those departments. It is a simple statement, known to every American schoolchild that our Government consists of separate departments, that the powers of each of those departments is limited, and that all rights not granted to the Government are reserved to the people.

"To be specific Congress has the specific power to legislate granted to it by the Constitution. It has an implied power to investigate which, however, can be no broader than the power to legislate. In the absence of proposed legislation there can be no investigation, for all powers not expressly granted or necessarily implied are reserved to the people. Neither of the tripartite departments of our Government can claim any residual power as a basis for acting. In order that there might be no doubt about the limitations of power and the wish not to grant residual power, the citizens of the several States insisted on the insertion in the Bill of Rights of amendment 9:

" 'The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.'

"They reinforced amendment 9 by amendment 10:

" 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'

"This Congress and the committees appointed by it can enjoy only the powers expressly granted in the Constitution or necessarily implied therefrom. Congressmen or committeemen thereof as officials of the Government do not have, and cannot

arrogate to themselves, a power to intrude into the private affairs of the people of the United States, a power which the people reserve to themselves. The arrogation of power may be curtailed either by an appeal to the courts, or what is to be more hoped for, by the self-discipline of those entrusted with authority. The possibility of petty tyranny is ever present in a democracy unless the body of officialdom is wise and knows that self-limitation is essential to the success of our scheme of government. As Mr. Justice Frankfurter said in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579):

"'A constitutional democracy like ours is perhaps the most difficult of man's social arrangements to manage successfully. Our scheme of society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims.'

"But when such self-discipline is not apparent in the actions of any governing body then it becomes the duty of the citizen to challenge that act by an appeal to law. It is that duty which I here feel obliged to maintain. (See *United States* v. *United Mine Workers of America* (330 U. S. 258).)

"This committee by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, my religious beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in bills of attainder, being prohibited by our Constitution, article I, section 10.

"The present practices of this committee fall within the condemnation and prohibition of that section.

"The Supreme Court said in *United States* v. *Lovett* (328 U. S. 303, 317):

"'Those who wrote our Constitution well knew the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons, because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts.' * * *

"'And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury, has a right to be represented by counsel, he must be clearly informed of the charge against him, the law which he is charged with violating must have been passed before he committed the act charged, he must be confronted by the witnesses against him, he must not be compelled to incriminate himself.' * * *

"'Our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the nation of freemen they envisioned. And so they proscribed bills of attainder.'

"But a bill of attainder need not be the specific bill of attainder referred to in the Constitution. It may be any legislative act taken in connection with known punishments which together constitute a deprivation of civil rights. So to ask me whether I am or have been a member of the Communist Party may have dire consequences. I might wish to defend myself by taking recourse to the protection of the provisions contained in the Bill of Rights or challenge the pertinency of the question to the invesigation. Should I invoke the protection of the Bill of Rights and the Constitution I thereby place my livelihood and my position in society in a position of jeopardy. Many of our States, municipalities, educational institutions, the Federal Government itself, and even private employers have adopted rules of exclusion from employment for persons taking recourse in the Bill of Rights or the Constitution.

"The Supreme Court of the United States took cognizance of this condition in 1950, a time when it had not yet reached the full flavor of today. For in 1950, Mr. Justice Black concurring in, *Joint Anti-Fascist Refugee Com.* v. *McGrath* (341 U. S. 123, 144, 145), said:

"'In this day when prejudice, hate, and fear are constantly invoked to justify irresponsible smears and persecution of persons even faintly suspected of entertaining unpopular views, it may be futile to suggest that the cause of internal security would be fostered, not hurt, by faithful adherence to our constitutional guaranties of individual liberty. Nevertheless, since prejudice manifests itself in much the same way in every age and country and since what has happened before can happen again, it surely should not be amiss to call attention to what has occurred when dominant governmental groups have been left free to give uncontrolled rein to their prejudices against unorthodox minorities. * * * Memories of such events were fresh in the minds of the Founders when they forbade the use of the bill of attainder.'

"And he said further:

"'Moreover, officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder, the use of which was from the beginning forbidden to both National and State Governments. (United States Constitution, art. I, secs. 9, 10.)'

"As was said in *United States* v. *Lovett* (328 U. S. 303, 324), cited by Mr. Justice Black in the preceding opinion:

"'Figuratively speaking all discomforting actions may be deemed punishment because it deprives of what otherwise would be enjoyed.' * * *

"'The deprivation of any rights, civil or political previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact.'

"Upon all the ground aforesaid I object not only to the jurisdiction of this committee, but also to the questions propounded by it. This objection is made upon the advice of counsel as to my rights as provided for in rule VII of the rules of procedure of this committee.

"Counsel who appear for me are Philip Wittenberg and Irving Like of 70 West 40th Street, Borough of Manhattan, New York City.

"Mr. VELDE. Hereafter when you decline to answer a question, you may make your declination, in order to save time, on the basis of the statement or objections previously made.

"Mr. KUNZIG. I think in order that the record may be clear, Mr. Chairman, the record should also show that the committee is bending over backward in fairness to this witness in spite of his violation of rule 9 of the committee.

"He has been in possession of a copy of the rules as to how statements should be submitted and how a lengthy thing such as this statement should be submitted for a period, roughly, of a month.

"Mr. BARENBLATT. May I say at this point, this is not my statement. It is my setting forth of my objections as the question is asked me before the committee.

"I wish to comply with all the rules of this committee, and I respect them as set forth in this hearing. I certainly don't look upon myself as willfully violating any rules, and I want to make it clear that this is not a preliminary statement before the committee, but it is the statement of my objections to the kinds of questions you are asking.

"Mr. VELDE. Now, in order to clarify the point made by counsel, Mr. Barenblatt, you did receive a copy of the rules at the time you were served with a subpena by this committee?

"Mr. BARENBLATT. Yes, sir.

"Mr. VELDE. And when were you served with your subpena?

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. It is about a month ago, sir; I don't remember the exact date.

"Mr. VELDE. Mark that 'Barenblatt exhibit No. 2.'

"Without objection the subpena and return thereon will be introduced into evidence at this point.

"(The subpena and return thereon above referred to, marked 'Barenblatt exhibit No. 2' for identification, was received in evidence as Barenblatt exhibit No. 2.) [1]

"Mr. VELDE. Now, at what time did you first give a copy of your objections, as you call them, to this committee or any member of its staff?

"Mr. BARENBLATT. May I consult?

"Mr. VELDE. Yes.

"(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. In response to the question and objection thereto, I present the committee with these objections.

"Mr. VELDE. When did you present them for the first time?

"Mr. BARENBLATT. Well, I presented them for the record when the question was asked me regarding my——

"Mr. VELDE. Acquaintanceship——

"Mr. BARENBLATT. Private political association.

"Mr. VELDE. I didn't get that last answer—sorry.

"Mr. BARENBLATT. I believe it was when a question was asked me about my political and private associations. That is when I intended to invoke the objections as here stated.

"Mr. VELDE. But that was in the course of these hearings today?

"Mr. BARENBLATT. Yes, sir.

"Mr. VELDE. Do you feel that that was a reasonable time to submit it in advance to the committee or a member of its staff?

"Mr. BARENBLATT. Well, sir, I believe that the proper time to enter objections is when you object to a question being asked, so under those considerations I really think so, sir.

"Mr. VELDE. In other words, you did what you believed was right in spite of what the committee rules were, is that correct?

"At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. BARENBLATT. No, sir; I wouldn't put that interpretation on it at all. I believed what I did was right and I had no idea of what the committee's interpretation of this was at the time I submitted the statement.

"Mr. KUNZIG. Have you ever been a member of the Communist Party?

"Mr. BARENBLATT. I must object to that question on the grounds previously put into the record.

"Mr. KUNZIG. You may just say the same grounds and we will understand it to mean this document which is exhibit 1.

"Mr. BARENBLATT. Yes, sir; exhibit 1, sir.

"Mr. VELDE. All right. Now, Mr. Witness, you are directed to answer that question.

"Mr. BARENBLATT. I decline to answer on the basis of the grounds stated in exhibit 1.

"Mr. KUNZIG. Now, you have said that you knew Francis Crowley. Did you know Francis Crowley as a member of the Communist Party?

"Mr. BARENBLATT. I must decline to answer that question, sir, on the grounds as stated in my objections in exhibit 1.

"Mr. KUNZIG. Now, you don't have to do it. You said you must. Do you decline to answer?

"Mr. BARENBLATT. I do, sir.

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[1] See p. 1 for text of this exhibit.

"Mr. KUNZIG. I respectfully ask that he be directed on each of these questions, Mr. Chairman.

"Mr. VELDE Yes. You are directed to answer the question propounded by counsel.

"Mr. BARENBLATT. The same question; I object on the grounds as previously stated in the exhibit.

"Mr. KUNZIG. Do you decline to answer?

"Mr. BARENBLATT. I decline to answer.

"Mr. KUNZIG. Were you ever a member of the Haldane Club of the Communist Party while at the University of Michigan?

"Mr. BARENBLATT. I decline to answer on the grounds as previously stated.

"Mr. VELDE. You are directed to answer that question, Mr. Witness.

"Mr. BARENBLATT. Sir, I respectfully decline to answer on the basis of the grounds as previously stated.

"Mr. KUNZIG. Were you a member while a student of the University of Michigan Council of Arts, Sciences, and Professions?

"Mr. BARENBLATT. I again decline to answer on the basis of the objections made in exhibit 1.

"Mr. VELDE. You are again directed to answer that question, Mr. Barenblatt.

"Mr. BARENBLATT. I must decline to answer these questions, sir, on the basis of the grounds as previously stated.

"Mr. KUNZIG. Let the record show, of course, that the National Council of Arts, Sciences, and Professions is a cited Communist-front organization.

"Now, I want to go back to one point, Mr. Barenblatt. Would you please give the committee a brief résumé of your employment background?

"Mr. BARENBLATT. I held very temporary jobs before the time of my receiving a bachelor's degree. After that I was in the Army.

"On being discharged from the Army I worked for a short time for a firm, I believe the name of it was Graphics Institute, in New York.

"I then enrolled in the University of Iowa and I believe the next regular employment after that was as a teaching fellow at the University of Michigan.

"Mr. KUNZIG. What did you teach?

"Mr. BARENBLATT. I taught psychologies.

"Mr. KUNZIG. Psychology?

"Mr. BARENBLATT. Yes, sir.

"Mr. KUNZIG. How long did you teach psychology as a teaching fellow at the University of Michigan?

"Mr. BARENBLATT. Let's see, I believe it was from the fourth semester of 1948 to the spring semester of 1950.

"Mr. KUNZIG. Would you continue, please.

"Mr. BARENBLATT. The fall semester of 1950 I was employed as an instructor at Vassar College and continued there until—I believe my contract ran until June 15 of this year at Vassar College. I am not now employed.

"Mr. KUNZIG. What did you teach at Vassar College?

"Mr. BARENBLATT. Psychologies.

"Mr. KUNZIG. Is your contract finished there?

"Mr. BARENBLATT. Yes, sir; terminated.

"Mr. KUNZIG. So at the moment you are unemployed?

Mr. BARENBLATT. Yes, sir.

(At this point Mr. Barenblatt conferred with Mr. Wittenberg.)

"Mr. KUNZIG. I want to ask one thing further, just so the record can be completely clear——

"Mr. BARENBLATT. Yes, sir.

"Mr. KUNZIG. And so there can be no doubt in the written record at all. You have not at any time this afternoon during your testimony before this committee in any way sought to invoke or raise the fifth amendment whatsoever up to the present moment, have you?

"Mr. BARENBLATT. You are entirely correct, sir."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Lloyd Barenblatt relative to the subject matter which, under Public Law 609, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Are you now a member of the Communist Party?

"Have you ever been a member of the Communist Party?

"Now, you have said that you knew Francis Crowley. Did you know Francis Crowley as a member of the Communist Party?

"Were you ever a member of the Haldane Club of the Communist Party while at the University of Michigan?

"Were you a member while a student at the University of Michigan Council of Arts, Sciences, and Professions?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 666) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Lloyd Barenblatt to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said Lloyd Barenblatt may be proceeded against in the manner and form provided by law.

Mr. JACKSON. Mr. Speaker, the résumé in this case follows:

3. Lloyd Barenblatt, Poughkeepsie, N. Y.: Refused to answer any questions concerning alleged Communist activities. Failed to use his constitutional privilege under the fifth amendment. Used first amendment (freedom of speech), which, up to the present time, has been held by the courts as inapplicable in this situation. Testified June 28, 1954, in Washington, D. C. (*Barsky* v. U. S. (167 F. 2d, 241, certiorari denied, 334 U. S. 843); *Lawson* v. *U. S.* (176 F. 2d, 149, certiorari denied, 339 U. S. 934).)

Mr. VELDE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROCEEDINGS AGAINST RICHARD E. ADAMS

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2458).

The Clerk read as follows:

PROCEEDINGS AGAINST RICHARD E. ADAMS

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Richard E. Adams, residence, 1548 Grove Street, San Diego, Calif., business, attorney, 266 Spreckles Building. The said subpena directed Richard E. Adams to be and appear before said Committee on Un-American Activities or a duly authorized subcommittee thereof, in their chamber in the city of San Diego, Calif., on April 21, 1954, board of supervisor's chambers, civic center, 1600 Pacific Coast Highway, at the hour of 9 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee. The subpena served upon said Richard E. Adams is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to A. E. Jensen. You are hereby commanded to summon Richard Adams, residence 1548 Grove Street, San Diego, Calif., business attorney, 266 Spreckles Building, to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE, is chairman, in their chamber in the city of San Diego, Calif., April 21, 1954, board of supervisor's chambers, civic center, 1600 Pacific Coast Highway, at the hour of 9 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 2d day of February 1954.

"HAROLD H. VELDE,
"*Chairman.*

"Attest:

"LYLE O. SNADER,
"*Clerk, United States House of Representatives.*"

The said subpena was duly served as appears by the return made thereon by Cody C. Isbell, police officer, San Diego Police Department, who was duly authorized to serve the said subpena. The return of the service by the said Cody C. Isbell, being endorsed thereon, is set forth in words and figures, as follows:

"Subpena for Richard Adams. Served February 16, 1954, 8:40 p. m.

"CODY C. ISBELL,
"*Police Officer, San Diego Police Department.*"

The said Richard Adams, pursuant to said subpena and in compliance therewith, appeared before the said committee to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Richard E. Adams having appeared as a witness on April 21, 1954, and having been asked questions, namely:

"To whom did you submit your application for membership in the Communist Party in 1944?

"Who was in charge of the recruitment of new members, or the work of recruitment of new members from the executive committee of the Communist Party?

"Who was in charge of the work of distribution of Communist Party literature?

"Who was head of the Communist Party at the time you were a member of the executive committee, that is, the head of the party in San Diego County?

"Who was the head of the Communist Party in San Diego County at the time this action [expulsion of the witness from the Communist Party] was taken?

"Who was the person who notified you of your expulsion?

"Was George Lohr the one who notified you that you were to be dropped from the Communist Party?

"Was George Lohr the head of the Communist Party in San Diego County at that time?

"Will you tell the committee, please, all you know regarding the activities in the Communist Party of George Lohr in San Diego, if you know of any such activities?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of said Richard E. Adams' refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Richard E. Adams.

The record of the proceedings before the committee on April 21, 1954, during which Richard E. Adams refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"San Diego, Calif.,
"Wednesday, April 21, 1954.

"The subcommittee of the Committee on Un-American Activities, consisting of Representatives DONALD L. JACKSON, chairman, GORDON H. SCHERER, and CLYDE DOYLE, met pursuant to call at 9 a. m. in the Chamber of Commerce Building, San Diego, Calif.

"Committee members present: Representatives DONALD L. JACKSON and CLYDE DOYLE.

"Mr. JACKSON. The committee will be in order.

"Who is your first witness?

"Mr. TAVENNER. Mr. Richard Adams.

"Mr. JACKSON. Will you be sworn, please, Mr. Adams?

"Do you solemnly swear in the testimony you are about to give before this subcommittee, you will tell the truth, the whole truth, and nothing but the truth so help you God?

"Mr. ADAMS. I do.

"Mr. JACKSON. Be seated, please.

"Mr. TAVENNER. What is your name, please, sir?

"Mr. ADAMS. Richard E. Adams.

"Mr. TAVENNER. You are an attorney, Mr. Adams?

"Mr. ADAMS. Yes, practicing law in the city of San Diego.

"Mr. TAVENNER. You do not desire to have counsel, other counsel, to accompany you?

"Mr. ADAMS. Counsel, I shall act as my own counsel in the hearing, if I may.

"Mr. TAVENNER. When and where were you born, Mr. Adams?

"Mr. ADAMS. I was born in Denver, Colo., October 20, 1912.

* * * * *

"Mr. TAVENNER. Mr. Adams, will you tell the committee, please, whether at any time while a resident of the State of Minnesota, or at any time while a resident of the State of California you have been affiliated with the Communist Party?

"Mr. ADAMS. Counsel, will the committee, before I answer that question, promise me a transcript of this proceeding?

"Mr. JACKSON. The Chair will state that a transcript of the proceeding may be obtained at the expense of the witness from the reporting firm. The Chairman at this time will grant your obtaining such a transcript.

"Mr. ADAMS. Thank you.

"Will the reporter please read back the question?

"(The question was read by the reporter.)

"Mr. ADAMS. I have been a member of the Communist Party.

"Mr. TAVENNER. Where did you first become a member of the Communist Party?

"Mr. ADAMS. I first joined the Communist Party in the city of Minneapolis, Minn., some time in 1935. I was expelled from the Communist Party in the city of Duluth, Minn., in 1939.

"I rejoined the Communist Party in the city of San Diego, Calif., in 1944, and was once more expelled from the Communist Party in the city of San Diego some time in the early part of 1946.

* * * * *

"Mr. JACKSON. Very well.

"Mr. ADAMS. Preliminarily, counsel, I would like to state that this whole matter has previously been inquired into by a subcommittee of the Board of Bar Examiners before I was admitted to the practice of law in the State of California. I passed the bar examination in October of 1950, was called before the committee, I believe, some time during January of 1951, at which time I was placed under oath, and the committee inquired into my past political affiliation, my past political activity, my past association. I was later informed that I had sustained the burden of proof inasmuch as I had proved good moral character, which was the issue there, and was thereafter admitted to the bar.

"Now, in answer to the question: I grew up in a mining community, an iron-mining community in northern Minnesota. I saw the effects of the depression in 1929 upon the people of that part of the country. I observed that the mineworkers were denied the right to join a union under penalty of discharge by the steel trust. I watched the rise of fascism in Europe.

"I joined the farm-labor movement of Governor Olson and Elmer Benson. I believed in the cooperative commonwealth idea on which that movement was founded.

"Upon the advent of the New Deal and its relative slow progress in adjusting injustices at home, or in opposing fascism abroad, I looked around for a more rapid solution to the problem, and at that time it appeared to me that the Communist Party was the organization which had this solution. It opposed fascism abroad and sought Government ownership at home.

"So when I was invited to join I did so.

"I believe part of the question was the conditions surrounding my expulsion from the party in 1939, is that right?

"Mr. TAVENNER. That is correct, but before proceeding to that phase of the question, will you tell the committee, please, whether you attained any position of leadership in the Communist Party in the State of Minnesota? In other words, what positions, if any, did you hold?

"Mr. ADAMS. As far as I can recall now, I was secretary of the local unit or branch, and not cells, by the way, and a member of the section committee which at that time would roughly correspond to the county committee.

"Mr. DOYLE. May I ask about how old you were at that time?

"Mr. ADAMS. I was born in 1912. I believe it would be about 22.

"What is the question?

"Mr. TAVENNER. The question now is, Will you tell the committee the circumstances under which you left the party in 1939?

"Mr. ADAMS. Well, when war broke out in Europe in 1939 I thought the United States should join with the Allies immediately to defeat Hitler and Mussolini, and, of course, at that time Mussolini was not in the war yet. Italy was still a nonbelligerent.

"I attempted to convince the Communist Party of this, but was unsuccessful. I believe that the Russian-German or the Soviet nonaggression pact, did serve the short time interest of the Soviet Union, and I felt that the Soviet Union at that time was fully justified in entering into such a pact, because, if you will recall, she did not desire to have Hitler do the same thing to her as the Japanese were doing to China, while we stood on the sideline and furnished the gas, oil, and steel, and the wherewithal for them to do it.

"So from that point of view I felt that the nonaggression pact from the Soviet point of view, was justified. However, I felt, too, that Hitler was still as great a threat or a bigger threat to the United States and ultimately to the Soviet Union in 1939 and 1940 than he was in the earlier part of the thirties.

"I further thought that if the United States joined with the Western Allies against Hitler they could defeat Germany without the aid of the Soviet Union. I am convinced now, however, that that might have been a mistake. However, I didn't happen to be foreign minister of the Soviet Union, I didn't happen to be in a leading position in the Communist Party in this country, and I must say that the overwhelming majority of the Communists with whom I discussed this question were opposed to my point of view.

"So it was because of this difference of opinion with the Communists that I was expelled in 1939, and I believe that was correct, because no revolutionary movement can tolerate within its ranks a difference of opinion because that might be fatal.

"Mr. TAVENNER. Were you not then permitted to express your own views and opinions on political matters, if they were contrary to the line of the Communist Party? Is that, in substance, what you are saying?

"Mr. ADAMS. Yes. This debate raged in the section committee with a lot of intensity, and when the vote was taken, I do not remember the exact number, but I think the vote was something like 16 to 1. I was the one.

"Mr. JACKSON. It points up, does it not, Mr. Adams, the fact that there is no place in the Communist Party actually for difference of opinion when it extends to basic doctrines of the party?

"Mr. ADAMS. That is correct. In no revolutionary movement can there be a difference of opinion, and I think the same thing holds true in many other organizations. You cannot belong to many organizations and have a difference of opinion basically with the aims, objectives, tactics, and programs of that organization.

"Mr. DOYLE. I notice you apply the term revolutionary movement to the Communist Party. Why do you do that?

"Mr. ADAMS. Well, Congressman, has there ever been any denial that the Communist movement of all countries, and the international Communist movement particularly, is not a revolutionary movement? If so, I have been sadly misled.

"Mr. DOYLE. Well, I am not saying. Manifestly the purport of my question was to get a short statement from you based on your experience and analysis for the record, for the information of those who may hear or read. That is why I asked you the question.

"Mr. ADAMS. Did I term the Communist movement a revolutionary movement?

"Mr. DOYLE. Yes.

"Mr. ADAMS. It is a revolutionary movement. A true Communist movement must of necessity be a revolutionary movement.

"Mr. JACKSON. There are several types of revolutions—social revolution, a violent revolution, or both. We would like to have clarification of what you mean by revolution. Do you mean the social evolution, which is a revolution, or do you mean the use of force and violence, as usually understood in connection with a violent revolution?

"Mr. ADAMS. Congressman, I have been listening to these hearings for the past few days, and really, I think the committee's leg is being pulled by some of these friendly witnesses.

"Mr. JACKSON. That may be the case. It has certainly been pulled by some of the unfriendly witnesses. There is no question about that. However, that is hardly responsive to what I mean to be an honest and fair question.

"Mr. ADAMS. I shall respond to your question, Congressman. I told you Saturday, or

I believe you were not present Saturday when I made the statement, I should answer all questions put to me to the best of my recollection, knowledge, and ability.

"Mr. JACKSON. Thank you very much. That is all we want.

"Mr. ADAMS. Congressman, you do not have to worry about that. However, to decide the question of whether or not the Communist movement is a revolutionary movement, I think that we should go to the authorities, as an attorney, and I think counsel will agree with me, and we don't go out in the street and take hearsay to determine a question.

"Now, I think if you desire I could quote in about 3 minutes excerpts from the Communist Manifesto, which was the original document written by Marx and Engels in 1848.

"Mr. JACKSON. Yes; with which the committee is familiar, but again the point of my question, if I may say, I should like to know your interpretation out of your experience in the Communist Party as to the term revolutionary movement. The documents, the basic documents of communism since the Manifesto states very definitely it is a revolutionary movement. I should like to have you, out of your experience, express your personal ideas as to what constituted the revolutionary aspects of communism in the United States.

"Mr. ADAMS. Well, Congressman, the basic tenet of the Communist movement in all countries of the world is that there must be an abolition of private property.

"Mr. TAVENNER. When you became a representative of the Office Workers' Union on the Central Labor Council of this area, were you a member of the Communist Party?

"Mr. ADAMS. I am quite sure not. I became a delegate to the Central Labor Council by writing a letter to the Tribune denouncing its stand on the war, which was published; and the fellow that was running the union immediately appointed me a delegate to the Central Labor Council, and I was not a member of the Communist Party, as far as I can recall, at that particular time.

"Mr. TAVENNER. Did you find, after becoming a member of the Communist Party, that there were other Communist Party members on the Central Labor Committee, counsel?

"Mr. ADAMS. I believe there were other Communist Party members on that committee at that time.

"Mr. TAVENNER. Do you know that of your own personal knowledge?

"Mr. ADAMS. Counsel, this has been 8 or 10 years ago, and time has a way of tricking the memory of people, and I would hate to do someone an injustice. I am of the present impression that there were other Communists in the Central Labor Council.

"Mr. TAVENNER. Of course, I cannot ask you what your impression was. It is only in the event that you have a recollection.

"Mr. ADAMS. Let's say, then, so we don't do an injustice to anyone, that I do not recall at this particular time.

"Mr. TAVENNER. To whom did you submit your application for membership in the Communist Party in 1944?

"Mr. ADAMS. Counsel, I don't want to try to direct the way the hearing is going, but I fully understand that this committee, and all of it, as of all the witnesses, are going to ask me the names of the people I associated with during this period, and I would like to save that for the end of my testimony, if I may.

"Mr. TAVENNER. I don't see that it makes any difference particularly.

"Mr. ADAMS. Let's save it for the dessert; shall we?

"Mr. JACKSON. Just a minute. Let's let the committee run the committee, and counsel will proceed in whatever order he has determined so far as the questions are concerned.

"Mr. TAVENNER. To whom did you submit your application for membership?

"Mr. ADAMS. Counsel, that involves three things. It involves, first of all, a question of personal conscience. That is, I feel that I could not in good conscience give this committee the names of people whom I knew to be Communists. I feel this for two reasons. I may make a mistake. It has been 8 or 10 years since I knew these people. I don't know what they are now. They might feel about politics and economics the same as I do today, which would be an injustice to them to be named before this committee.

"Secondly, there is this particular question, and it is a legal question. I do not know what these people are doing today. I understand that the prosecution under the Smith Act was a prosecution and a conviction for perjury—not for perjury; for conspiracy. A conspiracy, as you all know, can be in the eyes of the law a continuing thing. Members of a conspiracy may be liable for the acts of their coconspirators even though not there. It is only as a result of having withdrawn and making that knowledge known to other members of the conspiracy that in the eyes of the law a person may not be liable for a conspiracy.

* * * * *

"Now, I did not withdraw from the Communist Party. I was thrown out of the Communist Party, and I did not submit any letter of resignation. I do not know what these people have been doing since, and, frankly, I am not going to put myself in a position where somebody can come along and wrap me up for something some joker has done in the last 8 years that I know nothing about.

"So, for that reason, Counsel, I feel I cannot answer that question.

"Mr. JACKSON. Do you decline to answer the question?

"Mr. ADAMS. I do respectfully decline to answer that question.

"Mr. JACKSON. And for the reasons you have stated?

"Mr. ADAMS. Yes; and for the further reason, Counsel, there is no law in this country which could cause me to give evidence which might be used against me.

"Mr. JACKSON. In other words, you are pleading the fifth amendment?

"Mr. ADAMS. Primarily, the first.

"Mr. JACKSON. And secondarily?

"Mr. ADAMS. And secondarily the fifth. For safety's sake, I might throw in all the rest of the 22 and all of the Constitution.

"Mr. JACKSON. Yes; some witnesses have added the Ten Commandments to it.

"Mr. ADAMS. And I think the United Nations Charter might be well here, too, and all of the covenants.

"Mr. JACKSON. It will be understood you are pleading all of them, including the legal reasons under the Constitution.

"Mr. ADAMS. Yes; but only for the purpose of naming these people who might have done something since I knew them that I might have been responsible for.

* * * * *

"Mr. TAVENNER. During the period of your membership in San Diego, did you become an official of either of these groups or hold any other position in the Communist Party?

"Mr. ADAMS. I was elected to the executive committee of San Diego County in 1944 and again in 1945.

"Mr. TAVENNER. What were your duties as a member of the executive committee?

"Mr. ADAMS. I was mainly concerned with the press at that time.

"Mr. TAVENNER. What do you mean, mainly concerned with the press?

"Mr. ADAMS. My responsibility was to report the San Diego news to the People's Daily World, to check with the people that were promoting the circulation of the Daily World.

"Mr. TAVENNER. Was that your particular task on this executive committee?

"Mr. ADAMS. Yes.

"Mr. TAVENNER. That was the county executive committee?

"Mr. ADAMS. Yes.

"Mr. TAVENNER. Will you tell the committee how that executive committee was organized?

"Mr. ADAMS. As far as I remember, the executive committee was made up of people elected by the various groups.

"Mr. TAVENNER. How many persons were on that committee?

"Mr. ADAMS. I don't recall the exact number. There might have been seven. There could have been 14.

"Mr. TAVENNER. What were the functions of the other members of this committee?

"Mr. ADAMS. Well, the organizational plan of the Communist Party is well known, and I think the San Diego organization pretty well corresponded to the other organizations in that certain people were assigned in the executive committee to carry on the activities in various fields.

"Mr. TAVENNER. Will you explain to the committee the general nature of those assignments and the fields in which they were to operate?

"Mr. ADAMS. Well, Counsel, I am really trying to answer this to the best of my ability, but the San Diego Communist Party always was a strange party to me, in that nobody seemed to ever do things as I had been taught that Communists were supposed to do.

"In other words, the organization was a very haphazard organization. No one seemingly was too responsible for anything, and naturally no one carrying out the job that they were assigned to.

"Now, people in the executive committee were responsible for recruiting members. Other people would naturally be responsible for the circulation of the literature. That is, to the best of my recollection, about the three divisions.

"Mr. TAVENNER. Who was in charge of the recruitment of new members, or the work of recruitment of new members from the executive committee of the Communist Party?

"Mr. ADAMS. I will decline to answer that, Counsel, and refer you to my statement on the previous questions as the reason for my declination.

"Mr. JACKSON. The witness is directed to answer the question.

"Mr. ADAMS. I shall, Congressman, answer your direction in the same manner.

"Mr. TAVENNER. Who was in charge of the work of distribution of Communist Party literature?

"Mr. ADAMS. The same answer for the same reason.

"Mr. JACKSON. The witness is directed to answer the question.

"Mr. ADAMS. And my answer to you, Congressman, is the same.

"Mr. TAVENNER. Who was the head of the Communist Party at the time you were a member of the executive committee, that is, the head of the party in San Diego County?

"Mr. ADAMS. I shall decline to answer that question.

"Mr. JACKSON. The witness is directed to answer the question.

"Mr. ADAMS. And my answer, Congressman, is the same, upon the grounds previously stated, and I wish the record to show that any time I refuse to name an individual it is for the reasons previously stated.

"Mr. JACKSON. It will be so understood by the committee, without objection, that when the witness' refusal to answer is entered, it will be upon the grounds previously stated.

"Mr. ADAMS. Thank you, Congressman. Also, Counsel, I would like to add one other thing and have it apply to the refusal before, that this information is cumulative and it is well known that it is not necessary that this committee have cumulative information; that this committee has the answers to the questions which they already asked me, in my opinion.

"Mr. JACKSON. That may be in your opinion, but let the Chair state that the Chair

is not personally in possession of all of the information that is being elicited; the attempt is being made to elicit by counsel, and I am confident Mr. DOYLE is not in possession of that information.

"Mr. DOYLE. I wish the witness to know that I am not in possession of any information as to what your Communist Party activities were.

"Mr. ADAMS. I am telling you about it, though.

"Mr. DOYLE. So your connection with the Communist Party and who you functioned with in the Communist Party is very material, sir.

"Mr. ADAMS. Are you telling me, Congressman, you didn't know anything about my previous activities until you got here today?

"Mr. DOYLE. I am telling you that only superficially did I read what your record was.

"Mr. JACKSON. I will make it more positive than that. I had no knowledge, until I took this chair, of your detailed activities within the Communist Party.

* * * * *

"Mr. TAVENNER. Now, you have stated in a general way what the Duclos letter was, and how it reversed the policies of Browder. In what way did that lead to differences of opinion between you and the leadership of the Communist Party in San Diego, if I understand you correctly?

"Mr. ADAMS. Well, when the Duclos letter hit San Diego, some of the leaders of the Communist Party played more or less the same role that Foster did. I accused them of being opportunists in trying to wait to see which way the wind was blowing.

"Secondly, it was apparent to me that the Duclos letter meant that anyone calling himself a Communist would have to be a revolutionist.

"As I said before, I by that time had decided I was not a revolutionist, so in the antagonisms that were developed over the Duclos letter, the conflict between me and the party leaders led to my expulsion once more.

"Mr. TAVENNER. How did you receive your notice of the expulsion?

"Mr. ADAMS. I was told I was being dropped; about 6 months later I was told I had been expelled. I do not think they turned the name over to the daily papers, which they did later on, to some people that they expelled. The information was furnished to me by word of mouth.

"Mr. TAVENNER. Were you called before a committee or a group of the Communist Party on this matter?

"Mr. ADAMS. No.

"Mr. TAVENNER. What body of the Communist Party took that action?

"Mr. ADAMS. I do not know.

"Mr. TAVENNER. Who was the head of the Communist Party in San Diego County at the time this action was taken?

"Mr. ADAMS. I am going to have to decline to answer that on the grounds heretofore stated, because I do not know what this 'monkey' is doing now, and I am not about to get tied in with anything he has done since.

"Mr. TAVENNER. Did this mean the end of your Communist Party activities?

"Mr. ADAMS. It certainly did.

"Mr. TAVENNER. I suggest, Mr. Chairman, that the witness be directed to answer the question.

"Mr. JACKSON. The witness will answer the question.

"Mr. ADAMS. I did my best. I thought the question was, Did this mean the end of your Communist Party activities?, and it certainly did.

"Mr. TAVENNER. The prior question, which you refused to answer.

"Mr. ADAMS. I am sorry.

"Mr. JACKSON. The Chair now directs the witness to answer.

"Mr. ADAMS. The same answer, Mr. Congressman.

"Mr. JACKSON. Who was the person who notified you of your expulsion from the Communist Party?

"Mr. ADAMS. The same answer, Mr. Chairman.

"Mr. JACKSON. The witness is directed to answer the question.

"Mr. ADAMS. The same answer.

"Mr. DOYLE. At that point may I ask you this: From what level of the Communist Party were you told you were expelled?

"Mr. ADAMS. I was told I was being dropped by the head of the Communist Party in San Diego at that time. Later on I was told by some fifth wheel in the organization that I was expelled.

"Mr. DOYLE. And the fifth wheel was also in the San Diego Communist Party level or was it a higher level?

"Mr. ADAMS. A higher level.

"Mr. DOYLE. Does that mean the State level or national level?

"Mr. ADAMS. I think international.

"Mr. DOYLE. International?

"Mr. ADAMS. Yes.

"Mr. DOYLE. And was he an American citizen, as far as you know, or citizen of some other nation?

"Mr. ADAMS. It was a woman. I do not think she was an American citizen. I think maybe she was on the payroll of the State Department.

"Mr. DOYLE. I didn't understand your answer.

"Mr. ADAMS. It was a woman, not a citizen of the United States, but an employee, I think, of either the FBI or the State Department.

"Mr. DOYLE. By State Department you refer to the State Department of the United States of America?

"Mr. ADAMS. I do.

"Mr. DOYLE. Had you ever met that woman before?

"Mr. ADAMS. I did.

"Mr. DOYLE. As a member of the Communist Party?

"Mr. ADAMS. No.

"Mr. JACKSON. At the time of your expulsion did she represent herself to be a member of the Communist Party?

"Mr. ADAMS. She did.

"Mr. JACKSON. What was the name of that individual?

"Mr. ADAMS. Helga Weigert.

"Mr. JACKSON. Will you spell it, please?

"Mr. ADAMS. Oh, Congressman, I couldn't begin to. It is a German name. Maybe the reporter could help us out?

"Mr. TAVENNER. W-e-i-g-e-r-t.

"Mr. ADAMS. That sounds about correct.

"Mr. DOYLE. What year was that, please?

"Mr. ADAMS. 1946.

"Mr. DOYLE. She told you orally that you were expelled? Did she communicate that fact to you in California or some place else?

"Mr. ADAMS. In California.

"Mr. DOYLE. In San Diego?

"Mr. ADAMS. Yes, I believe so; yes.

"Mr. DOYLE. Was she at that time a resident of California, as far as you knew?

"Mr. ADAMS. I couldn't say, but I think she was.

"Mr. DOYLE. And to your knowledge was she at that time a member of the staff of the State Department of the United States?

"Mr. ADAMS. That is simply what I suspect. To my knowledge, no. I had no knowledge except the thing added up to that.

"Mr. DOYLE. Had you ever met her before?

"Mr. ADAMS. I had.

"Mr. TAVENNER. Was she married?

"Mr. ADAMS. She was.

"Mr. TAVENNER. What was her husband's name?

"Mr. ADAMS. George Lohr.

"Mr. TAVENNER. Was George Lohr the one who notified you that you were to be dropped from the Communist Party?

"Mr. ADAMS. I must refuse to answer that on the grounds heretofore stated.

"Mr. TAVENNER. Was George Lohr the head of the Communist Party in San Diego at that time?

"Mr. ADAMS. I must refuse to answer that on the grounds heretofore stated.

"Mr. TAVENNER. Do you know where George Lohr and Helga Weigert are now?

"Mr. ADAMS. Well, I understand that George Lohr is a citizen of the United States, having been born in the East, returned to Germany as a very young child, came out of Germany after the advent of Hitler, and I read in the newspaper a few weeks ago where George and Helga had gone to Czechoslovakia, had fled behind the Iron Curtain, so-called.

"Mr. TAVENNER. Will you tell the committee, please, all you know regarding the activities in the Communist Party of George Lohr in San Diego, if you know of any such activities?

"Mr. ADAMS. Helga Weigert was never known to me to be a Communist. I have no compunction about testifying anything I know about her. On the grounds heretofore stated, I refuse to answer that question.

"Mr. TAVENNER. I suggest the witness be directed to answer.

"Mr. JACKSON. The witness is directed to answer.

"Mr. ADAMS. The same answer, Congressman.

"Mr. TAVENNER. Do you appear here as a witness pursuant to a subpena served upon you?

"Mr. ADAMS. Yes, counsel."

Because of the foregoing the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Richard E. Adams relative to the subject matter, which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"To whom did you submit your application for membership in the Communist Party in 1944?

"Who was in charge of the recruitment of new members, or the work of recruitment of new members from the executive committee of the Communist Party?

"Who was in charge of the work of distribution of Communist Party literature?

"Who was head of the Communist Party at the time you were a member of the executive committee, that is, the head of the party in San Diego County?

"Who was the head of the Communist Party in San Diego County at the time this action [expulsion of the witness from the Communist Party] was taken?

"Who was the person who notified you of your expulsion?

"Was George Lohr the one who notified you that you were to be dropped from the Communist Party?

"Was George Lohr the head of the Communist Party in San Diego County at that time?

"Will you tell the committee, please, all you know regarding the activities in the Communist Party of George Lohr in San Diego, if you know of any such activities?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 667) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Richard E. Adams to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the southern district of California to the end that the said Richard E. Adams may be proceeded against in the manner and form provided by law.

Mr. JACKSON. Mr. Speaker, the résumé in this case follows:

C. ADMITTED MEMBERSHIP, BUT REFUSED TO TESTIFY CONCERNING OTHERS

4. Richard E. Adams, San Diego, Calif.: Although admitting prior Communist Party membership in Minnesota and in San Diego, and his expulsion from the Communist Party at both places, refused to answer questions concerning the person to whom he submitted his application for membership in the Communist Party, the name of the member of the executive committee of the Communist Party charged with the work of recruitment of new members, the name of the member of the executive committee of the Communist Party charged with the work of distribution of Communist Party literature, the name of the head of the Communist Party at the time he was a member of the executive committee, the name of the head of the Communist Party in San Diego at the time of his expulsion, and what knowledge he had of the activities in the Communist Party of George Lohr in San Diego, in each instance relying upon the fifth amendment as the basis for his refusal to answer. He testified on April 21, 1954, at San Diego, Calif. (*Rogers* v. *U. S.* (340 U. S. 367).)

Mr. VELDE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROCEEDINGS AGAINST GEORGE TONY STARKOVICH

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2459).

The Clerk read as follows:

PROCEEDINGS AGAINST GEORGE TONY STARKOVICH

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to George Tony Starkovich, 1709 11th South, Seattle, Wash.; business address, Seattle Cedar Lumber Co., 4735 Shilshole, Seattle, Wash. The said subpena directed George Tony Starkovich to be and appear before said Committee on Un-American Activities or a duly elected subcommittee thereof, of which the Honorable HAROLD H. VELDE is chairman, on June 14, 1954, at the hour of 9:30 a. m., in room 402, county commissioner's chambers, County-City Building, 530 Third Avenue, Seattle, Wash., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said George Tony Starkovich is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America:

"You are hereby commanded to summon George Tony Starkovich, res. 1709 11th So. Occ. Seattle Cedar Lumber Co., 4735 Shilshole, to be and appear before the Committee on Un-American Activities or a duly elected subcommittee thereof of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber in Seattle, Wash., on June 14, 1954, county commissioner's chambers, room 402, County-City Building, 530 Third Avenue, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 17th day of May 1954.

"HAROLD H. VELDE, *Chairman*.

"Attest:

"[SEAL] LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Sergeant Drange and Officer Weedin, Seattle Police Department, who were duly authorized to serve the said subpena. The return of the service by the said Sergeant Drange and Officer Weedin, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for George Tony Starkovich, 1709 11th South, before the committee on June 14, 9:30 a. m.

"Served: Sergeant Drange and Officer Weedin, Seattle Police Department, May 25, 6:30 a. m."

The said witness was not called to testify on the 14th day of June 1954, the date on which he was directed to appear, and was called as a witness on June 16. The said George Tony Starkovich, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 16, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress and under House Resolution 5 of the 83d Congress. The said George Tony Starkovich having appeared as a witness and having been asked the questions, namely:

"How soon after that [referring to the period in which he lived in Bellingham, Wash.] was it that you moved to Seattle?

"Did you travel abroad in 1950?

"I hand you a photostatic copy of a passport application issued November 6, 1950, and I will ask you to examine it and state whether or not the signature appearing on the second page is your signature?

"Is the photograph appearing on the second page a photograph of you?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions, and as a result of said George Tony Starkovich's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon said George Tony Starkovich.

At the time of appearance of the said George Tony Starkovich as a witness before the committee as aforesaid, and during the course of his testimony, the said George Tony Starkovich, did, with the intention of arousing the indignation of the members of the committee in such a manner as inherently to prevent and obstruct the discharge of its legislative duty in conducting the hearing, and with the intention of disrupting and delaying the inquiry in which the committee was engaged, made irresponsive answers to questions propounded to him and voluntary provocative statements, vilifying and abusing the members of the committee, accompanied by loud and boisterous conduct, in this to wit:

(1) That he declared in a loud and defiant manner as follows:

"After consulting with my attorney, my counselor, on my legal rights, I want to express to the Congressman that spoke to me that I do have contempt for this committee, and I want that in the record, so that it will be known in the future that I expressed my contempt for this committee."

(2) That in reply to a direction by the chairman to answer a question, he shouted:

"And I am directing a question to you, Congressman."

(3) That in referring to the chairman he stated in an insolent manner:

"If I lived in your district I would campaign against you."

(4) That upon the statement by Representative DONALD L. JACKSON that it was his thought that the witness should be dismissed from the stand, he volunteered:

"Mr. Congressman, you are campaigning. Why don't you go back to California and campaign? We are in Washington; we don't have to elect you."

(5) That in referring again to Representative DONALD L. JACKSON he said:

"I wish he was up in this district. The present Congressman in this district has spoken and said, "It is better to save your family; it is better to lose face than family in Indochina." I wonder what you would have done about it—because a month or two from now, under the possibilities of Congressmen like you, we might be sending our troops over there."

(6) That upon being asked by the chairman whether he was a member of the Communist Party while a member of the Armed Forces, he replied in a loud and boisterous manner:

"Before I answer that question, because it is a loaded question and a 'phony' question from a 'phony' Congressman, I will consult my attorney."

(7) That in a reply to a question from Representative GORDON H. SCHERER, he stated in a provocative manner:

"I think some of you 'guys' ought to be investigated by psychiatrists," and "I haven't looked into my brains to see if I have a tumor or not—but I haven't looked in yours, either. But there is some brains that have tumors on them, and I will go after them as an American citizen and try to expose them."

(8) That in reply to a question as to whether or not he had been a member of the Northwest section of the Communist Party, he replied:

"I would like to ask a question of you people. Are you 'guys' a party in trying to get us into Indochina?"

The foregoing conduct on the part of the said George Tony Starkovich during the course of his testimony, as aforesaid, and his belligerent and insulting demeanor throughout his testimony, were calculated to and did disrupt and delay the inquiry being conducted at the hearings, and had the same effect as if the witness had refused to testify, did prevent and obstruct the discharge of the committee's legislative duty in conducting the hearings, and as a result of said George T. Starkovich's conduct as aforesaid, your committee was prevented from receiving pertinent testimony and information concerning matters committed to said committee in accordance with the terms of the subpena served upon the said George Tony Starkovich.

The Audiotape recordings of the proceedings before the committee on June 16, 1954, during which George Tony Starkovich appeared as a witness, consisting of two reels, marked "Velde Committee Hearings—George

T. Starkovich, Tracks 1 and 2, Respectively" are referred to the House of Representatives as a part of this report; and the transcript of the proceedings before the committee on June 16, 1954, during which George Tony Starkovich refused to answer the aforesaid questions pertinent to the subject under inquiry, and during which the said George Tony Starkovich prevented the committee from receiving testimony and information pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES HOUSE
OF REPRESENTATIVES,
"SUBCOMMITTEE ON
UN-AMERICAN ACTIVITIES,
"*Seattle, Wash., Wednesday, June 16, 1954.*

"PUBLIC HEARING

"The Committee on Un-American Activities met pursuant to adjournment at 3:27 p. m., in the hearing room of the county commissioner's chambers, County-City Building, 530 Third Avenue, Seattle, Wash., Hon. HAROLD H. VELDE presiding.

"Committee members present: Representatives HAROLD H. VELDE, chairman; DONALD L. JACKSON, KIT CLARDY, GORDON H. SCHERER, CLYDE DOYLE, and JAMES B. FRAZIER, JR., constituting a majority of the full committee.

"Mr. VELDE. Proceed, Counsel, and call your next witness.

"Mr. TAVENNER. I would like to call Mr. George Tony Starkovich.

"Would you come forward, Mr. Starkovich?

"Mr. VELDE. In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. STARKOVICH. I do.

"Mr. VELDE. You may be seated.

"Mr. TAVENNER. What is your name, please, sir?

"TESTIMONY OF GEORGE TONY STARKOVICH, ACCOMPANIED BY HIS COUNSEL, C. T. HATTEN

"Mr. STARKOVICH. Before I give my name, I want to protest under those sections of the Bill of Rights on my being called here—for 3 days now, losing work, losing money; and I want it in the record, as such, that I protest at being called here, as a loyal and a patriotic American.

"Mr. JACKSON. You will get back to work sooner——

"Mr. STARKOVICH. I protest under the fifth amendment.

"Mr. JACKSON (continuing). If you will cut down these extraneous remarks and answer the questions asked of you.

"Mr. VELDE. Do you refuse to answer the question put to you by counsel as to your name, basing your refusal to answer upon the fifth amendment? Do I understand you rightly?

"Mr. STARKOVICH. I just concluded my remarks by including the words 'fifth amendment.' I haven't answered the question as to my name yet.

"Mr. TAVENNER. Will you please answer it?

"Mr. STARKOVICH. I will discuss it with my counsel.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Under protest again, I wish to say—and I am proud to say—my name is George T. Starkovich, and I hope for once they spell it right, including the papers and your records.

"Mr. TAVENNER. Will you spell it for us?

"Mr. STARKOVICH. S-t-a-r-k-o-v-i-c-h.

"Mr. TAVENNER. When and where were you born, Mr. Starkovich?

"Mr. STARKOVICH. I will discuss that with my counsel.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. My answer is under protest, under the fifth amendment of the Constitution, and I will answer by saying that I was born in Bellingham, Wash.

"Mr. JACKSON. Mr. Chairman.

"Mr. VELDE. Mr. JACKSON.

"Mr. JACKSON. Evidently it is necessary to point out to the witness that it is not necessary to invoke the fifth amendment to those questions which he answers. He is answering under protest and in accordance with the fifth amendment that he was born at such and such a place. That is not necessary.

"Mr. STARKOVICH. Congressman, I will give my answers the way I want to give them.

"Mr. JACKSON. You will give your answers the way you want to give them up to a certain point.

"Mr. STARKOVICH. I will give them according to the way I want to give them, and you give the questions the way you want to.

"Mr. CLARDY. I think, Mr. Chairman, that the record should demonstrate that there was obviously in the mind—because it was expressed on the face of the witness—the most contemptuous possible attitude that I think I have ever noted in a witness. I want that clearly shown in the record.

"Mr. VELDE. The Chair certainly concurs.

"And I want to ask you—Do you hold contempt in your heart for this committee at the present time?

"Mr. STARKOVICH. Mr. Chairman, I would like to discuss this point with my attorney.

"Mr. VELDE. You certainly may.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. After consulting with my attorney, my counselor, on my legal rights, I want to express to the Congressman that spoke to me that I do have contempt for this committee, and I want that in the record so that it will be known in the future that I expressed my contempt for this committee.

"Mr. TAVENNER. Will counsel please identify himself for the record?

"Mr. HATTEN. My name is C. T. Hatten.

"Mr. TAVENNER. Where do you now reside?

"Mr. STARKOVICH. I will find out my legal rights on that from my attorney.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. If I remember my subpena correctly, my address was on that, which you have because you sent it to me; and, further than that, I will say I live in Seattle, Wash. I protest answering this question any further.

"Mr. TAVENNER. How long have you lived in Seattle, Wash.?

"Mr. STARKOVICH. I will discuss that point with my attorney.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. I have lived here a couple of years, approximately.

"Mr. TAVENNER. How many years?

"Mr. STARKOVICH. A couple of years, approximately.

"Mr. TAVENNER. Did you live here in 1950?

"Mr. STARKOVICH. I will discuss that point with my attorney.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. I am going to answer that question by saying it is a duty to refuse to cooperate in any undertaking to violate the constitutional rights of the individual and, under my privilege not to testify against myself, I am invoking the fifth amendment.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. I request that the witness be directed to answer that question.

"Mr. VELDE. Certainly. You are directed to answer the question.

"Mr. STARKOVICH. And I am directing a question to you, Congressman.

"Mr. CLARDY. Never mind, Witness.

"Mr. STARKOVICH. What are you Congressmen doing to keep us out of Indochina, so we don't go to war over there?

"Mr. CLARDY. Mr. Chairman, regular order.

"Mr. VELDE. It is ordered. And you are directed to answer the question.

"Mr. STARKOVICH. I would like to discuss it with my counsel about this question of giving a direct answer.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Because the fifth amendment is for the protection of the innocent, and I think for the honest and true Americans—and I consider myself one of those and I am proud of my record all my life in this country—I stand on the fifth amendment under my privilege not to testify against myself in answering that question.

"Mr. TAVENNER. Where did you live in 1950?

"Mr. STARKOVICH. That is the same question, isn't it? Or is it worded differently?

"Mr. TAVENNER. Just answer the question.

"Where did you live in 1950?

"Mr. STARKOVICH. Same answer as previously stated.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. I ask that he be directed to answer the question.

"Mr. VELDE. Yes, the Chair concurs. You are directed to answer the question.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Under protest, because my attorney says that I can answer that question without infringing on my rights as an American, I will say that I was—I mean I was born in Bellingham, naturally, but I lived, as I can best remember, all of 1950, in Bellingham, Wash.

"Mr. TAVENNER. How soon after that was it that you moved to Seattle?

"Mr. STARKOVICH. I don't remember. I will discuss that with my attorney, too.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. In answer to that question, because one question leads to another, I am going to invoke, under my privileges not to testify against myself, the fifth amendment in refusing to answer that question.

"Mr. VELDE. You are directed to answer that question.

"Let me say to you that the Committee on Un-American Activities, being a committee of the United States House of Representatives, has the right and has the duty of inquiring into all phases of your past activity, and especially as to your previous residences.

"Mr. STARKOVICH. How about inquiring into Hells Canyon and low-cost housing and a billion-dollar school program in the South?

"Mr. VELDE. While I realize that you have contempt in your heart for this committee of your Congress of the United States, I want to——

"Mr. STARKOVICH. For the individuals—not for the committee or the Congress of the United States.

"Mr. VELDE. I warn you that legally you are placing yourself in contempt of this committee and in contempt of your Congress, despite the fact that you have able counsel beside you, in your refusal to answer about your previous residences.

"Mr. STARKOVICH. Have you placed the question before me?

"Mr. VELDE. I am directing you to answer, having given you that advice.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Again I want to state that it is a violation of my rights under the American Constitution in asking that question, and I am going to refuse under my privileges, under my privilege not to testify against myself, invoking the fifth amendment.

"Mr. VELDE. Now let me ask you this question: You have stated that you have contempt for this committee of Congress.

"Mr. STARKOVICH. The individuals on it.

"Mr. VELDE. Do you have contempt for the Congress of the United States?

"Mr. STARKOVICH. You are putting words in my mouth, and I didn't say them.

"Mr. VELDE. No; I didn't put any words in your mouth. I am just asking a plain, simple question. Do you have contempt for the Congress of the United States?

"Mr. STARKOVICH. I have no contempt for the Congress of the United States nor for the Government of the United States. I have served it well and proudly—so you are not putting words in my mouth.

"Mr. VELDE. I am very glad you said that.

"Mr. STARKOVICH. If I lived in your district, I would campaign against you.

"Mr. VELDE. You do have contempt for this committee of the Congress; is that right?

"Mr. STARKOVICH. That is your statement, Mr. Congressman. I have stated my answer.

"Mr. VELDE. You made a statement, too.

"Mr. JACKSON. The statement is on the record.

"Mr. STARKOVICH. I have contempt for the individuals on this committee; I have no contempt for the Government of the United States. I am proud of the Congress of the United States; I am proud of the Government of the United States of America. Let that be on the record.

"Mr. JACKSON. Let the record also show that contempt of a committee of the Congress of the United States is contempt of the Congress of the United States. Contempt can only be committed before a committee of the Congress; and by his own words, this witness has expressed his contempt for the members of this committee. The members of this committee have the authority, the jurisdiction, and the power given to them by the Congress as an operating body. His contempt of this body is so absolute that there should be no question as to any further interrogation of the witness, and it would be my thought that he should be dismissed from the stand at this time.

"Mr. STARKOVICH. Mr. Congressman, you're campaigning. Why don't you go back to California and campaign? We are in Washington; we don't have to elect you.

"Mr. JACKSON. I am very happy that I don't have to depend on your ilk for my election.

"Mr. STARKOVICH. And I am glad of it. You would be defeated in this State if you ran for Congressman.

"Mr. JACKSON. I am inclined to doubt your opinion in that regard, but that is beside the point entirely.

"Mr. STARKOVICH. Yes.

"Mr. CLARDY. Who is going to join you in that movement? Are you speaking of the organized Communists who would accomplish the defeat of the gentleman on my left?

"Mr. STARKOVICH. Mr. Congressman——

"Mr. CLARDY. Answer the question.

"Mr. STARKOVICH. Mr. Congressman, before I answer that question, I want to consult with my counsel, because every time you 'guys' open your mouth you try to trap a witness up here. I stand on my record as a patriotic American.

"Mr. VELDE. You have the right to consult counsel.

"Mr. STARKOVICH. You bet I will.

"Mr. VELDE. And we are not trying to trap you in any way but merely ask you to answer the questions as put to you.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. Congressman——

"Mr. VELDE. Before you answer, let me say this: We are not trying to entrap you in any way. If you are entrapped, it will be by your own doing, not the committee's doing. We are here to seek information about Communist activities and we know that you have information concerning Communist activities in this area. Now you can answer the question.

"Mr. STARKOVICH. Mr. Chairman, I will be the judge of whether you are trying to entrap me or not, and I will consult my attorney under the laws of the United States. And in answer to the Congressman over there, I am going to invoke my privileges not to testify against myself under the fifth amendment, so I will be protected from any kind of trick questions from you.

"Mr. CLARDY. Your threat has a rather hollow sound to me, Witness, because if you are going to be a one-man army who is going to——

"Mr. STARKOVICH. I wish he was up in this district. The present Congressman in this district has spoken and said, 'It is better to save your family; it is better to lose face than family in Indochina.' I wonder what you have done about it—because a month or two from now, under the possibilities of Congressmen like you, we might be sending our troops over there.

"Mr. JACKSON. Would you fight with your Nation in Indochina?

"Mr. STARKOVICH. I will consult my attorney again on that trick question.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. Congressman, under the laws of this country, if I should be drafted again or called to service, I will comply with that service to the best of my ability, as I have in the past, and carry out my duties as an American. At the same time, I will carry out my duties as an American to say at every turn I can—let's stay out of Indochina—keep our hands out of there, or we will lose every friend we have in Asia. It isn't just the Communists or Socialists or anybody else that have a monopoly on saying 'Let's stay out of Indochina,' and as an American I want to say it; I want to be a part of those who say, 'Keep out of Indochina.'

"Mr. VELDE. You mentioned your previous service in the Armed Forces. Will you tell us what branch of the service you served in?

"Mr. STARKOVICH. I will consult my attorney again.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. My attorney advises me—my counsel—that in answering this question, it doesn't open up a whole series of questions, and therefore I would like to answer it.

"Mr. VELDE. The committee would like to have you answer it, too.

"Mr. STARKOVICH. You bet I will. I didn't do any different than millions of other Americans did, but I served 3 years in the Army, and I was awarded honors by my Government and I am proud of it. I served 2½ years in the South Pacific, continuously, and a medical aid man in a tank battalion. I have aided Americans——

"Mr. VELDE. That was in the Army?

"Mr. STARKOVICH. In the Army—and I want to state for the record why I am strongly speaking out for peace.

"Mr. VELDE. Witness, you are——

"Mr. STARKOVICH. As a medical aid man I saw war and——

"Mr. VELDE. You need not——

"Mr. STARKOVICH. Let me finish. I have about 5 words to say.

"Mr. CLARDY. Nobody can say that your freedom of speech has been restricted here today.

"Mr. STARKOVICH. When I came back, in taking a count of about 8 or 9 of my buddies I went to school with, 50 percent of them did not return to America because they were either killed or died from wounds in that war, and so I feel very strongly on the question of war. And when these demagogs like McCARTHY run around the country trying to drag us in with their demagoguery, I will speak in return——

"(At this point a photographic lamp bulb exploded.)

"Mr. VELDE. Order, please.

"Mr. STARKOVICH. Congressman—Mr. Chairman, may I make a comment?

"You're safe in Seattle. You're safe in Seattle.

"Mr. VELDE. Let me tell you this, Witness. If you continue to make provocative remarks, not having been asked a question, it will be the duty of the Chair to direct that you be removed from the hearing room.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. The Chair recognizes the gentleman from Michigan.

"Mr. CLARDY. I wanted to remark that that explosion occurred just about 10 seconds after I had really thought about saying to the witness that he ought to keep his voice down a little because the vibration set up is liable to cause damage—and then bang it goes.

"You were really getting up in 'C.' I suggest that from here on out you can save yourself some money; you won't have to buy cough drops if you can keep it down just a little.

"Mr. VELDE. May I ask you this question, Mr. Witness?

"While you were a member of the armed services, were you likewise a member of the Communist Party?

"Mr. STARKOVICH. Before I answer that question, because it is a loaded question and a 'phony' question from a 'phony' Congressman, I will consult with my attorney.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. SCHERER. Mr. Chairman.

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. The Chair recognizes the gentleman from Ohio.

"Mr. SCHERER. The contempt of this witness has been so great, Mr. Chairman, that I am going to ask him this question. Sir, have you ever had psychiatric care?

"Mr. STARKOVICH. Because I have said previously, Mr. Congressman, that I think that every question is a possible trick question, I will consult my attorney on that one, too, sir.

"Mr. SCHERER. I am serious.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. Congressman, because I have had quite a few physical examinations when I was in the Army, and I am sure that some of those examinations were to find out whether I had an I. Q. of 1 or 60 or 150, that might be construed as a mental examination and therefore I am not going to be led into your trap questions so you can drag up some medical record and say, 'He had a mental examination and therefore he gave a wrong answer.' I will invoke my privileges under the fifth amendment not to testify against myself.

"Mr. SCHERER. Since you have been out of the Army, have you ever had any psychiatric care? Because that is the only possible excuse I can see for your conduct here today. Otherwise you have been the most contemptuous witness that I have seen since I have been a member of this committee.

"I don't think, Mr. Chairman, that we should be compelled to sit and listen to a person, if he is normal, continuing such a tirade against this committee as this man has. It certainly doesn't add any dignity to the Congress of the United States.

"Mr. STARKOVICH. Mr. Congressman, your dignity doesn't answer to me on the actions you people take back in Washington so often. I think some of you 'guys' ought to be investigated by psychiatrists.

"But I will answer that to the best of my ability.

"I have never been examined since I have been out of the Army for mental conditions, and I am confident that I can stand on my own two feet mentally alongside you at any time.

"Mr. SCHERER. You know of no mental illness——

"Mr. STARKOVICH. I haven't looked into my brains to see if I have a tumor there or not—but I haven't looked in yours, either.

"But there is some brains that have tumors on them, and I will go after them as an American citizen and try to expose them.

"Mr. SCHERER. Mr. Chairman, I ask that the witness be ordered to leave the room in company with the marshal.

"I so move.

"(Witness laughs derisively.)

"Mr. JACKSON. Will the gentleman from Ohio suspend his motion for a moment?

"Mr. STARKOVICH. Mr. Congressmen, you will be assured that I will take every legal grounds to oppose this.

"Mr. VELDE. Will the gentleman from Ohio hold his motion?

"Mr. SCHERER. Yes.

"Mr. VELDE. Mr. JACKSON.

"Mr. JACKSON. This is a most unusual circumstance in full committee, but I think the committee has reached the point where it is no longer necessary for us as a committee of the Congress to take vilification and abuse from witnesses of this stripe.

"Therefore, and in spite of the unusual nature of the circumstances, I move in open hearing, with a quorum of the full committee present, that this witness be cited for contempt of the Congress of the United States.

"Mr. SCHERER. Second the motion.

"Mr. VELDE. Regular order.

"You have heard the motion, gentlemen.

"All those in favor——

"Mr. DOYLE. I would like to speak to the motion.

"Mr. VELDE. The Chair recognizes the gentleman from California [Mr. DOYLE].

"Mr. DOYLE. I would like to have questioned the witness before the motion was put.

"Mr. STARKOVICH. Why don't you withdraw the point for a minute and let the Congressman speak?

"Mr. CLARDY. You are not having a question addressed to you, Witness.

"Mr. DOYLE. As long as the motion has been placed, I wish to say that many, many times I have been asked here during the last 2 days if there isn't something the committee can do when witnesses are manifestly contemptuous of the committee, and it is always a problem, because we try to avoid recognizing contempt. I do and I think the rest of our members do.

"But I think, Mr. JACKSON, your motion should be worded that we recommend to the House of Representatives——

"Mr. JACKSON. Yes. I so amend the motion, Mr. DOYLE.

"Mr. DOYLE (continuing). That the witness should be cited for contempt, because it is not for our committee to cite the contempt; it is the function of the House of Representatives.

"Mr. VELDE. Would the gentleman from California [Mr. JACKSON] defer his action on the motion until the gentleman from California [Mr. DOYLE] has an opportunity to examine the witness?

"Mr. JACKSON. At the request of the Chair, the gentleman from California withdraws his motion.

"Mr. VELDE. Will the gentleman from Ohio defer his motion until the gentleman from California [Mr. DOYLE] has had an opportunity to examine the witness?

"Mr. SCHERER. No.

"Mr. VELDE. The question——

"Mr. DOYLE. Just a minute, Mr. Chairman. I am going to insist on my right to question this witness.

"Mr. JACKSON. I have withdrawn. I am deferring my motion in deference to the gentleman from California so that he may have an opportunity to question the witness.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. May I point out that there has been no second to Mr. SCHERER's motion to this moment.

"Mr. DOYLE. I understood Mr. SCHERER just now to say 'no' when the chairman asked him if he would hold his motion until I have examined the witness.

"Mr. JACKSON. There has been no second.

"Mr. CLARDY. Unless it is put, there is no question before us on that motion.

"I agree with Mr. SCHERER but I wouldn't second it at this moment, because I know that counsel has at least one other question or perhaps a series of questions that I would like very much to have him put to this witness—because if we are going to ask Congress to cite him for contempt, I want the answers to the questions that I know Mr. Tavenner is going to ask him.

"Mr. SCHERER. There has been no second, but I am not going to withdraw my motion for obvious reasons.

"Mr. VELDE. Very well, the motion of the gentleman from Ohio dies for lack of a second.

"I think Mr. DOYLE has the floor.

"Mr. DOYLE. It is not my turn.

"Mr. JACKSON. Mr. Chairman——

"Mr. VELDE. The Chair recognizes the gentleman from California [Mr. JACKSON].

"Mr. JACKSON. I simply wanted to clarify the parliamentary situation.

"As I understand it, the motion of the gentleman from Ohio has failed for lack of a second, which leaves a parliamentary situation that I have a motion pending which has been seconded and which both the gentleman making the motion and the gentleman seconding it have deferred pending further interrogation by members of the committee or by counsel. Is that correct?

"Mr. VELDE. I believe that is correct.

"The gentleman from California [Mr. JACKSON], has deferred action on his motion at this time until the gentleman from California [Mr. DOYLE] and counsel and other members of the committee have an opportunity to examine the witness further. Will you proceed, sir?

"Mr. DOYLE. I wonder, Mr. Chairman, if counsel would prefer to complete his examination before I inquire.

"Mr. TAVENNER. I have no special preference in the matter. I can proceed now.

"Mr. CLARDY. I would prefer that you finish your questions, counsel.

"Mr. TAVENNER. Mr. Starkovich, you have refused to answer the question as to where you were living in 1950. Did you travel abroad in 1950?

"Mr. STARKOVICH. I will consult my attorney on that.

(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Upon the advice from my counsel, and under my privilege not to testify against myself, because I think and because I know that the fifth amendment is a shield for the honest, I wish to invoke the fifth amendment.

"Mr. TAVENNER. I hand you a photostatic copy of a passport application issued November 6, 1950, and I will ask you to examine it and state whether or not the signature appearing on the second page is your signature?

(Witness and his counsel examine document.)

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment.

"Mr. TAVENNER. Is the photograph appearing on the second page a photograph of you?

(Witness studies photograph.)

"Mr. STARKOVICH. Because it is a duty to refuse to cooperate in any undertaking in constitutional rights of individuals, and under my privilege not to testify against myself, I invoke the fifth amendment.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. I ask that he be directed to answer that last question.

"Mr. VELDE. I am sorry, I didn't hear the question.

"Mr. CLARDY. The question was as to whether he would identify the picture on this passport application as being that of himself. He declined to answer on the fifth amendment. I ask that he be directed to answer.

"Mr. VELDE. Certainly. There is no way in which that would incriminate you.

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment.

"Mr. JACKSON. And do you decline to answer the question?

"Mr. STARKOVICH. I will consult with my attorney and see if I have to say those fouling words of yours.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. As previously stated, I refuse to answer.

"Mr. TAVENNER. Does the application show that you applied for a passport to travel in England for the purpose of attending the World Peace Conference?

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment.

"Mr. CLARDY. I ask that he be directed to answer, Mr. Chairman.

"Mr. VELDE. Yes. Without objection, you are directed to answer the question.

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment and refuse to answer.

"Mr. TAVENNER. Isn't it a fact that the governmental authorities in England refused to permit that convention to be held and that it was held in Warsaw, Poland?

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Would you repeat the question? I think I understand it but I want to be sure.

"Mr. TAVENNER. Read the question, please.

"(Question was read.)

"At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. Counselor, I suggest that you get in touch with authorities in England and inquire from them, and under my privilege not to testify against myself I invoke the fifth amendment.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. I ask that he be directed to answer that question.

"Mr. VELDE. Yes, you are directed to answer the question, Mr. Witness.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. I refuse on the same grounds.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. TAVENNER. Did you travel on the original of the passport, a copy of which I presented you, to Warsaw, Poland?

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Is this document you are referring to a passport, here?

"Mr. TAVENNER. No, that is an application for a passport.

"Mr. STARKOVICH. And you are asking if I got a passport—what?

"Mr. TAVENNER. If you traveled under a passport issued pursuant to this application to Warsaw, Poland?

"Mr. STARKOVICH. Under both the first and the fifth amendments, under my privilege not to testify against myself, I invoke both of those amendments—the first and the fifth.

"Mr. CLARDY. Again I ask that he be directed to answer, Mr. Chairman.

"Mr. VELDE. Yes, you are directed to answer that question, Mr. Witness.

"Mr. STARKOVICH. Same answer as before, invoking the first and fifth amendments.

"Mr. VELDE. And refusing to answer?

"Mr. STARKOVICH. And refusing to answer.

"Mr. TAVENNER. Did you give as an identifying witness the name of Will Parry on your application for a passport, and is it not true that Will Parry executed it as an identifying witness?

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Under my right to free association with whoever I wish, I invoke both the first and the fifth amendments, under my privilege not to testify against myself.

"Mr. CLARDY. Mr. Chairman, I ask that he be directed to answer.

"Mr. VELDE. Yes, you are directed to answer that question.

"Mr. STARKOVICH. Same answer as previously stated.

"Mr. TAVENNER. Is the Will Parry who executed that application for the passport the same person who held the position as editor of the Northwest edition of the People's World?

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Under my rights and under my privilege not to testify against myself, I invoke both the first and fifth amendments.

"Mr. CLARDY. Again, Mr. Chairman, I ask that he be directed to answer.

"Mr. VELDE. You are directed to answer the question.

"Mr. STARKOVICH. Is this the second time you're directing me now, or is this the first time?

"Mr. VELDE. It is the first time, I believe.

"Mr. STARKOVICH. The answer is the same as previously stated.

"Mr. VELDE. That is, you refuse to answer on the grounds of the fifth amendment?

"Mr. STARKOVICH. As I have previously stated, both the first and fifth amendments, under my privilege not to testify against myself—the first and fifth.

"Mr. TAVENNER. Did you prepare and submit and file the original of the passport application, a copy of which was handed you, pursuant to any arrangement with the Communist Party?

"Mr. STARKOVICH. Say that again.

"Mr. TAVENNER. Will you state whether or not the application for a passport, which you filed, a copy of which was shown you, was prepared and filed by you at the instance of the Communist Party?

"Mr. STARKOVICH. I know what the answer is going to be to that for myself, but I want to consult my counsel on some legal aspects here.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. Counseler—Congressman, you're wasting my time and your own time and certainly the taxpayers' money in asking 15 or 20 questions of the same nature, and under my rights and under my privilege not to testify against myself I invoke both the first and fifth amendments.

"Mr. TAVENNER. Mr. Chairman, I desire to offer in evidence the photostatic copy of the application for passport allegedly signed by George T. Starkovich and ask that it be marked 'Starkovich Exhibit No. 1.'

"Mr. VELDE. Without objection, it will be admitted into evidence at this point.

"Mr. TAVENNER. Mr. Starkovich——

"Mr. CLARDY. Pardon me.

"May I inquire, Mr. Chairman?

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. Mr. Tavenner, do we have in file a copy of the present handwriting, signature of this witness?

"Mr. STARKOVICH. The Army has, sir.

Mr. CLARDY. Never mind. I haven't talked to you.

"Mr. TAVENNER. No, sir.

"Mr. CLARDY. I suggest that we present a pen and a piece of paper to the witness and ask him to sign his name for comparison purposes.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Don't waste your time coming down here, because I am going to refuse.

"Mr. VELDE. I think the suggestion is well taken.

"Mr. STARKOVICH. Mr. Chairman, save your time in coming down, because I will refuse to sign that paper on advice of my counsel—and because I am not ashamed of my signature, if counsel wants to look into the records of the United States Army, he can find my name in writing there in a dozen different places.

"Mr. VELDE. As I understand it, you refuse to sign your signature at the direction of the Chair; is that correct?

"Mr. STARKOVICH. Under my privilege not to testify against myself, I invoke the fifth amendment in refusing.

"Mr. VELDE. You refuse to sign your signature to a blank piece of paper at the direction of the Chair and by the committee that you so do; is that correct?

"Mr. STARKOVICH. Under advice of counsel and under privileges not to testify against myself, I invoke the fifth amendment.

"Mr. VELDE. Proceed, Mr. Counsel.

"Mr. TAVENNER. Mr. Starkovich, a witness by the name of Mrs. Barbara Hartle, in her testimony before this committee, has identified you as a member of the Northwest section of the Communist Party of the State of Washington.

"Mr. STARKOVICH. That, too——

"Mr. TAVENNER. Was her testimony truthful or was it false insofar as it related to you?

"Mr. STARKOVICH. The same as the preceding questions in the last 15 minutes or half hour, that, too, is a question that is loaded, right to the top of the bottle, and under my privileges not to testify against myself I invoke both the first and fifth amendments.

"Mr. TAVENNER. Were you a member of the Northwest section of the Communist Party at any time?

"Mr. STARKOVICH. I would like to ask a question of you people.

"Are you guys a party in trying to get us into Indochina?

"Mr. VELDE. A question has been asked of you, Mr. Witness.

"Mr. STARKOVICH. Under my privileges not to testify against myself, I invoke both the first and fifth amendments.

"Mr. TAVENNER. Are you now a member of the Communist Party?

"Mr. STARKOVICH. Same answer as previously stated.

"Mr. VELDE. And you refuse to answer on the same grounds as previously stated?

"Mr. STARKOVICH. As previously stated, yes. I am sure you understand me.

"Mr. CLARDY. We want to be sure that the record is clear, so that there will be no claim that the fifth amendment on your part was raised when, in fact, it was not. You haven't raised it unless you present it in the form suggested by the chairman. We don't want to have you go forth and say that you were not given ample opportunity to state it as it should be stated. Now we have told you how to do it. If you don't care to do it, it is your own head.

"Mr. STARKOVICH. As I have previously stated, I am invoking the first and fifth amendments under my privilege not to testify against myself, and I understand when I say the same as before that that means that. Am I right?

"Mr. VELDE. Yes, but you have not said that you refused to answer the question. That is why we are attempting to give you the protection of the fifth amendment. You should say, of course, that you refuse to answer the question.

"Mr. STARKOVICH. Well, I have refused to answer this question and similar questions under my privileges under the first and fifth amendments not to testify against myself.

"Mr. VELDE. Very well.

"Do you have any more questions, counsel?

"Mr. TAVENNER. I have no further questions.

"Mr. JACKSON. Mr. Chairman, do you wish that I defer my motion until all questioning has been completed?

"Mr. VELDE. Yes.

"Mr. JACKSON. Very well. I have no questions.

"Mr. VELDE. Mr. Clardy.

"Mr. CLARDY. I have just one question. While you were in the Army, did you engage in any act of espionage of any sort?

"Mr. STARKOVICH. Mr. Congressman, I know why I was correct in expressing my contempt for the members of this committee earlier, with that phony question, and under my privileges under the first and fifth amendments not to testify against myself I invoke both the first and fifth amendments.

"Mr. VELDE. And you refuse to answer the question put by the gentleman from Michigan?

"Mr. STARKOVICH. I invoke both the first and fifth amendments in refusing to answer the question.

"Mr. VELDE. Do you have anything further, Mr. Clardy?

"Mr. CLARDY. No, that was the only question.

"Mr. VELDE. Mr. Scherer.

"Mr. SCHERER. No questions.

"Mr. VELDE. Mr. Doyle.

"Mr. DOYLE. I would like to ask just a few questions. I was interested in your observation that you had contempt for the members of this committee. You so stated; you will remember that you so stated. Do you?

"Mr. STARKOVICH. Is that a question, Mr. Congressman?

"Mr. DOYLE. Yes, it is.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Mr. DOYLE—I believe.

"Mr. DOYLE. DOYLE; yes.

"Mr. STARKOVICH. I am going to refuse to answer that question because I think I said what I was going to say on it, and under my rights under the first and fifth amendments not to testify against myself I am invoking both the first and fifth amendments to the United States Constitution.

"Mr. DOYLE. May I say to you, young man, of course I asked you that question so that in view of the lapse of the last 10 minutes since our counsel questioned you I thought possibly you might have reviewed in your own thinking what language you have used toward the committee and might want to express some maturer thought on it, but apparently you don't.

"Mr. STARKOVICH. Can I say a word on that, just a couple of words?

"Mr. DOYLE. Do you realize that the committee is here under Public Law 601?

"Mr. STARKOVICH. That is your statement. I don't know.

"Mr. DOYLE. Well, this committee is here under Public Law 601 of the 79th Congress, and we are assigned to investigate the extent and character and objectives of subversive propaganda and activity. The United States

Congress has declared that there is afoot in the world an international Communist conspiracy and we are here under the authority of your Congress as an official congressional committee. We are not a special committee, we are not a committee of the Senate; we have no connection with the Senate; we have no connection with any other committee. We are here as a House committee. We function on our own in accordance with our own statutes and, in view of the declaration of the United States Congress that the Communist Party is a conspiracy, subversive, we, of course, have——

"(Mr. Starkovich has been conferring with Mr. Hatten.)

"Mr. DOYLE. Are you through consulting with counsel?

"Mr. STARKOVICH. I turned my head to him.

"Go ahead. What did you mean by that—something there. Go ahead.

"Mr. DOYLE. In view of the fact that your Congress has declared that the Communist Party in the United States was subversive and a conspiracy designed to overthrow, when they wanted to try it, by force and violence, the constitutional form of government, we are here on an official job to find out what you know, if anything, about the subversive activities of the Communist Party. Very frankly, you know that we have information that you have been and maybe are today a member of the Communist Party. I have been informed, for instance, that you are one of the leaders of the young Communist group in and around Seattle and have been for a long time.

"Mr. STARKOVICH. You ought to come back to Seattle and do a little more checking up around here before you listen to every stoolpigeon and liar who comes around in these hearing rooms and spills their guts about people so they can destroy their reputation.

"Mr. DOYLE. Do you deny that you are one of the Communist Party leaders of the young Communists in this area? I will give you the chance to answer that.

"Mr. STARKOVICH. Is that an official question?

"Mr. DOYLE. Yes.

"Mr. STARKOVICH. I will answer that under my rights for the simple reason that to answer it would only lead to a lot of other questions. It would be unfair to the people that I know, everyday citizens, when I don't know what their political affiliations are—and lead to a lot of trap questions. Therefore, under my rights and privileges, I will invoke the first and fifth amendments. But, as a Congressman, if you would like to talk to me man to man after these sessions are over, I will talk to you.

"Mr. DOYLE. I have one further question on that point. I understand then that in your declaration a few minutes ago that you had contempt for members of this committee that you understood then and you understand now that we are here in our official capacity as Members of the United States Congress. We are an official committee, and you understood, I take it, when you said you had contempt for the members of this committee, that you were referring to our official capacity; in other words, you have contempt for the objectives of the law under which we are authorized and directed to be here.

"That is your position, is it?

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. I have high respect and honor for the office, but not for the individuals that hold it; and if I am correctly informed, Mr. DOYLE, I understand that you are a Democrat, and I think—I would suggest to you, as a fellow American, that you would be good to get off the committee and let the Republicans have it.

"Mr. DOYLE. Just leave the party out of this, young man. This is not a partisan committee. We are interested in uncovering, wherever they are—whether they are Republicans or Democrats—we are interested in uncovering subversive people and subversive programs.

"I am proud to be a Democrat, but that doesn't enter into this picture.

"Mr. STARKOVICH. Yes; it does, sir. The majority of the Republicans on this committee are out trying to reelect the Republican Congressmen in this State again and dump the sole Democrat running. That is their only purpose in being here.

"Mr. DOYLE. We have read that in Communist literature.

"Mr. STARKOVICH. And you will find out in the coming elections what this committee's work is attempting to do.

"Mr. DOYLE. Have you answered my question as fully as you want to?

"Mr. STARKOVICH. Restate the question. I thought I answered under my rights under the fifth and first amendments.

"Mr. CLARDY. Mr. Chairman, I submit that he has said enough on it. I think we should not tolerate any more of it.

"Mr. DOYLE. I want to give the young man the fullest possible opportunity.

"Mr. STARKOVICH. This is for the record, if my answer hasn't been given on the record, and so we don't have any slip-up again. I want to restate that I invoke the first and fifth amendments under my privileges not to testify against myself.

"Mr. DOYLE. That is all I have.

"Mr. VELDE. Mr. FRAZIER.

"Mr. FRAZIER. No questions.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. Mr. Chairman, since I arose I note that there is something I couldn't see when I was seated and that is that the witness has in front of him a looseleaf notebook. I would like to ask a couple of questions on that and get it in the record.

"Mr. VELDE. Proceed.

"Mr. CLARDY. Witness, what is that notebook that you have in front of you? In other words, what is it for and what does it contain?

Mr. STARKOVICH. I would just like to consult my attorney just a moment on that, and I think I can give you a fair answer.

"(At this point Mr. Starkovich conferred with Mr. Hatten.)

"Mr. STARKOVICH. Let me just read it. It is very short.

"Mr. CLARDY. I just want you to tell me—not the contents, but the general nature of it. Is it something in the way of——

"Mr. STARKOVICH. Why don't you let me read it?

"Mr. CLARDY (continuing). Statement of reasons why you refuse to answer, or is it a speech, or what is it?

"Mr. STARKOVICH. Why don't you let me say? It's only about 25 words. I have nothing to hide here.

"Mr. CLARDY. All right, but hurry up.

"Mr. STARKOVICH. The first line I got here says, 'Take your time,' and I haven't followed that advice very good.

"That was advice to myself.

"Mr. CLARDY. Is there a line in there to keep your mouth shut on certain occasions?

"Mr. STARKOVICH. That might go for you, too.

"Then I got here, 'It is a duty to refuse to cooperate in any undertaking violating the constitutional rights of the individual and under any privilege not to testify against myself I invoke the fifth amendment.' Those are the words on that page. I wrote them down to be sure I would say them right—so that, not being a lawyer like you, sir—at least I think you are—that I wouldn't be entrapped in some legal entanglements.

"Mr. CLARDY. Now, do the rest of the pages have the other reasons that you have been advancing here?

"Mr. STARKOVICH. I have got where I worked here, the name, in the city of Seattle, and stuff like that.

"Mr. CLARDY. Do you have the answers, then, to some of the questions that we have propounded to you?

"Mr. STARKOVICH. No; just information about my own life—that I have in front of me.

"Mr. CLARDY. That is all.

"Mr. VELDE. Are there any further questions? If not, the witness is dismissed at this time.

"Mr. JACKSON. Mr. Chairman.

"Mr. VELDE. The Chair recognizes the gentleman from California, Mr. JACKSON.

"I suggest, Mr. JACKSON, that you reword your motion, as previously made.

"Mr. STARKOVICH. Am I excused?

"Mr. VELDE. You are dismissed.

"(Witness was excused.)"

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said George Tony Starkovich relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution No. 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"How soon after the [referring to the period in which he lived in Bellingham, Wash.] was it that you moved to Seattle?

"Did you travel abroad in 1950?

"I hand you a photostatic copy of a passport application issued November 6, 1950, and I will ask you to examine it and state whether or not the signature appearing on the second page is your signature?

"Is the photograph appearing on the second page a photograph of you?"

Which questions were pertinent to the subject under inquiry, and is a violation of the subpena under which the witness had previously appeared. The willful and deliberate misconduct of the said George Tony Starkovich, as aforesaid, constituting a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions, deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 668) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of George Tony Starkovich to answer questions before the said Committee on Un-American Activities, and as to the conduct of George Tony Starkovich during the course of his testimony which disrupted and delayed the inquiry being conducted at the hearings, prevented and obstructed the discharge of the committee's duty in conducting the hearings, and had the same effect as if the witness had refused to testify, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the Western District of Washington to the end that the said George Tony Starkovich may be proceeded against in the manner and form provided by law.

Mr. JACKSON. Mr. Speaker, the résumé in this case follows:

D. IMPEDING AND OBSTRUCTING HEARING (DEFAULT)

5. George Tony Starkovich, Seattle, Wash.: Refused to answer questions concerning the time when he moved to Seattle, whether he traveled abroad in 1950, the identification of

his signature on an application for passport, and identification of a photograph appearing on his application, relying in each instance upon the fifth amendment as the basis for his refusal to answer. At the time of his appearance as a witness, and during the course of his testimony, George Tony Starkovich did, with the intention of arousing the indignation of the members of the committee in such a manner as inherently to prevent and obstruct the discharge of its legislative duty in conducting the hearing, and with the intention of disrupting and delaying the inquiry in which the committee was engaged, make irresponsive answers to questions propounded to him and voluntary provocative statements, vilifying and abusing the members of the committee, accompanied by loud and boisterous conduct, in this to wit:

(1) That he declared in a loud and defiant manner as follows:

"After consulting with my attorney, my counselor, on my legal rights, I want to express to the Congressman that spoke to me that I do have contempt for this committee, and I want that in the record, so that it will be known in the future that I expressed my contempt for this committee."

(2) That in reply to a direction by the chairman to answer a question, he shouted:

"And I am directing a question to you, Congressman."

(3) That in referring to the chairman he stated:

"If I lived in your district I would campaign against you."

(4) That upon the statement by Representative DONALD L. JACKSON that it was his thought that the witness should be dismissed from the stand, he volunteered:

"Mr. Congressman, you are campaigning. Why don't you go back to California and campaign? We are in Washington; we don't have to elect you."

(5) That in referring again to Representative DONALD L. JACKSON he said:

"I wish he was up in this district. The present Congressman in this district has spoken and said, 'It is better to save your family; it is better to lose face than family in Indochina.' I wonder what you would have done about it—because a month or two from now, under the possibilities of Congressmen like you, we might be sending our troops over there."

6. That upon being asked by the chairman whether he was a member of the Communist Party while a member of the Armed Forces, he replied in a loud and boisterous manner:

"Before I answer that question, because it is a loaded question and a phony question from a phony Congressman, I will consult my attorney."

7. That in a reply to a question from Representative GORDON H. SCHERER, he stated:

"I think some of you guys ought to be investigated by psychiatrists," and—"I haven't looked into my brains to see if I have a tumor or not—but I haven't looked in yours, either. But there is some brains that have tumors on them, and I will go after them as an American citizen and try to expose them."

8. That in reply to a question as to whether or not he had been a member of the Northwest section of the Communist Party, he replied:

"I would like to ask a question of you people. Are you guys a party in trying to get us into Indochina?"

The foregoing conduct on the part of the said George Tony Starkovich during the course of his testimony, as aforesaid, was calculated to and did disrupt and delay the inquiry being conducted at the hearings, did prevent and obstruct the discharge of the committee's legislative duty in conducting the hearings, and as a result of said George T. Starkovich's conduct as aforesaid, your committee was prevented from receiving pertinent testimony and information concerning matters committed to said committee in accordance with the terms of the subpena served upon the said George Tony Starkovich. He testified June 15, 1954, in Seattle, Wash.

Mr. VELDE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROCEEDINGS AGAINST THOMAS G. MOORE

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2460).

The Clerk read as follows:

PROCEEDINGS AGAINST THOMAS G. MOORE

Mr. VELDE from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Thomas G. Moore, 5112 Southwest Maplewood Road, Portland, Oreg. The said subpena directed Thomas G. Moore to be and appear before said Committee on Un-American Activities, or a subcommittee thereof, of the House of Representatives of the United States, on June 18, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Thomas G. Moore is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to James A. Andrews, and/or United States Marshal Harold Sexton: You are hereby commanded to summon Thomas G. Moore to be and appear before the Committee on Un-American Activities or a subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in Judge McColloch's courtroom, sixth floor, Federal Building, Portland, Oreg., on Friday, June 18, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 10th day of May 1954.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by James A. Andrews, investigator, House of Representatives, who was duly authorized to serve the said subpena. The return of the service by the said James A. Andrews, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Thomas G. Moore before the Committee on Un-American Activities. Served on herein named person at his place of business located at Hubbard, Oreg. (Hubbard Feed & Supply Co.) on May 21, 1954, at 2:35 p. m.

"JAMES A. ANDREWS,
"Investigator, House of Representatives."

The said witness was not heard by the committee on the 18th day of June 1954, on which date the said witness was directed to appear, and at the close of the session on that day the chairman announced the committee would stand in recess until 10 o'clock on the following morning. Robert L. Kunzig, counsel for the committee, announced that subpenas for all witnesses who had not been reached that day would be continued until the following morning.

The said Thomas G. Moore, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 19, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Thomas G. Moore, having appeared as a witness and having been asked questions, namely:

"And your present employment, Mr. Moore?

"Have you ever worked for the Federal Government, that is, been employed by the Federal Government in any capacity?

"Have you ever been in the armed services of the United States?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of said Thomas G. Moore's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Thomas G. Moore.

The record of the proceedings before the committee on June 19, 1954, during which Thomas G. Moore refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Portland, Oreg., Saturday, June 19, 1954.

"PUBLIC SESSION

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m. on the sixth floor (Judge Claude McColloch's courtroom) of the United States courthouse, Hon. HAROLD H. VELDE (chairman) presiding.

"Committee members present: Representatives HAROLD H. VELDE (chairman) presiding, JAMES B. FRAZIER, Jr.

* * * * *

"Mr. VELDE.[1] The subcommittee will be in order, please. Miss Reporter, you will let the record show that for the purposes of these hearings I have appointed a subcommittee consisting of Mr. FRAZIER, of Tennessee; Mr. DOYLE, of California, and myself, Mr. VELDE, of Illinois.

* * * * *

"Mr. VELDE. In the testimony that you are about to give before this subcommittee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. MOORE. I do.

"Mr. KUNZIG. Would you state full name, please, sir?

"TESTIMONY OF THOMAS G. MOORE, ACCOMPANIED BY HIS ATTORNEY, LEO LEVENSON

"Mr. MOORE. My name is Thomas G. Moore.

"Mr. KUNZIG. Would counsel please state his name and address for the record?

"Mr. LEVENSON. Leo Levenson, Portland Trust Building, Portland 4, Oreg.

"Mr. KUNZIG. Mr. Moore, what is your present address, sir?

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[1] Statement made at beginning of 2-day hearings, Friday, June 18, 1954.

"Mr. MOORE. 5112 Southwest Maplewood Road.

"Mr. KUNZIG. Is that Portland?

"Mr. MOORE. Portland 19.

"Mr. KUNZIG. And your present employment, Mr. Moore?

"Mr. MOORE. May I confer with counsel?

"Mr. KUNZIG. Yes, sir, please do.

"(Witness confers with counsel.)

"Mr. MOORE. Mr. Kunzig, in order not to waste your time and that the record may be clear, I would like to advise that I do not wish to be compelled to testify against myself in any way, and therefore, since it is my privilege and my duty to invoke my right under the Constitution of the United States, I decline to answer that question under the fifth amendment to the Constitution of the United States guaranteeing that I shall not be compelled to be a witness against myself nor that I be deprived of liberty or property without due process of law, and secondly under the first amendment, as it is an invasion of rights guaranteed under the first amendment to the Constitution of the United States of freedom of speech, press, religion, and assembly.

"Mr. VELDE. Now, Mr. Moore, under the fifth amendment, you are given a privilege not to testify against yourself. It is a privilege against self-incrimination. Is there something about your employment that is incriminating?

"Mr. MOORE. May I confer with counsel?

"Mr. VELDE. Certainly.

"(Witness confers with counsel.)

"Mr. MOORE. Mr. VELDE, for the reasons heretofore given, I hereby decline under the provisions of the fifth amendment to not be a witness against myself.

"Mr. KUNZIG. I respectfully request, Mr. Chairman, that the witness be warned of the contempt possibilities inherent in his answer and that he be directed to answer the question.

"Mr. VELDE. Yes; there is no question about it, your employment is a matter which this committee can inquire about, legally inquire about, and you are, therefore, directed to answer the question as to your employment.

"(Witness confers with counsel.)

"Mr. MOORE. Mr. VELDE, I again decline under the constitutional guaranties accorded myself and all citizens in the fifth amendment to the Constitution of the United States guaranteeing that I shall not be compelled to be a witness against myself, and, secondly, I invoke my rights and privileges provided for under the 4th, 9th, 10th, and 14th amendments to the Constitution of the United States, and the Constitution of the State of Oregon respecting substantive and procedural due process, freedom of conscience, speech, assembly, and elections.

"Mr. KUNZIG. Mr. Moore, have you ever been a member of the Communist Party?

"Mr. MOORE. For the reasons that have been heretofore stated, Mr. Kunzig, I again invoke my rights under the fifth amendment and decline to answer the question, and also under the first amendment to the Constitution of the United States.

"Mr. KUNZIG. Are you now at this very moment a member of the Communist Party?

"Mr. MOORE. Mr. Kunzig, again I invoke my rights as a citizen of the United States and of the provisions of the fifth amendment. I decline to answer respectfully.

"Mr. KUNZIG. Mr. Moore, when we see what the Communist Party has done in Korea, when we realize what is going on in Indochina, when we see the problems all over the world today, it becomes of importance to the people of this country and of interest to your Congress just what this Communist conspiracy is and how extensive it is in the United States of America.

"Won't you, therefore, cooperate with a duly authorized committee of your Congress which has received unanimous votes every time the problem has come up involving this committee, backing this committee, and in giving the committee the power to ask these questions the Supreme Court has backed the committee and proven the power to ask these questions? Won't you, therefore, cooperate with this committee, duly constituted, and answer the questions, because we believe that you have knowledge about the Communist conspiracy? Won't you even answer the question: Are you a member of this Communist conspiracy at this moment as you sit in this courtroom?

"Mr. MOORE. May I confer with counsel?

"Mr. KUNZIG. Please do.

"(Witness confers with counsel.)

"Mr. MOORE. Mr. Kunzig, I decline to answer. It is clear that I do not understand the procedural tactics that you are using. Therefore, I have no alternative but to stand on my constitutional rights and invoke the fifth amendment, that I shall not be compelled to be a witness against myself and that I be deprived of liberty or property without due process of law.

"Mr. KUNZIG. Mr. Moore, isn't it a fact that in the spring of 1948 you attended a select Communist Party caucus meeting at the home of Kenneth Fitzgerald the purpose of which was to select candidates for nomination to the office of State legislator and it was at this meeting that Homer Owen, Robert Canon, and Mike Loring were selected as the party candidates for nomination to the office of State legislator? Isn't that a fact?

"Mr. MOORE. Mr. Kunzig, it appears that that is a continuing question of the same type. Therefore, I again respectfully decline to answer the question under the provisions afforded me by the fifth amendment.

"Mr. KUNZIG. Have you ever been employed as executive secretary of the Progressive Party in Portland?

"Mr. MOORE. Mr. Kunzig, I decline to answer the question as I do not wish to be compelled to testify against myself or to be in position to incriminate myself in any manner now or hereafter whatsoever. Therefore, I decline under the provisions of the fifth amendment and under the provisions of the first amendment.

Mr. KUNZIG. Well now, Mr. Moore, the Progressive Party was a duly constituted party on the ballot here. It was on the ballot in many States throughout the United States of America, if not all. Are you suggesting that to answer the question that you were a paid employee, the executive secretary of the Progressive Party, would in some way incriminate you? It is difficult to see how it could.

"Mr. MOORE. Mr. Kunzig, I am not suggesting, I am standing on my rights as a citizen that all citizens have the right under due process of law that they shall not be compelled to witness against themselves. I am not able to know when or where questions may lead or may not lead. I am not assuming or suggesting or insinuating to you that I am guilty because of my silence. I am invoking my constitutional right under the fifth amendment and the first amendment, if you please, sir.

"Mr. KUNZIG. Did you ever work for the Federal Government?

"Mr. MOORE. Again, Mr. Kunzig, I decline to answer.

"Mr. KUNZIG. Well now, don't tell me that it is a crime to work for the Federal Government. We're all working for it. Are you assuming that to work for the United States Government is a crime? Now the question is very simple. Did you ever work for the Federal Government?

"Mr. MOORE. Mr. Kunzig, since my employment, my conduct is a matter of public record for many years, I do not feel that at this point it would be of advantage for me to discuss it further inasmuch as it might be used as testimony against myself and since I am not, cannot be compelled to testify against myself, I decline to answer your question under the provisions of the fifth amendment, if you please, sir.

"Mr. VELDE. Mr. Moore, you say that your conduct is a matter of public record. Can you tell us where we can get that record?

"Mr. MOORE. May I confer with counsel?

"(Witness confers with counsel.)

"Mr. MOORE. Mr. VELDE, upon advice of counsel, I decline to answer the question under the protection afforded me by the fifth amendment and the first amendment.

"Mr. VELDE. I want to ask you again. Have you ever worked for the Federal Government; that is, been employed by the Federal Government in any capacity?

"Mr. MOORE. Mr. VELDE, I respectfully decline to answer under the provisions of the fifth and first amendments.

"Mr. VELDE. And you are directed to answer that question. Certainly it cannot be a crime to work for the Federal Government. and you are therefore directed to answer the question.

"Mr. MOORE. May I confer with counsel?

"(Witness confers with counsel.)

"Mr. MOORE. Sir, I respectfully decline again to answer the question under the provisions of the fifth amendment, that I shall not be compelled to be a witness against myself, and under the provisions of the first amendment that all citizens are guaranteed that there shall be no invasion of their rights of freedom of speech, press, religion, and assembly.

"Mr. VELDE. Have you ever been in the armed services of the United States?

"Mr. MOORE. Mr. VELDE, I respectfully submit that I shall decline to answer that question under the constitutional protection afforded me under the fifth amendment.

"Mr. VELDE. And again you are directed to answer that question, Mr. Moore.

"Mr. MOORE. May I confer with counsel?

"(Witness confers with counsel.)

"Mr. MOORE. Upon advice of counsel I again continue to refuse to answer under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. Now, Mr. Moore, you stated or suggested a few minutes ago that your life was an open book and your record was a public record that could be looked at. I somehow doubt that fact, and I would like to ask you this question. Were you ever—isn't it a fact that you were on the Oregon State legislative committee of the Communist Party through 1947 and 1948?

"Mr. MOORE. May I confer with counsel?

"(Witness confers with counsel.)

"Mr. MOORE. Mr. Kunzig, I respectfully decline to answer under the protection afforded by the first amendment and the fifth amendment, if you please, sir.

"Mr. KUNZIG. Since everything you've done has been an open book, do your neighbors have knowledge of the fact and did you tell your neighbors that you were on the Oregon State legislative committee of the Communist Party in 1947 and 1948?

"Mr. MOORE. Again, Mr. Kunzig, I decline to answer, the fifth and the first amendments.

"Mr. KUNZIG. Are you on the State committee of the Communist Party at the present time?

"Mr. MOORE. Mr. Kunzig, again I decline to answer under the protection of the fifth and the first amendments.

"Mr. KUNZIG. Mr. Chairman, I have no further questions.

"Mr. VELDE. Mr. Frazier?

"Mr. FRAZIER. No questions.

"Mr. VELDE. I have no further questions. It does appear to me to be a shame that a citizen of the United States cannot answer some of the most simple questions for a committee of the United States Congress. You're excused and dismissed."

Because of the foregoing the said Committee on Un-American Activities was deprived of answers to pertinent questions pro-

pounded to said Thomas G. Moore relative to the subject matter, which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions namely:

"And your present employment, Mr. Moore?

"Have you ever worked for the Federal Government, that is, been employed by the Federal Government in any capacity?

"Have you ever been in the armed services of the United States?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

E. IMPROPER USE OF FIFTH AMENDMENT

6. Thomas G. Moore, Portland, Oreg.: Refused to answer any questions concerning alleged Communist Party membership and activities. Refused to answer questions concerning his present employment, whether he ever worked for the Federal Government, and whether he was ever in the armed services of the United States. Stood on the fifth amendment in each instance. The committee felt that answering as to his present employment, whether he ever worked for the Federal Government, and whether he was ever in the armed services of the United States could not possibly incriminate him, and therefore that he used the fifth amendment improperly and illegally. Testified June 19, 1954, in Portland, Oreg.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 669) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Thomas G. Moore to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the District of Oregon, to the end that the said Thomas G. Moore may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST JOHN ROGERS MACKENZIE

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2461).

The clerk read as follows:

PROCEEDINGS AGAINST JOHN ROGERS MACKENZIE

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (p) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to John Rogers MacKenzie, at the Fred Meyer Store, located at 514 Southwest Sixth Avenue, Portland, Oreg. The said subpena directed John Rogers MacKenzie to be and appear before the said Committee on Un-American Activities of the House of Representatives, or a subcommittee thereof, in Judge McColloch's courtroom, sixth floor, Federal Building, Portland, Oreg., on Friday, June 18, 1954, at 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The subpena served upon said John Rogers MacKenzie is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to James A. Andrews, and/or United States Marshal Harold Sexton. You are hereby commanded to summon John MacKenzie to be and appear before the Committee on Un-American Activities or a subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE, is chairman, in Judge McColloch's courtroom, sixth floor, Federal Building, Portland, Oreg., on Friday, June 18, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 10th day of May 1954.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk,
United States House of Representatives."

The said subpena was duly served, as appears by the return made thereon by James A. Andrews, investigator, House of Representatives, who was duly authorized to serve the said subpena. The return of the service by the said James A. Andrews, being endorsed thereon, is set forth in words and figures as follows:

"Served on herein-named person at his place of employment, Fred Meyer Store, located at 514 Southwest Sixth Avenue, Portland, Oreg., on May 19, 1954, 4:35 p. m.

"JAMES A. ANDREWS,
"Investigator, House of Representatives."

The said John Rogers MacKenzie, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 18, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution No. 5 of the 83d Congress. The said John Rogers MacKenzie, having appeared as a witness and having been asked questions, namely:

"Mr. MacKenzie, what is your present residence?

"Mr. MacKenzie, where are you employed?

"Did you ever attend Reed College?

"What is your present age, sir?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of John Rogers MacKenzie's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said John Rogers MacKenzie.

The record of the proceedings before the committee on June 18, 1954, during which John Rogers MacKenzie refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Portland, Oreg., Friday, June 18, 1954.

"PUBLIC SESSION

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2:10 p. m. on the sixth floor (Judge Claude McColloch's courtroom) of the United States Courthouse, Hon. HAROLD H. VELDE (chairman) presiding.

"Committee members present: Representatives HAROLD H. VELDE (chairman) presiding, and JAMES B. FRAZIER, Jr.

"* * * * *

"Mr. VELDE. The subcommittee will be in order, please. Miss Reporter, you will let the record show that for the purposes of these hearings I have appointed a subcommittee consisting of Mr. FRAZIER of Tennessee; Mr. DOYLE of California; and myself, Mr. VELDE of Illinois.[1]

* * * * *

"Mr. VELDE. Will you raise your right hand and be sworn, please?

"In the testimony that you are about to give before this subcommittee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. MACKENZIE. I do.

"Mr. VELDE. Will you be seated?

"Mr. KUNZIG. Would you give your full name please, sir?

"TESTIMONY OF JOHN MACKENZIE, ACCOMPANIED BY HIS ATTORNEY, IRVIN GOODMAN

"Mr. MACKENZIE. John MacKenzie.

"Mr. KUNZIG. Would you spell it please?

"Mr. MACKENZIE. M-a-c-K-e-n-z-i-e.

Mr. KUNZIG. I notice that you are accompanied by counsel. Would counsel please state his name and office address for the record?

"Mr. GOODMAN. My name is Irvin Goodman. My Portland address is Portland Trust Building. Telephone Atwater 7494.

"Mr. VELDE. Thank you, sir.

"Mr. KUNZIG. Mr. MacKenzie, what is your present residence?

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question for the following reasons; on the grounds of the fifth amendment, I refuse to answer that question upon the grounds of the first and the fifth amendments.

"Mr. KUNZIG. I respectfully request, Mr. Chairman, that the witness be directed to answer the question as to what is his residence.

"Mr. VELDE. Yes, again that is a simple question, one that you can understand, one that this committee is entitled to ask under the law, and you are, therefore, directed to answer the question.

"Mr. MACKENZIE. Mr. Chairman, I respectfully submit I decline to answer that question on the same grounds.

"Mr. KUNZIG. Mr. Reporter, in order to be absolutely certain because of the possibility of a contempt citation here of the question would you go back and repeat the question as I asked it first before the direction of the chairman that the man should answer the question. I want to be sure that I used the same words.

"(The question is repeated as follows:)

"'Mr. MacKenzie, what is you present residence?'

"Mr. KUNZIG. The question was, 'What is your present residence?' You then refused to answer and in order that the same exact works may be asked again, Mr. Chairman, I respectfully ask again that the witness be directed to answer the question: What is your residence, your present residence?

"Mr. MACKENZIE. Mr. Counsel, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Would you so direct the witness, Mr. Chairman, please?

[1] Statement made at beginning of 2-day hearings, Friday, June 18, 1954.

"Mr. VELDE. Yes; you are directed to answer that question as to your residence.

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. MacKenzie, where are you employed?

"Mr. MACKENZIE. Mr. Counsel, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. VELDE. You are directed to answer that question. Again this committee certainly has the legal right to determine your legal employment.

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Were you ever a member of the John Reed Club of the Communist Party?

"Mr. MACKENZIE. Mr. Counsel, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Did you ever attend Reed College?

"Mr. MACKENZIE. I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. Chairman, I didn't know that it was incriminating to attend Reed College.

"I, therefore, respectfully request that the witness be directed to answer the question.

"Mr. VELDE. Yes; the witness is directed to answer that question.

"Mr. MACKENZIE. Mr. Chairman, if I may, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. VELDE. I want to say right here, I would like to make this statement, that as far as Reed College is concerned, let there be no inference of disloyalty on the part of any of the professors or students at Reed University unless there is actual evidence presented here concerning subversive influences. The fact that there might be some Communists on the campus at the Reed University is no different from any other educational institution in the country. I therefore, want it particularly known that people in this community and elsewhere should not draw any unreasonable inferences of disloyalty on the part of Reed University generally.

"We are interested, as I said before, in uncovering communistic activities, subversive activities, wherever they might be found and we will continue along that line. We are not investigating education by any stretch of the imagination in any way.

"Proceed, Mr. Counsel.

"Mr. KUNZIG. What is your present age, sir?

"Mr. MACKENZIE. Mr. Counsel, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. Chairman, I respectfully request that the witness be directed to answer the question as to his age.

"Mr. VELDE. Certainly you are directed to answer the question as to your present age.

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer the question on the grounds of the fifth amendment.

"Mr. VELDE. You're just not going to answer any questions, are you?

"Mr. MACKENZIE. Mr. Chairman, if you'll ask the questions I will give my answers.

"Mr. VELDE. If I ask the questions, you'll what?

"Mr. MACKENZIE. Give my answers.

"Mr. VELDE. Well, all right, I will. Have you ever been a member of the Communist Party?

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. VELDE. Now you just got through telling me that you would, if I'd ask you the questions you would answer them. Now you refuse to answer them. Go ahead Mr. Counsel.

"Mr. KUNZIG. Isn't it a fact, Mr. MacKenzie, that Communist Party meetings were held in your home?

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. MacKenzie, isn't it a fact that you have been a member of the Communist Party within the knowledge of this committee to at least February of 1954?

"Mr. MACKENZIE. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. Chairman, I have no further questions to ask of this witness.

"Mr. VELDE. Do you have any questions Mr. FRAZIER?

"Mr. FRAZIER. No questions.

"Mr. VELDE. I have no further questions and the witness is discharged. I would like to make a statement that the witnesses here who appear to be in legal contempt of this committee, their testimony will be studied by this committee later on. At the present time we do not have a quorum of the full committee here, we do not have the time otherwise to make a study of this testimony and it will have to be in executive session at a later date. However, I must say that in my opinion, my humble opinion, there certainly has been contempt of this congressional committee and contempt of Congress performed here today.

"Mr. KUNZIG. Mr. Chairman, just so that the record is clear, I want to record to show—you just mentioned there wasn't a quorum of the full committee and I want that to be clearly understood. There is, of course, a quorum of the subcommittee.

"Mr. VELDE. Yes; certainly, that is the case. The recommendation has to be made by a quorum of the full committee after being submitted by a quorum of the subcommittee which is present here.

"Do you have anything more for today, Mr. Counsel?

"Mr. KUNZIG. No, Mr. Chairman; except for the fact that you have already stated. We will study the MacKenzie and Dyhr cases which are clear contempt matters."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said John Rogers MacKenzie, relative to the subject matter which, under Public Law 601, section 121, subsection (q)(2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Mr. MacKenzie, what is your present residence?

"Mr. MacKenzie, where are you employed?

"Did you ever attend Reed College?

"What is your present age, sir?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

7. John Rogers MacKenzie, Portland, Oreg.: Refused to answer any questions concerning alleged Communist Party membership and activities. Refused to give the committee his present residence; refused to state where he was now employed; refused to answer whether he ever attended Reed College; and refused to give his present age. Stood on the fifth amendment in each instance. The committee felt that stating his residence, and whether he ever attended Reed College and his age, could not possibly incriminate him, and therefore that he used the fifth amendment improperly and illegally. Testified June 18, 1954, in Portland, Oreg.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 670) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of John Rogers MacKenzie to answer questions before the said Committee on Un-American Activities, together with all the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the district of Oregon to the end that the said John Rogers MacKenzie may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST DONALD M. WOLLAM

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2462).

The Clerk read as follows:

PROCEEDINGS AGAINST DONALD M. WOLLAM

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q)(2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Donald M. Wollam, Eastern-Western Dock, Portland, Oreg. The said subpena directed Donald M. Wollam to be and appear before said Committee on Un-American Activities or a subcommittee thereof of the House of Representatives of the United States on June 18, 1954, at the hour of 10: 30 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Donald M. Wollam is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to James A. Andrews and/or United States Marshal Harold Sexton: You are hereby commanded to summon Donald Wollam to be and appear before the Committee on Un-American Activities or a subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in Judge McColloch's courtroom, sixth floor, Federal Building, Portland, Oreg., on Friday, June 18, 1954, at the hour of 10:30 a. m. then and there to testify touching matters of inquiry committed to said committee, and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 10th day of May 1954.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Frank L. Meyer, deputy for Harold Sexton, United States marshal, who was duly authorized to

serve the said subpena. The return of the service by the said Frank L. Meyer, being endorsed thereon, is set forth in words and figures, as follows:

"Served Donald M. Wollam in person on May 27, 1954, at the Eastern-Western Dock, Portland, Oreg.

"HAROLD SEXTON,
"*United States Marshal.*
"By FRANK L. MEYER, *Deputy.*"

The said witness was not heard by the committee on the 18th day of June 1954, on which date the said witness was directed to appear, and at the close of the session on that day the chairman announced the committee would stand in recess until 10 o'clock on the following morning. Robert L. Kunzig, counsel for the committee, announced that subpenas for all witnesses who had not been reached would be continued until the following morning.

The said Donald M. Wollam, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 19, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Donald M. Wollam, having appeared as a witness and having been asked questions, namely:

"Mr. Wollman, what is your present address, sir?

"Now, Mr. Wollman, what is your present employment?

"Did you ever attend elementary school, and if so where?

"Did you ever attend high school, Mr. Wollam?

"Now did you ever attend college, Mr. Wollam"?

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Donald M. Wollam's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Donald M. Wollam.

The record of the proceedings before the committee on June 19, 1954, during which Donald M. Wollam refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"*Portland, Oreg.,*
"*Saturday, June 19, 1954.*

"PUBLIC SESSION

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 1:40 p. m. on the sixth floor (Judge Claude McColloch's courtroom) of the United States Courthouse, Hon. HAROLD H. VELDE, (chairman) presiding.

"Committee members present: Representatives HAROLD H. VELDE (chairman) presiding and JAMES B. FRAZIER, JR.

"Mr. VELDE. The subcommittee will be in order, please. Miss Reporter, you will let the record show that for the purpose of these hearings I have appointed a subcommittee consisting of Mr. FRAZIER of Tennessee; Mr. DOYLE of California; and myself, Mr. VELDE of Illinois.[1]

"Mr. KUNZIG. Don Wollam.

"Mr. VELDE. Will you raise your right hand and be sworn, please?

"In the testimony that you are about to give before this subcommittee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. WOLLAM. I do.

"Mr. KUNZIG. Would you state your full name, please, Mr. Wollam?

"TESTIMONY OF DONALD M. WOLLAM, ACCOMPANIED BY HIS ATTORNEY, IRVIN GOODMAN

"Mr. WOLLAM. My name is Donald M. Wollam. W-o-l-l-a-m.

"Mr. KUNZIG. Would counsel please state his name and office address for the record?

"Mr. GOODMAN. My name is Irvin Goodman, Portland Trust Building, city.

"Mr. KUNZIG. Thank you, Mr. Goodman. Mr. Wollam, what is your present address, sir?

"Mr. WOLLAM. Mr. Kunzig, I refuse to answer that question on the first, under the fourth amendment because I believe that counsel is aware that people who have given their address over this microphone both here and in Seattle have had their homes threatened. I have a wife and family at home who I don't propose to put in jeopardy because of any action I may take here.

"Mr. KUNZIG. Just shorten it up.

"Mr. VELDE. You may state your legal grounds.

"Mr. WOLLAM. I don't like your question, Mr. Kunzig, and I will certainly not surrender to you any right that I may have to——

"Mr. VELDE. You may state your legal grounds, young man, but we're not going to listen to another tirade. Do you have contempt in your heart, when you approach the witness stand—do you have contempt in your heart for this committee of your United States Congress?

"Mr. WOLLAM. I refuse to answer that question on the grounds of the fifth amendment, the decision of United States judge, James Alger Fee, in the case of United States versus——

"Mr. VELDE. It is apparent that this witness is trying to filibuster. We just can't have that, as I pointed out the other day.

"Mr. KUNZIG. Mr. Chairman, I respectfully request, in order that the record may be clear and that the witness be warned that there is possible contempt here that he be directed to answer the question as to, that I have just asked, as to his address.

"Mr. VELDE. Yes. You are certainly directed to answer that question.

"Mr. WOLLAM. Mr. Chairman, I ask to continue my reasons for not answering that question.

"Mr. VELDE. You have already stated sufficiently the grounds. Now do you refuse to answer?

"Mr. WOLLAM. I have only stated the fourth amendment.

"Mr. VELDE. Do you refuse to answer upon direction the question as to your address?

"Mr. WOLLAM. I do refuse to answer that question. First on the grounds that I have just stated under the fourth amendment to the Constitution. Secondly I refuse to answer again on the grounds that I have just stated regarding the Alger Fee decision. I refuse to further answer that question under the 1st, the 5th, the 9th, and the 14th amendments to the Constitution of the United States and any other sections of the Constitution that may apply, and also the constitution of the State of Oregon.

"Now this may be funny to you, Mr. Kunzig.

"Mr. KUNZIG. It is not funny.

"Mr. VELDE. It is very, very serious.

"Mr. KUNZIG. It is very, very serious.

"Mr. VELDE. You are the one who is taking this as being funny.

"Mr. WOLLAM. I certainly have no intentions——

"Mr. KUNZIG. You will understand now, Mr. Wollam, so that your filibustering may be cut off, we will understand and make sure that your rights are protected. Any time that you refuse to answer that it is on the grounds of the fifth amendment.

"Now, Mr. Wollam, what is your present employment? I am asking that question very seriously.

"Mr. WOLLAM. And I will give you a very serious answer.

"Mr. KUNZIG. Thank you.

"Mr. WOLLAM. Mr. Kunzig, I refuse to answer it not just on the fifth amendment, as you stated that you would understand my refusals would be based upon, but upon all of the grounds that I have previously stated.

"Mr. KUNZIG. All right. Mr. Chairman, may I ask you to please direct the witness to answer the question as to where he is presently employed.

"Mr. VELDE. Yes, you are directed to answer the question as to your employment at the present time.

"Mr. WOLLAM. I refuse to answer the question upon the grounds of the first and fifth amendment to the Constitution of the United States pursuant to article I, section 10, Constitution of Oregon, which provides in part that every man shall have——

"Mr. VELDE. Isn't your refusal——

"Mr. WOLLAM (continuing). Remedy by due course of law for injury done him——

"Mr. VELDE. Will the witness listen to me for just a minute? Is your refusal to answer based upon the same reasons that you gave before? Is that right?

"Mr. WOLLAM. My refusal to answer is based upon the reason that I just gave plus all else that I have plead here, and I beg leave, Mr. Chairman, I beg leave——

"Mr. VELDE. All right, proceed, Mr. Counsel.

"Mr. KUNZIG. Now Mr. Wollam, the next question is as follows: Did you ever attend elementary school and if so where?

"(Witness confers with counsel.)

"Mr. WOLLAM. Mr. Chairman, in the dissenting opinions of Justices Douglas, Black, and Frankfurter the line of demarcation——

"Mr. VELDE. Young man, we are not going to listen to a long diatribe or a lot of advice on what the law is, as far as the Supreme Court decisions are concerned. Either answer the questions or refuse to answer. I will say this, that if you will answer the questions as put to you by our counsel, then you might have the opportunity to go ahead and explain the law or anything that you want to, but you must first of all give us the courtesy of giving us an answer. By that I mean an answer of "Yes" or "No."

"Mr. WOLLAM. I have refused to answer the question, Mr. Chairman, and I ask you for the courtesy of being permitted to state my reasons.

"Mr. VELDE. You have stated the reasons.

"Mr. WOLLAM. I think these reasons are quite important. They are very important to me.

"Mr. VELDE. Will you proceed, Mr. Counsel?

"Mr. KUNZIG. Mr. Chairman, I think that we also ought to note that he was citing the dissenting opinion. This committee usually tries to follow the majority opinion of the Supreme Court.

"Now on the last question you have refused. Now let me ask you this. Mr. Chairman, I have forgotten the record. Have you directed him to answer the question as to whether he went to the elementary school or not?

"Mr. VELDE. No.

"Mr. KUNZIG. Would you please direct him?

"Mr. VELDE. You are directed to answer the question as to where you attended elementary school, or whether you attended elementary school.

"Mr. KUNZIG. The question was where you attended and where was the exact way that I put it.

"Mr. WOLLAM. Mr. Chairman, in view of the fact that I have no way of knowing at what time when I answer a question I will

[1] Statement made at beginning of 2-day hearings, Friday, June 18, 1954.

be waiving my rights to refuse to answer further questions that I know will follow from this committee, and since I have no intention of becoming a member of your stable of stool pigeons I am going to stand upon my constitutional rights and decline to answer the question upon the grounds of the first and fifth amendments and——

"Mr. VELDE. Now we are not going to listen to any more of this diatribe such as calling us a stable of stool pigeons. I am sure that your mother wouldn't appreciate your saying something like that and I am sure that the rest of the decent people in this area don't appreciate your making such wild and absurd and ridiculous statements, and so we are not going to listen to anything further.

"Counsel, do you have any other important questions that you want to ask this witness?

"Mr. KUNZIG. Just a few more, Mr. Chairman. I want this witness to have a full opportunity to answer these questions.

"Did you ever attend high school, Mr. Wollam?

"(Witness confers with counsel.)

"Mr. WOLLAM. As an overseas war veteran, Mr. Chairman, 11 months in German prison camp, I stand upon the Constitution of the United States, the same provisions that I cited earlier.

"Mr. KUNZIG. Now did you ever attend college, Mr. Wollam?

"Mr. Chairman, will you please direct the witness to answer that question?

"Mr. VELDE. Yes; you are directed to answer the question as to your—was it high school? Was that the last question?

"Mr. KUNZIG. Yes; high school. The question exactly as it appears in the record.

"Mr. WOLLAM. And I will again decline to answer and on the same grounds that I gave before. And I might add, Mr. Chairman, that if you are interested——

"Mr. KUNZIG. Did you ever attend college?

"Mr. WOLLAM. The same answer and the same reason.

"Mr. KUNZIG. I respectfully request that the witness be directed, Mr. Chairman, to answer the question.

"Mr. VELDE. Yes; you are directed to answer.

"Mr. WOLLAM. I refuse to answer. Mr. Chairman, same reason.

"Mr. KUNZIG. Now you said that you were an overseas veteran and you were in the Armed Forces of the United States. Were you in the Army, or the Navy, or in the Marines, or what?

"Mr. WOLLAM. I was in the Army.

"Mr. KUNZIG. And what was the highest rank or grade that you achieved?

"Mr. WOLLAM. Private, first class.

"Mr. KUNZIG. Private, first class. Now were you a member of the Communist Party when you were a private, first class, in the United States Army?

"(Witness confers with counsel.)

"Mr. WOLLAM. Will you repeat that question, please?

"Mr. KUNZIG. Would the reporter please repeat it?

"(The record was read by the reporter as follows:)

"'Now were you a member of the Communist Party when you were a private, first class, in the United States Army?'

"Mr. WOLLAM. I refuse to answer that question on the grounds of the fifth amendment and the decision of the United States Judge James Alger Fee in the case of the *United States* v. *Johnson* (76, supp. 538 of pp. 540 and 541). I also invoke the first, fourth, ninth——

"Mr. KUNZIG. We understand that you invoke those.

"Mr. WOLLAM (continuing). 10th, 14th, the whole works.

"Mr. KUNZIG. That is perfectly clear to us now and you know that it is perfectly clear and there is no necessity to say anything more.

"Now, have you ever been a member of the Communist Party?

"Mr. WOLLAM. I will answer all such inquiries as to my association with people, as to my religious or my political beliefs, or affiliations and so forth with these refusals and with these reasons. I don't feel that you have any right, and I again cite the decision of Judge James Alger Fee.

"Mr. KUNZIG. We understand that citation now. Now let me ask you, Are you now a member of the Communist Party?

"Mr. VELDE. Let the record show that counsel is pointing to what is apparently a prepared answer to that question and directing the witness to answer the questions according to certain printed material which he is holding before him.

"(Witness confers with counsel.)

"Mr. WOLLAM. I understand that I am allowed counsel even though counsel isn't permitted to address the committee. I can see no harm in his being of what small help you permit counsel to be at one of these hearings.

"I am going to refuse to answer that last question on the grounds that I just gave based on the grounds of the fifth amendment and the decision of Judge James Alger Fee in the case of *United States* v. *Johnson* (76, supp. 538, of pp. 540 and 541).

"Mr. KUNZIG. All right, I understand.

"Mr. WOLLAM. Also all the other——

"Mr. KUNZIG. Now we will go right on and let me ask you if it isn't true, and I repeat what you said a little earlier that we don't consider this to be funny at all, isn't it true that you are today—this very minute as you are sitting here in this courtroom of the United States Courthouse before the Congress of the United States of America—a section organizer of District 11 Committee of the State of Oregon Communist Party right now in 1954? Isn't that correct?

"Mr. WOLLAM. I refuse to answer that question on all the grounds I just gave, Mr. Chairman.

"Mr. KUNZIG. Mr. Wollam, have you ever been engaged in any espionage activities against the United States?

"(Witness confers with counsel.)

"Mr. WOLLAM. I consider that to be a trap question, Mr. KUNZIG, and I will give you the same answer that I have given you on all of the other questions that are in that line.

"Mr. KUNZIG. Now just let me refute something that you said a few moments earlier. This does not involve associations, personnel, friends, religious beliefs, any of those things that you have been talking about. This involves loyalty to the United States of America and your behavior with regard to espionage. Have you ever been involved in any espionage activities? I ask you once again.

"Mr. WOLLAM. Same question, same answer.

"Mr. KUNZIG. I think it is perfectly obvious the position of this witness, Mr. Chairman. No further questions.

"Mr. VELDE. Mr. FRAZIER.

"Mr. FRAZIER. No questions.

"Mr. VELDE. I must say that by your conduct here you have certainly destroyed my faith in you as a witness and you as an American citizen in refusing to give us any information whatsoever which might help us. With that you are excused from the witness stand and discharged from your subpena."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Donald M. Wollam relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Mr. Wollam, what is your present address, sir?

"Now, Mr. Wollam, what is your present employment?

"Did you ever attend elementary school and if so where?

"Did you ever attend high school, Mr. Wollam?

"Now did you ever attend college, Mr. Wollam?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

8. Donald M. Wollam, Portland, Oreg.: Refused to answer any questions concerning alleged Communist Party membership and activities. Refused to give the committee his present address and his present employment. Refused to answer questions as to whether he ever attended elementary school, high school, or college. Stood on the fifth amendment in each instance. The committee felt that stating his address, his employment, and whether he attended elementary school, high school, or college could not possibly incriminate him, and therefore that he used the fifth amendment improperly and illegally. Testified June 19, 1954, in Portland, Oreg.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 671) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Donald M. Wollam to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the district of Oregon, to the end that the said Donald M. Wollam may be proceeded against in the manner and form provided by law.

The resolution was agreed to. A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST HERBERT SIMPSON

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2463).

The Clerk read as follows:

PROCEEDINGS AGAINST HERBERT SIMPSON

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Herbert Simpson, United Truck Lines, Inc., 1519 Northwest Overton, Portland, Oreg. The said subpena directed Herbert Simpson to be and appear before said Committee on Un-American Activities, or a subcommitte thereof, of the House of Representatives of the United States on June 18, 1954, at the hour of 10:30 a. m.,

then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Herbert Simpson is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to James A. Andrews and/or United States Marshal Harold Sexton: You are hereby commanded to summon Herbert Simpson to be and appear before the Committee on Un-American Activities or a subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in Judge McCulloch's courtroom, sixth floor, Federal Building, Portland, Oreg., on Friday, June 18, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and seal of the House of Representatives of the United States, at the city of Washington, this 10th day of May 1954.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Frank L. Meyer, deputy for Harold Sexton, United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said Frank L. Meyer, being endorsed thereon, is set forth in words and figures, as follows:

"Served Herbert Simpson in person on May 25, 1954, at United Truck Lines, Inc., 1519 Northwest Overton, Portland, Oreg.

"HAROLD SEXTON,
"United States Marshal.
"By FRANK L. MEYER,
"Deputy."

The said witness was not heard by the committee on the 18th day of June 1954, on which date the said witness was directed to appear, and at the close of the session on that day the chairman announced the committee would stand in recess until 10 o'clock on the following morning. Robert L. Kunzig, counsel for the committee, announced that subpenas for all witnesses not heard on that day would be continued until the following morning.

The said Herbert Simpson, pursuant to said subpena and in compliance therewith, appeared before the said committee on June 19, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Herbert Simpson, having appeared as a witness and having been asked questions, namely:

"Mr. Simpson, would you please state your residence?

"Isn't it a fact that you live at 9115 North Geneva, Portland, Oreg.?

"Where are you presently employed, Mr. Simpson?

"Would you give this committee, please, a brief résumé of your educational background?

"Now, Mr. Simpson, did you ever go to high school?

"Were you ever in the Armed Forces of the United States?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of said Herbert Simpson's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Herbert Simpson.

The record of the proceedings before the committee on June 19, 1954, during which Herbert Simpson refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Portland, Oreg., Saturday, June 19, 1954.

"PUBLIC SESSION

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., on the sixth floor (Judge Claude McColloch's courtroom) of the United States Courthouse, Hon. HAROLD H. VELDE (chairman) presiding.

"Committee members present: Representatives HAROLD H. VELDE (chairman) presiding, and JAMES B. FRAZIER, JR.

(Following the testimony of other witnesses, the hearing continued with the testimony of Herbert Simpson.)

* * * * *

"Mr. VELDE. The subcommittee will be in order, please. Miss Reporter, you will let the record show that for the purposes of these hearings I have appointed a subcommittee consisting of Mr. FRAZIER of Tennessee; Mr. DOYLE of California; and myself, Mr. VELDE of Illinois.[1]

* * * * *

"Mr. KUNZIG. * * * Herbert Simpson.

"Mr. VELDE. Will you raise your right hand and be sworn, please?

"In the testimony that you are about to give this committee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. SIMPSON. I do.

"Mr. VELDE. Will you be seated?

"Mr. SIMPSON. I wish to also request without TV. I don't like to deprive the TV audience of this opportunity, but I am here under protest, and I feel that it is strictly a disadvantage. I have no right to cross-examine——

"Mr. VELDE. Well, now, would the TV cameras disturb you in your testimony? If we do turn the TV cameras off, if I direct that the TV cameras be turned off, will you then come forward and answer the questions that are put to you by counsel and by committee members?

"Mr. SIMPSON. I would say to that that I will answer them, protecting my rights, as you will soon know.

"Mr. VELDE. Under the rules of the committee on the request by any witness that he not be telecast, the Chair must regretfully ask the television cameras to desist in photographing or telecasting the witness himself.

"Mr. KUNZIG. Would you state your full name, sir?

"TESTIMONY OF HERBERT SIMPSON, ACCOMPANIED BY HIS ATTORNEY, REUBEN LENSKE

"Mr. SIMPSON. Herbert Simpson.

"Mr. KUNZIG. Go ahead and confer with your attorney if you wish.

"(Witness confers with counsel.)

"Mr. KUNZIG. Would counsel please state his name and office address for the record?

"Mr. LENSKE. Reuben Lenske, Lawyers' Building, Portland, Oreg.

"Mr. KUNZIG. Thank you, Mr. Lenske. Mr. Simpson, would you please state your residence?

"Mr. SIMPSON. I refuse to answer on the basis of the 1st, 5th, 9th, 10th, and 14th amendments of the Constitution of the United States.

"Mr. KUNZIG. Mr. Chairman, I respectfully request the witness be directed to answer this question.

"Mr. VELDE. Yes. Again let me say that the matter of your address is a matter which this committee has a right to inquire into, and I can see no reason how that could possibly incriminate you in any way, and you are directed to answer the question, Mr. Simpson.

"Mr. SIMPSON. I respectfully submit that I feel that this would be a violation of my rights under the Constitution. I decline to answer that question under the 1st, 5th, 9th, 10th, and 14th amendments of the Constitution of the United States.

"Mr. KUNZIG. Isn't it a fact that you live at 9115 North Geneva, Portland, Oreg.?

"Mr. SIMPSON. I decline to answer that question under the Constitution of the United States, articles 1, 9, 5, 10, and 14.

"Mr. KUNZIG. Mr. Chairman, I respectfully request that the witness be directed to answer that question.

"Mr. VELDE. Yes; again you are directed to answer the question.

"Mr. SIMPSON. I respectfully submit, Mr. VELDE, that I feel this would be a violation of my constitutional right under the Constitution of the United States, under articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Where are you presently employed, Mr. Simpson?

"Mr. SIMPSON. I refuse to answer that question on the Constitution of the United States under articles 1, 5, 9, 10, and 14. If I may, I would like to read those articles.

"Mr. KUNZIG. We know those articles quite well, Mr. Simpson. I respectfully request that the witness be directed to answer the question.

"Mr. VELDE. Yes. Your employment is a matter of which this committee has the right and duty to inquire into, and can see no way in which it could possibly incriminate you, to give an honest answer to that question, so you are directed to answer the question, sir.

"Mr. SIMPSON. I respectfully submit, Mr. VELDE, that I refuse to answer that question under the Constitution of the United States under articles 1, 9, 5, 10, and 14.

"Mr. KUNZIG. Would you give this committee, please, a brief résumé of your educational background?

"Mr. SIMPSON. I refuse to answer that question under the Constitution of the United States under articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. I respectfully request that the witness be directed to answer that question, Mr. Chairman.

"Mr. VELDE. Yes; again you are directed to answer the question.

"Mr. SIMPSON. I respectfully submit that I refuse to answer that question under the grounds of the Constitution of the United States under articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Now, Mr. Simpson, did you ever go to high school?

"Mr. SIMPSON. Mr. Kunzig, I respectfully submit that I refuse to answer that question under the Bill of Rights of the Constitution, specifically articles 1, 5, 9, and 10.

"Mr. KUNZIG. Mr. Chairman, warning the witness of the dangers of contempt and that the committee may well consider him in contempt, I respectfully submit that he be directed to answer that question.

"Mr. VELDE. Well of course, Mr. Kunzig, the witness has the advice of counsel and I see no duty upon our part to further advise him as to the possibility of contempt citations.

"Mr. SIMPSON. I would submit that my counsel is not able to cross examine any of the witnesses.

"Mr. VELDE. I do want to say that you are placing yourself in a very good place for contempt action by this committee and by the Congress of the United States.

"Mr. KUNZIG. Would you direct him please, Mr. Chairman, to answer that last question?

[1] Statement made at beginning of 2-day hearings, Friday, June 18, 1954.

"Mr. VELDE. Yes, you are directed to answer the last question. Do you remember the question, Mr. Kunzig?

"Mr. SIMPSON. It isn't necessary. My answer will be the same.

"Mr. KUNZIG. In other words, no matter what the question put to you this morning your answer will be that you refuse to answer on the grounds of the fifth amendment?

"Mr. SIMPSON. Is that a question?

"Mr. KUNZIG. It sounds like it to me.

"(Witness confers with counsel.)

"Mr. SIMPSON. Not necessarily so.

"Mr. KUNZIG. Not necessarily, all right. Then let me ask you this question: Were you ever chairman of the finance committee of the Communist Party for the State of Oregon?

"Mr. SIMPSON. I refuse to answer that question under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Were you ever chairman of the finance committee of the Communist Party for the city of Portland?

"Mr. SIMPSON. I refuse to answer that question under my rights under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Now isn't it a fact, Mr. Simpson, that you have been in the Communist Party for 15 years and that this very moment as you sit before this committee of your Congress that you are a member of the State committee of the Communist Party of Oregon?

"Mr. SIMPSON. I refuse to answer that question on the rights—on my rights under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Were you ever in the Armed Forces of the United States?

"Mr. SIMPSON. I refuse to answer that question under my rights under the Constitution of the United States under articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. Mr. Chairman, I cannot see how it possibly incriminates anyone to be in the Armed Force of the United States and, therefore, I respectfully request that this witness be directed to answer this question.

"Mr. VELDE. Yes, you are directed to answer the question, Mr. Witness.

"Mr. SIMPSON. I respectfully submit, Mr. Velde, that I refuse to answer that question under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. KUNZIG. I have no further questions, Mr. Chairman.

"Mr. VELDE. Do you have any questions, Mr. Frazier?

"Mr. SIMPSON. I would like to point out that these articles are amendments to the Constitution of the United States and are known, except for the 14th, are known as the Bill of Rights. They are contained in the Bill of Rights. Thank you.

"Mr. VELDE. Just a moment.

"Mr. KUNZIG. You are not finished yet.

"Mr. SIMPSON. I'm not in any hurry.

"Mr. FRAZIER. What is that printed paper that you have been referring to there and reading from?

"Mr. SIMPSON. I refuse to answer that question under my rights under the Constitution of the United States, articles 1, 5, 9, 10—Just a moment before I'm through answering.

"(Witness confers with counsel.)

"Mr. SIMPSON. Under advice of counsel, this is a copy, a very beautiful copy, of the Bill of Rights as provided in the 10 original amendments to the Constitution of the United States in force December 15, 1791.

"Mr. FRAZIER. And who furnished you that?

"Mr. SIMPSON. I refuse to answer that question under my rights under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. FRAZIER. Was it furnished to you by the Communist Party?

"Mr. SIMPSON. I refuse to answer that question under my rights under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. FRAZIER. That is all, Mr. Chairman.

"Mr. VELDE. I wonder if you realize, Mr. Simpson, that if the Communist conspiracy took over in this country that you wouldn't be allowed to bring that beautifully drawn up Bill of Rights and Constitution before a body of commissars in this country and do as you have done here today? I hope you realize that. Do you?

"Or do you believe that we would go right on in this country with the same United States Constitution, the same Bill of Rights, that we have lived under for so long if the Communist conspiracy took over?

"Mr. SIMPSON. I refuse to answer that question on my rights under the Constitution of the United States, articles 1, 5, 9, 10, and 14.

"Mr. VELDE. The witness is dismissed."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Herbert Simpson relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Mr. Simpson, would you please state your residence?

"Isn't it a fact that you live at 9115 North Geneva, Portland, Oreg.?

"Where are you presently employed, Mr. Simpson?

"Would you give this committee, please, a brief résumé of your educational background?

"Now, Mr. Simpson, did you ever go to high school?

"Were you ever in the Armed Forces of the United States?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

9. Herbert Simpson, Portland, Oreg.: Refused to answer any questions concerning alleged Communist Party membership and activities. Refused to answer questions concerning his residence and his present employment. Refused to give the committee any information concerning his educational background; whether he ever attended high school, and whether he was ever in the Armed Forces of the United States. Stood on the fifth amendment in each instance. The committee felt that stating his residence, his employment, or educational background, whether he attended high school and whether he was ever in the Armed Forces of the United States could not possibly incriminate him, and therefore that he used the fifth amendment improperly and illegally. Testified June 19, 1954, in Portland, Oreg.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 672) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Herbert Simpson to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the district of Oregon to the end that the said Herbert Simpson may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST MRS. MILLIE MARKISON

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2464).

The Clerk read as follows:

PROCEEDINGS AGAINST MRS. MILLIE MARKISON

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Mrs. Millie Markison, 200 East Indian Spring Drive, Silver Spring, Md. The said subpena directed Mrs. Millie Markison to be and appear before said Committee on Un-American Activities or a duly authorized subcommittee thereof of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE, is chairman, on July 12, 1954, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Mrs. Millie Markison is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, To George C. Williams: You are hereby commanded to summon Millie Markison to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber room 225-A Old House Office Building in the city of Washington, on Monday, July 12, 1954, at the hour of 10 a. m. then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 17th day of June 1954.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by George C. Williams, investigator, House of Representatives, who was duly authorized to serve the said subpena. The return of the service by the said George C. Williams, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Millie Markison before the Committee on Un-American Activities. Served at her home, 200 East Indian Spring Drive, Silver Spring, Md., at 1:40 p. m. on 6-21-54.

"GEORGE C. WILLIAMS,
"Investigator, House of Representatives."

On the 8th day of July 1954, the following night letter was sent to Mrs. Millie Marki-

son, which is set forth in words and figures as follows:

WASHINGTON, D. C., *July 8, 1954.*

MILLIE MARKISON,
200 East Indian Spring Drive,
Silver Spring, Md.:

Under continuing authority of the subpena served upon you on June 21, 1954, your appearance before the Committee on Un-American Activities is hereby postponed from July 12, 1954, to July 14, 1954, at 10 a. m. in room 225-A, Old House Office Building, Washington, D. C.

HAROLD H. VELDE, *Chairman.*

The said Mrs. Millie Markison, pursuant to said subpena and in compliance therewith, appeared before a subcommittee of the said committee on July 14, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Mrs. Millie Markison having appeared as a witness and having been asked questions, namely:

"Did you have any employment at all after your graduation from school, or were you a housewife during all the period of time to the present?

"Witness, have you ever been employed by the Government of the United States?

"Have you ever worked for any public agency of any kind?

"Have you ever served anywhere in any capacity as a teacher?

"Have you ever been employed by the Federal Government?

"I hand you this photostatic copy of a document marked 'Exhibit 1' [oath of office, affidavit, and declaration of appointee] for identification and ask you if it is your signature at the bottom of that document.

"Before I go further, I will hand you the document marked 'Exhibit 2' [letter from Mrs. Markison to Dr. Hansen] and ask you if that is your signature on that photostatic copy."

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Mrs. Millie Markison's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Mrs. Millie Markison.

The record of the proceedings before the subcommittee of said committee on July 14, 1954, during which Mrs. Millie Markison refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE
COMMITTEE ON UN-
AMERICAN ACTIVITIES,
"Washington, D. C.,
"Wednesday, July 14, 1954.

"PUBLIC HEARING

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:40 a. m., in the caucus room, 362 Old House Office Building, Hon. HAROLD H. VELDE (chairman), presiding.

"Committee members present: Representatives HAROLD H. VELDE, KIT CLARDY, GORDON H. SCHERER, FRANCIS E. WALTER, and CLYDE DOYLE.

* * * * *

"Mr. VELDE. Let the record show that present are Mr. WALTER, Mr. CLARDY, Mr. SCHERER, and myself, and I appoint a subcommittee consisting of those present for the purposes of this hearing.

* * * * *

"Mr. KUNZIG. Millie Markison.

"Mr. VELDE. Will you raise your right hand to be sworn? In the testimony you are about to give before this subcommittee do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mrs. MARKISON. I do.

"Mr. KUNZIG. Would you give your full name, please?

"TESTIMONY OF MILLIE MARKISON, ACCOMPANIED BY HER COUNSEL, CHARLES E. FORD

"Mrs. MARKISON. Mrs. Millie Markison.

"Mr. KUNZIG. Mrs. Markison, I see you are accompanied by counsel. Will counsel once again state his name and office for the record?

"Mr. FORD. Charles E. Ford, Columbian Building, 416 Fifth Street NW., Washington, D. C.

"Mr. KUNZIG. What is your present address, Mrs. Markison?

"Mrs. MARKISON. 200 East Indian Spring Drive in Silver Spring, Md.

"Mr. KUNZIG. How long have you lived there?

"Mrs. MARKISON. About 5 months.

"Mr. KUNZIG. Where did you live prior to that time?

"Mrs. MARKISON. 1802 Brisbane Street, Silver Spring.

"Mr. KUNZIG. How long did you live there?

"Mrs. MARKISON. Five years.

"Mr. KUNZIG. Five years. Are you married?

"Mrs. MARKISON. Yes, I am.

"Mr. KUNZIG. What is your husband's name?

"Mrs. MARKISON. Charles.

"Mr. KUNZIG. Charles Markison?

"Mrs. MARKISON. Yes.

"Mr. KUNZIG. Are you employed?

"Mrs. MARKISON. No; I am a housewife.

"Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

"Mrs. MARKISON. Elementary school, high school, and college.

"Mr. KUNZIG. Where did you go to college?

"Mrs. MARKISON. In Washington, D. C., in Wilson Teachers College.

"Mr. KUNZIG. You graduated in what year?

"Mrs. MARKISON. 1940.

"Mr. KUNZIG. Did you ever take the teachers' examination in the District of Columbia?

"Mrs. MARKISON. Yes; I did.

"Mr. KUNZIG. Did you pass it?

"Mrs. MARKISON. Yes.

"Mr. KUNZIG. Were you placed on the list?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"(Representative GORDON H. SCHERER left the hearing room at this point.)

"Mrs. MARKISON. No. I did not teach school.

"Mr. KUNZIG. That was not the question. The question was, Were you placed on the list? I know you did not teach school here.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. Since I passed, I assume I was placed on the list. I have no personal knowledge of whether I was or not.

"Mr. KUNZIG. You never asked, then, for employment in the sense of an assignment as a teacher?

"Mrs. MARKISON. No; I did not.

"Mr. KUNZIG. Now, when and where were you born?

"Mrs. MARKISON. In Philadelphia, Pa., August 4, 1918.

"Mr. CLARDY. Philadelphia, you say?

"Mrs. MARKISON. Yes.

"Mr. KUNZIG. Did you have any employment at all after your graduation from school, or were you a housewife during all the period of time to the present?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. Yes; I have had employment.

"Mr. KUNZIG. What was the employment?

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. Now, are you telling us that your employment in the District of Columbia was something which would incriminate you, Mrs. Markison?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that on the previous grounds.

"Mr. VELDE. You are directed to answer the question. I can see no way that giving us the benefit of the knowledge that you have relative to your employment could possibly incriminate you, and you are directed to answer the question.

"Mrs. MARKISON. I refuse to answer that on the grounds of the protection afforded me by the fifth amendment.

"Mr. VELDE. Is there something criminal about your employment at the present time?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I also refuse to answer that on the previous grounds stated.

"Mr. VELDE. Do you mean to tell me—as I understand it the fifth amendment guarantees you the privilege against self-incrimination in criminal cases—do you mean to tell me that you are unwilling to answer the question relative to your employment because it is of a criminal nature?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that question on the grounds that it might tend to incriminate me.

"Mr. CLARDY. May I inquire of counsel, Mr. Chairman, do you have any knowledge as to her present employment?

"Mr. KUNZIG. I believe she said she was not presently employed. There is no question on immediate present employment. The question is, Mr. CLARDY, what employment she has had in the period since she got out of school, to the present time, and it is that she refused to answer, as I recall.

"Mr. CLARDY. Do you have any knowledge as to whether she has ever been on the Government payroll in any capacity?

"Mr. KUNZIG. I have no testimony or knowledge to that effect. No, Mr. CLARDY.

"Mr. CLARDY. I would like to inquire about that, if I may.

"Mr. VELDE. Proceed.

"Mr. CLARDY. Witness, have you ever been employed by the Government of the United States?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the grounds of the fifth amendment.

"Mr. KUNZIG. Mr. Chairman, I ask she be directed. She can't possibly be incriminated by answering that question.

"Mr. VELDE. Yes. You are directed to answer that question.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the fifth amendment.

"Mr. CLARDY. Are you refusing to answer on the grounds that you were in the employ of the Government and that that would in itself incriminate you?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse on the previous grounds.

"Mr. CLARDY. Have you ever worked for any public agency of any kind?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. CLARDY. You were supposed to have taken a teachers' examination. Have you ever served anywhere in any capacity as a teacher?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that on the grounds of the fifth amendment.

"Mr. CLARDY. I ask she be directed to answer that question.

"Mr. VELDE. Yes. You are directed to answer that.

"Mrs. MARKISON. I refuse to answer the question on the same grounds as I previously stated.

"Mr. CLARDY. That is all.

"Mr. KUNZIG. In order that the record may be clear and absolutely clear, I should like to ask again this question: Have you ever been employed by the Federal Government? That is all I am asking. Just have you ever been employed by the Federal Government?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. Mr. Chairman, I ask that the witness be directed to answer that exact question.

"Mr. VELDE. Yes. You are directed to answer the question.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the grounds of the fifth amendment.

"Mr. KUNZIG. Mrs. Markison, the testimony of Mrs. Mary Stalcup Markward before this committee is as follows:

" 'Mr. OWENS. The next club listed is the Northeast Club. Can you identify for the committee the individuals whom you knew to be Communist Party members of Washington, D. C., assigned to this club?

" 'Mrs. MARKWARD. I was chairman of the Northeast Club when it was reorganized in 1945, for a while, until my citywide duties became such that I could not continue this activity. Eugene Robbins took over the chairmanship when I left. Various other members have held this post since that time.

" 'Emma Robinson, a practical nurse, was a member.

" 'Betty Secundy, an electrician with the Nathan Brisker Electric Co., was a member.

" 'Millie Markison was a member.'

"I now ask you, have you ever been a member of the Communist Party?

"Mrs. MARKISON. I refuse to answer that question on the grounds afforded me by the fifth amendment.

"Mr. KUNZIG. Were you ever a member of the Northeast Club of the Communist Party of the District of Columbia?

"Mrs. MARKISON. I refuse to answer that on the same grounds I have already stated.

"Mr. KUNZIG. Are you now a member of the Communist Party?

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. I have here a photostatic copy of the oath of office and affidavit and declaration of appointee, as it says at the top, District Government, Public Schools. It says Benning School Division 6 (Prob.). Later it says: 'Appointed and went on leave 9/1/44.' Signed, Millie K. Markison, 12th day of September 1944.

"The affidavit says:

" 'I, Millie K. Markison, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

" 'I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the Government of the United States by force or violence; and that during such time as I am an employee of the District of Columbia, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.'

"Let me ask you, Have you ever been a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence?

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. I hand you this photostatic copy of a document marked 'Exhibit 1' for identification and ask you if it is your signature at the bottom of that document.

"('Oath of Office, Affidavit and Declaration of Appointee' was so marked 'Markison Exhibit No. 1' for identification.)

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. CLARDY. I ask she be directed to answer that.

"Mr. VELDE. I am sorry.

"Mr. CLARDY. I ask she be directed to answer as to her signature on the bottom of the document.

"Mr. VELDE. Yes. You are directed to answer.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the grounds afforded me by the fifth amendment.

"Mr. KUNZIG. Mrs. Markison, were you a member of the Communist Party when you signed this document for the District government public schools on the 12th day of September 1944?

"Mrs. MARKISON. I refuse to answer that on the basis of the protection afforded me by the fifth amendment.

"Mr. KUNZIG. It is a notarized document under oath, Mrs. Markison, and you swore here under oath to the Government here in Washington, D. C., that you were not a member of any group seeking to overthrow the Government of the United States by force or violence. Today, when asked the same question, you refuse to answer.

"Did you tell the truth when you signed this document?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. Isn't it a fact, Mrs. Markison, at the very moment you signed this document for the public schools in this city—at that very moment when you swore you were not a member of any group seeking to overthrow the Government of the United States by force or violence, you were a member of the Communist Party?

"Mrs. MARKISON. I refuse to answer that on the basis already stated.

"Mr. KUNZIG. I have an interesting letter here dated October 23, 1951, which is exhibit 2 for identification, addressed to Dr. Carl Hansen, Superintendent, Elementary Schools, Franklin Administration Building, 13th and K Streets NW., Washington, D. C., from 1802 Brisbane Street, Silver Spring, Md.

"(Letter from Mrs. Markison to Dr. Hansen was so marked 'Exhibit No. 2' for identification.)

"Mr. KUNZIG. I believe you said you lived at 1802 Brisbane Street, Silver Spring, Md.

"Mrs. MARKISON. Yes.

"Mr. KUNZIG. Before I go further, I will hand you the document marked 'Exhibit 2' and ask you if that is your signature on that photosatic copy.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the protection afforded me by the fifth amendment.

"Mr. KUNZIG. I ask that she be directed to answer that question, Mr. Chairman.

"Mr. VELDE. Yes. You are directed to answer the question.

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the grounds of the protection afforded me by the fifth amendment.

"Mr. KUNZIG. I am reading from this document marked 'Exhibit 2' for identification, Mrs. Markison, addressed to Dr. Carl Hansen.

" 'DEAR SIR: I wish to submit my resignation as teacher of the kindergarten-primary grades in the District schools.

" 'I have been granted maternity leave in September 1944, and had fully intended to teach within 3 years.

" 'I have three young children and I find it too difficult to work at present. However, it is my intention to again take the examination when my children are older. I hope I will be considered at that time for a teaching position.'

"My question is, Do you intend to teach in the District of Columbia schools, Mrs. Markison?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that on two grounds—the privilege under the fifth amendment and the privilege I have as a wife.

"Mr. CLARDY. I didn't catch that last.

"Mrs. MARKISON. The privilege I have as a wife.

"Mr. KUNZIG. I didn't know it was a privilege recognized by this committee. Is it a constitutional privilege, Mrs. Markison?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. Yes It is a privilege given to me by the law.

"Mr. KUNZIG. Let me ask you another question. Are you a member of the Communist Party now?

"Mrs. MARKISON. I refuse to answer that under the privileges accorded me by the fifth amendment.

"Mr. KUNZIG. I recommend, Mr. Chairman, that a certified copy of the record of this hearing be turned over to the school system of the District of Columbia immediately upon its being transcribed.

"Mr. VELDE. That will be done, Mr. Counsel.

"Mr. CLARDY. May I remark for the first time in a long time we have had a new ground advanced for refusal to answer.

"Mr. DOYLE. May I say this, Mr. Chairman? I heard the witness state she refused to answer on the grounds she was a wife. I want to ask for my own information is there any question involved here of the relationship of husband to wife in this case?

"Mr. KUNZIG. We didn't go into anything about husband and wife, Mr. Doyle.

"Mr. DOYLE. I didn't hear you.

"Mr. KUNZIG. No. Not the slightest. The question was whether she intends to teach school in the future, I believe.

"Mr. CLARDY. I wonder if that same privilege extends to a father.

"Mr. FORD. Yes, it does.

"Mr. VELDE. Let us get on.

"Mr. DOYLE. That is my only question.

"Mr. KUNZIG. I offer in evidence exhibits 1 and 2, which have already been mentioned here this morning.

"Mr. VELDE. Without objection, both exhibits 1 and 2 will be received in evidence.

"('Oath of office, affidavit, and declaration of Appointee,' previously marked 'Markison Exhibit No. 1' for identification, was received in evidence; letter from Mrs. Markison to Dr. Hansen, previously marked 'Markison Exhibit No. 2' for identification, was received in evidence.)

"Mr. KUNZIG. Did you ever live in Norfolk, Va.?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. Yes, I did.

"Mr. KUNZIG. When did you live in Norfolk, Va.?

"Mrs. MARKISON. I don't recall those dates.

"Mr. KUNZIG. Would it have been around 1943?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. It could have been, but I don't recall exactly.

"Mr. KUNZIG. Did you know Alice Burke, at one time State secretary of the Communist Party of the State of Virginia?

Mrs. MARKISON. I refuse to answer that under the rights accorded me under the fifth amendment.

"Mr. KUNZIG. What position did you hold in the Communist Party when you were in Norfolk?

"Mrs. MARKISON. I refuse to answer that under the privileges accorded me by the fifth amendment.

"Mr. KUNZIG. What was your address in Norfolk?

"(At this point Mrs. Markison conferred with Mr. Ford.)

"Mrs. MARKISON. I refuse to answer that under the rights accorded me by the fifth amendment.

"Mr. KUNZIG. Didn't you live at 209 Buckingham Circle?

"Mrs. MARKISON. I refuse to answer that on the grounds already cited.

"Mr. KUNZIG. Isn't it a fact that Communist Party meetings were held in your home in Norfolk, Va., at 209 Buckingham Circle, when you lived there?

"Mrs. MARKISON. I refuse to answer that on the grounds already cited under the fifth amendment.

"Mr. KUNZIG. Do you know Ray Pinkson?

"Mrs. MARKISON. I refuse to answer that on the grounds of the fifth amendment.

"Mr. KUNZIG. Isn't it a fact that he was a member of the Communist Party and you knew him to be such, and he was in attendance at these meetings in Norfolk?

"Mrs. MARKISON. I refuse to answer that under the rights accorded me by the fifth amendment.

"Mr. KUNZIG. I have no further questions, Mr. Chairman.

"Mr. CLARDY. No questions.

"Mr. WALTER. No questions.

"Mr. VELDE. The witness is dismissed."

Because of the foregoing the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Mrs. Millie Markison relative to the subject matter, which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Did you have any employment at all after your graduation from school, or were you a housewife during all the period of time to the present?

"Witness, have you ever been employed by the Government of the United States?

"Have you ever worked for any public agency of any kind?

"Have you ever served anywhere in any capacity as a teacher?

"Have you ever been employed by the Federal Government?

"I hand you this photostatic copy of a document marked 'Exhibit 1' [oath of office, affidavit, and declaration of appointee] for identification and ask you if it is your signature at the bottom of that document.

"Before I go further, I will hand you the document marked 'Exhibit 2' [letter from Mrs. Markison to Dr. Hansen] and ask you if that is your signature on that photostatic copy."

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and her refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

10. Mrs. Millie Markison, Silver Spring, Md.: Refused to answer any questions concerning alleged Communist Party membership and activities. Refused to answer questions concerning her employment since graduation from high school; refused to answer whether she had ever been employed by the Government of the United States; refused to state whether she had ever served anywhere in a capacity as a teacher. Stood on the fifth amendment in each instance. The committee felt that stating her employment, whether she had ever worked for the Government of the United States, and whether she had ever served as a teacher could not possibly incriminate her, and therefore that she used the fifth amendment improperly and illegally. Testified July 14, 1954, in Washington, D. C.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 673) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Mrs. Millie Markison to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the District of Columbia to the end that the said Mrs. Millie Markison may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST BENJAMIN F. KOCEL

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2465).

The Clerk read as follows:

PROCEEDINGS AGAINST BENJAMIN F. KOCEL

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Benjamin F. Kocel, 5856 Chene Street, Detroit, Mich. The said subpena directed Benjamin F. Kocel to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives, in their chamber, room 859, Federal Building, Detroit, Mich., on January 25, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee. The subpena served upon said Benjamin F. Kocel is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to United States marshal, Detroit, Mich.: You are hereby commanded to summon Benjamin F. Kocel to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber, room 859, Federal Building, Detroit, Mich., on January 25, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 19th day of November 1953.

"HAROLD H. VELDE,
"Chairman.

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Joseph L. Wisniewski, United States marshal, by Court McDougall, deputy United States marshal, who was duly authorized to serve the said subpena. The return of the service made by the said Joseph L. Wisniewski, United States marshal, by Court McDougall, deputy United States marshal, being endorsed thereon, is set forth in words and figures as follows:

"Served the herein-named Benjamin F. Kocel on the 15th day of December 1953, at 5856 Chene Street, Detroit, Mich., by delivering a copy of the subpena to him personally.

"JOSEPH L. WISNIEWSKI,
United States Marshal.
"By COURT MCDOUGALL,
"Deputy United States Marshal."

Successive telegrams were sent to Benjamin F. Kocel, by Hon. HAROLD H. VELDE, chairman of the Committee on Un-American Activities, postponing the date of his appearance before the Committee on Un-American Activities to May 4, 1954.

The said Benjamin F. Kocel, pursuant to said subpena and in compliance therewith, appeared before the said committee on May 4, 1954, to give testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress and under House Resolution 5 of the 83d Congress. The said Benjamin F. Kocel, having appeared as a witness, and having been asked the questions, namely:

"Will you tell the committee, please, what your formal educational training has been?

"Will you tell the committee, please, where you resided prior to 1939?

"You were, I believe, at that time (while a member of the U. S. Naval Reserve) at Northwestern University?

"Weren't you recalled to service in 1940?

"How long were you on duty after having been recalled to active service in the Navy?

"When did you again take up your residence in Detroit?

"What rank did you attain after being called to active service in the Navy?

"Did you attain the rank of lieutenant commander in the Navy?

"When did you cease to hold rank in the United States as a Reserve Corps officer in the United States Navy?

"It is a fact, is it not, that you were separated from the service on grounds other than honorable?

"Were you relieved of active service in the Navy in 1945?

"Were you given a loyalty hearing prior to your release from the Navy?

"That [Kocel] has not always been your name, has it?

"By what other name have you been known?

"What name did you go by at the time you were born?

"You had your name officially changed in the probate court of Wayne County, on August 20, 1940, didn't you?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of said Benjamin F. Kocel's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Benjamin F. Kocel.

The record of the proceedings before the committee on May 4, 1954, during which Benjamin F. Kocel refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Detroit, Mich., Tuesday, May 4, 1954.

"The Subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY (chairman), GORDON H. SCHERER, and MORGAN M. MOULDER, met pursuant to adjournment at 9:55 a. m., in room 859, Federal Building, Detroit, Mich."

"Committee members present: Representatives KIT CLARDY and GORDON H. SCHERER.

"After hearing the testimony of other witnesses, Benjamin F. Kocel was called as a witness.

"Mr. CLARDY. Call your next witness.

"Mr. TAVENNER. Mr. Benjamin F. Kocel.

"Mr. CLARDY. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. KOCEL. I do.

"Mr. CLARDY. You may be seated. I see you have counsel with you. Will you identify yourself for the record?

"Mr. SIMMONS. My name is C. LeBron Simmons, Detroit, Mich.

"Mr. TAVENNER. What is your name?

"Mr. KOCEL. Ben Kocel.

"TESTIMONY OF BENJAMIN F. KOCEL, ACCOMPANIED BY HIS COUNSEL, C. L'BRON SIMMONS

"Mr. TAVENNER. Do you have a middle initial?

"Mr. KOCEL. I most certainly do; Francis, F.

"Mr. TAVENNER. When and where were you born, Mr. Kocel?

"Mr. KOCEL. In the town of Chicago Heights on the 13th of March 1916.

"Mr. TAVENNER. Where do you now reside?

"Mr. KOCEL. I reside in the great industrial center of Detroit.

"Mr. TAVENNER. How long have you resided in the great industrial center of Detroit?

"Mr. KOCEL. Since 1939, sir.

"Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

"Mr. KOCEL. I refuse to answer that question under the rights which are mine under the fifth amendment.

"Mr. CLARDY. The Chair directs that you answer that question.

"Mr. KOCEL. I would like to ask the committee what relevancy has this question to the hearing.

"Mr. CLARDY. The Chair has directed that you answer, sir. Either answer it or refuse as you may wish.

"Mr. KOCEL. I refuse. I invoke the fifth amendment and refuse to answer that question.

"Mr. CLARDY. I think I should advise you that in the opinion of this committee that is an improper invocation of that amendment. Ask the next question.

"Mr. KOCEL. I don't think it is an improper invocation of the fifth amendment.

"Mr. CLARDY. Never mind.

"Mr. KOCEL. The fifth amendment is intended to protect the innocent.

"Mr. CLARDY. Please be quiet.

"Mr. KOCEL. I am innocent.

"Mr. CLARDY. You have not yet been charged with anything, sir. Will you proceed?

"Mr. KOCEL. You are inferring incorrectly, sir.

"Mr. CLARDY. Witness, now please subside.

"Mr. KOCEL. I certainly will.

"Mr. CLARDY. May I point out to you, sir, that this committee is charged with a grave responsibility.

"Mr. KOCEL. That I am aware of.

"Mr. CLARDY. And we will not——

"Mr. KOCEL. I am very serious.

"Mr. CLARDY. Will you please subside, sir? We cannot, and we will not, as Representatives of the Congress of the United States, permit any disturbance of any kind to take place in this courtroom. If you will be courteous with us, we will be with you. We will not in any way attempt to compel you to do anything. You may answer or not as you see fit at your own risk, but from time to time the Chair may find it advisable to give you its opinion as to whether or not you are improperly invoking the fifth amendment if you do so.

"Mr. KOCEL. Did you say 'improperly' or 'properly'?

"Mr. CLARDY. You will be given all the time, Witness, so that you may not at any time claim that you were taken by surprise at anything that may eventuate from this proceeding.

"Will you ask the next question, Mr. Tavenner?

"Mr. TAVENNER. Will you tell the committee, please, where you resided prior to 1939?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reasons that I stated previously, I invoke the fifth amendment and refuse to answer that question.

"Mr. SCHERER. Will you direct the witness——

"Mr. KOCEL. I don't see where it has any bearing in this hearing.

"Mr. CLARDY. I direct that the witness answer the question.

"Mr. KOCEL. I answered it.

"Mr. CLARDY. I am directing you to do so that the record may be complete.

"Mr. KOCEL. I invoke my rights under the fifth amendment and refuse to answer, sir.

"Mr. CLARDY. May I explain something to you and perhaps you will have a better understanding of why the request is made and why the Chair directs it. It has been the policy of this committee in laying the foundation for possible contempt actions to always ask the witness the question. If he refuses and we think improperly invokes the fifth amendment, we then give him one further opportunity by the Chair directing that it be answered. It is a formality, sir, that we must go through. There is no intention to be insulting to you or to imply anything whatever. We are merely trying to help you by giving you an opportunity.

"I have directed you, and I understand, to cut this short, that you have again refused; am I correct?

"Mr. KOCEL. Right.

"Mr. CLARDY. Very well. Proceed.

"Mr. TAVENNER. You have advised the committee as to the place of your residence since 1939, but you are unwilling to do so as to prior to that date; is that what I understand your position to be?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I refuse to answer for the reasons previously stated.

"Mr. TAVENNER. Did you serve in the Armed Forces of the United States prior to 1939?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I just want to get a little clear on that question. When you speak of the armed services, I was a midshipman in 1934, United States Naval Reserve, for 4 years. Is that considered being——

"Mr. TAVENNER. Surely. You say you went into the service in 1934. When did you come out?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I received my commission in the United States Naval Reserve in 1938.

"Mr. CLARDY. You were, I believe, at that time at Northwestern University?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I would just like to know how this question is material to the work of this committee.

"Mr. CLARDY. Witness, I must direct you to answer the question.

"Mr. KOCEL. I refuse to answer under the rights of the fifth amendment.

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. TAVENNER. You were in the service from 1934 to——

"Mr. CLARDY. Pardon, Mr. Tavenner. Witness, I wonder if you won't reconsider. Surely you do not want to leave the impression here that holding a Naval Reserve commission and admitting that you did and other things connected with it could in any way incriminate you, do you? And yet that is the nature of the objection you are raising.

"Mr. KOCEL. I would like to read what Judge Carrol C. Hincks of the circuit court of appeals said on April 9, 1954.

"Mr. CLARDY. No. May I point out we are more familiar with the law than you are. You are not an attorney.

"Mr. KOCEL. Oh, I don't know.

"Mr. CLARDY. As I understand it, it is your position that an admission connected with that, with the Naval Reserve, would incriminate you; am I correct in that?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I refuse to be a witness against myself, and I don't see any need for any inference of guilt or of criminal proclivities when I resort to the fifth amendment.

"Mr. CLARDY. Very well. Proceed, Mr. Tavenner.

"Mr. TAVENNER. Going back and reviewing what you have testified to in order that we may understand it properly, I understand that you served as a midshipman from 1934 until 1938 when you were given a commission in the Naval Reserve. Now, were you recalled to service at a later date? In fact, weren't you recalled to service in 1940?

"(At this point, Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Look, a lot of taxpayers' money is being wasted here. Same answer, same reasons.

"Mr. TAVENNER. You will not state whether or not you were recalled to service, active service, in 1940?

"Mr. KOCEL. Repeat the question.

"Mr. TAVENNER. I say, you are refusing to state whether or not you were recalled to service in 1940?

"Mr. KOCEL. I don't see what relevancy it has to these hearings here. I think it is just a waste of time.

"Mr. CLARDY. The Chair directs you to answer that question.

"Mr. KOCEL. I stated, same reasons, same answer.

"Mr. TAVENNER. How long were you on duty after having been recalled to active service in the Navy?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reason, same answer.

"Mr. TAVENNER. When did you again take up your residence in Detroit?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reason, same answer.

"Mr. SCHERER. I think we should keep this record correct and direct him to answer that question.

"Mr. CLARDY. Yes; I so direct. You are directed to answer that last question.

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. I invoke my rights under the fifth amendment and refuse to answer.

"Mr. TAVENNER. What rank did you attain after being called to active service in the Navy?

"Mr. KOCEL. I don't see what relevancy this line of questioning has on these hearings. I think there is a real problem here in Detroit. There are thousands of unemployed. I think the committee should be looking into this, not into what I did in 1940 or 1945.

"Mr. TAVENNER. Will you answer the question?

"Mr. CLARDY. Witness, will you please answer the question and not engage in argument with the committee?

"Mr. KOCEL. I invoke my rights under the fifth amendment and refuse to answer.

"Mr. SCHERER. I ask he be directed to answer that.

"Mr. CLARDY. I direct the witness to answer.

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reasons, same answer.

"Mr. CLARDY. Proceed.

"Mr. KOCEL. Repeat the question.

"Mr. TAVENNER. Did you attain the rank of lieutenant commander in the Navy?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reasons, same answer.

"Mr. CLARDY. I direct you to answer that question.

"Mr. KOCEL. I refuse to answer that question. I invoke my rights under the fifth amendment and no inference of guilt should be drawn from it.

"Mr. TAVENNER. When did you cease to hold rank in the United States as a Reserve Corps officer in the United States Navy?

"Mr. KOCEL. Same reasons, same answer.

"Mr. SCHERER. Would the reason be that your discharge was other than honorable that you refuse to answer?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same reason, same answer.

"Mr. TAVENNER. It is a fact, is it not, that you were separated from the service on grounds other than honorable?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. Same answer, same reasons.

"Mr. TAVENNER. Were you relieved of active service by the Navy in 1945?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. TAVENNER. Did you answer?

"Mr. KOCEL. I wondered whether you had completed your question or not.

"Mr. TAVENNER. Yes; I have.

"Mr. KOCEL. Would you mind repeating the question?

"Mr. CLARDY. Repeat the question, Miss Reporter.

"(The question was read by the reporter as follows: 'Were you relieved of active service by the Navy in 1945?')

"Mr. KOCEL. Same reason, same answer.

* * * * *

"Mr. TAVENNER. Yes, sir.

"Were you given a loyalty hearing prior to your release from the Navy?

"Mr. KOCEL. I refuse to answer. I invoke my rights under the fifth amendment which guarantees every citizen a right to refuse to answer without any inference being drawn as to his guilt or no guilt.

"Mr. SCHERER. It is hard not to draw an inference from your conduct, my man.

"Mr. KOCEL. What is that?

"Mr. SCHERER. It is hard not to draw an inference from your conduct.

"Mr. KOCEL. I am sorry, I didn't hear you. A little louder.

"Mr. CLARDY. Proceed, Mr. Tavenner, and pay no attention when this witness attempts to indulge in what he thinks is something very smart.

"Mr. KOCEL. I am a little hard of hearing.

"Mr. CLARDY. Will you please subside, sir, and answer the question?

"Mr. KOCEL. I suffered a bad ear as result of a bomb burst.

"Mr. CLARDY. Proceed, Mr. Tavenner. You are willing to talk about that, but not about anything else. Proceed, Mr. Tavenner.

"Mr. TAVENNER. Were you a member of the Communist Party, or had you been a member of the Communist Party at any time prior to the release of your commission by the Navy?

"Mr. KOCEL. I invoke the fifth amendment and refuse to answer that question.

"Mr. TAVENNER. Mr. Kocel——

"Mr. KOCEL. Kocel.

"Mr. TAVENNER. I beg your pardon.

"Mr. KOCEL. I insist on the correct——

"Mr. TAVENNER. Yes, sir; I want to make it correct.

"Mr. SCHERER. While we are on that, that has not always been your name, has it?

"Mr. KOCEL. I refuse to answer.

"Mr. SCHERER. By what other name have you been known?

"Mr. KOCEL. Same reason, same answer.

"Mr. SCHERER. You heard that, didn't you?

"Mr. KOCEL. I did. You said it loud enough.

"Mr. SCHERER. Where was the witness born? Where were you born?

"Mr. KOCEL. I was born in a little town of Chicago Heights, Ill.

"Mr. SCHERER. What name did you go by at the time you were born?

"Mr. KOCEL. I refuse to answer.

"Mr. CLARDY. You had your name officially changed in the probate court of Wayne County on August 20, 1940; didn't you?

"(At this point Mr. Kocel conferred with Mr. Simmons.)

"Mr. KOCEL. You know, I raised earlier about the relevancy of such questions. I don't see where it is relevant to this hearing.

"Mr. CLARDY. I understand you do not; but the Chair directs you to answer that.

"Mr. KOCEL. It is difficult for me, very difficult.

"Mr. CLARDY. You hear me; I say the Chair directs you to answer.

"Mr. KOCEL. I refuse to answer, giving the same reasons——"

Because of the foregoing the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Benjamin F. Kocel relative to the subject matter, which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Will you tell the committee, please, what your formal educational training has been?

"Will you tell the committee, please, where you resided prior to 1939?

"You were, I believe, at that time (while a member of U. S. Naval Reserve) at Northwestern University?

"Weren't you recalled to service in 1940?

"How long were you on duty after having been recalled to active service in the Navy?

"When did you again take up your residence in Detroit?

"What rank did you attain after being called to active service in the Navy?

"Did you attain the rank of lieutenant commander in the Navy?

"When did you cease to hold rank in the United States as a Reserve Corps officer in the United States Navy?

"It is a fact, is it not, that you were separated from the service on grounds other than honorable?

"Were you relieved of active service by the Navy in 1945?

"Were you given a loyalty hearing prior to your release from the Navy?

"That [Kocel] has not always been your name, has it?

"By what other name have you been known?

"What name did you go by at the time you were born?

"You had your name officially changed in the probate court of Wayne County on August 20, 1940, didn't you?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of neceessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. JACKSON. Mr. Speaker, the résumé of this case follows:

11. Benjamin F. Kocel, Detroit, Mich.: Refused to answer questions concerning his formal educational training, where he resided prior to 1939, whether he attended Northwestern University, whether he was recalled to active service in the Navy, when he took up his residence in Detroit, what rank he held in the Navy, whether he was separated from the service on grounds other than honorable, whether he was given a loyalty hearing prior to his release from the Navy, and whether he had been known by any name other than "Kocel," relying in each instance upon the fifth amendment as the basis for his refusal to answer. He testified on May 4, 1954, in Detroit, Mich.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 674) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Benjamin F. Kocel to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the Eastern District of Michigan, Detroit, Mich., to the end that the said Benjamin F. Kocel may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST PAUL ROSS BAKER

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2466).

The Clerk read as follows:

PROCEEDINGS AGAINST PAUL ROSS BAKER

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report citing Paul Ross Baker.

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Paul Ross Baker. The said subpena directed Paul Ross Baker to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber, in room 859, Federal Building, Detroit, Mich., on January 11, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart

without leave of said committee. The subpena served upon Paul Ross Baker is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Donald T. Appell: You are hereby commanded to summon Paul Ross Baker to be and appear before the Un-American Activities Committee, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE, is chairman, in their chamber, room 859, Federal Building, Detroit, Mich., on January 11, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of October 1953.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Donald T. Appell, investigator, House of Representatives who was duly authorized to serve the said subpena. The return of the service by the said Donald T. Appell, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Paul Ross Baker before the Committee on Un-American Activities. Served herein named at 1:20 p. m., November 5, 1953, at the Brake Elementary School, Rosewood and Eastern, Inkster, Mich.

"DONALD T. APPELL,
"Investigator, House of Representatives."

Successive telegrams were sent to Paul Ross Baker by Hon. HAROLD H. VELDE, chairman of the Committee on Un-American Activities, postponing the date of his appearance before the Committee on Un-American Activities to May 3, 1954.

In compliance with the said subpena issued on the 21st day of October 1953, and extended to May 3, 1954, requiring the appearance of the witness at 9:30 a. m. in room 859, Federal Building, Detroit, Mich., and pursuant to an announcement by the chairman at the close of the sessions of the subcommittee on the 3d and 4th days of May 1954 that all witnesses who had not been heard should return at the same hour and place on the following day, the said Paul Ross Baker appeared before the said subcommittee on May 5, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Paul Ross Baker, having appeared as a witness, and having been asked the questions, namely:

"Prior to that time [1951] where did you reside?

"Prior to your coming here, I believe you were attending Michigan State College; were you not?

"Have you lived at a residence known as trailer K-30 out at Michigan State College?

"What has been your employment at Willow Run since September 1951?

"How are you now employed?

"When you returned [from military service] in 1946, where did you make your residence; at what place did you make your residence?

"After your service in the Armed Forces of the United States, did you attend an educational institution at the expense of the United States Government under the GI bill of rights?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Paul Ross Baker's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Paul Ross Baker.

The record of the proceedings before the committee on May 5, 1954, during which Paul Ross Baker refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Detroit, Mich., Wednesday, May 5, 1954.

"The subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY, chairman; GORDON H. SCHERER, and MORGAN M. MOULDER, all of whom were present, met pursuant to adjournment at 9:35 a. m., in room 859, Federal Building, Detroit, Mich.

"After hearing other testimony, Paul Ross Baker was called as a witness.

"Mr. CLARDY. * * * Call your next witness.

"Mr. TAVENNER. Paul Ross Baker, will you come forward, please?

"Mr. CLARDY. Hold up your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. BAKER. I do.

"Mr. CLARDY. Be seated, and since you are accompanied by counsel, will counsel identify himself for the record, please?

"Mr. SIMMONS. C. LeBron Simmons, 585 Gratiot Street, Detroit.

"Mr. TAVENNER. What is your name, please?

"Mr. CLARDY. Pardon. There was so much shutter snapping there I couldn't catch the name of counsel.

"Mr. SIMMONS. C. LeBron Simmons.

"Mr. CLARDY. Thank you

"Mr. TAVENNER. What is your name, please?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"TESTIMONY OF PAUL ROSS BAKER, ACCOMPANIED BY HIS COUNSEL, C. LEBRON SIMMONS

"Mr. TAVENNER. Your name, I mean.

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. Mr. Chairman—

"Mr. TAVENNER. Speak a little louder, please.

"Mr. BAKER. Mr. Chairman, I would like to ask if pictures could be——

"Mr. CLARDY. I can't hear a word you say, for some reason or other.

"Mr. TAVENNER. He is asking about photographs, Mr. Chairman.

"Mr. BAKER. During the time that I am in the witness chair, could the pictures be stopped?

"Mr. CLARDY. Flashlights will be stopped, gentlemen, from here on out. Now proceed.

"Mr. TAVENNER. What is your name, please, sir?

"Mr. BAKER. Paul Ross Baker.

"Mr. TAVENNER. When and where were you born, Mr. Baker?

"Mr. BAKER. I was born in 1925 in Ypsilanti, Mich.

"Mr. TAVENNER. Where do you now reside?

"Mr. BAKER. Willow Run Village, Mich.

"Mr. TAVENNER. How long have you lived in Willow Run?

"Mr. BAKER. I have lived in Willow Run since September 1951.

"Mr. TAVENNER. 1951?

"Mr. BAKER. Yes.

"Mr. TAVENNER. Prior to that time where did you reside?

"Mr. BAKER. I would like to ask the committee of what relevancy this is to the purposes and activities of the committee.

"Mr. CLARDY. I should tell you, witness, that neither counsel nor the committee ask questions that we do not deem relevant, and we deem that such, and to help you with your answer, prior to your coming here, I believe you were attending Michigan State College, were you not?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I refuse—I would like to state that I would like to——

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. Because the committee has indicated that they deem this relevant, I would like to refuse to answer the question or decline to answer on the basis of the fifth, first, and sixth amendments.

"Mr. CLARDY. Witness, I am sure that you did attend Michigan State College, and since I am a resident of East Lansing also, I am sure there can be nothing incriminating in your admitting that fact. I direct you to answer that question which was whether or not you were a student at Michigan State College prior to the time that you came to the Willow Run location in 1951.

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I would like to state that I would like to give the same answer as I gave before with the same reasons, and if I in the future decline to answer any questions, I would like to have it be known in the record that it will be for the same grounds.

"Mr. CLARDY. You need only state at that time for the same reasons, but I must advise you at this time that an inquiry as to whether or not you attended a college, if answered honestly, either "Yes" or "No," could not possibly incriminate you, and I do not think you are entitled to the protection of the fifth amendment. The advice upon which you have acted is not sound in the opinion of the Chair, but you are entitled to raise it if you wish at your own risk. Proceed, Mr. Tavenner.

"Mr. TAVENNER. Have you lived at a residence known as trailer K-30——

"Mr. BAKER. I decline——

"Mr. TAVENNER. Out at Michigan State College?

Mr. BAKER. I decline to answer on the same grounds as previously stated.

Mr. TAVENNER. What has been your employment at Willow Run since September 1951?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I decline to answer on the same grounds as previously stated.

"Mr. SCHERER. I ask that you direct the witness to answer.

"Mr. CLARDY. Yes, I do direct you to answer that last question.

"Mr. BAKER. I decline to answer upon the same grounds, the same reasons.

"Mr. TAVENNER. What is your present position?

"Mr. SCHERER. Just a minute, Mr. Tavenner.

"Mr. TAVENNER. Yes, sir.

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. CLARDY. Witness, I think that the committee should take a few moments to suggest that you should reconsider the answer to those questions on which I have directed you to answer. We have no desire whatever to see anybody ensnare himself by following advice that is not good or sound, as you obviously are in this instance. The questions upon which you were directed to answer could not, in the judgment of the committee, furnish a foundation for a proper invocation of the fifth amendment. We have no desire whatever to do anything that will harm you. If anything comes of this, it will be entirely due to your own action, and I beg of you at this time to reconsider and to permit us to restate those questions and give you an opportunity to clear the record. Now, won't you do that?

"Mr. BAKER. I must decline for the same reasons. I thank you for giving me your advice, as you put it, but upon the knowledge that I have of the committee and its activities and functions, and with the apprehensions I have for its overstepping its bounds according to my constitutional rights, I must decline.

"Mr. TAVENNER. How are you now employed?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I must refuse to answer upon the same grounds as previously stated.

"Mr. CLARDY. I direct you answer that question. Unless you are actually engaged in some criminal conspiracy, unless you are engaged in something that is of criminal nature, merely stating the nature of your employment cannot possibly incriminate you. It is a misuse of the fifth amendment, and I direct that you answer that question.

"Mr. BAKER. I would like to ask the Chair of what——

"Mr. CLARDY. Just answer the question. I will not answer any more questions. I have done my best to help you and to prevent you from making a mistake. Now, from here on out you are on your own, and I am directing you to answer that question.

"Mr. BAKER. Mr. Chairman, in directing me to answer it, are you saying that this question is material or relevant to the——

"Mr. CLARDY. Definitely, very definitely.

"Mr. BAKER. Well, therefore, I must decline to answer upon grounds previously stated.

"Mr. SCHERER. Witness, it should be obvious to you and to your counsel that you are clearly in contempt of Congress.

"Mr. BAKER. That is the inference that you make, Mr. Congressman.

"Mr. CLARDY. Well, the courts have so held on that, and where there is doubt we never make that statement. In this instance you are badly advised, and I suggest you take your time in answering the rest of them from here on out.

"Mr. TAVENNER. Were you a member of the United States Marine Corps between 1943 and 1946?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. Yes; I was a member of the Marine Corps in those years.

"Mr. TAVENNER. When you returned in 1946, where did you make your residence; at what place did you make your residence?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I decline to answer, based upon the same grounds as previously stated.

"Mr. SCHERER. I think you should direct the witness to answer the question.

"Mr. CLARDY. Yes; I so direct.

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. CLARDY. Let him reply, Mr. Tavenner.

"Mr. BAKER. Mr. Chairman, is this question also relevant to your——

"Mr. CLARDY. I told you earlier, Witness, that the committee is not given to asking questions unless they deem them relevant and pertinent to the subject of the inquiry. The answer to your question is 'Yes.' Now will you proceed to answer it or decline as you may desire.

"Mr. BAKER. Therefore I must decline upon the same grounds.

"Mr. TAVENNER. After your service in the Armed Forces of the United States, did you attend an educational institution at the expense of the United States Government under the GI bill of rights?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I decline to answer that question upon the same grounds.

"Mr. CLARDY. I direct that you answer. That invocation of the fifth amendment on such a question is a direct affront to the dignity of the Congress of the United States, to assert that an act passed by Congress bestowing benefits upon worthy veterans who have fought in support of the things this Nation stands for is obviously so far from any protection by the fifth amendment that it ought to be clear even to you, and that is why I direct you to reply.

"Mr. BAKER. I am very much aware of my esteem for the Congress of the United States, but I still decline to answer your question and this committee's question of that nature on the same grounds.

"Mr. TAVENNER. How could it possibly incriminate you to tell this committee whether or not you received the benefit of Government funds under the GI bill of rights?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. CLARDY. We are not asking you as to whether you used those funds for some improper purpose; not at all.

"Mr. BAKER. I do not have to answer any question regarding the reasons besides the stated reason for my declining to answer.

"Mr. CLARDY. Well, that may be your judgment on it, but you are sadly in error, sir. I am indeed sorry to see you follow this course.

"Mr. TAVENNER. Have you been acquainted at any time with a person by the name of Bolza Baxter?

"Mr. BAKER. I must decline to answer upon the same grounds as previously stated.

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. TAVENNER. Are you now a member of the Communist Party?

"Mr. BAKER. I decline to answer upon the same grounds.

"Mr. TAVENNER. Were you a member of the Communist Party at any time that you received benefits under the GI bill of rights?

"Mr. BAKER. I decline to answer upon the same grounds.

"Mr. TAVENNER. Have you ever been a member of the Communist Party?

"Mr. BAKER. I decline to answer upon the same grounds.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"Mr. CLARDY. Have you ever been a member of an organization whose avowed purpose is to destroy this Nation through the use of force and violence?

"(At this point Mr. Baker conferred with Mr. Simmons.)

"Mr. BAKER. I decline to answer upon the same grounds.

"Mr. CLARDY. Witness dismissed. Call the next witness."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Paul Ross Baker relative to the subject matter, which under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Prior to that time [1951] where did you reside?

"Prior to your coming here, I believe you were attending Michigan State College, were you not?

"Have you lived at a residence known as Trailer K-30 out at Michigan State College?

"What has been your employment as Willow Run since September 1951?

"How are you now employed?

"When you returned [from military service] in 1946, where did you make your residence; at what place did you make your residence?

"After your service in the Armed Forces of the United States, did you attend an educational institution at the expense of the United States Government under the GI bill of rights?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 675) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Paul Ross Baker to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the eastern district of Michigan, Detroit, Mich., to the end that the said Paul Ross Baker may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Paul Ross Baker, Detroit, Mich.: Refused to answer questions concerning the place of his residence prior to 1951, whether he attended Michigan State College, the nature of his employment at Willow Run since September 1951, how he is now employed and whether he attended an educational institution at the expense of the United States Government under the GI bill of rights. He testified on the 5th day of May 1954, at Detroit, Mich.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST CURTIS DAVIS

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2467).

The Clerk read as follows:

PROCEEDINGS AGAINST CURTIS DAVIS

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Curtis Davis, 2461 Clairmount Avenue, Detroit, Mich. The said subpena directed Curtis Davis to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives, in their chamber, room 859, the Federal Building, Detroit, Mich., on January 25, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee. The subpena served upon said Curtis Davis is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to United States marshal, Detroit, Mich. You are hereby commanded to summon Curtis Davis to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United

States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber, room 859, the Federal Building, Detroit, Mich., on January 25, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 19th day of November 1953.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Joseph L. Wisniewski, United States marshal, by Court McDougall, deputy United States marshal, who was duly authorized to serve the said subpena. The return of the service made by the said Joseph L. Wisniewski, United States marshal, by Court McDougall, deputy United States marshal, being endorsed thereon, is set forth in words and figures as follows:

"Served the herein named Curtis Davis on the 4th day of December 1953 at 2461 Clairmount Avenue, Detroit, Mich., by delivering a copy of the subpena to him personally.

"JOSEPH L. WISNIEWSKI,
"United States Marshal.
"By COURT MCDOUGALL,
"Deputy United States Marshal."

Successive telegrams were sent to Curtis Davis by Hon. HAROLD H. VELDE, chairman of the Committee on Un-American Activities, postponing the date of his appearance before the Committee on Un-American Activities to May 4, 1954.

The said Curtis Davis pursuant to said subpena and in compliance therewith, appeared before the said committee on May 4, 1954, to give testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2), of the 79th Congress and under House Resolution 5 of the 83d Congress. The said Curtis Davis, having appeared as a witness, and having been asked the question namely, "I believe you were district committeeman of your local union, were you not?" which question was pertinent to the subject under inquiry, refused to answer such question, and as a result of said Curtis Davis' refusal to answer the aforesaid question, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Curtis Davis.

The record of the proceedings before the committee on May 4, 1954, during which Curtis Davis refused to answer the aforesaid question pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Detroit, Mich., Tuesday, May 4, 1954.

"The subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY (chairman), GORDON H. SCHERER, and MORGAN M. MOULDER, met pursuant to adjournment at 9:55 a. m., in room 859, Federal Building, Detroit, Mich.

"Committee members present: Representatives KIT CLARDY and GORDON H. SCHERER.

"After hearing the testimony of other witnesses, Curtis Davis was called as a witness.

"Mr. CLARDY. Call your next witness.

"Mr. TAVENNER. Mr. Curtis Davis.

"Mr. CLARDY. Will you raise your right hand? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. DAVIS. I do.

"Mr. CLARDY. Are you accompanied by an attorney?

"Mr. DAVIS. Yes; I am.

"Mr. CLARDY. Will the attorney identify himself, please, for the record?

"Mr. PROBE. Bernard Probe, offices in the National Bank Building.

"Mr. CLARDY. You are the same Mr. Probe, I believe, who appeared on behalf of someone else yesterday?

"Mr. PROBE. One day older.

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. TAVENNER. What is your name, please?

"Mr. DAVIS. My name is Curtis Davis.

"Mr. TAVENNER. When and where were you born, Mr. Davis?

"Mr. DAVIS. I was born in Columbus, Ga., October 5, 1914.

"Mr. TAVENNER. Where do you now reside?

"Mr. DAVIS. 2461 Clairmount.

"Mr. TAVENNER. Is that in the city of Detroit?

"Mr. DAVIS. Yes.

"Mr. TAVENNER. How long have you lived in the city of Detroit?

"Mr. DAVIS. Approximately 26 years.

"Mr. TAVENNER. What is the nature of your occupation?

"Mr. DAVIS. I work in auto.

"Mr. TAVENNER. Where?

"Mr. DAVIS. Dodge main plant, Chrysler Corp.

"Mr. TAVENNER. How long have you worked there?

"Mr. DAVIS. I worked there going on 19 years. To be exact, it was 18 years the 27th of this month—of last month.

"Mr. TAVENNER. I believe you were district committeeman of your local union, were you not?

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. DAVIS. I wish to say at this time that I am going to refuse to discuss anything dealing with my associations with any type of organization.

"Mr. TAVENNER. Even your own union?

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. DAVIS. I just gave my answer.

"Mr. SCHERER. Mr. Chairman, I ask you to direct this witness to answer that question because it is clearly in contempt.

"Mr. CLARDY. I so direct you to answer, witness.

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. DAVIS. I am refusing to answer any question dealing with my affiliations, associations, or my beliefs or what I think or what I read, and I am basing my facts upon the fact of the 1st through the 10th amendment, including the 1st, the 4th, as well as the 5th amendments.

"Mr. CLARDY. Well, witness, you, of course, have the right to make that statement, and we do not challenge it—that is, your right to make it—but it is the judgment of the Chair that merely asking you the question as to whether you occupied a certain position in a union local cannot possibly operate to incriminate you, and it is my opinion, and I in all fairness must state it, that invoking the privilege in connection with that question does as Congressman SCHERER has suggested, place you in jeopardy, and I ask you to reconsider as to that question. We are not inquiring as to anything else except that one thing.

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. DAVIS. Same answer.

"Mr. CLARDY. So be it.

"Mr. TAVENNER. That is rather a strong indictment against your union, is it not, to refuse to answer a question about your official position in it on the ground that to do so might tend to incriminate you?

"(At this point Mr. Davis conferred with Mr. Probe.)

"Mr. DAVIS. I just feel that at this time I don't think it is the business of this committee to delve into the business of my organization, my union, into its affairs.

"Mr. CLARDY. Witness, the question does not in any way seek information concerning the business of your union. It is merely to identify you as a particular individual who has accupied a particular position in a named union local, no more than that.

"Now, of course, if you invoke the fifth amendment and continue and persist in it, as Counsel Tavenner has suggested, the inescapable conclusion in the minds of most of us is that you are thereby implying that the union to which you belong was engaged in something of a criminal nature, because unless that was the case, a truthful answer that you were this officer could not in any way involve either you or the union, unless it was engaged in some criminal conspiracy or some criminal action. I understand you are refusing, however—you are persisting in your refusal, am I correct?

"Mr. DAVIS. That is correct.

"Mr. CLARDY. We accord you the right, even though we think you are in error in so doing.

"Mr. SCHERER. I don't actually believe that the union is engaged in any such activity. I believe this man is improperly invoking the fifth amendment and therefore, as I indicated, is clearly in contempt of the Congress.

"Mr. CLARDY. I agree. I am completely in agreement, and I don't think that he should leave that inference there, even though you and I may not agree that it is——

"Mr. SCHERER. That is right, but somebody else may.

"Mr. CLARDY. Yes; there are those who would like to use just that sort of thing against the union."

Because of the foregoing the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Curtis Davis relative to the subject matter, which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the question, namely, "I believe you were district committeeman of your local union, were you not?" which question was pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid question deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 676) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Curtis Davis to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the eastern district of Michigan, Detroit, Mich., to the end that the said Curtis Davis may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Curtis Davis, Detroit, Mich.: Refused to answer a question as to whether he was district committeeman of his local union, rely-

ing on the fifth amendment as a basis for his refusal to answer. He testified on May 4, 1954, at Detroit, Mich.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST EVELYN GLADSTONE

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2468).

The Clerk read as follows:

PROCEEDINGS AGAINST EVELYN GLADSTONE

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Evelyn Gladstone, Garden City, Mich. The said subpena directed Evelyn Gladstone to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber, room 859, Federal Building, Detroit, Mich., on January 11, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee. The subpena served upon said Evelyn Gladstone is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Donald T. Appell, and/or United States marshal, Detroit, Mich.: You are hereby commanded to summon Evelyn Gladstone to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber, room 859, Federal Building, Detroit, Mich., on January 11, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of October 1953.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Joseph L. Wisniewski, United States marshal; Richard H. Sellers, deputy, who was duly authorized to serve the said subpena. The return of the service by the said Joseph L. Wisniewski, United States marshal; Richard H. Sellers, deputy, being endorsed thereon, is set forth in words and figures, as follows:

"Served Evelyn Gladstone on December 8, 1953, at Garden City Mich., as I am commanded.

"JOSEPH L. WISNIEWSKI,
"United States Marshal.
"RICHARD H. SELLERS,
"Deputy."

Successive telegrams were sent to Evelyn Gladstone by Hon. Harold H. VELDE, chairman, Committee on Un-American Activities, postponing the date of her appearance before the Committee on Un-American Activities to May 5, 1954.

In compliance with the said subpena issued on the 21st day of October 1953, and extended to May 5, 1954, requiring the appearance of the witness at 9:30 a. m., in room 859, Federal Building, Detroit, Mich., the said Evelyn Gladstone appeared before a duly constituted subcommittee of the Committee on Un-American Activities of the House of Representatives on May 5, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Evelyn Gladstone having appeared as a witness and having been asked the questions; namely:

"Are you at the present time an officer of an organization entitled 'The Better Schools Committee of Garden City'?

"Isn't the Better Schools Committee a public organization in that community?

"Now I want to ask you this: You are in fact an officer of that organization [Better Schools Committee of Garden City], aren't you?

"Where did you teach in 1952?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Evelyn Gladstone's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Evelyn Gladstone.

The record of the proceedings before the subcommittee on May 5, 1954, during which the said Evelyn Gladstone refused to answer the aforesaid questions pertaining to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Detroit, Mich., Wednesday, May 5, 1954.

"The Subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY (chairman), GORDON H. SCHERER, and MORGAN M. MOULDER, all of whom were present, met pursuant to adjournment at 9:35 a. m., in room 859, Federal Building, Detroit, Mich. After hearing other testimony, Evelyn Gladstone was called as a witness.

"Mr. CLARDY. Call your next witness.

"Mr. TAVENNER. Evelyn Gladstone.

"Mr. CLARDY. Will you hold up your right hand? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mrs. GLADSTONE. I do.

"Mr. CLARDY. I see you are accompanied by counsel. Will counsel please identify himself for the record?

"Mr. STARR. I. R. Starr, 2017 Dime Building, Detroit, Mich.

"Mr. CLARDY. I should state for the record——

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mr. CLARDY. If you will both give me your attention for a moment, I should state for the record that the document which is not labeled at the top, but which I construe to be a motion for dismissal of the subpena, has been handed to the committee, and the motion is denied. The motion will be placed in the file.

"Mr. TAVENNER. What is your name, please?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mr. STARR. Would you hold it a minute, please?

"TESTIMONY OF EVELYN GLADSTONE, ACCOMPANIED BY HER COUNSEL, I. R. STARR

"Mrs. GLADSTONE. Mr. Chairman, I believe there are other motions on that same sheet of paper which I would like the Chair to consider before I begin my testimony.

"Mr. CLARDY. Well, I can tell you that we considered that as one entire document. You raised several points or objections. If you want to speak of them as several different motions, all right, but the entire document and whatever it contains is denied. Any request for relief thereon is denied, would be a better way to state it.

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I am ready for the question, sir.

"Mr. TAVENNER. What is you name, please?

"Mrs. GLADSTONE. Mrs. Evelyn Gladstone.

"Mr. TAVENNER. I am sorry; will you speak a little louder?

"Mrs. GLADSTONE. Mrs. Evelyn Gladstone.

"Mr. TAVENNER. What was your maiden name?

"Mrs. GLADSTONE. Evelyn Gesoff; G-e-s-o-f-f.

"Mr. TAVENNER. Where do you now reside?

"Mrs. GLADSTONE. At 30530 Pierce Road in Garden City.

"Mr. TAVENNER. Michigan?

"Mrs. GLADSTONE. Michigan.

"Mr. TAVENNER. Of what place are you a native; that is, where were you born?

"Mrs. GLADSTONE. Philadelphia, Pa.

"Mr. TAVENNER. When did you move to Michigan?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. In 1944.

"Mr. TAVENNER. From Philadelphia?

"Mrs. GLADSTONE. That is correct.

"Mr. TAVENNER. To what place did you move in Michigan when you came from Philadelphia in 1944?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. May I confer with my counsel, please?

"Mr. TAVENNER. Certainly.

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I should clarify that in 1944 I did not make Michigan my legal residence. I merely came here as a student, and my legal residence remained Philadelphia, Pa.

"Mr. CLARDY. You came as a student to the University of Michigan at Ann Arbor, did you not, at that time?

"Mrs. GLADSTONE. That is correct.

"Mr. TAVENNER. When did you make Michigan your place of residence; that is, your domicile, legal domicile?

"Mrs. GLADSTONE. Upon my—let me see—when I became of voting age.

"Mr. TAVENNER. Where did you become a resident of Michigan, what place?

"Mrs. GLADSTONE. In Ann Arbor, Mich.

"Mr. TAVENNER. Have you lived there continuously until the time you moved to Garden City?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Yes; I did.

"Mr. TAVENNER. Are you at the present time an officer of an organization entitled the Better Schools Committee of Garden City?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I will decline to answer that question on the basis of the first amendment which guarantees me the privacy of certain associations that I may or may not form and on the basis of the fifth amendment which, as you well know the text of it.

"Mr. TAVENNER. How could it be that membership in a Better Schools Committee could possibly incriminate you?

"Mrs. GLADSTONE. Well——

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Mr. Counsel, since I do not have the benefit of knowing what your next six questions may be or what line of questioning my answer may open to you, I invoke the same privileges that I invoked before.

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mr. TAVENNER. Mr. Chairman, I will have to ask that the witness be directed to answer the question.

"Mr. CLARDY. I so direct.

"Mrs. GLADSTONE. I will decline to answer that question on the grounds previously stated with the understanding that the protection given me and other citizens of our country is not limited to self-incrimination or any other meaning that this counsel chooses to give it.

"Mr. CLARDY. Isn't the Better Schools Committee a public organization in that community?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Mr. Chairman, that may or may not be so, but in declining to answer this question, I do so without aspersions cast upon any organization, but merely to protect my rights since I fear that in answering any questions before this committee I may waive certain of my constitutional privileges which are given me in the Constitution of the United States.

"Mr. CLARDY. Well, I must say the Chair is moved to say that today I have seen the worst type of legal advice given to witnesses appearing before us that I have ever heard before in all the time I have been on the committee. Now, I want to ask you this: You are in fact an officer of that organization, aren't you?

"Mrs. GLADSTONE. Are you asking me a question, Mr. Chairman?

"Mr. CLARDY. I am.

"Mrs. GLADSTONE. I must decline to answer the question for the same grounds as previously stated.

"Mr. CLARDY. I direct that you answer.

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. If you will represent to me that my answering of that question will not constitute a waiver of any of my privileges, I will answer it.

"Mr. CLARDY. It is not the custom of this committee or any other committee of Congress to enter into bargains or deals.

"Mrs. GLADSTONE. I am not asking for a bargain or deal.

"Mr. CLARDY. I will bring this to a head: When you were at the school from which I also graduated, the University of Michigan at Ann Arbor, were you not a member of the Ralph Neafus section of the Communist Party?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. We dropped the other question then.

"Mr. CLARDY. You refused to answer it. I am moving on to this.

"Mrs. GLADSTONE. I see. I refuse to answer that question also, Mr. Chairman, on the grounds previously stated.

"Mr. CLARDY. Did you not in 1948 transfer from that student section of the Communist Party to the organization at Ann Arbor called the Town Club—and not to be confused with the Town Club of Lansing to which I belong?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I don't want to confuse the proceedings here any more than you do, Mr. Chairman. I will decline to answer that question on the grounds previously stated.

"Mr. CLARDY. Are you now or have you ever been a member of the Communist Party?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I invoke my same privileges as previously stated.

"Mr. CLARDY. Are you now or have you ever been a member of any organization whose avowed purpose is the destruction of this Government through the use of force and violence?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I decline to answer that question also on the grounds previously stated.

"Mr. CLARDY. Mr. Tavenner, unless you have some very important questions, I think I will dismiss this witness.

"Mr. TAVENNER. May I ask one question?

"Mr. CLARDY. You may ask as many as you want, but I tell you how I feel about it.

"Mr. TAVENNER. Do you now hold a certificate to teach at Garden City?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. I have no contract with any board of education at this time. I am a full-time employee as a wife and a mother at this time.

"Mr. CLARDY. You were asked whether you hold a certificate, not whether you were employed and using it. You didn't answer the question.

"Mrs. GLADSTONE. Will you restate the question? I misunderstood. You said provision to teach in Garden City. That would imply a contract.

"Mr. TAVENNER. Do you now hold a certificate to teach in Garden City?

"Mrs. GLADSTONE. The teaching certificates are not given in localities. They come through the State, Mr. Counsel.

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mr. TAVENNER. Do you have a teacher's certificate at the present time?

"Mrs. GLADSTONE. To the best of my knowledge my provisional certificate has expired. It expired in 1952, which I might explain, the reason for that being that I received a secondary certificate, and in order to get a permanent certificate, you must teach for 3 consecutive years in your field, and I changed fields before the 5-year period expired, and therefore that was the reason that it expired, that the certificate expired.

"Mr. CLARDY. Your answer is, you do not hold a permanent certificate.

"Mrs. GLADSTONE. No, I do not.

"Mr. TAVENNER. Have you renewed your certificate since that time or at any time?

"(At this point, Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Is your question, Have I applied for a renewal of the certificate?

"Mr. TAVENNER. Yes you may answer it that way. That was not my exact question, but you may answer that first. Have you applied to renew your certificate?

"Mrs. GLADSTONE. No, I have not applied to renew my certificate.

"Mr. TAVENNER. Has it been renewed?

"Mrs. GLADSTONE. No, it has not.

"Mr. TAVENNER. Where did you teach in 1952?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Is that question relevant to these proceedings, Mr. Counsel?

"Mr. TAVENNER. Yes.

"Mrs. GLADSTONE. Well, then, I will decline to answer that question for the grounds previously stated.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"Mr. CLARDY. Mr. Scherer?

"Mr. SCHERER. Just one question, witness: How long were you a reporter for the Daily Worker?

"(At this point Mrs. Gladstone conferred with Mr. Starr.)

"Mrs. GLADSTONE. Is that a question?

"Mr. SCHERER. Oh, yes. How long?

"Mrs. GLADSTONE. It seems a little presumptive, but I will decline to answer that question for the grounds previously stated.

"Mr. SCHERER. Do you deny that you were a reporter for the Daily Worker?

"Mrs. GLADSTONE. I decline to answer for the same reasons, Mr. Congressman.

"Mr. CLARDY. Did you ever have a byline in that paper?

"Mrs. GLADSTONE. I decline to answer for the grounds previously stated.

"Mr. CLARDY. Mr. Moulder, any questions?

"Mr. MOULDER. No questions.

"Mr. CLARDY. Any further questions, Mr. Tavenner?

"Mr. TAVENNER. No, sir.

"Mr. CLARDY. Witness excused * * *."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Evelyn Gladstone relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Are you at the present time an officer of an organization entitled 'The Better Schools Committee of Garden City'?

"Isn't the Better Schools Committee a public organization in that community?

"Now I want to ask you this: You are in fact an officer of that organization [Better Schools Committee of Garden City], aren't you?

"Where did you teach in 1952?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and her refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 677) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Evelyn Gladstone to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the eastern district of Michigan, Detroit, Michigan, to the end that the said Evelyn Gladstone may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Evelyn Gladstone, Detroit, Mich.: Refused to answer questions relating to her position as an officer of a civic organization entitled "The Better Schools Committee of Garden City." She testified on May 5, 1954, at Detroit, Mich.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST MARVIN ENGEL

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2469).

The Clerk read as follows:

PROCEEDINGS AGAINST MARVIN ENGEL

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Marvin Engel. The said subpena directed Marvin Engel to be and appear before the Committee of Un-American Activities or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber in room 500 Genesee Courthouse, Flint, Mich., on March 3, 1954, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee. The subpena served upon Marvin Engel is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Chief James T. Byars, Flint, Mich., police: You are hereby commanded to summon Marvin Engel to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which Hon. HAROLD H. VELDE is chairman, in their chamber in room 500, Genesee Courthouse, Flint, Mich., on March 3, 1954, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and seal of the House of Representatives of the United States, at the city of Washington, this 20th day of January 1954.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,

"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Loren M. Herfurth, Flint Police Department, who was duly authorized to serve the said subpena. The return of the service by the said Loren M. Herfurth, being endorsed thereon, is set forth in words and figures, as follows:

"Subpena for Marvin Engel before the Committee on Un-American Activities. Served by Lt. Loren Herfurth, of Flint, Mich., police. Witnessed by Detective George Edwards on February 8, 1954, 10:13 p. m., at 2431½ Dupont Street.

"LOREN M. HERFURTH,

"Flint Police Department."

Successive telegrams were sent to Marvin Engel by Hon. HAROLD H. VELDE, chairman, Committee on Un-American Activities, postponing the date of his appearance before the committee to May 12, 1954. At the close of the sessions of the committee on May 12, 1954, all witnesses who had been subpenaed and had not been heard were directed by the chairman to report on May 13, 1954.

The said Marvin Engel, pursuant to said subpena, and in compliance with the later direction of the chairman, appeared before the said committee on May 13, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Marvin Engel, having appeared as a witness and having been asked the questions, namely:

"Will you examine the signature to the document [application for employment] and state whether or not it is your signature?

"Isn't it a fact, Mr. Engel, that you deliberately concealed from the Chevrolet Co. the fact that you had been awarded the bachelor of science degree in social science from City College?

"In order to get employment at Flint—at Chevrolet, did you make a representation that you had been employed for a period of time by the Universal Fence Co.?

"Did you make that representation [employment by Universal Fence Co. for 30 months as salesman and stock clerk] to the Chevrolet Co.?

"As a matter of fact, did you not make such a representation to the Chevrolet Co. in order to deceive it as to your exact status, namely, a student just out of a university?

"Who was the owner or operator of Universal Fence Co. at that time [1947–49]?

"Now why was it that Sidney Linn, if you know, confirmed employment by you from 1947 to 1949 which you never performed?

"Now I want to ask you, isn't it a fact that that was a prearranged scheme to assist you in getting employment within Chevrolet in Flint, to have Sidney Linn make that certification?

"Mr. Engel, were you acquainted with a person by the name of Sidney Graber?

"Mr. Engel, did you give the name of Sidney Graber as a reference to the Chevrolet Co. when you sought employment by it?

"Will you examine Engel Exhibit No. 1 and look at the third line, on the second page, under the title 'Personal Reference' second line, and state what name you see there?

"Isn't it a fact, Mr. Engel, that you were one of the colonizers who either voluntarily or acting upon the direction of the Communist Party, sought to infiltrate the Chevrolet plant in Flint by getting employment there?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of Marvin Engel's refusal to answer the aforesaid questions, your subcommittee was prevented from receiving testimony concerning a matter committed to said subcommittee in accordance with the terms of the subpena served upon the said Marvin Engel.

The record of the proceedings before the subcommittee on May 13, 1954, during which Marvin Engel refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Flint, Mich., Thursday, May 13, 1954.

"PUBLIC HEARING

"The subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY (acting chairman), HAROLD H. VELDE (chairman of full committee), and CLYDE DOYLE met, pursuant to adjournment, at 9:32 a. m. in the supervisors room, courthouse, Flint, Mich., each of whom were present.

"Mr. CLARDY. Now, Mr. Tavenner, are you ready to call your first witness?

"Mr. TAVENNER. Yes, sir. Mr. Marvin Engel, please.

"Mr. CLARDY. Hold up your right hand. You do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. ENGEL. I do.

"Mr. CLARDY. You may be seated. Counsel, will you please identify yourself for the record?

"Mr. WESTON. Aaron Weston.

"Mr. ENGEL. Mr. Chairman, I would like to request that no photographs be taken of me during my testimony.

"Mr. CLARDY. We have a rule that up until the time you are sworn we give the mediums of communication an opportunity to take pictures.

"Mr. ENGEL. I understand.

"Mr. CLARDY. If you request it, from there on out, unless there is some incident arises which is considered newsworthy, your wishes will be respected.

"Mr. ENGEL. I would also at this time like to present a motion to this committee for the quashing of my subpena. I would like to have an opportunity——

"Mr. CLARDY. Pardon me, has it been reduced to writing?

"Mr. ENGEL. I only have notes, sir, and I also have it in my mind and in my heart, I would add. I would like to present my legal grounds why I think my subpena should be quashed.

"Mr. CLARDY. May I suggest, sir, that under the rules of the committee such should have been reduced to writing and presented to us in advance of the time of hearing so that it might be adequately considered? I don't believe at this time a statement will be permitted, but you may, and undoubtedly will, as other witnesses have, raise objections that you think proper as the questions are submitted, unless the statements you have will not take more than about a minute to read or to speak into the record.

"Mr. ENGEL. Well, now, sir, I don't want to have my legal grounds limited to 1 minute.

"Mr. CLARDY. Very well. We will proceed with the questioning. Go ahead, Mr. Tavenner.

"Mr. TAVENNER. Will you state your name, please, sir?

"Mr. ENGEL. My name is Marvin M. Engel.

"Mr. TAVENNER. When and where you born, Mr. Engel?

"Mr. ENGEL. I was born in the Bronx, N. Y., July 4, 1927.

"Mr. TAVENNER. Where do you now reside?

"Mr. ENGEL. I now reside in the city of Flint, Mich.

"Mr. TAVENNER. How long have you lived in the city of Flint?

"Mr. ENGEL. I have lived in Flint approximately 5 years.

"Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

"Mr. ENGEL. Yes, sir; I would be glad to. First, however, I would like to ask a question. If I state my educational training, does this in any way waive my legal rights concerning any activities that I participated in, any beliefs that I held during the time that I was in formal education.

"Mr. CLARDY. Witness, you have sitting immediately at your right an attorney which the committee permits you to have when you are testifying. You may consult with him as to your legal rights.

"Mr. ENGLE. Yes, but it is my feeling that this committee is at variance with the law on many legal rights. However, I will consult him.

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. My attorney informs me that I do not waive those rights; therefore, I will tell you my educational background.

"All of my formal education has been in the free public schools of this country which were won as free public schools by the action and the demands of the labor movement going all the way back in American

history. The labor movement pioneered in winning free education——

"Mr. DOYLE. Just a minute, Mr. Chairman. Just a minute, sir. You were asked a question, and you are digressing from answering it, and I move, Mr. Chairman, that this witness be instructed to confine his answers to the question he was asked.

"Mr. CLARDY. Your point is well taken, Mr. Doyle. This is very obviously, Mr. Witness, the beginning of an attempt to filibuster about which I warned you.

"Mr. ENGEL. Filibuster is a congressional tactic.

"Mr. CLARDY. Remain silent, sir, while the Chair or any member is addressing you. We will not permit the kind of impertinence that was exhibited toward the committee and the Congress yesterday. I want to make that very strong. Now remain silent while we are telling you. We will not permit any more Communist tirades of any kind today. We have a tremendous number of witnesses. As I said, they are all going to be heard if we have to come back a dozen times, but today we shall demand short, concise, direct answers, no digressions in the form of Communist harangues.

"Now answer the question. You are so directed.

"Mr. ENGEL. I attended 4 years of free high school in the city of New York. I then——

"Mr. CLARDY. What date was that.

"Mr. ENGEL. I am sorry. I graduated high school in January of 1945. At that time I entered the free college, City College of New York. I attended the City College of New York from January 1945 until June 1945, at which time I took a leave of absence to enlist in the United States Navy—Naval Reserve, pardon me. I served in the United States Naval Reserve on active duty from June 29, 1945, to October 5, 1946, at which time I was given an honorable, or in common language, a battleship discharge. I then returned to school—I should say that I was on terminal leave for several weeks prior to the date of my discharge so that I was able to start back in school prior to that date. In other words, I started, I believe, about the 1st of October, which is a few days before the date of my discharge. I went back to school in the fall of 1946 and was in attendance at school continuously through all three sessions, summer, winter, and spring, until June of 1949, at which time I received my bachelor's degree in social science.

"Mr. TAVENNER. At what school was that?

"Mr. ENGEL. That was CCNY, City College of New York of the College of the City of New York.

"Mr. TAVENNER. Will you tell the committee, please, what your employment record has been since you returned from the Armed Forces of the United States?

"Mr. ENGEL. I do not recollect any employment, either part time or full time during any of the time that I was attending school.

"Mr. TAVENNER. That would be from January 1945 until June 1949, excluding the period you were in the service?

"Mr. ENGEL. Yes, I believe so. I am not sure, but I believe that is correct.

"Mr. TAVENNER. What became of your employment upon the completion of your course at City College?

"Mr. ENGEL. My—I have only had one job, and that is the job that I presently hold.

"Mr. TAVENNER. And what is that, please?

"Mr. ENGEL. That is with the Chevrolet manufacturing unit, Flint, Mich.

"Mr. TAVENNER. When did you begin your employment with the Chevrolet plant?

"Mr. ENGEL. I began my employment some time in July of 1949.

"Mr. TAVENNER. Did you receive a degree from City College?

"Mr. ENGEL. I have already stated that I did.

"Mr. TAVENNER. What was it?

"Mr. ENGEL. It was a degree in social science, bachelor's.

"Mr. TAVENNER. When did you make your application for a position with Chevrolet Motor Co.?

"Mr. ENGEL. I am afraid I can't recall the exact date. It was sometime in July of 1949.

"Mr. TAVENNER. Did you make that application from New York?

"Mr. ENGEL. No, sir; I did not.

"Mr. TAVENNER. Did you come from New York to Flint before ascertaining whether or not you would receive the job at Chevrolet?

"Mr. ENGEL. I got no promise of employment at Chevrolet, if that is the question you are asking.

"Mr. TAVENNER. Did you advise the management of Chevrolet that you had had 4 years of scholastic work at City College and had received the degree of bachelor of arts in social science?

"Mr. ENGEL. Let me correct you. That was not a bachelor of arts degree. That was a bachelor—I believe it was called a bachelor of science in social science.

"Mr. TAVENNER. Yes; that is correct; a B. S. degree?

"Mr. ENGEL. I am not certain, but I don't believe I did.

"Mr. TAVENNER. Well, in order to refresh your recollection, I hand you a photostatic copy of an application for employment at Chevrolet bearing date of July 12, 1949.

"Mr. ENGEL. Well, now, apparently you have much closer access to General Motors' files than I do, and I have been working for them for 5 years.

"Mr. CLARDY. Witness, no question was pending. Now, any more of that sort of interjection of obviously inflammatory language designed for a purpose of your own, any more of that, and we will be compelled to do something about it.

"Mr. TAVENNER. Mr. Engel, will you point out on the form that part which relates to academic training. Does that refresh your recollection? (At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. I have no way of knowing what you have set before me and tell me is a copy of my application is actually a true copy of my application for work.

"Mr. CLARDY. It is a photostat, is it not?

"Mr. ENGEL. From what I have read in the papers——

"Mr. CLARDY. You can tell that.

"Mr. ENGEL. About photographs and photostats recently, I still——

"Mr. CLARDY. Witness, you are again violating the rules that the committee has made very plain. You may think that that kind of conduct is very smart. Well, let me assure you that it will only lead you into trouble and difficulty if you continue with it. Now look at it and tell me, is it not a photostat?

"Mr. ENGEL. I have no idea whether it is a photostat or not.

"Mr. CLARDY. Despite the fact that you have a high college degree, you do not recognize a photostat when you see it?

"Mr. ENGEL. I am also an amateur photographer, sir, but by looking at it I do not know whether it is a photostat, and I certainly do not know whether it is a photostat of my application.

"Mr. CLARDY. Mr. Tavenner, will you ask him the question so there will be no doubt?

"Mr. TAVENNER. Yes, sir. Will you examine the signature to the document and state whether or not it is your signature?

(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. CLARDY. I think you have had about enough time, Witness, and from what I can see here, you are advising counsel instead of the counsel advising you. Get on with the answer.

"Mr. ENGEL. You have very good ears, sir. I am asking my counsel for advice.

"Mr. CLARDY. I can observe. Will you answer the question?

"Mr. ENGEL. I am still waiting for my counsel to advise me.

"Mr. CLARDY. I am directing you to answer the question. Is that your signature or not?

"Mr. ENGEL. Do I have a right to consult with counsel?

"Mr. CLARDY. You have a right to——

"Mr. ENGEL. Do I have a right to consult with counsel?

"Mr. CLARDY. You have consulted much too long already. It is part of the deliberate plan of the Communist Party to try to disrupt the proceedings, by this method, and we will not tolerate it. Now proceed to answer. Is that your signature or is it not?

(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. I decline to answer that question, and I do so for the following legal reasons: My first reason is based on the first amendment, wherein it says that——

"Mr. CLARDY. You don't have to quote it. We know it. You stand on the first amendment.

"Mr. ENGEL. I am trying to explain how I think that the first amendment applies.

"Mr. CLARDY. We don't care to listen to any more on the first amendment. Now pass on to the next one.

"Mr. ENGEL. Do you think that you know what I am going to say?

"Mr. CLARDY. Witness, we are more familiar with this than you are. Now we will not tolerate your explaining the law to us. You have stated that the first amendment is your first objection. Very well. Now pass on. What is the next one?

"Mr. ENGEL. It is my feeling that the enabling act under which this committee operates—known as Public Law 601, I believe—permits this committee to investigate propaganda, and I might say that Mr. Velde was in error yesterday when he said it enabled them to investigate activities and propaganda.

"Mr. CLARDY. Witness, you are departing from an answer, and I direct you to confine yourself to stating the grounds upon which you are refusing to answer the last question, and I direct that it be a short, simple statement, no argument.

"Mr. ENGEL. I wish to state my legal grounds fully. I think I have that right.

"Mr. CLARDY. I am giving you that opportunity, but no chance for a Communist harangue today. Now tell me what the next objection is.

"Mr. ENGEL. If you will permit me to state them, I will do so.

"Mr. CLARDY. If you will state them succinctly, we will do so, but not permit you to filibuster.

"Mr. ENGEL. I will state them in the way I think proper to cover my constitutional rights, and Mr. CLARDY, you will not tell me how to state them.

"Mr. CLARDY. Witness, do you have any other constitutional——

"Mr. ENGEL. I do.

"Mr. CLARDY. State them quickly.

"Mr. ENGEL. It is my feeling further that this committee, in hauling me up here, is engaged in unreasonable search and seizure of my person, of my thoughts, of my beliefs.

"Mr. CLARDY. Which section of the Constitution are you relying on that?

"Mr. ENGEL. I am relying, as you very well know, or at least you say you know, on the fourth amendment.

"Mr. CLARDY. All right. Proceed.

"Mr. ENGEL. And I feel that I am being compromised here by having to face a public investigation, and I consider that to be unreasonable search and seizure of my person.

"Mr. CLARDY. Very well. Do you have any more?

"Mr. ENGEL. My next legal ground is that no person shall have to answer for an infamous crime except on the presentment of a grand jury, and a grand jury is secret so that the innocent may be protected before

they are smeared all over the newspapers and public; also, that I do not have to appear as a witness against myself before this committee or before anybody, and I might say that I have already been charged by Mr. CLARDY in the press before I ever came up here because he said that every witness that appeared here had already been determined would be arrogant, and I charge that to have been an assumption.

"Mr. CLARDY. Proceed.

"Mr. ENGEL. And since Mr. CLARDY seems to think that he knows everything, I am going to say I might say that there is actually no need to haul me up here because you might as well just say them and leave me out because you have already assumed everything that I am going to say, but I haven't been brain washed yet. My answers are not yours.

"Mr. CLARDY. Proceed. Do you have any others? I assume that you are intending to raise an objection under the fifth amendment. so pass on.

"Mr. TAVENNER. Why was it——

"Mr. ENGEL. I further——

"Mr. TAVENNER. Excuse me.

"Mr. ENGEL. Don't rush me, Mr. Tavenner.

"Mr. CLARDY. Five more minutes, Mr. Tavenner.

"Mr. ENGEL. I might have a few more, too. I further decline to answer that question because of the due-process section which guarantees me life, liberty, and property, and I might take in a piece that was written during my birthday, July 4, pursuit of happiness.

"Mr. CLARDY. Never mind; we are not interested in your birthday. Proceed.

"Mr. ENGEL. You asked me about it.

"Mr. CLARDY. Proceed.

"Mr. ENGEL. I am, of course, citing here the fifth amendment, and I intend to use this amendment in its entirety as many times as I feel that this committee is transgressing my rights, whether that be 5 times, 10 times, or 500 times, regardless of what the box score says tomorrow. The guilt is with the committee for transgressing my rights and not from my——

"Mr. CLARDY. Witness, you have departed again. Come back to the——

"Mr. ENGEL. My further legal ground is that I am entitled, when I am charged with a crime, to a jury trial, that I am entitled to know the specific charges against me, and that I do not have to be subjected to what has been put here earlier as something of a mass indictment of an entire local union in this city. I have the right to confront and cross-examine any accusers of mine. I have the right of compulsory process for bringing witnesses in my favor, and also the right for full and complete representation by my counsel without any threats and intimidation.

"Mr. CLARDY. Witness, I must——

"Mr. ENGEL. My further legal rights——

"Mr. CLARDY. Hold up a moment. I must enjoin you. We have permitted you to enlarge solely for the purpose of getting on the record the attitude that you are exhibiting toward your Congress. Now from here on out state the amendment and desist from arguing; otherwise the Chair will be compelled to treat your attitude as that of contempt and move on to the next question and leave you to suffer whatever consequences may follow. It is obvious to the Chair that you are determined to exhibit all the contempt your system will permit.

"Now, we are not going to allow you to turn this into a Communist sideshow. Now state the remaining constitutional objections that you have, numbering the amendments.

"If you do not care to do that, then I shall order you to desist and ask Mr. Tavenner to proceed on to the next question.

"Mr. ENGEL. Do I understand you——

"Mr. CLARDY. You understand exactly, I am sure. Now answer the question.

"Mr. ENGEL. Only numbers?

"Mr. CLARDY. That is right.

"Mr. ENGEL. Well, let me consult counsel.

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. The Bill of Rights further guarantees me that I not be subjected to cruel and unjust punishment, which is——

"Mr. CLARDY. What amendment are you relying on there?

"Mr. ENGEL. Which is the eighth amendment.

"Mr. CLARDY. Very well.

"Mr. ENGEL. Further, the Bill of Rights guarantees that there are certain rights reserved to me and reserved to the States that Congress cannot take away, which it is trying to do, and I am citing the 9th and 10th amendments here. I further wish to cite the first section of the 14th amendment because it has been stated in the press that there are State police sitting in this courtroom gathering evidence for possible conviction under the Trucks Act, and this committee is acting in collusion with the State police to take away the same rights that I have already argued about.

"Mr. CLARDY. All right.

"Mr. ENGEL. Further legal rights. I charge this committee with violating the entire main body of the Constitution proper and in particular article I which deals with the legislature, legislative sections of our Federal Government; article II, which deals with the executive branch of the Federal Government; article III, which deals with the judicial branch of the Federal Government, and I say that the entire legal precedent and what I have learned in school and come to respect as our American form of government as the seperation of powers, as the checks and balances——

"Mr. CLARDY. Witness, that is very well. Now we will give you the benefit of having raised as an objection every paragraph, line, word, comma, and period in the Constitution. From here on out, as the questions are propounded you will have that protection by merely saying 'I shall refuse to answer on the grounds previously advanced.' Now move on to your next question, Mr. Tavenner.

"Mr. TAVENNER. Mr. Chairman, may I suggest that the witness be directed to answer the question as to whether or not the signature on the document before him is his signature?

"Mr. CLARDY. Yes; I did so once. I direct again.

"Mr. ENGEL. Do you want me to repeat my reasons?

"Mr. CLARDY. I told you no, we will not permit you to repeat them in extenso. You may have the privilege and the coverage by merely saying you refuse to answer on the grounds already advanced.

"Mr. ENGEL. I refuse to answer that question on the grounds already advanced.

"Mr. CLARDY. Very well. Proceed, Mr. Tavenner.

"Mr. TAVENNER. I desire to offer the document, the application, in evidence and ask that it be marked 'Engel Exhibit No. 1.'

"Mr. CLARDY. It will be received.

"Mr. TAVENNER. Why was it that you did not advise your prospective employer, the Chevrolet Motor Co., that you held a B. S. degree in social science from City College?

"Mr. ENGEL. Mr. Tavenner, you are assuming something I did not say. Therefore I am in doubt as to how to answer that question.

"Mr. TAVENNER. You advised the committee that you could not recall having so advised your employer.

"Mr. ENGEL. I said I did not recall whether I did or did not.

"Mr. TAVENNER. Will you answer the question, Why didn't you?

"Mr. ENGEL. You are assuming that.

"Mr. TAVENNER. It is not on your application, is it?

"Mr. ENGEL. I have not said—I have not admitted that that was my application.

"Mr. TAVENNER. Did you give your employer any information regarding your educational background other than that which you put on your formal application?

"Mr. ENGEL. I don't see why I would have.

"Mr. CLARDY. Well, that isn't the question, witness. Did you or did you not? That would call for a straight yes or no.

"Mr. ENGEL. I don't believe I have; no.

"Mr. CLARDY. You don't believe?

"Mr. ENGEL. No, sir.

"Mr. CLARDY. Would you deny that you did give them additional information?

"Mr. ENGEL. As to my educational background?

"Mr. CLARDY. Yes, yes, particularly.

"Mr. ENGEL. Well, now it has been 5 years since I made that application. I don't recall. But to the best of my knowledge I only gave them portions of my formal education.

"Mr. CLARDY. Very well. Proceed, Mr. Tavenner.

"Mr. TAVENNER. I desire to read into evidence a part of the document. The application signed Marvin Engel, bearing date of July 12, 1949, under the heading of 'Educational Records,' shows the following: 'Grammar school, 1934 to 1939. Junior high school, 1939 to 1941. Senior high school, 1941 to 1945. Business college and college,' no entry.

"Isn't it a fact, Mr. Engel, that you deliberately concealed from the Chevrolet Co., the fact that you had been awarded the B. S. degree in social science from City College?

"Mr. ENGEL. Are you accusing me of a crime, sir?

"Mr. CLARDY. Answer the question, witness.

"Mr. ENGEL. I decline to answer that question for the reasons already stated, and I would like to say that I don't appreciate, Mr. CLARDY, laughing when I am on the stand. I would like the record to show that.

"Mr. CLARDY. Witness, the committee is in charge of the proceeding, and we are going to conduct it according to our own rules. Now, no further advice from you will be requested or tolerated.

"Mr. ENGEL. I think this is a serious matter.

"Mr. CLARDY. Will you proceed to ask the next question.

"Mr. TAVENNER. You advised the committee in your testimony a few moments ago that you had had no employment from January 1945 until the time you obtained your employment in Flint. In order to get employment at Flint—at Chevrolet, did you make a representation that you had been employed for a period of time by the Universal Fence Co.?

"Mr. ENGEL. I decline to answer that question for all of the reasons I originally stated, and also on the grounds that I feel that this inquiry into my employment is threatening my livelihood today.

"Mr. TAVENNER. Mr. Chairman, I desire to read in evidence a part of Engel Exhibit No. 1.

"Mr. CLARDY. Proceed.

"Mr. TAVENNER. Relating to employment.

"Under 'Employment record' appears the following:

"'United States Navy, January 1945 to October 1946, seaman; Universal Fence Co., January 1947 to June 1949; total time in months, 30 months; salesman and stock clerk.'

"Mr. CLARDY. Just a moment, Mr. Tavenner, There is too much competition outside here. Now go ahead.

"Mr. TAVENNER. Did you make that representation to the Chevrolet Co.?

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. I decline to answer that question on the same grounds.

"Mr. TAVENNER. As a matter of fact, did you not make such a representation to the Chevrolet Co. in order to deceive it as to

your exact status, namely, a student just out of a university?

"Mr. ENGEL. Is that the question?

"Mr. TAVENNER. Yes.

"Mr. ENGEL. Well, I think you are trying to charge me with something here, and I decline to answer that question on the same grounds.

"Mr. TAVENNER. As a matter of fact, as you have stated, you were not employed at any time by Universal Fence Co.; that is correct, isn't it?

"Mr. ENGEL. I have given you my record.

"Mr. TAVENNER. All right, sir.

"Mr. CLARDY. Just a moment. You haven't answered the last question. Either answer it or decline.

"Mr. ENGEL. I have said that during the time I was in school or in the Navy that I had no other employment outside of going to school or being in the Navy.

"Mr. TAVENNER. And that you had not had any employment up until the time you accepted your employment at Chevrolet.

"Mr. ENGEL. That is correct.

"Mr. TAVENNER. You are aware, are you not, that where an employer has been specified on a form for application that it is the practice of the company, through which the applicant is seeking employment, to make an investigation of employment. Are you aware of that, as a general practice?

"Mr. ENGEL. Well, you seem to be better versed on those matters than I am.

"Mr. TAVENNER. Well, are you aware of that as a general practice?

"Mr. ENGEL. I will take your word for it, sir.

"Mr. TAVENNER. Well, you may accept my word for that because I have here the form used by Chevrolet Manufacturing Co. to make such investigation. This is the usual form of the company, and I hand you a photostatic copy of it and ask you to examine it. Does not the form make an inquiry on the part of the Chevrolet Co. of Universal Fence Co., stating that you had reported yourself to have been employed by that company from January 1947 until 1949 and in which it requested confirmation of that fact by the Universal Fence Co.?

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. This form that you have placed before me does say that.

"Mr. TAVENNER. Does not the form also show that you had been so employed by that company from 1947 to 1949 over the signature of the employer?

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. This form says that a certain person whose name is on here has done what you specified.

"Mr. CLARDY. Would you repeat that? I couldn't hear it.

"Mr. ENGEL. This form does say that the person whose name is on here has done as you have stated.

"Mr. TAVENNER. Who is the person that so stated?

"Mr. ENGEL. The name that is written upon this photostat which you have placed before me is Marvin Engel.

"Mr. CLARDY. Is there any other Marvin Engel employed at the plant where you work?

"Mr. ENGEL. I would suggest that you ask the personnel office.

"Mr. CLARDY. I am directing you to answer that question.

"Mr. ENGEL. I have no way of knowing.

"Mr. CLARDY. You have no knowledge at all?

"Mr. ENGEL. I don't know. I have no access to the files.

"Mr. DOYLE. May I ask this?

"Mr. CLARDY. Yes; you may, Mr. Doyle?

"Mr. DOYLE. Do you know of any other Marvin Engel working at Chevrolet Co. during the time of your employment there?

"Mr. ENGEL. I don't know of any; no.

"Mr. TAVENNER. Mr. Engel, you stated that the fact of employment of Marvin Engel by the Universal Fence Co. from January 1947 to 1949 appears over the signature of a person. Now is that person whose name I asked you not your name?

"Mr. ENGEL. I am sorry. I didn't——

"Mr. TAVENNER. Will you look at the name signed at the bottom of the paper, the person who certified that you were employed by Universal Fence Co. from 1947 to 1949?

"Mr. ENGEL. Yes.

"Mr. TAVENNER. Who is it?

"Mr. ENGEL. I can't make the signature out.

"Mr. TAVENNER. Who was the owner or operator of Universal Fence Co. at that time?

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. ENGEL. I decline to answer that question on the same grounds as previously stated.

"Mr. TAVENNER. What is your difficulty with making out the name that appears at the bottom of the paper?

"Mr. ENGEL. I can't make out the first name.

"Mr. TAVENNER. What is it?

"Mr. ENGEL. Well, I believe it is Sidney.

"Mr. TAVENNER. Yes.

"Mr. ENGEL. The second name is completely illegible to me.

"Mr. TAVENNER. Completely?

"Mr. ENGEL. Yes, sir; completely. There is a dot, some place over it, so I assume that is an "i."

"Mr. TAVENNER. Is the name Linn?

"Mr. CLARDY. L-i-n-n?

"Mr. ENGEL. It may be.

"Mr. CLARDY. Is it?

"Mr. TAVENNER. Now, you are an intellectual——

"Mr. ENGEL. Thank you, Mr. Tavenner.

"Mr. TAVENNER. Certainly you are——

"Mr. ENGEL. Let us try and raise it to that level, shall we?

"Mr. TAVENNER. It has already been done by witnesses.

"Mr. CLARDY. Just a moment, Mr. Counsel. I didn't make this clear this morning as we did the other mornings—I must ask that there be no demonstrations, either in approval or disapproval, and I suggest again to the witness that you just answer the question and leave out the wisecracks. Now proceed.

"Mr. ENGEL. That was in response to Mr. Tavenner.

"Mr. CLARDY. You heard me.

"Mr. TAVENNER. Does the name appear to you to be that of Sidney Linn?

"Mr. ENGEL. It may be.

"Mr. TAVENNER. Aren't you satisfied that it is?

"Mr. ENGEL. I say it may be. It may be about 500 other things, too.

"Mr. TAVENNER. Aren't you satisfied to the best of your judgment that it is Sidney Linn?

"Mr. ENGEL. Did you say L-i-n-n?

"Mr. TAVENNER. Yes.

"Mr. ENGEL. It may be that; yes.

"Mr. CLARDY. You know Sidney Linn very well, don't you?

"Mr. ENGEL. I decline to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Now why was it that Sidney Linn, if you know, confirmed employment by you from 1947 to 1949 which you never performed?

"Mr. ENGEL. I decline to answer that statement and any other statements of that nature for the same reasons, and I think that you are just trying to run the box score up that I referred to before.

"Mr. TAVENNER. Oh, no.

"Mr. DOYLE. Mr. Counsel, may I ask this question to clarify my understanding? Do you mean that the record shows that Mr. Linn signed the certification that this witness was in his employ when he was not?

"Mr. TAVENNER. The witness has testified——

"Mr. DOYLE. Yes.

"Mr. TAVENNER. The witness has testified that he was never so employed. The form of the application shows that he was so employed, and the inquiry made by Chevrolet Co. shows a certification by the employer, Mr. Sidney Linn, that he was actually employd during that period of time.

"Mr. DOYLE. All right; thank you.

"Mr. TAVENNER. Now, I want to ask you, isn't it a fact that that was a prearranged scheme to assist you in getting employment within Chevrolet in Flint, to have Sidney Linn make that certification?

"Mr. ENGEL. I decline to answer that question for the same reasons already stated.

"Mr. TAVENNER. Mr. Chairman, Sidney Linn was identified by the witness Bereniece Baldwin in Detroit last week as a member of the Communist Party.

"Mr. CLARDY. I recall.

"Mr. TAVENNER. I desire to introduce——

"Mr. DOYLE. You mean the same Sidney Linn that filed this certification, Mr. Counsel?

"Mr. CLARDY. That is right, Mr. Doyle.

"Mr. TAVENNER. It is Sidney Linn; that is all I can say.

"I desire to introduce the document in evidence and ask that it be marked 'Engel Exhibit No. 2.'

"Mr. CLARDY. It will be received.

"Mr. TAVENNER. Mr. Engel, were you acquainted with a person by the name of Sidney Graber?

"Mr. ENGEL. I am not going to permit this committee to question me on people whom I do or do not know. I am not going to prostrate myself and tell all, whether I know anything or not. You will not pry into my associations, and I decline to answer that or any other questions concerning people that I might or might not know on all of the grounds that I have previously stated and on the additional ground that being an informer before this committee, which you are trying to make me do—become, would tend to degrade me.

"Mr. CLARDY. Witness, I think I must point out to you, you said you would not permit the committee to do thus and so. You have no control whatever over what this committee may do. You may merely decline to answer or may answer, but no impertinent remarks of that kind are going to be permitted from here on out, unless you wish to run the risk of being cited for contempt.

"Now, proceed, Mr. Tavenner.

"Mr. TAVENNER. Mr. Engel, did you give the name of Sidney Graber as a reference to the Chevrolet Co. when you sought employment by it?

"Mr. ENGEL. I decline to answer that question for the same reasons already stated.

"Mr. TAVENNER. Will you examine Engel Exhibit No. 1 and look at the third line, on the second page, under the title 'personal references,' second line——

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. TAVENNER. And state what name you see there?

"Mr. ENGEL. Might I suggest that there is a clerk here who could read this document of yours just as well as I could. They are getting paid for it, and I am losing money.

"Mr. CLARDY. Witness, you have forgotten that you are before a committee of Congress. Now answer the question.

"Mr. ENGEL. What was the question?

"Mr. TAVENNER. Read the——

"Mr. ENGEL. Just a moment.

"(At this point Mr. Engel conferred with Mr. Weston.)

"Mr. CLARDY. You better not consult counsel until you are sure of the question. Will you read it, Miss Reporter?

"(The question was read by the reporter as follows: 'Will you examine Engel Exhibit No. 1 and look at the third line, on the second page, under the title "personal references," second line, and state what name you see there?')

"Mr. ENGEL. I decline to answer any questions related to this document that you have presented before me for the same reasons that I have already stated.

"Mr. TAVENNER. Mr. Chairman, I desire to read into the testimony the second line under 'personal references' as appears in document Engel Exhibit No. 1. The name, Sidney Graber; address, 12064 North Martindale; city, Detroit; State, Michigan; 3 years' length of acquaintance.

Mr. DOYLE. May I ask, to my recollection, is that exhibit 1 a photostat of the original application of this witness for employment at Chevrolet Co.?

"Mr. TAVENNNER. It is, sir.

"Mr. CLARDY. And the last you read into the record was designed to show that Sidney Graber was given as a reference; is that correct?

"Mr. TAVENNER. Yes, sir.

"Mr. CLARDY. Proceed.

"Mr. TAVENNER. Mr. Chairman, the person Sidney Graber was identified as a member of the Communist Party during the course of the testimony in Detroit last week. Mr. Graber was called as a witness and refused to answer material questions on the ground that to do so might tend to incriminate him.

"Isn't it a fact, Mr. Engel, that you were one of the colonizers who either voluntarily or acting upon the direction of the Communist Party sought to infiltrate the Chevrolet plant in Flint by getting employment there?

"Mr. ENGEL. I got employment in the Chevrolet plant to make a living, to be able to support myself.

"Mr. TAVENNER. Did you have any other reason?

"Mr. ENGEL. I decline to answer the question because you have indicated some deep conspiracy here, and I decline to answer that on all the grounds that I have previously stated, and on the additional ground that if you have knowledge of my participating in any conspiracy, of breaking the law, why don't you prosecute me in a court?"

Because of the foregoing, the said Committee on Un-American Activites was deprived of answers to pertinent questions propounded to said Marvin Engel relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Will you examine the signature to the document [application for employment] and state whether or not it is your signature?

"Isn't it a fact, Mr. Engel, that you deliberately concealed from the Chevrolet Co. the fact that you had been awarded the B. S. degree in social science from City College?

"In order to get employment at Flint—at Chevrolet—did you make a representation that you had been employed for a period of time by the Universal Fence Co.?

"Did you make that representation [employment by Universal Fence Co. for 30 months as salesman and stock clerk] to the Chevrolet Co.?

"As a matter of fact, did you not make such a representation to the Chevrolet Co. in order to deceive it as to your exact status, namely, a student just out of a university?

"Who was the owner or operator of Universal Fence Co. at that time [1947–49]?

"Now why was it that Sidney Linn, if you know, confirmed employment by you from 1947 to 1949 which you never performed?

"Now, I want to ask you, isn't it a fact that that was a prearranged scheme to assist you in getting employment within Chevrolet in Flint, to have Sidney Linn make that certification?

"Mr. Engel, were you acquainted with a person by the name of Sidney Graber?

"Mr. Engel, did you give the name of Sidney Graber as a reference to the Chevrolet Co. when you sought employment by it?

"Will you examine Engel Exhibt No. 1 and look at the third line, on the second page, under the title 'personal references' second line, and state what name you see there?

"Isn't it a fact, Mr. Engel, that you were one of the colonizers who either voluntarily or acting upon the direction of the Communist Party, sought to infiltrate the Chevrolet plant in Flint by getting employment there?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 678) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Marvin Engel to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the eastern district of Michigan, Detroit, Mich., to the end that the said Marvin Engel may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Marvin M. Engel, Flint, Mich.: Refused to answer questions relating to his application for employment at the Chevrolet Co., and as to whether he concealed from his employer facts relating to his educational record and prior employment, relying in each instance on the fifth amendment as the basis for his refusal to answer. Statements made during the course of his testimony indicated a waiver of the fifth amendment. He testified at Flint, Mich., May 13, 1954.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST MARTIN TRACHTENBERG

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2470).

The Clerk read as follows:

PROCEEDINGS AGAINST MARTIN TRACHTENBERG

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Martin Trachtenberg, 1805 West Pasadena Avenue, Flint, Mich. The said subpena directed Martin Trachtenberg to be and appear before said Committee on Un-American Activities or a duly authorized subcommittee thereof in their chamber in room 500, Genesee Courthouse, Flint, Mich., on March 3, 1954, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee. The subpena served upon Martin Trachtenberg is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to Chief James T. Byars, Flint, Mich., police: You are hereby commanded to summon Martin Trachtenberg to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chambers in room 500 Genesee Courthouse, Flint, Mich., March 3, 1954, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee, and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th day of January 1954.

"HAROLD H. VELDE, *Chairman.*

"Attest:

"LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Francis L. Smela, Flint Police Department, who was duly authorized to serve the said subpena. The return of the service by the said Francis L. Smela, being endorsed thereon, is set forth in words and figures, as follows:

"Subpena for Martin Trachtenberg. Served Martin Trachtenberg, 1805 West Pasadena Avenue, at his home at 4:22 p. m. on February 8, 1954.

"FRANCIS L. SMELA,
"Flint Police Department."

Successive telegrams were sent to Martin Trachtenberg by Hon. HAROLD H. VELDE, chairman, Committee on Un-American Activities, postponing the date of his appearance before the committee to May 12, 1954. At the close of the sessions of the committee on May 12, 1954, all witnesses who had been subpenaed and had not been heard were directed by the chairman to report on May 13, 1954.

The said Martin Trachtenberg, pursuant to said subpena and in compliance with the later direction of the chairman, appeared before the said committee on May 13, 1954, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Martin Trachtenberg, having appeared as a witness and having been asked the questions, namely:

"After the witness had stated that his educational training had consisted of approximately 2 years of college, he was asked the question: 'Where?'

"Now, will you tell us—you are directed: Will you tell us the identity of the school you attended?

"After 1946 did you attend school at the University of New Mexico?

"Did you attend college at any time prior to your going into the armed services in 1943?

"Where were you living before you came to Flint in the early part of 1949?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of Martin Trachtenberg's refusal to answer the aforesaid questions, your subcommittee was prevented from receiving testimony and information concerning a matter committed to said subcommittee in accordance with the terms of the subpena served upon the said Martin Trachtenberg.

The record of the proceedings before the subcommittee on May 13, 1954, during which Martin Trachtenberg refused to answer the

aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
"Flint, Mich., Thursday, May 13, 1954.

"The Subcommittee of the Committee on Un-American Activities, consisting of Representatives KIT CLARDY, chairman; HAROLD H. VELDE, and CLYDE DOYLE, met pursuant to adjournment, at 9:32 a. m., in the supervisors room, courthouse, Flint, Mich., each of whom were present. After hearing the testimony of other witnesses, Martin Trachtenberg was called as a witness.

"MR. CLARDY. * * * Call the next witness.

"Mr. TAVENNER. Mr. Martin Trachtenberg.

"Mr. CLARDY. Raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. TRACHTENBERG. I do.

"Mr. CLARDY. Be seated. Counsel will identify himself.

"Mr. PROBE. My name is Bernard Probe, office of the National Bank Building, Detroit.

"Mr. TAVENNER. What is your name, please, sir?

"TESTIMONY OF MARTIN TRACHTENBERG, ACCOMPANIED BY HIS COUNSEL, BERNARD PROBE

"Mr. TRACHTENBERG. Martin Trachtenberg.

"Mr. TAVENNER. Will you spell your name, please?

"Mr. TRACHTENBERG. T-r-a-c-h-t-e-n-b-e-r-g, M-a-r-t-i-n.

* * * * *

"Mr. TAVENNER. When and where were you born?

"Mr. TRACHTENBERG. Jersey City, N. J., 1923, June 3.

"Mr. TAVENNER. Where do you now reside?

"Mr. TRACHTENBERG. 1805 West Pasadena.

"Mr. TAVENNER. Pasadena?

"Mr. TRACHTENBERG. Pasadena, not California, Mr. Doyle, Flint.

* * * * *

"Mr. TAVENNER. What is your occupation?

"Mr. TRACHTENBERG. I am an employee of Buick Motor Co.

"Mr. TAVENNER. How long have you been employed by Buick Motor Co.?

"Mr. TRACHTENBERG. Approvimately 5 years.

"Mr. TAVENNER. When did you begin your employment? That would be in 1949, I assume, but what month during the year, or was it in 1948?

"Mr. TRACHTENBERG. That was in May 1949.

"Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

"Mr. TRACHTENBERG. Well, before this committee I feel that this is a dangerous statement because I understand that you know that Congressman VELDE made the statement that the basis of all communism and socialism influences is the education of the people. When he voted against mobile library service for the rural areas, so I feel that you fellows are really going for——

"Mr. CLARDY. Witness, witness, you know that that has no relationship whatever to the question. You are being deliberately impertinent. You know it and we know it. The audience knows it. See if you can't be a gentleman from here on out. Will you proceed, Mr. TAVENNER? If it proves difficult for you, maybe we can help you.

"Mr. TAVENNER. Tell the committee, please, what your——

"Mr. TRACHTENBERG. Chairman——

"Mr. CLARDY. Never mind, wait until the question is submitted and we will ask you to answer it.

"Mr. TRACHTENBERG. Well, I would say——

"Mr. CLARDY. I enjoin you to silence. We are going to proceed with the question. Now ask the question, Mr. TAVENNER.

"Mr. TAVENNER. Tell the committee, please, what your educational training has been?

"Mr. TRACHTENBERG. I repeat I would normally relate this education but under the circumstances, VELDE will incriminate me.

"Mr. CLARDY. If there is any incrimination, you will have to do it yourself. Now are you refusing to answer?

"Mr. TRACHTENBERG. Are you making an inflammatory statement, Chairman?

"Mr. CLARDY. Are you refusing to answer?

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)

"Mr. TRACHTENBERG. I would like to consult counsel.

"Mr. DOYLE. I would advise you better.

"Mr. CLARDY. I think you should.

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)

"Mr. TRACHTENBERG. I have had approximately 2 years of college.

"Mr. TAVENNER. Where?

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)

"Mr. TRACHTENBERG. Is this question pertinent to this inquiry?

"Mr. CLARDY. It would not have been asked had it not been so deemed. You are directed to answer it.

"Mr. TRACHTENBERG. Then I use the privileges accorded me under the Bill of Rights and the Constitution of the United States to refuse to answer this question which you asked.

"Mr. CLARDY. Proceed, Mr. Tavenner.

"Mr. TAVENNER. By that you mean it might tend to incriminate you to state where you received your 2 years of college work?

"Mr. TRACHTENBERG. Now, Mr.——

"Mr. TAVENNER. Or approximately 2 years.

"Mr. TRACHTENBERG. Mr. Tavenner, you fellows are lawyers. You know that Bill of Rights was written to defend the innocent. What are you talking about incrimination? If you guys got anything against me, get me up before a court of legal procedure and press the charges where I can cross-examine my accusers. What is all this business about incriminating me? I am innocent and this Bill of Rights is defending me against guys who plan to take my rights away, and so I am refusing to answer that question on the entire Bill of Rights especially the fifth amendment and the Constitution of the United States.

"Mr. DOYLE. May I ask you, please, a point-blank question? Do I understand that you are refusing to answer this question of where you went to college for 2 years on the grounds that it might incriminate you in some way? I just want to make it clear, because I have never heard of such——

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)

"Mr. DOYLE. Never heard of such a foolish—I don't mean foolish.

"Mr. CLARDY. Absurd.

"Mr. TRACHTENBERG. Absurd—I would like to answer that question, Congressman.

"Mr. DOYLE. Yes.

"Mr. TRACHTENBERG. I asked the question if this question was pertinent to the inquiry, and you said "Yes," and you meant, you're investigating subversive activities so obviously you got some kind of line that some stool pigeon will back it up so therefore I refuse to answer the question. It is a simple thing. I am a straight guy. I am just trying to get right to the point.

"Mr. CLARDY. Witness, the only way that you could in any way be incriminated would be for you to now acknowledge that you attended some school dedicated to instruction in criminal activities. Now, if there is any respectable institution in the United States that you attended for a couple of years, you can't possibly incriminate yourself by telling us so, and no implication can be drawn from it.

"Mr. TRACHTENBERG. I am——

"Mr. CLARDY. Now, will you tell us—you are directed: Will you tell us the identity of the school you attended?

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)

"Mr. TRACHTENBERG. I stated in the statement that I put out to the workers in the shop that I will not cooperate with this committee in any way because I feel it is destroying my rights as an American citizen. Therefore, I will not answer that question under the privileges that I have previously stated.

"Mr. CLARDY. All right. Pass on, Mr. Tavenner.

"Mr. TAVENNER. Did you serve in the Armed Forces of the United States during the period of the war?

"Mr. TRACHTENBERG. Yes; I did.

"Mr. TAVENNER. During what years?

"Mr. TRACHTENBERG. 1943–46.

"Mr. TAVENNER. After 1946 did you attend school at the University of New Mexico?

"Mr. TRACHTENBERG. Mr. Tavenner, are these questions directed in confusing me or enlightening the inquest here. All I said, that I am not going to name any names of anything, any organizations or any people. I will not cooperate with this committee in destroying the Bill of Rights and the Constitution of the United States.

"Mr. TAVENNER. Did you attend college at any time prior to your going into the armed services in 1943?

"Mr. TRACHTENBERG. I refuse to answer that question on the same grounds that I have stated before.

* * * * *

"Mr. TAVENNER. When did you first come to Flint?

"Mr. TRACHTENBERG. In the early part of 1949. That was not after August, by the way. There seems to be an attempt for a conspiracy here, lining up every New Yorker that ever came to Flint at a certain point, so——

"Mr. TAVENNER. Where were you living before you came to Flint in the early part of 1949?

"Mr. TRACHTENBERG. I will not give any dates or places—for the reasons I have stated before.

"Mr. TAVENNER. You mentioned New York; were you living in New York?

"Mr. TRACHTENBERG. I will not give any locations, names, places, or people, persons, organizations, or anything to abet this committee in its attempt to destroy the labor unions of the United States and the democracies that the people have now.

"Mr. DOYLE. Now just a minute, Mr. Counsel. I want to counter your statement right there because it is——

"Mr. TRACHTENBERG. Are you asking me a question?

"Mr. DOYLE. I am not asking you a question. I am telling you something. You have made a statement just there which is not founded on fact, and I believe you know it is not founded on fact. Neither this committee nor I as a member of it certainly have any intention directly or indirectly of harming organized labor of the United States. You have heard me say in this room that I have always received their endorsement, AFL and the right wing of the CIO. The only people in organized labor that don't like me nor this committee, generally speaking, are those who are there to take over control if they can for the Communist conspiracy, and those are the unpatriotic American citizens in labor unions that we are after, the labor unions that don't want them.

"Mr. TRACHTENBERG. Mr. Doyle, will you permit me the courtesy of answering that?

"Mr. CLARDY. No, witness, you will not be given any more time than your conduct deserves, and it doesn't deserve that.

"(At this point Mr. Trachtenberg conferred with Mr. Probe.)"

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions

propounded to said Martin Trachtenberg, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"After the witness had stated that his educational training had consisted of approximately 2 years of college, he was asked the question: 'Where?'

"Now will you tell us—you are directed: Will you tell us the identity of the school you attended?

"After 1946 did you attend school at the University of New Mexico?

"Did you attend college at any time prior to your going into the armed services in 1943?

"Where were you living before you came to Flint in the early part of 1949?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 679) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Martin Trachtenberg to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the eastern District of Michigan, Detroit, Mich., to the end that the said Martin Trachtenberg may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Martin Trachtenberg, Flint, Mich.: Refused to answer questions relating to his educational training, whether he attended the University of New Mexico, the place of his residence prior to his moving to Flint, in each instance relying on the fifth amendment as a basis for his refusal to answer. He testified on the 13th day of May 1954, at Flint, Mich.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST CARL HARVEY JACKINS

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2471).

The Clerk read as follows:

PROCEEDINGS AGAINST CARL HARVEY JACKINS

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Carl Harvey Jackins, residence 6753 32d Avenue NW., occupation, Dianetics Institute, 2327 Fourth Avenue. The said subpena directed Carl Harvey Jackins to be and appear before said Committee on Un-American Activities or a duly authorized subcommittee thereof, of which the Honorable HAROLD H. VELDE is chairman, in their chambers in the city of Seattle, Wash., on June 14, 1954, at the hour of 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon said Carl Harvey Jackins is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America to Seattle Police Department: You are hereby commanded to summon Carl Harvey Jackins, residence 6753 32d Avenue NW., occ. Dianetics Institute, 2327 4th Avenue, to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof of the House of Representatives of the United States, of which the Hon. HAROLD H. VELDE is chairman, in their chambers in the City of Seattle, Washington, June 14, 1954, County Commissioner's Chambers, County-City Building, 530 3d Avenue, at 9:30 a. m., then and there to testify touching matters of inquiry committed to said committee and he is not to depart without leave of said committee.

"Herein fail not and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington this 17th day of May, 1954.

"HAROLD H. VELDE, *Chairman*.

"Attest:

LYLE O. SNADER,
"Clerk, United States House of Representatives."

The said subpena was duly served as appears by the return made thereon by Sergeant Grange, Seattle Police Department, who was duly authorized to serve the said subpena. The return of the service by the said Sergeant Grange, Seattle Police Department, being endorsed thereon, is set forth in words and figures as follows:

"Subpena for Carl Harvey Jackins, 2327 Fourth Avenue, before the Committee on June 14, 1954, at 9:30 a. m.

"Served 9:30 a. m., May 25, 1954, by Sergeant Grange, S. P. D."

The said Carl Harvey Jackins, pursuant to said subpena, and in compliance therewith, appeared before the said committee on June 14, 1954, in room 402, County-City Building, Seattle, Wash., to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Carl Harvey Jackins, having appeared as a witness and having been asked questions, namely:

"Will you tell the committee please, briefly, what your employment record has been since 1935?

"How were you employed in 1948?

"Did you hold an official position in 1948 or at any time prior thereto, in local 46 of the International Brotherhood of Electrical Workers?

"Were you expelled from local 46 of the International Brotherhood of Electrical Workers in 1948?

"Were you also expelled as business agent of the Building Service Employees Union sometime prior to 1948?

"Were you at any time expelled from lodge 751 of the Aero Mechanics Union?

"Is this [work of personal counseling] something originated by the Communist Party as part of its program?

"Who are the other people, then, when you used the word "we," that are associated with you in this movement?

"But what is the name of the group? [The group which the witness volunteered he was working with.]

"Does the group that you referred to have an office with you in the same office that you work in?"

Which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of the refusal of Carl Harvey Jackins to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpena served upon the said Carl Harvey Jackins.

The record of the proceedings before the committee on June 14, 1954, during which Carl Harvey Jackins refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth in fact as follows:

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"COMMITTEE ON UN-AMERICAN ACTIVITIES,
"Seattle, Wash., Monday, June 14, 1954.

"The Committee on Un-American Activities, Hon. HAROLD H. VELDE, chairman, presiding, continued its hearing at 2 p. m., in room 402, County-City Building, Seattle, Wash.

"Committee members present: Representatives HAROLD H. VELDE (chairman), DONALD L. JACKSON, KIT CLARDY, GORDON H. SCHERER, CLYDE DOYLE, and JAMES B. FRAZIER, JR., a quorum of the full committee.

"Mr. VELDE. * * * Mr. Counsel, are you ready to proceed?

"Mr. TAVENNER. Yes, sir.

"I would like to call, as the first witness, Mr. Carl Harvey Jackins. Will Mr. Jackins come forward, please?

"Mr. VELDE. Will you raise your right hand, Mr. Jackins?

"In the testimony that you are about to give before this committee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. JACKINS. I do.

"Mr. VELDE. You may be seated.

"Mr. TAVENNER. Will counsel identify himself for the record, please.

"Mr. CAUGHLAN. Yes. I am John Caughlan, attorney and member of the Washington State Bar.

"Do you want my address?

"Mr. TAVENNER. Yes.

"Mr. CAUGHLIN. 702 Lowman Building, Seattle.

* * * * *

"Mr. TAVENNER. What is your name, please, sir?

"TESTIMONY OF CARL HARVEY JACKINS, ACCOMPANIED BY HIS COUNSEL, JOHN CAUGHLIN

"Mr. JACKINS. Harvey Jackins.

"Mr. TAVENNER. Will you spell your last name, please?

"Mr. JACKINS. Certainly. J-a-c-k-i-n-s.

"Mr. TAVENNER. When and where were you born, Mr. Jackins?

"Mr. JACKINS. I was born June 28, 1916, in northern Idaho.

"Mr. TAVENNER. Where do you now reside?

"Mr. JACKINS. In the city of Seattle, sir.

"Mr. TAVENNER. How long have you lived in the city of Seattle?

"Mr. JACKINS. A number of years, sir.

"Mr. TAVENNER. Approximately how long?

"Mr. JACKINS. Approximately 20.

"Mr. TAVENNER. Will you tell the committee, please, what your educational training has been, that is, your formal educational training?

"Mr. JACKINS. I think so. I have been to grade school. I have been to high school; I have been to college.

"Mr. TAVENNER. How many years have you had in college?

"Mr. JACKINS. Somewhat less than 4 years.

"Mr. TAVENNER. At what institution?

"Mr. JACKINS. At the University of Washington.

* * * * *

"Mr. TAVENNER. Did you serve in the Armed Forces of the United States at any time during the period 1937 to 1950?

"Mr. JACKINS. I did not.

"Mr. TAVENNER. Will you tell the committee, please, briefly, what your employment record has been since 1935?

"Mr. JACKINS. Well, because of the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness in any attempt on the part of this committee to involve me.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. I ask that he be directed to answer the question.

"Mr. VELDE. Certainly. That is a very simple question and the Chair sees no way in which it can incriminate you to answer it whatsoever. You are directed to answer the question.

"Mr. JACKINS. What the Chair sees and what might be the facts in the situation are not necessarily the same, Mr. Chairman. I have declined to answer, invoking my privilege under the fifth amendment not to bear witness against myself in any attempt on the part of this committee, considering the circumstances, to involve me.

"Mr. VELDE. And upon further consideration, you still invoke the fith amendment, upon the Chair's direction that you answer the question; is that correct?

"Mr. JACKINS. I have been informed by counsel that if I were to give testimony before this committee which would be at variance with witnesses who have appeared before this committee, seeking to curry the favor of the committee because of prison sentences hang over their head, that regardless of the obvious lack of integrity of such witnesses I would still be subjected to possible charges of perjury.

"Mr. VELDE. Mr. Witness, the testimony of the previous witness has nothing to do with your testimony.

"Mr. JACKINS. It has a great deal to do with the situation.

"Mr. VELDE. Will you answer the question, or do you refuse to answer?

"Mr. JACKINS. I have answered very clearly. I declined to answer that question under my privileges guaranteed under the fifth amendment not to bear witness against myself in any attempt on the part of this committee, considering the circumstances, to involve me.

"Mr. VELDE. And upon direction by the Chair to answer the question as to your previous employment, you still refuse to answer upon the grounds of the fifth amendment; is that correct?

"Mr. JACKINS. I have answered that very clearly, Mr. Chairman.

"Mr. VELDE. How do you mean that—that you answered it very clearly? By refusing to answer? Can you tell me of one way in which giving us the benefit of your previous employment can possibly incriminate you?

"Mr. JACKINS. Under other circumstances, Mr. Chairman, I would be very glad to discuss those questions, with you or with anyone else, but under the conditions of this hearing and the character of this committee I must decline to answer that question as well, invoking my privilege under the fifth amendment not to bear witness against myself.

"Mr. VELDE. Very well. Proceed.

"Mr. TAVENNER. How are you now employed, Mr. Jackins?

"Mr. JACKINS. I am employed as a personal counselor.

"Mr. TAVENNER. In what type of business?

"Mr. JACKINS. In the field of professional personal counseling.

"Mr. TAVENNER. How long have you been so employed?

"(At this point Mr. Jackins conferred with Mr. Caughlan.)

"Mr. JACKINS. Three and one-half years, approximately.

"Mr. TAVENNER. That would take you back to 1950 or 1951, approximately, would it not?

"Mr. JACKINS. Approximately.

"Mr. TAVENNER. How were you employed in 1948?

"Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privilege under the fifth amendment not to bear witness against myself in any attempt to involve me.

"Mr. TAVENNER. Did you hold an official position in 1948 or at any time prior thereto in local 46 of the International Brotherhood of Electrical Workers?

"Mr. JACKINS. Under other circumstances, I would be glad to discuss that, but considering the nature of this committee and the character of these hearings, I must decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness against myself in any attempt to involve me.

"Mr. VELDE. May I ask the witness this question?

"Under what other circumstances would you be willing to answer that question?

"Mr. JACKINS. Under conditions otherwise than before this committee, Mr. Chairman. I would be glad to discuss the entire issue with you publicly.

"Mr. VELDE. To whom would you give an answer to that question other than to members of this committee?

"(At this point Mr. Jackins conferred with Mr. Caughlin.)

"Mr. JACKINS. Mr. Chairman, I would be glad to discuss these issues with you, say, in public debate, in a public discussion before a friendly—before an audience or before the general public. The actions of this committee in presenting testimony——

"Mr. SCHERER. Mr. Chairman.

"Mr. JACKINS (continuing). From thoroughly discredited people and people without integrity this morning has left me with no choice but to decline to answer that.

"Mr. CLARDY. Regular order, Mr. Chairman.

"Mr. VELDE. Regular order is ordered.

"Would you go under oath before me and discuss this question as to your employment—on any matters involving your connection with the Communist Party?

"Mr. DOYLE. I think, Mr. Chairman, that he has volunteered——

"Mr. VELDE. Just a moment, Mr. Doyle.

"May I ask if he will answer this question, please?

"Mr. JACKINS. In your present capacity, Mr. Chairman?

"Mr. VELDE. Yes, in my present capacity, naturally.

"Mr. JACKINS. My answer would be the same as I have made.

"Mr. CLARDY. May I suggest something, Mr. Chairman?

"Mr. VELDE. The Chair recognizes the gentleman from Michigan.

"Mr. CLARDY. May I point out that since he has indicated a willingness to answer these questions before other people, he has waived any protection that he might claim under the fifth amendment, and I ask that he be directed to answer that last question.

"Mr. VELDE. Yes, I think the gentleman from Michigan is absolutely right.

"You are directed to answer the last question.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. So that the record may be complete at this point I want to make this observation, so that we will not overlook it. When he has stated that he is willing to answer that question under certain other circumstances or to other people, it is obvious that any claim that there is any protection afforded him by the fifth amendment is false, because if he is willing to state it to others then there can be no possibility of it incriminating him.

"Mr. VELDE. I am usually entirely in agreement with the gentleman from Michigan but I believe that he has not stated that he would answer if he were under oath at the present time.

"Mr. CLARDY. I do believe there is a distinction, Mr. Chairman, and his statement that he is willing to answer it indicates that there can be no incrimination because if he gives testimony somewhere else under oath or otherwise he has at least touched upon the subject of which he is now apprehensive—if he has any such apprehension—and that obviously removes any possibility of claiming the fifth amendment in good faith. And I am sure that he is not claiming it in good faith but is attempting merely to filibuster and follow the usual Communist Party line.

"Mr. VELDE. Witness if we engaged in public debate or if we engaged in a private session where you came before me personally, would you answer the question that has been put to you about your employment under oath?

"Mr. JACKINS. Are you asking that again?

"Mr. VELDE. Yes.

"Mr. JACKINS. The stenographer is in trouble. If you will wait a minute——

"Mr. CLARDY. I think you can keep your observations about the conduct of these proceedings to yourself, Witness. Just answer the questions.

"Mr. JACKINS. Thank you.

"Mr. CLARDY. And we don't care for any thanks or anything else from you.

"Mr. VELDE. Do you understand the question that has been propounded, Witness?

"Mr. JACKINS. In the byplay here, I have lost track of where we are. If you would care to present the situation again——

"Mr. VELDE. You have been directed to answer the question as to whether or not in a session with me, in my capacity, whether it be public or private, you would answer the question as to your previous employment under oath—the oath, of course, to be administered by me?

"Mr. JACKINS. Might I ask you a question? Is a hypothetical question such as that proper at this point?

"Mr. VELDE. If you will answer that question, instead of refusing to answer under the grounds of the fifth amendment, then perhaps we might consider the question properly.

"Mr. JACKINS. It seems to me that to give you an answer to that would only be to express an opinion. If it is your desire that I express an opinion about it, I will.

"Mr. JACKSON. Regular order, Mr. Chairman.

"Mr. VELDE. Regular order, Mr. JACKSON.

"Mr. JACKSON. It is quite obvious that the witness has no intention of answering any questions which have to do with his alleged membership in the Communist Party, and I think it is a waste of time to pursue it any further. As far as I am concerned you can ask him the question now and excuse him.

* * * * *

"Mr. TAVENNER. Mr. Chairman, it was my intention to inquire of this witness as to what knowledge he had regarding Communist Party activities in connection with unions of which he was a member or had official positions with but the witness has refused to answer that he was even a member of the first union that I mentioned.

"I think, however, that having asked that question, I should follow it up, even if I do not pursue the others.

"Mr. VELDE. You may proceed.

"Mr. TAVENNER. Now were you expelled from local 46 of the International Brotherhood of Electrical Workers in 1948?

"(At this point Mr. Jackins conferred with Mr. Caughlan.)

"Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, invoking my privileges under the fifth amendment.

"Mr. CLARDY. I suggest, Mr. Chairman, that he be directed to answer that question.

"Mr. VELDE. Certainly. You are directed to answer that question. The Chair can see no reason why the answer to such a question should incriminate you in any way. You are directed to answer the question.

"Mr. JACKINS. What the Chair can see, in the actual situation, need have no meeting ground at all, and again I repeat, considering the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privileges under the fifth amendment not to bear witness against myself in any attempt on the part of this committee to involve me.

"Mr. TAVENNER. Were you also expelled as business agent of the Building Service Employees Union sometime prior to 1948?

"Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, invoking my privileges under the fifth amendment to the Constitution not to bear witness against myself in any attempt on the part of this committee to involve me.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. May I suggest that the witness be directed to answer that question.

"Mr. VELDE. Again, without objection, you are directed to answer that question.

"Mr. TAVENNER. Were you expelled from lodge 751——

"Mr. VELDE. Just a minute, Counsel.

"Mr. TAVENNER. Excuse me, sir.

"Mr. JACKINS. Where are we now?

"Mr. VELDE. Again you are directed to answer the last question. Again the Chair and the members of the committee see no reason why you could possibly be incriminated by an answer to that question.

"You are directed to answer the last question.

"Mr. JACKINS. The same answer as I gave to the previous question for the reasons that I previously stated.

"Mr. TAVENNER. Were you at any time expelled from lodge 751 of the Aero Mechanics Union?

"Mr. JACKINS. The same answer which I gave to the previous questions and for the reasons which I stated.

"Mr. CLARDY. Mr. Chairman.

"Mr. VELDE. Mr. Clardy.

"Mr CLARDY I ask that he be directed to answer.

"Mr. VELDE. Again you are directed to answer the question.

"Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I decline to answer, invoking my privileges under the fifth amendment of the Constitution not to bear witness against myself in any attempt on the part of this committee to involve me.

"Mr. SCHERER. Mr. Chairman.

"Mr. VELDE. Mr. SCHERER.

"Mr. SCHERER. Witness, isn't it a fact that you were expelled from all 3 of these unions because of your Communist Party activities within the unions? Isn't that a fact?

"Mr. JACKINS. Considering the nature of this committee and the character of these hearings, I must decline to answer that question——

"Mr. SCHERER. Were you on the Communist Party payroll——

"Mr. JACKINS. And for the same reasons.

"Mr. SCHERER. Were you on the Communist Party payroll?

"Mr. JACKINS. The same answer as to the previous question and for the same reasons.

"Mr. SCHERER. Isn't it a fact that you have refused to answer the question as to your previous employment because you were on the payroll of the Communist Party in this country during those years?

"(At this point Mr. Jackins conferred with Mr. Caughlan.)

"Mr. JACKINS. The use of my privilege under the fifth amendment does not in any sense imply that any of your statements are fact. I am invoking my privilege and declining to answer that question under the fifth amendment in order not to bear witness against myself in any attempt on the part of this committee to involve me.

"Mr. SCHERER. Witness, tell me what part of the statements I have just made are false then?

"Mr. JACKINS. I decline to answer that question and for the same reasons.

"Mr. SCHERER. I thought you would.

"Mr. JACKINS. You were correct.

"Mr. CLARDY. May I ask a question, Mr. Chairman?

"Mr. VELDE. Mr. CLARDY.

"Mr. CLARDY. Was there any reason, other than that cited by Mr. SCHERER, for your expulsion from those three unions?

"Mr. JACKINS. Well, again I would like to draw your attention to the fact that the use of the fifth amendment and my privileges under the fifth amendment does not construe any guilt on my part or the accuracy of any of the statements made by the members of this committee.

"I decline to answer for the reasons previously stated.

* * * * *

"Mr. CLARDY. Witness, you told us that at present you were engaged in an occupation that I didn't quite understand. What is it that you are doing at the moment?

"Mr. JACKINS. I am engaged in the work of personal counseling.

"Mr. CLARDY. What do you mean by personal counseling? That is what I do not understand.

"Mr. JACKINS. I work with individuals to help them with their personal problems.

"Mr. CLARDY. What kind of personal problems?

"Mr. JACKINS. With their emotional difficulties, with the inhibitions which keep them from functioning well as individuals.

"Mr. CLARDY. Are you a medical expert or a psychiatrist of some kind?

"Mr. JACKINS. Not at all. The approach is quite different than either of those fields.

"Mr. CLARDY. Do you belong to some profession of some sort that is licensed by the State to engage in this kind of activity, or is this something that you have invented yourself?

"I am serious about this. I want to know, because I don't understand.

"Mr. JACKINS. May I have a little latitude in explaining it, sir?

"Mr. CLARDY. I haven't limited you.

Mr. JACKINS. Fine. I am working with a very new approach to the problem of individual human beings. We have discovered, a group of us, that apparently anything wrong with an individual human—any limitation on his ability, his enjoyment of life, his ability to be intelligent in any situation—is purely and solely the result of the experiences of hurt which he has endured, including emotional distress, quite as important as experiences of physical pain; that anything less than rational or able about an individual human being can be traced as the literal expression of experiences when he has been hurt, beginning very early and accumulating, and that it is possible in a teamwork relationship for one person's intelligence as a counsellor to be linked with that of the person who is enduring the difficulty or the limitation or the emotional problem—to go back in memory, in effect and, by repetitively seeking out these experiences of hurt, discharging the stored up painful emotion; and in assisting the person to think them through over and over and over again, it is possible to free an individual from the inhibiting effects of the distresses which have stored up on him during his life.

"Now this is a very exciting field; the possibilities implicit in it—and we are pioneering in the group with which I work——

"Mr. CLARDY. What do you mean by 'we'?

"Mr. JACKINS (continuing). Are amazing.

"Mr. CLARDY. What do you mean by 'we'? Is this something originated by the Communist Party as part of its program?

"Mr. JACKINS. Considering the character of the committee and the nature of these hearings, I must decline to answer that question, calling upon my privilege under the fifth amendment to not bear witness against myself in any attempt of this committee to involve me.

"Mr. CLARDY. Mr. Chairman, I ask that he be directed to answer.

"Mr. VELDE. Just a moment, Mr. CLARDY.

"May I again direct the physical audience that are present here that the committee cannot operate as it should under the duties it has with any disturbances of either expressions of approval or disapproval, and the Chair and the committee would appreciate it if the physical audience present would not laugh or make any demonstrations whatsoever, either of disapproval or of approval.

"Mr. CLARDY. Now, Mr. Chairman, would you direct him to answer the last question?

"Mr. VELDE. Will the reporter read the question, please?

"(Question was read.)

"Mr. CLARDY. I ask that he be directed to answer that question.

"Mr. VELDE. Yes, the Chair directs you to answer that question. Is it part of the Communist Party program?

"Mr. JACKINS. I must decline to answer that question for the reasons previously stated.

"Mr. CLARDY. Who are the other people, then, when you use that word 'we,' that are associated with you in this movement?

"(At this point Mr. Jackins conferred with Mr. Caughlan.)

"Mr. JACKINS. Under the conditions of this hearing and considering the nature of the committee, I must decline to answer that question.

"Mr. CLARDY. I think I should caution you, Witness, that you do not have to decline to answer anything. I am assuming when you say you must that you mean you are. Am I correct?

"Mr. JACKINS. Certainly.

"Mr. CLARDY. You have been saying 'I must decline.'

"Mr. JACKINS. For the reasons stated, sir.

* * * * *

"Mr. CLARDY. Very well, one final question. Will you give us the names of the persons you are associated with in this activity that you have described?

"Mr. JACKINS. I must decline to answer for the reasons previously given.

"Mr. CLARDY. Mr. Chairman, I ask that he be directed to answer.

"Mr. VELDE. Yes, the chairman directs you to answer that last question.

"Mr. JACKINS. I decline to answer the question for the reasons previously given.

"Mr. CLARDY. That is all I have.

"Mr. VELDE. Mr. SCHERER.

"Mr. SCHERER. No questions.

"Mr. VELDE. Mr. Doyle?

"Mr. DOYLE. I think I have two questions. You are the one that volunteered that your present occupation was working with a group, and in my book that is a waiver of your privilege under the fifth amendment.

"But what is the name of the group?

"(At this point Mr. Jackins conferred with Mr. Caughlan.)

"Mr. JACKINS. Sir, I believe that the committee has sought to involve me in a trap on this question. Were I to decline to answer the question, certainly it is conceivable that I will be threatened with contempt charges but, on the other hand, to answer

it would lead to all sorts of other involvements, as I have tried to explain previously; so that in the circumstances, I have no choice but to decline to answer the question, invoking my privileges under the fifth amendment not to bear witness against myself.

"Mr. CLARDY. Mr. DOYLE, I think you should ask the chair to direct him to answer it, because I think this is clearly beyond the pale.

"Mr. DOYLE. I ask that the chairman direct the witness to answer that question.

"Mr. VELDE. Certainly. There is no possible way that you can incriminate yourself by an answer to that question.

"You are directed to answer the question, Mr. Witness.

"Mr. JACKINS. I decline to answer it for the reasons previously stated.

"Mr. DOYLE. I have two more questions.

"Does this office have an address here in Seattle?

"Do you work with a group in an office in some building? If so, where is that office?

"Mr. VELDE. May I suggest, Mr. DOYLE, that you ask one question at a time.

"Would you ask him the first question again?

"Mr. DOYLE. Yes.

"You volunteered that you were working with a group. Does that group have an office in Seattle?

"Mr. JACKINS. I work in an office in Seattle.

"Mr. DOYLE. Does the group that you referred to have an office with you in that same office that you work in?

"Mr. JACKINS. I decline to answer that question for the reasons previously stated."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Carl Harvey Jackins, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 82d Congress the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"Will you tell the committee please, briefly, what your employment record has been since 1935?

"How were you employed in 1948?

"Did you hold an official position in 1948 or at any time prior thereto, in local 46 of the International Brotherhood of Electrical Workers?

"Were you expelled from local 46 of the International Brotherhood of Electrical Workers in 1948?

"Were you also expelled as business agent of the Building Service Employees Union some time prior to 1948?

"Were you at any time expelled from lodge 751 of the Aero Mechanics Union?

"Is this [work of personal counseling] something originated by the Communist Party as part of its program?

"Who are the other people, then, when you used the word 'we' that are associated with you in this movement?

"But what is the name of the group? [The group which the witness volunteered he was working with.]

"Does the group that you referred to have an office with you in the same office that you work in?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 680) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Carl Harvey Jackins to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the Western District of Washington, to the end that the said Carl Harvey Jackins may be proceeded against in the manner and form provided by law.

Mr. JACKSON. The résumé in this case follows:

Carl Harvey Jackins, Seattle, Wash.: Refused to answer questions relating to his prior employment, his official position in local 46 of the International Brotherhood of Electrical Workers, and whether he was expelled from that local, from the Building Service Employees Union and from lodge 751 of the Aero Mechanics Union, relying in each instance on the fifth amendment as the basis for his refusal to answer. He testified on June 14, 1954, Seattle, Wash.

Mr. VELDE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

IN THE MATTER OF FRANCIS X. T. CROWLEY

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2472).

The Clerk read as follows:

IN THE MATTER OF FRANCIS X. T. CROWLEY

Mr. VELDE, from the Committee on Un-American Activities, submitted the following report:

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpena to Francis X. T. Crowley, 226 Second Avenue, apartment 15, New York, N. Y. The said subpena directed Francis X. T. Crowley to be and appear before said Committee on Un-American Activities, of which the Honorable HAROLD H. VELDE is chairman, on May 4, 1953, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

The said Francis X. T. Crowley did appear before said committee and did refuse to answer questions pertinent to the subject under inquiry, and his refusal to answer said pertinent questions deprived your committee of necessary and pertinent testimony and placed the said witness in contempt of the House of Representatives of the United States.

In Report No. 1586, 83d Congress, 2d session, your committee reported to the House of Representatives the said actions of Francis X. T. Crowley. On May 11, 1954, the House of Representatives adopted by vote of 346 to 0, House Resolution 541, which is set forth in words and figures as follows:

"*Resolved*, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Francis X. T. Crowley to answer questions before the said Committee on Un-American Activities, together with all the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the District of Columbia, to the end that the said Francis X. T. Crowley may be proceeded against in the manner and form provided by law."

On June 28, 1954, the said Francis X. T. Crowley did appear voluntarily before your committee in public session in Washington, D. C., and did answer all questions which he had previously refused to answer. In addition, the said Francis X. T. Crowley voluntarily did give your committee extensive information concerning the operation of the Communist conspiracy in the United States of America.

At the conclusion of the testimony of the said Francis X. T. Crowley before your committee on June 28, 1954, the chairman, Hon. Harold H. Velde, made a statement which is set forth in words as follows:

"Mr. VELDE. May I say that we certainly do appreciate the information you have given here voluntarily to the committee.

"As I mentioned before the committee would not be authorized as a body to ask for immunity from prosecution for you. However, I do feel that many of the members of the committee, probably a big majority, feel that you have performed a service to your country by giving us the information that you have, and that would possibly be a good reason why the Attorney General should drop prosecution in your particular case for contempt.

* * * * * * *

"Mr. VELDE. The witness is excused with the committee's thanks."

Because of the foregoing, on July 16, 1954, your committee voted that it was the sense of the committee that the said Francis X. T. Crowley, because of his voluntary answers to pertinent questions before the committee and the extensive voluntary information he offered concerning the operation of the Communist conspiracy in the United States of America, did purge himself of contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a resolution (H. Res. 681) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives concerning the action of Francis X. T. Crowley in purging himself of contempt of the House of Representatives of the United States, together with all the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that legal proceedings based upon the matter certified by the Speaker pursuant to H. Res. 541, 83d Congress, second session, against the said Francis X. T. Crowley may be withdrawn and dropped in the manner and form provided by law.

Mr. VELDE. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, on May 11, 1954, the House adopted by a vote of 346 to 0, House Resolution 541 citing Francis X. T. Crowley for contempt of Congress. On June 28, 1954, Mr. Crowley again appeared before the House Committee on Un-American Activities at his own request and answered all questions, giving the Congress and the committee extensive information relative to his activities and those of others in the Communist Party.

The action here proposed, while not without precedent, is most unusual, in that the House Committee on Un-American Activities is today asking the House to concur in a committee recommendation that a witness who was previously cited by the House for contempt, and in the light of subsequent cooperation with the committee, be purged of that contempt.

It is the sense of the committee that Mr. Crowley should be purged of contempt. However, Mr. Speaker, I should like to emphasize one important point relative to Francis X. T. Crowley. When the witness refused originally to testify before the committee and later came back to testify, it is our clear understanding that he was acting upon his own initiative. He came back to testify on his own volition. He was not acting in furtherance of any conspiracy. He was not attempting to impede legitimate congressional investigations, in the opinion of the committee.

The committee wants it clearly understood that its unusual action today in recommending that Francis X. T. Crowley be considered as having purged himself of contempt must not be considered as a precedent for any witness to commit contempt on one day and attempt to purge himself of the charge on the next. In such case, a witness would thereby be able to select the time and place of giving his testimony. A congressional committee is entitled to testimony when and where it deems it necessary and proper to have that testimony. The power to decide when and where one shall testify is not properly, under the law, in the hands of a witness. The Crowley case is no precedent for any such interpretation.

It must further be remembered that Mr. Crowley came back voluntarily before the committee, and was promised nothing in the way of any remuneration, reward, or forgiveness. He understood that he was promised nothing and that he testified freely of his own will because he desired strongly so to testify.

It is the hope of the committee that the House will accept the recommendation that Mr. Crowley be purged of contempt in this instance.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Pennsylvania.

Mr. FULTON. If the House adopts this recommendation as a practice, and leaving this particular case out of it, will it not weaken the Committee on Un-American Activities? Will not witnesses who become the defendants in these citations for contempt proceedings feel that they have up until the time they are brought into court to change their minds? If the committee adheres to a rule that the witnesses are required to come before the Un-American Activities Committee in the beginning and testify, will it not expedite the committee's hearings, instead of waiting for the defendant to turn milk toast later on?

Mr. JACKSON. It would simplify matters a great deal if we could adopt a rule that would require them to testify in their first appearance. If that could be achieved, there would be no need for contempt proceedings in the House. However, there are instances where it is believed that a witness in good faith, through misunderstanding of the circumstances, or upon poor advice, refuses to testify. Mr. Crowley, following his appearance here, went to a priest, who recommended that he return to the committee and tell the full truth. He did so. I have tried to point out in my remarks, I will say to the gentleman from Pennsylvania, that the committee is not establishing, and wants it clearly understood that this is not to be considered as establishing, any precedent relative to purge of contempt.

Mr. FULTON. Would the gentleman permit me to ask another question?

Mr. JACKSON. Surely.

Mr. FULTON. When a person is cited and becomes a defendant in a case before the United States district court, is it within our power, our discretion, or our jurisdiction in the House then to withdraw the citation? Why does not the gentleman who has been cited by the Un-American Activities Committee for contempt, and who refused to answer questions on his subversive activities for the overthrow of the United States Government, go to the proper authorities on the judicial side and say that he has now changed, although he committed the offense, and ask that this later repentance and change of mind be taken in mitigation of what the penalty might be? The point is this: Are we in the House responsible for relieving such a cited individual of all penalty, or should he go to the Attorney General, to whom this citation has been referred, and the judiciary, to get the penalty mitigated, now that he has changed his mind?

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I think it is important to understand that in this particular case we are just where we were after the vote to cite this man was taken. No further steps have been taken. The matter has not been presented to the grand jury. There has been no indictment, so that we are still in control of this entire situation.

Mr. FULTON. Then will the committee at this juncture limit this type of case to the jurisdiction where it has still the actual control of the citation as in this situation? Once the citation is handed over into the hands of a United States attorney, I believe it should be the United States attorney that goes before the court and asks for the mitigation or the dismissal.

Mr. WALTER. I am quite certain that the United States attorney does not know anything about this case. It has been referred to the Department of Justice, but I do not believe the matter has gone to the United States attorney. Further, this is an unusual case in this, that this man realized after he searched his soul and conscience that he had done something injurious to his country, and he convinced us that he was willing and anxious to cooperate with the work the Congress of the United States has imposed upon this committee. It is entirely a bona fide, genuine action on the part of this man. I do not believe in the light of these circumstances he should be put to the trouble and expense of defending an action even though ultimately the United States attorney would recommend leniency.

Mr. JACKSON. May I say to the gentleman it is my understanding that the Attorney General's office and the United States attorney's office are in accord with the action that is here proposed.

Mr. VELDE. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Illinois.

Mr. VELDE. Let me point out, too, that this witness was not a vicious and physically contemptuous witness. He felt within his conscience, at least we members of the committee felt that he had it within his conscience, that he should refuse to answer certain questions. I certainly would not indiscriminately recommend that all these witnesses who come forward after being cited be purged by the House of Representatives. I think you can depend upon the members of our Committee on Un-American Activities, who voted unanimously to submit this resolution, to take those cases where it seems it is proper to make the purge or to ask for a purging resolution.

Mr. JACKSON. I thank the gentleman. I might say that we are frequently belabored in some quarters for being unduly harsh. I believe the adoption of this resolution will indicate that the committee is trying its best to be fair and just.

Mr. CLARDY. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Michigan.

Mr. CLARDY. Is it not true that this witness when he came before us was a more or less confused young man who did not raise the fifth amendment, did not raise any of the amendments, but merely had a mistaken belief that by cooperating with the committee he would be violating something that was within his conscience, unlike most of those who come before the committee, and that we thought the spirit of Christian charity ought to prevail in this case because it was perhaps the first and maybe the last and only instance in which we would find a man of that character coming before us?

Mr. JACKSON. Yes. I sensed that to be the feeling of the committee in this connection.

Mr. CLARDY. After he had appeared the first time he became married, he consulted with his wife, he consulted with his priest, he consulted with his friends, and finally he came back before us, because he was in his conscience convinced he could do his country a service. I would hate to see the House turn down this one case.

Mr. JACKSON. I am inclined to think, if we give the House a chance, it will vote this resolution.

Mr. FULTON. If the gentleman will yield, I want to ask the chairman of the Un-American Activities Committee a question. I may be pressing the point,

but this is establishing a precedent which will be followed hereafter. I cannot accept the ground that maybe a member of the committee thought this was being done in charity. I would therefore ask the chairman of the Committee on Un-American Activities to state expressly the rule that will be followed by the Un-American Activities Committee in cases where there is a change of mind and the witness decides he will purge himself of his contempt after he has been cited by the House in accordance with the Un-American Activities Committee's own recommendations. I would like that stated right here for a precedent on the first one that comes up, so that there is a precedent and a rule for future cases.

Mr. VELDE. The gentleman knows it is impossible for me to say what the committee will do under any of these circumstances. I am sure they will be reasonable. On top of that the House of Representatives is not establishing a precedent in the sense that it is a legal precedent established by the Supreme Court. The House of Representatives can vote on any of these resolutions as they see fit.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. VELDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR TERMINATION OF GOVERNMENT OPERATIONS WHICH ARE IN COMPETITION WITH PRIVATE ENTERPRISE

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9835) to provide for the termination of Government operations which are in competition with private enterprise.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Termination of Federal Commercial Activities Act."

SEC. 2. The Congress hereby declares that the policy of the Federal Government should be at all times the encouragement of private enterprise. Certain activities of the Federal Government have developed which tend to discourage private enterprise, in that the Federal Government is engaging in commercial and industrial activities in direct competition with activities engaged in by private persons for profit. These commercial activities engaged in by the Federal Government deprive governments at all levels of tax revenues, and by competing with private enterprise, weaken the strength of our national economic system. It is therefore the purpose of this act to provide for the termination, to the maximum feasible extent, of all commercial activities engaged in by the Federal Government in the United States which compete with private enterprise.

SEC. 3. As used in this act—

(1) the term "commercial activity" means any commercial or industrial activity performed by the Federal Government which is directly in competition with activities engaged in by private persons for profit; and

(2) the term "United States" means the several States, Alaska, Hawaii, and Puerto Rico.

SEC. 4. The President shall examine and from time to time reexamine each commercial activity engaged in by each department, agency, and independent establishment in the executive branch of the Government and shall determine what the effect, if any, on essential activities of the Federal Government would be of terminating such commercial activity.

SEC. 5. Whenever the President, after investigation, finds that any commercial activity engaged in by the Federal Government in the United States can be carried on by private enterprise without substantially impairing essential activities of the Federal Government, he is authorized to terminate such activity. In the course of terminating commercial activities under this act, the President may—

(1) modify or abolish functions and activities,

(2) transfer functions and activities among departments, agencies, and independent establishments in the executive branch of the Government, and

(3) provide for the transfer or other disposition of records, property, personnel, and unexpended balances of appropriations,

to the extent necessary to effectuate such termination.

With the following committee amendment——

Mr. FORAND (interrupting the reading). Mr. Speaker, this is a very important bill, and I would like to have the bill and committee amendment read in their entirety. I want to ask some questions of the chairman concerning some of the naval activities in my district, and unless I am permitted to ask these questions, then I will be constrained to object to the consideration of the bill by unanimous consent.

The SPEAKER. The Chair wishes to state that if there is going to be any controversy over this bill the Chair will ask the gentleman from Michigan to withdraw it.

Mr. FORAND. I just wish to ask a simple question.

The SPEAKER. The Chair serves notice that if we get into a controversy we are not going to continue with it.

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose now. We have legislative matters to attend to.

The Chair requests the gentleman from Michigan to withdraw his request.

Mr. HOFFMAN of Michigan. Mr. Speaker, notwithstanding the bill came out of the committee unanimously and has been cleared with everyone who expressed any interest in it, I ask unanimous consent to withdraw my request at this time and will submit it later in the day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Saturday to file a report on H. R. 330.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

TERMINATION OF FEDERAL SUPERVISION OVER CERTAIN INDIAN TRIBES IN UTAH

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2670) to provide for the termination of Federal supervision over the property of certain tribes, bands, and colonies of Indians in the State of Utah, and the individual members thereof, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. D'EWART, DAWSON of Utah, and ASPINALL.

POSTAL FIELD SERVICES EMPLOYEES BILL

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, on Wednesday, July 21, 1954, during the debate on H. R. 9245 to increase postal employees' compensation and to increase postal rates, members of the minority party made a great issue over the procedures under which the bill was being considered, to wit, suspension of the rules which prohibits amendment and limits debate to 40 minutes, but which requires a two-thirds vote for passage. The minority leader, the gentleman from Texas [Mr. RAYBURN], made a particularly impassioned plea against this procedure, stating that he did not believe that when he or the gentleman from Massachusetts [Mr. MCCORMACK] was majority leader that they ever brought a bill up in this fashion and, quoting, "as long as I live I will never be a party to this trend of denying the representatives of the people the right to express themselves and vote on the measure."

This plea and cry of "gag" became the lead for many of the press stories and radio and television comments reporting the action of the House defeating the postal pay and rate increase bill.

There was no time during the debate to call to the minority party's attention the action it took under the leadership of the gentleman from Texas [Mr. RAYBURN], then the Speaker, and the gentleman from Massachusetts [Mr. McCORMACK], then the majority leader, on May 19, 1952. In using the identical tactics to try to force passage of a bill amending the Social Security Act, but without any of the justifications and proper regard for the rights of the minority party that existed in the instant case of the postal bill.

On Thursday, July 22, 1954, the majority leader, the gentleman from Indiana [Mr. HALLECK] called the House's attention to this matter of May 19, 1952, and the gentleman from Texas [Mr. RAYBURN] graciously admitted, as he said, after reading the CONGRESSIONAL RECORD of that date that his memory had been at fault. However, I notice that the press and other publicity media who so widely publicized the erroneous charge of Wednesday failed to carry this retraction.

It happened I was so disturbed about the procedures employed on May 19, 1952, and the failure of the press to report the then minority's complaints of improper gag procedures, that I immediately recorded the sequence of events for the citizens of my congressional district in my newsletter. I am inserting in the RECORD, directly following these remarks, this report, dated May 26, 1952.

I call the attention of the House to the difference between the procedures of May 19, 1952, and those of July 21, 1954. In 1952, the bill under consideration was introduced only 1 week before suspension of rules was attempted. The Ways and Means Committee, to which the social security bill was referred, held no hearings, had no executive session to discuss the bill at any length, all over the strenuous objections of the minority members of the committee. The report of the committee on the bill was not available to the membership of the House until the very morning of the day the bill was brought up. In contrast, the postal-rate bill was passed out by a vote of 13 to 7 by the legislative committee after extensive public hearings and executive discussions on February 15, 1954, and the report has been available to the House for the past 5 months. Public hearings on the postal employees' raise bill were extensive and widely publicized and became the source of much conversation and discussion among the general membership of the House. The compromise pay raise bill was passed out without a dissenting vote by the legislative committee on July 9, 1954, and the report had been available to the membership for over 10 days. Furthermore, it is doubtful if any Member of the House was unaware of the provisions of H. R. 9245 and the arguments pro and con. The majority leadership informed the House almost a week ahead of time that the bill would be brought out under suspension of the rules. It was a compromise bill obviously. Any compromise, by its nature, is not entirely satisfactory to either side; it is, of course, a balance of concessions. If ever suspension of the rules is justified, and I am not certain it ever is, it would be under circumstances where a hard-fought compromise has finally been effected.

For some reason or other, I regret, the question of postal raises was thrown into partisan politics. I thought H. R. 9245 was a reasonable compromise. However, the minority party, for reasons best known to its own leadership, decided it was not a good compromise and accordingly fought it on a party-line basis. This was its prerogative, but let us leave the issue rest where it belongs on the merits of the compromise itself, not on questions of procedure. On May 19, 1952, the present minority leadership cast aside their right to draw an issue here. Below is the record as I reported it at the time for anyone to judge:

MAY 26, 1952.

Since preparing this last newsletter a situation has arisen which I want to report. Many of you are interested in social-security legislation. You probably saw in the local papers or heard on the radio about the vote last Monday, May 19, 1952, of the House defeating the administration-sponsored bill which, among other things, increased social security payments up to $5 a month and the amount a person could earn from $50 to $70 a month. The reports have made it appear that the Republicans were the ones responsible for this increase not going through.

HERE ARE THE FACTS—JUDGE FOR YOURSELF

1. For some time it has been apparent that, due to inflation, the amounts being paid into social security as deductions from the salaries and wages of the people are considerably in excess of the amounts being paid out. Accordingly, the thinking of everyone in Congress has been that some increase in the social-security payments may be made and indeed should be made on the basis of the increased payments coming in. Whether the amount should be a maximum of $5 a month or more depends upon a little study. Studies have been made.

2. The general matter has been before the House Ways and Means Committee for some time.

3. On Monday, May 12, 1952, with no notice, Chairman Doughton, of the Ways and Means Committee, introduced the bill in question.

4. On Wednesday, he had the committee meet. The Republicans asked that hearings be held immediately. These normal demands were gaveled down.

5. On Thursday, May 15, the bill was reported out of the committee over objection.

6. On Friday, the chairman got the consent of Speaker RAYBURN (which consent is required) to bypass the Rules Committee and put the matter on the Suspension of Rules Calendar Monday, May 19. This is the gag rule which limits debate and prohibits amendments.

7. On Monday morning, May 19, 1952, copies of the commitee report were first available (a 30-page affair, the contents of which clearly revealed that it was prepared some time ago by the executive department before the bill was ever introduced in the House.)

8. Monday morning, May 19, 1952, many Members received telegrams from the American Medical Association pointing out certain sections in the bill they thought were dangerous and an opening wedge to socialized medicine. The St. Louis Medical Association also wired me to this effect.

9. A brief check revealed the tactics described above, and that there would be no opportunity to debate the matter on the floor under the gag rule, nor would there be an opportunity to amend the bill to eliminate or change any objectionable sections of the bill.

10. Previous use of this gag rule by the administration had been geared in with a well-planned news-release program.

11. The bill was defeated. The Republicans announced publicly that they would support a proper bill brought out in proper fashion. The press reports, following the previous pattern, were incomplete and slanted and obviously followed the theme of the administration's press releases. The story of the "railroad" and the "gag" was not brought out.

12. I prepared a press release setting out the story from my point of view. None of the St. Louis papers carried my release or what I feel is the real story.

13. The news reports stated that the bill would probably not come out again because Congress was hastening to adjourn. This is mere opinion. The House workload is ridiculously light. There is no such move to adjourn in the House because we are marking time for the Senate. On Tuesday, May 20, the next day, for example, we convened at 12 noon and adjourned at 2:45 p. m. The Republicans are presently backing a move to get out a proper bill which will shortly come out on the floor.

MY CONCLUSION

This was a deliberately planned political move on the part of the Federal administration to play politics again with the people on social security. Wittingly or unwittingly, the press has played a major part in this sandbag on the Congress and the people on social security. In answer to the many letters I have received from people on social security I say "don't worry." We caught the plot in time. There will be a proper bill brought out and passed by the House increasing social-security benefits and earning limitations.

Mr. Speaker, time proved my judgment to be correct; on June 17, 1952, a corrected social-security bill was brought out on the floor of the House and passed. It is regrettable that the case for raises for the postal workers which, in my opinion is justified and badly needed, is not so hopeful.

THE TAX REDUCTION AND TAX REVISION RECORD OF THE REPUBLICAN ADMINISTRATION

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, this year a Republican Congress cut $7.4 billion from the taxload of the American people—the greatest tax reduction ever made in 1 year in the history of this Nation or any other nation. This tax reduction gives the American taxpayers $7.4 billion more to spend upon themselves—money that the Government has been taking out of their pay envelopes and spending for them. It means American taxpayers can now spend this $7.4 billion for things they want and need, such as clothes, food, refrigerators, television sets, and so forth, instead of the Government spending it or giving it

away. The $7.4 billion deduction in taxes this year is tabulated as follows:

	Billions
1. All personal income taxes were cut 10 percent	$2.5
2. Excise taxes, or sales taxes, were cut	1.0
3. The wartime excise profits tax was repealed	2.5
4. The tax revision bill reduced taxes	1.4
Total tax reduction	7.4

TAX REVISION

Mr. Speaker, the Congress this year also revised the entire Federal Revenue Code. This monumental job had not been done for 75 years. If codified, clarified, and simplified the crazy-quilt patchwork of tax laws that have accumulated over three-quarters of a century, and removed as many of the inequities and injustices as possible, without losing too much revenue when doing so.

The aim of the tax revision bill was to establish a tax climate that would enable American industry and business to thrive and expand in order to provide jobs for the workingmen of America, and to take care of the 600,000 new workers that enter the American labor market each year.

When the Federal taxload jumped from $5 billion per year in 1940 to $69 billion in 1953—a 1,400 percent increase in 14 years—something had to be done to spread that heavy tax burden equitably over all segments of our economy. Nothing short of tax equality for all and special favors for none should be accepted.

IS THE TAX REVISION BILL A RICH MAN'S BILL?

Mr. Speaker, the charge has been made that H. R. 8300, the tax revision bill, favors the wealthy man and bears too hard upon the workingman. That charge is absolutely false.

The purpose of both tax revision and tax reduction is to make jobs, and more jobs. The tax reduction and the tax revision bills passed this year do exactly that. The tax relief dollars are spread equitably over all parts of our economy. The following breakdown demonstrates that—

First. Every taxpayer in the Nation has received a 10 percent income tax cut, and 85 percent of our taxpayers are working men and women. The Treasury collects $32 billion per year from individuals, and 80 percent of the $32 billion comes out of the pockets of those who earn $5,000 or less per year. These are not rich men.

Second. The $1 billion excise tax cut goes to all consumers, 85 percent of whom are workingmen and their families. All excise taxes, other than those on liquor and tobacco, were reduced to 10 percent, thus cutting in half the 20 percent tax upon cosmetics, jewelry, watches, furs, admissions, handbags, pocketbooks, light bulbs, cameras, telegrams, telephone service, and so forth—every one of which taps the pocketbooks of the working men and women of America.

Third. The repeal of the wartime excess profits tax in 1945 caused such a business and industrial boom that 5,300,000 new jobs were created by 1947. The repeal of the Korean war excess profits tax is already having the same effect. We now have 62 million people employed—the highest level of employment in America in the history of this country in peacetime. So the repeal of the excess profits tax, while it applies directly to corporations, in reality benefits the poor man because it creates jobs—and tax reduction means nothing to a man out of a job.

Fourth. The passage of the tax revision bill—H. R. 8300—has established a favorable tax climate for American business and industry which will create more jobs. It also gives the major part of the $1.4 tax cut contained in the bill to the "little fellow," the workingmen of America.

Mr. Speaker, H. R. 8300 is therefore not a rich man's tax revision bill. That charge is absolutely without foundation. The present administration can very justly and properly point with pride to the tax program that it has put through the past year.

LIBERALIZE RAILROAD RETIREMENT NOW

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, it was about a month ago that the House Committee on Interstate and Foreign Commerce reported favorably on H. R. 7840, a bill to make some needed changes in the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act. Four weeks have gone by since that action, and I am glad to learn that the House Rules Committee has finally granted a rule. This is important legislation vitally affecting tens of thousands of railroad workingmen, families, widows, and dependents. I do urge the House leadership to make certain this measure is brought up before the House before adjournment.

As we all know, prior Congresses have passed legislation which created a fairly comprehensive system of retirement benefits for railroad workers and their dependents, and a program of unemployment insurance for railroad workers who are unemployed because of layoffs or sickness. This Federal program of old-age retirement and unemployment compensation represents a major step forward in bringing security to railroad labor and consequently said program is dear to the heart of every family whose livelihood comes from working on the railroads.

However, this program is far from perfect—it is a good program based on sound economic principles, but like everything in life, it needs to be improved. One of its greatest weaknesses is the inadequacy of benefits payable to retired workers and their dependents. For example, the average retired worker's annuity is $95.34 a month; the average pension is $80.27; the average spouse's annuity is $37.03. Survivor benefits are especially inadequate; the average widow's annuity is $40.19 per month; the average widowed mother's annuity is $44.42; and the average child's annuity is $28.65.

There are a number of other imperfections. For example, surviving widows of railroadmen get no benefits until they reach age 65; unemployment and sickness benefits need to be increased; and disability benefits need to be liberalized.

Although these injustices are well known, there has been no major changes in the existing system for several years. The only bill passed by this Congress is Public Law 398, a law which eliminated that provision in the Railroad Retirement Act which prohibited payment of both railroad retirement and social-security benefits when a worker was covered by both systems. Repeal of the dual benefit prohibition was an accomplishment, and good in itself, but it is so limited in effect that it is no substitute for liberalization of the railroad retirement and unemployment insurance system.

Likewise, H. R. 7840 is in itself not a plan to overhaul this system—the bill makes few changes in the schedule of benefits payable for retired workers or their dependents. Instead, it is largely corrective in nature, and is aimed at eliminating a few of the most glaring weaknesses in the program. I join with all railroad labor in supporting H. R. 7840, yet at the same time recognizing its shortcomings.

H. R. 7840 makes four worthwhile changes in existing railroad labor legislation. I will enumerate.

First, the bill reduces the eligibility age for widows, dependent widows, and dependent parents from age 65 to age 60. Under the present law, a widow of a deceased railroad worker is, if under 65 years of age, required to wait until she reaches age 65 before she becomes eligible for a widow's benefit. This situation causes great hardship to these unfortunate widows. They are often unable to find outside employment at their usual late age, yet must wait several years before they become eligible for a widow's benefit. This provision in the bill would reduce the eligibility age to 60 and thus removing an inequity in the existing law.

Second, the bill would change the present law as to widowed mothers having disabled children. Under present law, benefits are payable to a widowed mother under age 65 only if she has a child of the deceased employee under age 18. H. R. 7840 improves the law by providing that a widowed mother under 65 can draw benefits regardless of the age of the child if such child has a permanent physical or mental disability.

Third, the bill increases benefits payable to some retired employees by increasing the taxable salary from $300 to $350 per month. Under present law annuities are based on average monthly compensation and years of service, with the maximum creditable monthly compensation being $300 per month. H. R. 7840 provides that compensation up to $350 shall be credited. Thus, employees with an average monthly compensation

of $350 for 30 years would get an increase of about $20.70 in his monthly retirement benefit.

Finally, the measure liberalizes unemployment and sickness benefits payable under the Railroad Unemployment Insurance Act. Under present law such benefits are payable up to a maximum of 130 compensable days in a benefit year, and benefits range from $3 to $7.50 per day. H. R. 7840 raises benefit levels from $3.50 to $8.50 per day; that is, a 50-cents-per-day increase all the way along the benefit schedule.

These changes in the law are all desirable in themselves. I regret that H. R. 7840 fails to provide for a general increase in all retired benefits. Nevertheless, the bill in its present form is sound and worthy of support. It is my hope that the House Rules Committee will bring this measure to the House floor so that it may pass during the present session. In taking action to pass H. R. 7840, you can count on my full support.

AMENDING ATOMIC ENERGY ACT OF 1946, AS AMENDED

Mr. COLE of New York. Mr. Speaker, I 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. 9757) to amend the Atomic Energy Act of 1946, as amended, and for other purposes.

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 consideration of the bill H. R. 9757, with Mr. TABER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. COLE of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I feel an impulse to express my own very deep personal gratification at suddenly discovering the identity of the individual who is to preside over the deliberations in the consideration of this bill in the Committee of the Whole. I consider the selection of this distinguished colleague of mine as the Chairman of the Committee of the Whole a rather good omen for the eventual outcome of the measure. I am certain that his reputation for expediting legislative processes will result in a steady, full, and deliberate consideration of the bill without any excursions into realms having nothing to do with the measure.

Mr. Chairman, I think it may be of some interest to the members of the committee to know the history of this bill. It is the first bill to revise the Atomic Energy Act of 1946, which has been in existence now for 8 years. There have been perhaps half a dozen times when the Congress has amended the act in a very minor or specialized phase. This is the first bill to make any serious adjustments in that act. That fact alone speaks well, I think, for the framers of the original law. What we in the Congress did in 1946 through the McMahon Act, we did rather in desperation and in ignorance, not knowing the full implications of atomic energy, and having no full conception of what might develop from it. We therefore took the only course open to us—that was to wrap up all knowledge, all information, and all property relating in any respect to the use or development of atomic energy, and figuratively to put all of that into a steel black box. We pushed it into a safety deposit vault. We made it unlawful for anybody to own fissionable material, to produce it, or to own the earth from which the material comes. We made it unlawful to disclose any information about atomic energy, even to the point of condemning to death people who might seriously violate that law. We put all of that information and material into a little black box, we put this in a safety deposit vault, and then we gave it to the Atomic Energy Commission and said "Go ahead." In the Atomic Energy Act of 1946 we made it unlawful for persons who had any connection with the atomic program to obtain a patent in this new field. We made a complete, arbitrary, and unlimited Government monopoly of this matter.

As time has passed we have acquired more experience and knowledge. We have learned much more about this new force than we knew 8 years ago. I speak of what we did in 1946 in no sense of criticism. The original bill was enacted rather unanimously, with only one major area of disagreement. This was with respect to the extent that the military would have control of the program. Everybody agreed that there must be full governmental domination of this new field.

But now we find that the law can be adjusted. It has been proposed that it be adjusted in 3 major fields, 2 of these having to do with the international aspects of the atom, the third having to do with the domestic application of atomic energy.

About 2 years ago, soon after the joint committee persuaded the Congress to do so, the Congress voted the appropriations necessary to expand our production facilities to the point where we could be reasonably certain that our military requirements would be met. Two years ago, also, the joint committee, under the leadership of the acting chairman, the gentleman from North Carolina [Mr. DURHAM], being satisfied that our security requirements were well underway to being met, set about to inquire into what might be done with this new force for nonmilitary objectives. The then acting chairman dispatched letters of inquiry to scientists and other persons throughout the country. Members of the staff made visits throughout the country, and came back indicating that there was a prospect that this force could be harnessed for the good of mankind.

At about this same time, the Atomic Energy Commission displayed the same attitude, and set about establishing study commisisons, composed of various companies in the country—utility companies, chemical companies, machinery companies, and the like. Many distinguished companies were involved in this effort. These study groups were commissioned to look into this field of constructive uses of the atom. They came back with varying reports, some discouraging, some highly optimistic. Against this background, the joint committee last summer undertook an inquiry, through public hearings, into the field of nonmilitary, peacetime applications of atomic energy here in this country. We held hearings for about 6 weeks. That was about a year ago. These hearings gave us some further basis for encouragement.

The consensus at that time was that there was no doubt that atomic energy, from the technical standpoint, can be made usable in the production of electrical energy. The important question concerns the extent to which atomic energy can be made economically competitive with coal and oil and gas and water power in the production of energy. The energy can be made, but we are not sure how competitive it would be with conventional methods of producing energy. And, even under this bill, we will not know for several years to come how competitive it may be. But there are possible uses of atomic energy other than for power. I dare say the long future may show that atomic energy, nuclear energy, may have a far greater value in helping mankind through the use of this energy in preserving foods without refrigeration, having no consideration to climate or atmosphere; through using atomic energy for medical purposes, for the diagnosis of disease and for treatment of human beings, than in the production of power. It may be that the use of this force in the field of helping the human body alone, will outweigh its value in generating electricity.

In any case, we were so encouraged with the prospects for the peaceful atom that we set about considering revisions of the act. Early this year the President sent the Congress a messsage bearing on this problem. He asked Congress to revise the atomic energy law in two particulars. The President asked us to legalize private endeavors in the atomic energy field in the area having nothing to do with weapons—in the area of domestic peacetime nonmilitary uses of atomic energy. He also asked that we revise the act to make it possible for us to exchange information with our military allies regarding the military uses of atomic weapons and also to cooperate more closely with friendly nations in the peacetime field.

His message to Congress said nothing about the international atomic pool which he had proposed to the United Nations in December of last year and which was hailed throughout the world as one of the greatest offerings that has ever been made on the altar of peace by any country at any time in all civilized history. In his United Nations address, the President expressed our willingness to explore with other nations ways and means of establishing a peacetime international atomic pool, in which information and materials would be exchanged, toward the end of helping people help themselves in conquering hunger, poverty, and disease, which are the seed causes of war. However, his message to Congress did not ask for legislation to accomplish that purpose.

A bill was sent to the Congress from the Atomic Energy Commission designed to carry out the objectives of the President's message. That bill was carefully considered by myself and others of the committee. Although the bill was not intended to cover the international atomic pool idea, it was drafted in such a way that it would have made the pool possible. It was drafted, however, so broadly, and it gave the President such rather complete, unlimited, and unrestricted authority, both in the domestic and in the international field, that I would not introduce it. I felt quite certain that it would not be acceptable to the committee and more probably that it would not be acceptable to the House. So the bill sent down to us was not introduced.

Thereupon the vice chairman and I and others of the committee staff sat down and drafted our own bill. It had been my personal purpose and thought to treat these 3 phases of the amendments to the Atomic Energy Act of 1946 in 3 separate bills. However, as we got into this subject, we discovered that the three problems were very interlocked and interwoven. We realized also that the act itself was in dire need of being overhauled and modernized and brought up-to-date. We therefore concluded that all 3 of our objectives, along with the overall revision, would be treated as 1 bill. So the bill was drafted by the chairman and vice chairman. It was not introduced. It was submitted to the joint committee. The joint committee then spent 5 weeks, I believe, going through that bill paragraph by paragraph, line by line, and item by item. We concluded with a bill which was reasonably acceptable to most members of the committee.

That bill was then introduced. The committee then had hearings on the measure—public hearings. Interested persons came in and expressed their criticisms or their approval. The committee reconvened and considered those criticisms. Many of the criticisms were adopted; some were not.

This bill reflects the culmination of those 2 years of effort. If ever there was a bill that was figuratively hammered out on the anvil of the legislative process, this bill represents such a piece of proposed legislation.

At no time have there been any instructions, given or accepted, by the administrative end of the Government, the Chief Executive or the executive department. Neither have we done other than to invite criticisms and recommendations of the Atomic Energy Commission.

I should like for the next few minutes to point out to you just what the bill does in those three major fields which I referred to earlier. If you all have copies of the bill, which I hope you do, I again direct your attention to those various fields, in order to explain much more clearly the policy of the bill.

The international phases are covered in two sections. Section 144 should first be considered by the Committee of the Whole, Mr. Chairman. Section 144 is divided into two subsections. The first subsection, (a), has to do with what might be called the international pool.

It authorizes the President to in turn authorize the Atomic Energy Commission to cooperate with another nation—I call your attention to the fact that it is only one nation—and to communicate to that nation restricted data in this list of six fields.

First. We may give that nation entering into an agreement for cooperation with us information with respect to the refining, purification, and subsequent treatment of source material. Source material is the material in the ground from which comes this special nuclear material.

But that authority is in existing law today. The authority on the part of the Commission to tell a foreign country information with respect to what is set forth here in item No. 1 is already in existing law.

Second. This says we can give our foreign ally, a foreign country, information with respect to reactor development. That is a rather broad subject, but that too is contained in and authorized by the McMahon Act today. So we are not adding anything new in that respect.

Third. It deals with the production of special nuclear material, this being defined in the act as material capable of releasing substantial quantities of atomic energy. That, too, is authorized in current, existing law.

One thing we have added in this act—in fourth—is to authorize the dissemination of restricted data with respect to health and safety of people. That is based, and justified, entirely upon humanitarian grounds. I doubt if anybody would dispute the justifiable basis for that. We have also authorized—in fifth—the dissemination of information on industrial and other applications of atomic energy for peaceful purposes. That is new. Sixth authorizes restricted data dissemination on research and development related to the foregoing, which is in existing law.

So when you hear talk that this bill proposes to give vital information away to the peoples of the world, to foreigners, to enemies as well as friends, just tell those people who talk that way to look at the record. The bill does no such thing. It scarcely enlarges the field of the exchange of information beyond what is presently authorized by law in one of the amendments to the McMahon Act which the Congress adopted 2 or 3 years ago.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. JENKINS. The gentleman has just mentioned the matter having to do with purification and so on on page 57. I think nearly everybody can understand that, but on this matter of reactor development, I wonder if the gentleman would take about a half minute to go into detail with respect to that.

Mr. COLE of New York. There is so much more involved here that I would like to have the Members understand that I hesitate to spend too much time on a discussion of reactor development. Perhaps I am using that as an excuse rather than as a justifiable reason. I am not sure that I can give a full and complete explanation of what constitutes reactor development. A reactor, of course, as you know, is a furnace where this special nuclear material is combined and compiled and assembled and where the fission process is set up or is generated, which results in the product of the special nuclear material. But there are many varieties or adaptations of that.

Mr. Chairman, to get back to the matter of dissemination of information. Even that cannot be done until certain steps are taken. There is a flat prohibition which provides that no such cooperation shall involve the communication of restricted data relating to the design or fabrication of atomic weapons. At no time is it contemplated that important information will be disclosed to anybody—friend or ally—as to the design or fabrication of the weapons. It is further provided that this cooperation will not take place until after the steps and procedures required by section 123 are followed.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. RIVERS. Is there any reason for not disclosing the name of the one nation or does that mean only one nation at a time may be involved?

Mr. COLE of New York. No, the particular nation has no identity. It may be any nation.

Mr. RIVERS. Only one at a time?

Mr. COLE of New York. Only one at a time unless he resorts to the authority carried in section 124, which permits the President to enter into an agreement with a group of nations. Of course he has that authority anyway, without writing it into this bill. He can make any proposed international treaty that he may want to. But this is rather an invitation for the President, if he wants to embark on the international atomic pool plan by way of a large pool of nations, to do that same thing. It may become a treaty with a group of nations which would be submitted to the Congress for its approval, and then the President could take the steps set forth in section 123.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. COLE of Missouri. What about the United Nations? Would it now be possible for him to make an agreement with the United Nations?

Mr. COLE of New York. This bill as written does not authorize the President to enter into an agreement of cooperation with the United Nations.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. FULTON. But it would authorize the President to enter into an agreement with an organization, under section 51 of the United Nations Charter, for mutual defense.

Mr. COLE of New York. I am not at all familiar with section 51 of the Charter of the United Nations. But, anyhow, this bill does not give the President the authority to enter into any agreement with the United Nations, or with any agency of the United Nations except pursuant to the inherent and constitu-

tional authority he already has to propose an international treaty.

Mr. FULTON. Two examples of that we have right here—first, the pact for the Western Hemisphere, and the ANZUS pact for Australia, New Zealand, and the United States.

Mr. COLE of New York. I may say to the gentleman that I will cover that more fully in just a minute.

Mr. FULTON. That would be the United Nations.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. VORYS. As I understand, the gentleman said that the international atomic pool authorized under section 124 would require an agreement for cooperation with each individual nation under section 123, so that there would not be any such thing as an agreement with an international organization; it would be with the various members because they would all have to comply with section 123. Is that correct?

Mr. COLE of New York. I am not just certain that I can answer the gentleman's statement by saying that it is correct or it is not correct.

Section 124 is rather clear. It says that the President may enter into any international arrangement, which is defined earlier in the bill as either a treaty or international compact subsequently approved by both Houses of Congress. That is an international arrangement. The President is authorized to make such an arrangement with a group of nations. Now, that might be a group of separate nations or it might be a single unit of nations, such as the United Nations. I do not know. It is up to the President, and that would be submitted to the Congress for ratification. Then, after an agreement has been made in the constitutional fashion, it will be implemented in the manner set forth in section 123.

So essentially, under section 124, the Congress would have a chance to look at the countries which would participate in this big pool, having been satisfied that this group of countries would come within the machinery of section 123.

Mr. FULTON. Mr. Chairman, will the gentleman yield for a question?

Mr. COLE of New York. I yield.

Mr. FULTON. Would you tie that down to page 57, section 144 (b)?

Mr. COLE of New York. I have not come to that yet.

Mr. FULTON. But does that apply only to them?

Mr. COLE of New York. Let me explain 144.

Mr. FULTON. It says:

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate—

Mr. COLE of New York. I have fully covered that and I am coming to section 144 (b) right now.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. RIVERS. Any such agreement, I understand, has to be concurred in by each body of the Congress.

Mr. COLE of New York. This bill authorizes an international agreement between this country and one other country at a time.

Mr. RIVERS. Yes.

Mr. COLE of New York. There is no limit on the number of bilateral agreements or international compacts that might be made. If the gentleman will look at the section on definitions which appears earlier on the bill, he will find that the term "international arrangement" is specifically defined. I am sure that will answer his question.

Mr. DAWSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Utah.

Mr. DAWSON of Utah. Mr. Chairman, I would like to make this suggestion for the benefit of those of us who are trying to get the whole picture, that the gentleman proceed with his statement and conclude it, then that we ask questions later on.

Mr. COLE of New York. Mr. Chairman, section 144 b. authorizes the President in turn to authorize the Defense Department, with the advice and assistance of the Atomic Energy Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such restricted data as is necessary to, first, the development of defense plans; second, to the training of personnel in the employment of and defense against atomic weapons; and third, the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

That is the authority that this bill contains. It was originally or initially requested by our representatives in the North Atlantic Treaty Organization. Heretofore they have been barred from disclosing to their counterparts in the North Atlantic Treaty Military Establishment this type of information. Our military people feel it is very essential to any field commander to have this information, but this is prohibited under existing law.

Let me call your attention to a further condition. This information, even with respect to a defense organization, is allowed to be transferred under this authority only so long as that other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security. Is there any giveaway in that? We require that, even with respect to the information concerning the military use of atomic weapons, it shall not be disclosed to any country unless that country is cooperating with us by substantial and material contribution to the mutual defense and security. There is not, of course, a definition of what constitutes a "substantial and material contribution." But, at least, this is an indication that we expect our allies to contribute something.

There is a further proviso to which I would like to call your attention. Even in this field, the field of military application of atomic weapons, no information to be transferred shall involve restricted data concerning the design or fabrication of the nuclear components of an atomic weapon, except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use of the atomic weapon; but not in any of these categories unless in the joint judgment of the Atomic Energy Commission and the Defense Department such data will not reveal important information concerning the design or fabrication of the nuclear components of the atomic weapon.

What does 123 do? Earlier in the bill a definition is made of an agreement for cooperation. No. 1. Section 123 says that none of the cooperation authorized in this bill by any of the sections, notably section 144, which I have just read, may be undertaken by the President or anybody else until these steps have been taken—until the Commission or the Defense Department has prepared its agreement, written it out in black and white, showing the terms and conditions, duration, the nature, and the scope of the cooperation. No. 2, there must be a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained. No. 3, a guaranty by the cooperating nation that any material, any special material, to be transferred pursuant to that agreement will not be used for atomic weapons or for research on atomic weapons, and a further guaranty that the special material will not be transmitted to another nation. Before anything can be done, a contract setting forth all of the terms, some of which are required as guaranties, is put in draft form. Next, the President must approve that agreement. He cannot approve it unless he has made a determination in writing—subparagraph b—that the terms of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security.

This imposes on the President a solemn obligation to assess the world situation and decide whether this agreement—be it for nonmilitary use of atomic energy, the international pool idea, or for the exchange of information regarding military use of atomic weapons—will promote and will not constitute an unreasonable risk to the common defense and security. Then he makes a determination in writing. But that is not all. Then the proposed agreement, together with the approval of the President, must come to the Joint Committee on Atomic Energy. It must lie before that committee for 30 days during which the Congress must be in session.

There are some who argue that we have set up so many limitations, that we have so circumscribed this matter, that it is going to be difficult for the goal to be accomplished. With that argument I am inclined to agree. However, it is my own personal feeling that if we are going to make a mistake, it is better to err on the side of caution and discretion, rather than to make a mistake by being unduly generous. Once information is

distributed and disseminated abroad, we cannot take it back again. We had better proceed cautiously and slowly. So much for the international phases.

I now turn to the domestic peacetime development of atomic energy. This matter is covered in sections 103 and 104, pages 42 and 44. We might consider section 104 first, since this has to do with experimental licenses. For the first time it is made legal for a person to own a facility which utilizes special nuclear material. Such a facility might generate electricity, it might be used to treat physical ailments; it might be used in experimentation of food preservation; or in any number of possible conceivable uses of this force. Any of those persons as to whom it is now made lawful to embark in this activity must, before they do so, go before the Commission and obtain a license, a permit. The Commission is authorized to grant such a license. The license for experimental facilities is set forth in section 104. The Commission is authorized to issue licenses for utilization facilities for use in medical therapy in subsection (a). Subsection (b) has to do with the licensing of facilities for research and development leading to the demonstration of practical value of such facilities for commercial purposes. Subsection (c) has to do with licensing of research facilities, in research and development. After a reactor has been tested out under section 104 (b) and its practicability as an atomic reactor has been established, and after it has been demonstrated that this force can be used economically competitively, the Commission then makes a determination that such a reactor as a type does have commercial utility. It may then license persons to use that reactor under the authority given to it as set forth in section 103.

I particularly call your attention to one expression in that section—the opening sentence of subparagraph (b) of section 104. This says that the Commission shall issue licenses on a nonexclusive basis to those who demonstrate they have the capacity to carry out the license. The important part of the paragraph is that the Commission is required to issue a license to anybody who may come in and apply for a license, and who demonstrates that he has the financial capacity, the personnel, the ability to put that license to work. There can be no preferences. There can be no advantage given to one group over another. The bill very specifically requires them to let anybody come in, and it requires them to grant a license.

There is only one development which might result in the Commission's denying a license for the commercial use of these facilities. That is very, very remote. This would be only in the event that there is a scarcity of special nuclear material, to the point where we cannot afford to allow it to be used for nonmilitary purposes. In other words, if our stockpile of atomic weapons is sorely depleted, which is conceivable, although highly improbable, it may be necessary for the Government to say, "No, we can no longer hand out special nuclear material, the fuel to run these utilities, because we need it for weapons." That is the only possible situation which would result in a possible selection of applicants for this material. Otherwise it is free and open for the full force of the normal influences of private enterprise.

There is a feature of this bill which I should now like briefly to call to your attention. It is contained in section 261, to be found on page 102. For the first time, we are writing into the law a requirement that the Atomic Energy Commission must hereafter come to the Congress and obtain specific legislative authorization for the appropriation of its funds for the construction of facilities, acquisition of property, et cetera. Heretofore, under present law, and quite properly at the time it was done—I have had no complaint with it at all—the Congress gave the Commission the authority for whatever funds it might need. The result was that the Commission simply had to justify its requirements before the Appropriations Committee. If this proposal is adopted, which I sense would be the judgment of the House, the Commission will have to obtain specific authorization, just as the military services are required to do.

The only section of the bill to which I have taken personal exception is that having to do with patents. It is section 152. I invite the attention of the House to my statement, having to do with patents, contained in the report.

The current law makes illegal patents in either the weapons field or the nonweapons field. It does authorize and require the Atomic Energy Commission to commandeer as public property any patent application in this field that might be made. That authority has never been exercised by the Commission, because few if any applications have been sought. So to all intents and purposes the present McMahon Act makes unlawful the issuance of patents in the atomic-energy field.

Now, for the first time, and I repeat for emphasis, for the first time in the history of this country, it is proposed that in this select field, and for a select, limited period of time, the Government should invade the exclusiveness of patent rights—a most serious step.

This proposal, bear in mind, was not in the bill as originally introduced by the vice chairman and myself. It was inserted by the action of the joint committee. It is based upon an argument advanced by the President's message to the effect that a restriction of normal patent rights is now necessary to keep the limited number of companies, which, as Government contractors, now have access to the program, from building patent monopolies which might work to the disadvantage of other companies now seeking to enter this field. Let us bear this in mind: When the expression "limited number of companies" is used, of course they mean Westinghouse, General Electric, Union Carbide & Chemical, Dupont, perhaps half a dozen others. Do not forget that those companies did not seek these jobs; they did not seek these contracts with the Commission. The Commission literally had to beg them in many instances to take on the contracts. Further, do not forget that these companies brought to the functioning and operation of those contracts, the skill, the knowledge, the know-how they have acquired over centuries in some cases, decades in other cases, of experience. They brought into this endeavor knowledge and know-how.

Is there any right for us to seek to wipe from their minds the experience that they have gained by carrying out a patriotic endeavor, giving the Government the benefit of their experience? Let us not fool ourselves. Instead of a limited number of companies having been in the inner circle, there are something like 15,000. This proposal on patents says that anybody, whether he has been in the inner circle or not, who has any patent in this nonmilitary field, may have it commandeered by the Atomic Energy Commission, and the owner of that patent will be required to license anybody who may want it, to use that patent on a royalty determined not by the owner of the patent but determined by the Government. This is an unquestioned, clear violation of the exclusiveness of a patent right.

This authority sought in section 152 is not only unprecedented but clearly unconstitutional. I have given a good bit of study and thought to it. There is not a doubt in my mind but what a court would declare it unconstitutional. When it does, what protection have we against the windfall profit argument that is used? Even if it be argued to be constitutional, it is not necessary. There is another way of accomplishing this same goal of preventing windfalls, unjust enrichment of this so-called inner circle. That proposal was contained in the bill as originally introduced by me, and in substance it is this: Anybody who applies for a patent in the nonmilitary field of atomic energy must at the time of his application certify under oath the time and conditions when he conceived that invention or discovery. Upon filing of that application and that certification, the Commissioner of Patents is required to turn that over to the Atomic Energy Commission, which, in turn, is required under the provisions of the bill to examine the certification. If the commission finds that the person making the application for the patent made the discovery while he was employed by the Commission, or employed by a contractor of the Commission, or while the man had any relationship with the Government whatever, the Commission may then say, "Mr. Jones, that patent belongs to the Government because the Government contributed toward your discovery by allowing you to use our laboratories or by your employment with a contractor, directly or indirectly." That adequately accomplishes the goal sought by the President and which is the basis of the argument advanced by those who seek compulsory licensing.

There is a deeper purpose and a deeper meaning to this advocacy of compulsory licensing. If it is logical in the national interest to require the licensing of patents in the field of atomic energy, why should we not also require it in the field of electronics, where millions and millions of dollars of public money have

been poured into research development and improvement? If it is logical in the field of atomic energy and electronics, then why not in aircraft engines and plane development, where again public funds have been used? I could go on and give a long list of activities, such as shipbuilding and radio, and so on. Again, if it is logical for 5 years, why should it not be for 10 years? As a matter of fact, I daresay a proposal will be made to change this 5 years to 10 or even 20 years. If it is logical for 10 years, then why not make it a permanent policy of our Government to provide for compulsory licensing of patents? When that day comes—when the inventive mind of our citizens is denied the full and exclusive right of an invention—then we will discourage and destroy initiative and enterprise, which has been the very foundation and success of our industrial system—and I am referring to the patent system which we now have. We will be killing the goose that has laid our golden egg. This is the first step. I agree that it is a negligible step in the sense of providing for only 5 years, and only in this field. It is probable that there will not be many patents in the next 5 years. Yet this is a step which must not be taken. It is a step which we will never be able to retract, because the ice will be broken and a precedent will be established. Furthermore, it is so unnecessary for us to resort to this extreme method. The argument will be used that this was recommended by the President. In the consideration of this bill under the 5-minute rule, I feel I will take up this point later.

Let me now only say that I was so disturbed by this section that I undertook, in my own individual capacity, to write to the President, pointing out to him the danger of this recommendation. I received in reply a reiteration of his hope that the Congress would make it impossible for any of the people who have been on the inside to take unjust and undue advantage of that position—a goal that we all agree should be accomplished. But he said, roughly, quoting or paraphrasing the President, "The recommendation which I made with respect to the 5-year patent provisions is not the only method. If there is another method to accomplish that goal which is acceptable to the Congress, then certainly it will be aceptable to me." That is a paraphrase of part of the President's letter, which I will insert, of course, in full at the appropriate time.

Mr. Chairman, I think that covers the points I had in mind to discuss.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. HALLECK. I commend the gentleman from New York [Mr. COLE] for his very able and splendid and high level explanation of a very difficult and intricate problem. I want the RECORD to show the rapt attention of all of the Members who are here, and I see about me a very considerable part of the membership of the House of Representatives. The rapt attention with which they have listened to what the gentleman has had to say is to me one of the grandest evidences of respect that I have seen during my service in the House of Representatives.

Mr. COLE of New York. Needless to say, I am humbly appreciative of the gentleman's generous remarks.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. ROGERS of Colorado. My understanding is after having examined the licensing sections that the Atomic Energy Commission is authorized to grant a license to any individual who is cleared regardless of what it may be. Now, is there any yardstick in this bill that determines what the Commission may charge to them as a selling price or lease price of fissionable material? Do we set up any yardstick whereby the Atomic Energy Commission is controlled?

Mr. COLE of New York. That is covered in the bill. The Atomic Energy Commission is required to make a charge for the use of this material.

Mr. ROGERS of Colorado. Yes, they may charge for it, but do we in this bill set up any yardstick which states how much they can charge?

Mr. COLE of New York; Yes; it is in the bill.

Mr. HINSHAW. The matter of charges is covered on page 26, subsection (c). It is clearly set forth.

Mr. COLE of New York. The gentleman will find the answer to his question on page 26; that is where that matter is dealt with.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. MORANO. Attention should also be called to section 123 in which the agreement entered into by the President lies before the joint committee for 30 days. If no veto action is taken by the Congress it goes into effect.

Experience has shown that for the most part when the joint committee is reasonably united in its opposition to anything that is being proposed by the Commission, it does not go through.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. SCRIVNER. In the matter of safeguarding the use of this fissionable material is there any requirement for protection against the waste of the material?

Mr. COLE of New York. The gentleman asks about the disposal of waste material?

Mr. SCRIVNER. Yes; waste material.

Mr. COLE of New York. The Commission is enjoined to impose standard regulations in connection with the use of the special nuclear material and the utilization of the byproducts.

Mr. SCRIVNER. That would be under the licensing part.

Mr. COLE of New York. Yes.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. RIVERS. Subsection 3 of section 123 to which the gentleman has recently referred, is that the only instance where Congress would have an opportunity to approve or disapprove any of these international agreements entered into by the President?

Mr. COLE of New York. That is right with respect to the bilateral agreements, but would not be with respect to any agreements with a group of nations.

Mr. RIVERS. Any agreement, with a group of nations would have to be approved by a vote of both the House and the Senate.

Mr. COLE of New York. Yes, a majority vote of each body or a two-thirds vote of the Senate if it comes up for ratification in that body alone.

Mr. RIVERS. If the gentleman will look at the definition of "international agency"——

Mr. COLE of New York. It is international agreement, and the section on definitions is very clear.

Mr. RIVERS. I want to join in what the gentleman from Indiana [Mr. HALLECK] has said about the magnificent thing we have seen here just now and the cordial reception that greeted the gentleman's speech.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Tennessee.

Mr. BAKER. I understood the gentleman to say earlier in his statement that the President could enter into an exchange of information agreement with any one nation or any group of nations but not with the United Nations, is that right?

Mr. COLE of New York. No; that is not right. The President is authorized without further act of Congress if this bill is adopted to enter into an agreement with one nation, to exchange with that nation information regarding the nonmilitary aspects of atomic energy. The President is authorized to enter into an agreement with a single nation or a group of nations combined together as a regional defense organization, to exchange information with that nation or regional defense organization regarding the military application of atomic weapons. The President is not authorized to enter into an agreement with a group of nations with respect to the nonmilitary aspects unless he does so by way of a treaty or an international compact approved by both houses of the Congress.

Mr. BAKER. On page 52, section 123 was the primary purpose of my question as to what the words "regional defense organization" mean.

Mr. COLE of New York. "Regional defense organization" means the North Atlantic Treaty Organization, the South American or Rio Pact. We also have a compact with Spain. This relates to any government with which we may have a compact for defense or a group of nations where we have a regional compact with those nations.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Under article 51 of the United Nations mutual defense treaties are made a part of the United Nations. It is an agency of the United Nations but they are run by themselves under their own agreements. Under article 54

and article 55 for the mutual benefit and development of nations, you would then have a restriction against the President entering into any agreement with those nations for development of nonmilitary uses. He could deal with any one nation for development but not as a group of nations unless it came before the Congress for approval by both Houses or by treaty or compact; is that right?

Mr. COLE of New York. I understand that is right, although again may I say I am not familiar with the United Nations Charter.

Mr. FULTON. Why is there not an express provision for inspection by our United States people in reference to the carrying out of these agreements abroad? Secondly, why does not either House of Congress have a right by a majority vote to cancel any of these agreements?

Mr. COLE of New York. We can find all sorts of faults and arguments against this. Inspection is not necessary because this is to have nothing to do with weapon use. It will not involve an amount of fissionable material which may be used for weapons. The contract must contain a guaranty against using this material for even research in weapons. This is intended not to have anything to do with weapons' use or research application; therefore inspection is not necessary.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would like to ask the gentleman for clarification of section 123, there is no direct control on the part of Congress in reference to the establishment of these agreements, is that true?

Mr. COLE of New York. Yes.

Mr. FRELINGHUYSEN. It is primarily a decision on the part of the AEC, the Defense Department and the President. There is delay when the agreement must be submitted to the joint committee, but no action officially is required or would be of any direct import?

Mr. COLE of New York. No affirmative act of the Congress is needed to put into effect an agreement for cooperation.

Mr. FRELINGHUYSEN. No negative vote would keep it from being put into effect?

Mr. COLE of New York. I cannot agree with that, of course.

Mr. DURHAM. Mr. Chairman, I yield myself 24 minutes.

Mr. Chairman, we are taking up today a measure which deals with a subject not only considered by the average layman as the No. 1 wonder of this present period of world history, but it is generally agreed by all scientists that it is, and has been, listed as the No. 1 wonder of the world today. For more than 2,000 years, man has known that matter is made up of atoms, but it has taken us that period of time to achieve what today has been accomplished—the actual splitting of and knowing the actual structure of the atom that makes up the elements.

The Greek scholars advanced this theory some four hundred years before Christ. Scientists from that period on thought of the atom as immutable, but with the discovery of uranium and radium produced from this element, the thinking of the scientists began to change.

The miracle of flight today is real, and the thinking of flight is a great accomplishment by man. We have actually produced supersonic flight and certainly this is a very great accomplishment of mankind; and many thought it would be impossible to go beyond that barrier of sound, but today the miracle is that energy is projecting man beyond the supersonic barrier; and again wonders begin to happen and new scientific fields are opening up in the field of flight.

Man has been able to control the wave impulses also and that has given us a new knowledge and has speeded up communications to a point where it is one of the amazing wonders of the present day.

Another of our present-day wonders is that man has been able to give to us an application of antibiotic drugs. Man today, through this and other scientific developments, is conquering disease after disease, which only a few years ago was man's mortal enemy.

The main object with which we are concerned here today is the measure before us—to make the atom more readily available for the benefits of mankind, and to free us from dependence on traditional elements that produce heat and, in turn, give us cheaper energy. Those of us who have lived over the past 50 years have learned by experience that the application of energy has done more to relieve mankind of drudgery and hard work and has advanced economy more than any other of our accomplishments.

In bringing this measure here before us, I can assure you that our main objective is to continue the freedom of science so that we may continue as we have in the past 2,500 years to create out of this more benefits for the future generations.

I speak today to urge the passage of H. R. 9757. This bill was reported out favorably to the House only after more than 3 months of deliberation on the part of the Joint Committee on Atomic Energy. During these months, the committee held more than 70 meetings on the subject of this legislation, and it took testimony from officials throughout the executive branch and from private citizens representing a wide variety of viewpoints.

Actually, however, the legislation now before the House is based, not merely upon 3 months' study by the joint committee, but upon the committee's total experience in dealing with the unfolding problems of atomic energy—a record of experience which now goes back almost 8 years. Since the committee was first established in 1947, it has been keenly aware of the vital role of legislation in assuring atomic progress. In the summer of 1952, when it was my honor to serve as chairman of the joint committee, I requested the Atomic Energy Commission to prepare a statement of its views on the development of atomic power. In December of that year, the committee issued a 416-page print entitled "Atomic Power and Private Enterprise." This print was intended to set forth the problems involved in promoting peacetime atomic energy applications. In the spring of 1953, the Commission submitted its policy study on atomic power, and the joint committee took extensive testimony on this matter.

I have sketched in this background only to underscore the fact that the joint committee worked long and hard before reporting out this legislation. And here, let me pay deserved tribute to the joint committee chairman, Representative STERLING COLE. He has been the very model of a conscientious and fair-minded chairman. Like all of us on the committee, he has been determined that partisan considerations would never intrude upon our study of this legislation.

The Members of this House are aware that H. R. 9757 represents the first major revision of the Atomic Energy Act of 1946—the McMahon Act. Heretofore, it has been necessary to revise our basic law from time to time, but all such changes have been minor. The fact that the law has stood essentially unchanged for 8 years constitutes a great tribute to those who framed it—a tribute which should be accorded particularly to the late Senator Brien McMahon, sponsor of the original act and subsequently chairman of the joint committee.

It was not to be expected that the original law could indefinitely meet the rapidly changing problems of atomic energy. In fact, the men who wrote that law themselves realized that it would have to be revised in the light of changing circumstances.

Permit me now to describe some of the changes which have taken place in atomic energy during the 8 years that have elapsed since the McMahon Act became the law of our land.

First, on the military side: When the original law was written, the United States possessed an atomic monopoly. Many Americans, who somehow forgot the nature of scientific development, hoped and supposed that we might retain our atomic monopoly for decades to come. But these hopes were rudely jolted in the summer of 1949, when the Russians exploded their first atomic bomb. Three years later, the British joined the ranks of the nations possessing atomic weapons. Last fall, the Soviets also achieved a hydrogen explosion—less than a year after our first full-scale thermonuclear test.

In 1946 only a few visionaries invisaged the possibility of tactical atomic weapons, which might be used in support of troops on the battlefield. It was almost universally assumed that atomic weapons would be employed only by long-range air forces, striking at the strategic targets of an enemy. Yet the skill of our scientists and engineers resulted in making tactical weapons possible—weapons which could be used in a wide variety of military situations, directly in support of troops in the battlefield, and also against an enemy's lines of communications, ammunition dumps, and supply depots. Today, as a result, tactical atomic weapons can have a tre-

mendous impact on the defense of Western Europe. Our existing atomic preponderance can permit us to offset the numerical inferiority of the NATO conventional forces with the superiority of our atomic stockpile. On the other side of the ledger, however, the NATO forces must face up to the dangers posed by the Russian atomic stockpile.

The original act laid down very stringent requirements for controlling information on the use of atomic weapons. These requirements reflected the situation in existence in 1946. We hoped—however vainly—to preserve our atomic monopoly for a long time to come, and the use of atomic weapons did not figure in common defense planning, such as that now carried on under NATO auspices. In 1954, however, the military situation has changed. We no longer have an atomic monopoly, and we are now involved, with our NATO partners, in a common defense effort, involving common planning and common operations. Accordingly legislation which met the military needs of 1946 no longer meets the military needs of 1954.

On the peacetime side, 8 years of atomic progress have wrought similar changes. Our efforts to harness the atom for peacetime power have yielded much more impressive and rapid results than was expected almost a decade ago. After Hiroshima many believed that it might require a full generation to achieve practicable peactime atomic power. Now, however, the goal is in sight. Our first large-scale atomic power reactor will be in operation in 1957, and—by the early 1960's—several large-scale atomic reactors should actually be operating. The very successes of the Atomic Energy Commission and its contractors have now led to a situation in which our governmental resources are no longer sufficient to push atomic power development with all possible speed. Now, if we are to make maximum progress toward the goal of cheap atomic power, we must have a combined effort—involving the contributions of both Government, using the public's money, and private industry, using private money.

The Members of this body should remember that we are not the only nation pressing toward peacetime power. More than 20 countries now have atomic energy programs in being. In the power-starved areas of the world—in those regions possessing little or no coal, oil, or hydroelectric power—there is a tremendous need for electricity derived from nuclear fuels. I must say in all frankness that if the Russians beat us in the race for practicable peacetime atomic power, we may suffer a moral setback in the world whose consequences might be more grave than even a military disaster in Indochina. The Russian announcement of last month to the effect that the Soviets are now operating a 5,000-kilowatt power reactor indicates that the Kremlin's awareness of the fact that the race for supremacy in peacetime atomic power is scarcely less important than the race for superiority in nuclear weapons.

At present, however, our atomic energy legislation keeps us both from cooperating with other nations in atomic power development, and from advancing our own program in this area with all possible speed. The existing legislation makes the ownership and control of atomic reactors a governmental monopoly, and it likewise prohibits private use of atomic materials. These restrictions made sense in 1946. To my way of thinking, they do not make sense in 1954.

The bill now before the House adjusts our legislative controls over atomic energy to the facts of atomic progress, both on the military and peacetime sides.

In the field of military applications, H. R. 9757 would permit us to cooperate with other friendly nations, or with regional defense organizations such as NATO, in exchanging classified information concerning the use of tactical atomic weapons—under scrupulous and appropriate safeguards. This legislation would not permit our Government to reveal any information concerning the vital parts of atomic weapons to other powers. However, it would permit the Defense Establishment to impart to other nations such information as is required for realistic defense planning, both in the employment of tactical atomic weapons, and in the formulation of plans for defending the NATO forces against atomic weapons in the hands of unfriendly powers.

I give you my categorical assurance that these provisions have been recommended to the Congress only after exhaustive study by the joint committee. We are convinced that the measure of military cooperation permitted under this legislation would be militarily advantageous to the United States.

In the area of constructive applications of the atom, this bill would allow private ownership and operation of atomic reactors, and it would also permit the Government to license private industry to possess and use atomic materials—although the United States Government would retain title to such material. All such arrangements would take place under comprehensive safeguards.

A majority of the committee has felt that, during the next few years, relatively few firms may find themselves participating in atomic power development. These committee members have feared that there might be a resultant danger of restrictive patent practices. A majority of the committee has therefore recommended that during the next 5 years, holders of patents on inventions of primary importance to the peacetime uses of atomic energy be required to license these patents to others in return for just compensation.

It cannot be stressed too much that those portions of the bill dealing with atomic power development are designed solely to accelerate technological progress in this field, so that our Nation can enjoy the benefits of cheap atomic power as soon as possible. This bill is silent on the question of whether, when useful electricity from atomic power is a reality, it will be furnished to the American people primarily by private utilities or by public power corporations. In other words, this bill is not proprivate power—and it is not propublic power. On this question, it is completely neutral. This is a bill for the technological development of atomic power—it is not a bill which sets forth a national policy for an atomic power industry.

In addition to allowing private participation in the development of atomic power, H. R. 9757 would also allow our Government to enter into "agreements for cooperation" with other nations for the purpose of mutually advantageous exchanges of information and materials in the peacetime power field. Furthermore, the bill would permit our country to become a partner to an international peacetime atomic energy pool along the lines of the organization described in President Eisenhower's speech of last December to the United States.

I myself attach tremendous importance to those aspects of this legislation permitting our country to accelerate its peacetime power program, and to cooperate with other nations in realizing the enormous benefits which will someday flow from these constructive applications of the atom. Far too many of our friends abroad—and far too many Americans, for that matter—still make the mistake of believing that the atom can be used only for destruction, and that our American atomic energy program is concerned almost exclusively with military uses of atomic energy. This bill, if written into law, will help to refute this mistaken notion. It will serve notice to the world that we Americans are determined to leave no stone unturned in promoting the constructive uses of atomic energy. It will also tell the world that we stand ready to share these benefits with all nations willing to assume the obligations which must inevitably fall on partners in a collaborative peacetime program.

I do not expect that this House will find itself unanimous on every line of this bill. In fact, certain of our committee members—including our distinguished chairman—have felt compelled, in good conscience, to enter dissenting opinions concerning particular sections of this legislation. Taken in its totality, however, this is a good bill—a bill which should strengthen our atomic program, and thereby strengthen our country. Just as the individual members of the Joint Committee have compromised on details in return for agreement on fundamentals, so also do I hope that the Members of this House will now see fit to support the basic purposes of this legislation.

Those who have not followed atomic matters closely may find H. R. 9757 a complicated bill—full of provisos and qualifications and safeguards. These safeguards have been put in the bill for a purpose. They are there to make sure that, in this most critical problem area, nothing will be left to capricious or arbitrary action. In recommending this bill to the Congress, in other words, the Joint Committee has not been selling a "pig in a poke." As the committee of Congress required by law to act as a watchdog of our national atomic energy program, the Joint Committee has been aware of its responsibility of recommending legislation which rises above party or sectional interests—legislation to which all reasonable men of good will can subscribe.

I ask that the House pass H. R. 9757 speedily—I ask that the House pass it decisively.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I am glad to yield to the gentleman.

Mr. BARDEN. I would be glad if the gentleman from New York, the chairman of the committee, or yourself, would briefly state what seems to be the point of contention on the part of the REA's who are sending in a number of telegrams and calling the attention of various Members to complaints they have against the bill. I have not had the time so far to give the bill the necessary study, and personally I have no position on it at this time, but I would be glad if one of you gentlemen would clarify that situation, if it has been brought to your attention.

Mr. DURHAM. I will say to the gentleman from North Carolina that no one from the REA has discussed in detail exactly the points that they do differ on with respect to this measure. I had no explanation from the REA. Perhaps the chairman has.

Mr. COLE of New York. I have no further information on the subject. May I say that obviously the REA has a completely and utterly mistaken notion that this bill puts the Atomic Energy Commission in the business of generating electrical energy, which the bill does not do and does not intend to do and should not do.

Mr. DURHAM. May I say to the gentleman from North Carolina that one thing they have in mind is to carry forward the old preference clause which is carried in the flood-control act and which is carried in the other acts involving energy producing natural resources. I think that is their wish and desire. As you may have noticed on the Senate floor yesterday they agreed to the amendment which does put the AEC in the power-producing business. We do not have that in this bill. It is not in the bill before you. We were particularly careful to try to put this in the hands of private individuals. They can sell the power to whomever they want to, rural electrification or anyone else. If you want to let it go into the power business why, then, their complaint would probably be justified; but as of today under the bill we are considering here the Federal Government has no power for sale.

Mr. BARDEN. May I say to the gentleman, the vast majority of the Members of the House, in my opinion, are fully appreciative of the fact that the REA has done a wonderful job in this country and they were set up to do the kind of job they have done. The Congress has been very considerate of their interests and has taken pretty good care of them. I do have the feeling at times, though, when I receive some of these enthusiastic telegrams that possibly some of the officers of these national associations and so forth are imbued with the idea that they would like to set up a little world of their own, which I never believed the Congress intended. The Congress intended to fit them into the world we have, and I think they have done a very excellent job of rendering service to rural areas.

Mr. DURHAM. I think the rural electrification people of this country can be assured that this Congress is not going to do something detrimental to their interests in a measure of this kind.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. The bill, as I understand it, is not to put the Atomic Energy Commission in the electric business, but, as a matter of fact, they are in the electric business when it executes contracts such as the Dixon-Yates contract to furnish another independent agency of Government electric energy.

Mr. DURHAM. It comes pretty close to that.

Mr. JONES of Alabama. In other words, the Atomic Energy Commission is in the power business whether they like it or not.

Mr. DURHAM. They are contracting for it.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Mississippi.

Mr. WHITTEN. It is our understanding that this whole bill or a great part of it is in the expectation and in the hope that atomic energy in the future will be used to meet peacetime and domestic needs as a source of power.

Mr. DURHAM. Yes, that is a part of the bill.

Mr. WHITTEN. In all other places where the Federal Government has underwritten the production of power in the TVA law or any other place where we have provided power, we have incorporated in the law a requirement that preference in the use of that power must go to municipalities and cooperatives, in other words to the people. There is no such protective feature in this bill for those groups, is there?

Mr. DURHAM. Because of the fact we are not in the business of producing power.

Mr. WHITTEN. In the bill before us we do not require that in any contract with any private utility under this act they be required to give preference to the REA or the public.

Mr. DURHAM. No; left to State or Federal regulation.

The CHAIRMAN (Mr. PHILLIPS). The time of the gentleman from North Carolina has expired.

Mr. DURHAM. Mr. Chairman, I yield 38 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. PRICE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] 104 Members are present, a quorum,

Mr. HOLIFIELD. Mr. Chairman, I believe that the job of the minority in the presentation of a bill of this kind is to point out in a helpful and in a constructive way some of the things that need to be improved in a bill of this type, and it is in that spirit that I will comment upon the bill. I worked with the gentleman from New York [Mr. COLE] many, many weeks and months on this bill, and, as he told you, it was really hammered out on the anvil line by line and section by section. I offered some amendments that were accepted finally in committee, and I offered some amendments, of course, that were rejected, and that is the common course of legislation. But, there are certain things that should be said about this bill to point out to the membership the things which some of us believe are wrong with the bill, not in an effort to be destructive but in an effort to be constructive, and as evidence of that there will be amendments offered to correct those areas which some of us believe to be either through omission or commission in error.

First I want to say that the original McMahon Act passed in 1946 was an unusually fine piece of legislation. It was the result of 9 months of study by a special committee of the other body, and they had great minds on that committee. Among them was Senator McMahon, after whom the act is named, and Senator Vandenberg of Michigan, who played a great part in the framing of that act, both of whom have now passed on. But, they wrote a bill that was a good bill, and as a result of that bill we have operated for 8 years, and the President himself testified to the fact that the greatest industrial and technological advance had occurred in those 8 years in the atomic energy field of any industrial field known. We made the atomic bomb and we made the hydrogen bomb under that bill, and we made enough of them that today the peace of the world is practically guaranteed by the fact that we do have that armor of weapons and we have them in such abundance that no nation, however evil their desires and their objectives may be, will start aggressive action.

Mr. HAYS of Ohio. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 114]

Abbitt	Dollinger	Patman
Angell	Ellsworth	Perkins
Bailey	Fenton	Polk
Barrett	Fine	Powell
Battle	Fino	Reams
Becker	Fisher	Regan
Bennett, Mich.	Harris	Richards
Boggs	Harrison, Wyo.	Rogers, Tex.
Boland	Heller	Roosevelt
Bosch	Kearns	Saylor
Boykin	Keogh	Scott
Bramblett	Kersten, Wis.	Secrest
Brooks, La.	Kilburn	Short
Buckley	Klein	Sikes
Camp	Knox	Sutton
Canfield	Latham	Taylor
Celler	Long	Thompson, La.
Chatham	Lucas	Thompson, Tex.
Coudert	McCarthy	Velde
Curtis, Nebr.	McMillan	Vinson
Dague	Mailliard	Weichel
Dawson, Ill.	Martin, Iowa	Wheeler
Derounian	Miller, N. Y.	Willis
Dingell	O'Brien, Mich.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TABER, Chairman of the Committee

of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 9757, and finding itself without a quorum, he had directed the roll to be called when 354 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN (Mr. TABER). The gentleman from California [Mr. HOLIFIELD] will proceed.

Mr. HOLIFIELD. Mr. Chairman, may I say that I did not make the point of order; however, I do appreciate the attendance of the Members, many of whom listened to the gentleman from New York present an explanation of the bill. I hope the Members will be interested in hearing a different viewpoint, that they will give me an opportunity to explain to them some of the things that I believe are wrong with the bill so that, at least, they will know both sides of the story.

Mr. Chairman, I had just stated that the McMahon bill as devised by the members of the special committee after 9 months of study has served the purposes of the Congress and the Nation well. However, there is some need for revision in the bill, therefore our committee worked hard to bring to the Congress a bill which would take care of some of the needed changes that 8 years have brought about.

One of the provisions of the McMahon bill, section 7 (b), put a duty upon the Atomic Energy Commission to report to the Congress on the economic, social, and international effects of any major revision of the bill.

For several years now the committee has tried to get the Commission, both by oral request and written request, to furnish that type of report to the Congress. Section 7 (b) put a duty upon the Commission to make a complete report in order that the Congress might know the social and economic and international impact of the legislation which they might request. They have evaded the clear-cut implication in the law and the duty outlined in the law and have never given to the Congress or to the President this report which the McMahon Act called for. Nevertheless, we have this major piece of legislation before us. There is an attempt to supplement this report. The reporting privilege is a weak attempt, section 56, I believe, of the act, and it does not do what the McMahon Act asks the Commission to do.

The next thing I wish to speak about is the overriding of the Commission's will by the executive branch, and I do not intend to go into this in great detail, but the Atomic Energy Commission is an independent Commission just like any other commission set up by the Government. Not only is it an independent Commission but a special joint committee, a statutory joint committee of both Houses, was set up as the watchdog committee over this independent agency. Notwithstanding this fact and notwithstanding that 3 out of 5 Commissioners took the position against the initiating and signing of a contract with a private utility company—3 out of 5 took the position that it was unwise, awkward, and unbusinesslike to do this thing and went far beyond the provisions of the act, when the President of the United States directed them, through the Bureau of the Budget, to pursue this definitive contract with Dixon-Yates. There will be an amendment offered that will clearly spell out section 164 of the bill, which has been, in my opinion, perverted in this instance.

This bill limits the Atomic Energy Commission from building commercial-sized reactors for the production of electricity for commercial purposes. This is a very fundamental question because the $12 billion that has been spent on this project gives to the people of the United States complete ownership in fee simple title to all of the benefits of the atomic-energy program. They have more right, if they could have more right, to the benefits of atomic energy than they have to the hydroelectric rights which have been established as part of our recognized statutes for the past 50 years in the navigable streams, the Federal dam sites. These were made by nature and claimed by man, but every gram of the fissionable material that makes power and runs the reactor for power was made at the taxpayers' expense by the hand of man. Therefore, the United States owns it, the Federal Government owns it, and it has the right to do whatever the Congress says that it shall do.

In this bill we do put the Atomic Energy Commission in the power business in this way: We have several sections of the bill, from 182 to 186, which gives to the Atomic Energy Commission the right to licence private utilities to produce commercial power, but no provision in the bill gives to the Commission the right to do the same thing. Now, it is true that yesterday in the other body the so-called Johnson amendment was adopted by, I believe, a vote of 46 to 41, which does give to the Atomic Energy Commission that right. That same amendment or facsimile or near facsimile will be offered by the gentleman from Montana [Mr. METCALF] at the proper time, and the House will have a chance to work its will upon that particular subject. I say to the members of the committee that if you are interested in preserving the public interest which has been paid for by the taxpayers in this new great third potential source of energy, the same as the Congress over the years under Republican and Democratic administrations was interested in saving those public rights in the falling waters and navigable streams—then I say you should support this amendment, and if you do not support this amendment, you will thereby give away the priceless and unlimited heritage of the people for the next hundreds of years, because in the meantime unless those protective features are put into the bill, the rights will be given away and 40-year licenses can be given out to private utility companies for no compensation to the Government. In addition to free licenses the Government must also assume an unknown 40-year obligation to pay the owners of the reactors for such fissionable material, such as uranium 235 or plutonium which will be produced in the reactor process.

Remember this, that every one of those licenses carries with it the obligation of the United States to buy back every gram of plutonium that is produced in those reactors. Remember that these reactors produce not only heat, which is transferred into electrical energy, but plutonium, which goes into our bombs. Under this act, as under the McMahon Act, no private individual is allowed to own plutonium and other special materials of this type. The Government is the only one that can own it, and therefore the Government is obligated to buy back every gram of it.

Do not let the sponsors of this bill tell you that protective standards are put around the purchase price, because section 56, which is the so-called fair-price section, contains a loophole in it which would allow the Atomic Energy Commission to place the price that they want to place upon a gram of plutonium.

Oh, yes, I know that some language sounds very good in section 56, but when we have the time it will be explained where that loophole is. And they can thereby build in a subsidy from the taxpayers in the repurchase of plutonium that will retire their capital plant investment, the investment of these private utility companies. It will be out of the taxes that the people pay, that these reactors will be built, unless protective language is adopted in section 56 of the bill.

The next point I want to talk about is the inadequate power licensing provisions. There is provision in this bill for the licensing of private utilities and private corporations to build reactors to produce electric energy. But around those licensing privileges there do not exist the protective safeguards which are around the licenses to private utilities in cases of falling water in navigable streams owned by the Federal Government. There are certain protective features around Federal dam site licenses that do not obtain in this bill for atomic reactor licensees. There will be a series of licensing safeguard amendments offered which will place the same protection around this national resource—and it is a national resource, just the same as falling water in navigable streams—the same protective amendments drawn from the Federal Power Act will be offered to this bill and the Members will have a chance to put that protection around the licensing because, let no one tell you differently, we are putting the Atomic Energy Commission into the power business by giving them the right to issue these licenses.

On Monday, July 19, I inserted a series of amendments which will be offered by different Members of the House, and also an explanation of them in that day's issue of the RECORD beginning at page 10403. Members can find under subheadings the information on these points that I am making in much more detail than I can give now in the limited time that I have.

The next thing that I wish to talk about is limiting the access to patents. The chairman of this committee put in a

minority report against the patent section. He put it in because he was against giving any patent protection to the people of the United States in this bill. It was by a very one-sided vote that the members of the committee finally put in this section that is in the bill. But I want to warn you that this section of the bill, the patent section, also has loopholes in it. There will be protective amendments offered which will strengthen the patent provisions.

Why is it necessary to have a 5-year compulsory licensing period? The chairman, in his talk, said it would be punishing people who have original ideas; that there were 15,000 participants in the program; that it was unprecedented, unconstitutional; and, in his minority report, I think he even went so far as to say that it was un-American.

On the suggestion that it is unprecedented, the McMahon Act prohibited patents in this field for good and sufficient reasons, and men like Senator Taft and Senator Vandenberg and Senator Hickenlooper joined together to pass that act because they saw that there were compelling reasons involved which made this greatly different from licensing diesel engines or automobiles or radios.

What did the President say in his message of February 17 on this subject? He said: "I recommend amendments to the Atomic Energy Act," which will do certain things. Among those was his fifth recommendation, which was as follows:

> Liberalize the patent provisions of the Atomic Energy Act, principally by expanding the area in which private patents can be obtained to include the production as well as utilization of fissionable material, while continuing for a limited period the authority to require a patent owner to license others to use an invention essential to the peacetime applications of atomic energy.

I read further. These are the President's words in his message to the Congress:

> Until industrial participation in the utilization of atomic energy acquires a broader base, considerations of fairness require some mechanism to assure that the limited number of companies which as Government contractors now have access to the program cannot build a patent monopoly which would exclude others desiring to enter the field.
>
> I hope that participation in the development of atomic power will have broadened sufficiently in the next 5 years to remove the need for such provisions.

Yes, the President saw the need to put these protective provisions in the act. He knew that while there had been 15,000 participants in this program, most of those participants were participants on a minor basis and not on a major basis. A handful of big companies have built the atomic-energy plants and operated them. They know the techniques, they know the processes, they know the formulas, they know the mechanical devices that are now used to operate this program, and they know what the improvements which they have in their minds may be. When this act is signed by the President, I assure you they will be standing in line at the Patent Office to grab those patent rights in this field and put a collar around the neck of the rest of private industry.

I am not fighting against private industry; I assure you I am fighting for private industry. I want all of private industry to have access to these patent rights. I say during the next 5 years of this tremendously important project, these are the years when the Atomic Energy Commission at public expense is going to build five experimental reactors, these are the years when the new developments, techniques, and processes and the mechanical gadgetry will be invented which will bring cheap power to America. These are the years when we need to put the patent protection around this new art so that a few great corporations cannot grab these patent rights and exclude others from using them. This is the time when we have to speak up in the people's interest and protect what the people have paid for, with $12 billion of the taxpayers' money. They have as much right to cheap power as they had to the protection of the atomic bomb which was developed in these factories. So let no one tell you that this is unconstitutional. The Government can protect its people. If it can forbid patents, if it can give patents, it can limit the time of those patents. I am not asking that the right to patent be taken away from private industry. Mind you this, private industry has the right under this bill to get patents. It has the right to receive compensation. That is all right with me. But it does not and should not have the right to exclude others from using those patents if they pay reasonable compensation for them.

We need 2 or 3 days to talk about this bill. There are over 100 sections in it. We have only 4 hours of general debate. Of course I agreed to it, because I know the shortness of the time and I know the shortness of the congressional session. But I will say this much, that in the Senate of the United States they have been going now for over 50 hours continuously, and for over 8 or 10 days, since Tuesday of last week, and they have not covered adequately the bill. I will say that they have not touched parts of the bill. The great international section of the bill and other sections have not been properly and adequately explained. I regret that so much of their debate has been on the one very glaring and sensational section, the so-called Dixon-Yates part.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I desire to serve notice that I shall object to any unanimous-consent request to dispense with any further reading of the bill at any time after the consideration of the bill under the 5-minute rule is reached. If I should happen to be away from the Chamber, I hope the gentleman will object for me, if not for himself. We want to read this bill in the regular way.

Mr. HOLIFIELD. I regret I cannot assume that for the gentleman, but I know the gentleman will act within his own right to protect the interests of the House. I have an agreement so that I cannot function in that particular manner.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield, only so that I may indicate that I have no intention to ask for dispensing with the reading of the bill?

Mr. HOLIFIELD. I told you about the built-in subsidy feature that goes with every license that goes with this bill. Now I want to talk to you about the complicated international arrangements. If you want to read it in detail, it is on page 10970 of the RECORD of last Monday, the 19th. I want to comment on some of these sections.

The gentleman from New York, my beloved friend [Mr. COLE], spoke about section 144, the international cooperation section. He went down the list and he said, "In most of the instances, this is an old section carried over from the other bill." That is true.

Section 4 on health and safety, it is true we will carry over, if we make these international cooperation agreements for the protection to health and safety, which we have here in the United States now.

Industrial and other applications of atomic energy for peaceful purposes is new.

Then he told you about this section 144a. I want you to notice that it is controlled by section 123, which I will get to later. Then he referred to section 144 (b) providing that the President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization, to which the United States is a party and to communicate to that nation certain restrictive data. There are safeguards built around this so I am not alarmed about that. I am not making the claim that we are giving away the secrets of the bomb in this bill because we are not doing that in this bill. I want you to go down to bottom of page 59 where it says that cooperation is undertaken pursuant to an agreement entered into in accordance with section 123. Then we go over to sections 123 and 124 on page 53 of the bill. I want to comment first on section 124, which is the section, I believe, the gentleman arose to question me on a minute ago.

Mr. HAYS of Arkansas. The gentleman knows of my interest in that section. I am sure he agrees there is every reason to have a complete clarification on the international phases. I was going to ask the gentleman about that so I wonder if the gentleman could explain it.

Mr. HOLIFIELD. I will attempt to explain that. This language is complicated. But in the first place, I want to say section 124, and I make this statement advisedly, is as phony as a $3 bill. If I cannot prove it, then, why, I have missed my point. It says the President is authorized to enter into an international arrangement with a group of nations. Just forget about that group of nations because there is another provision which says he only can talk with one nation individually, so forget about that. And he can do certain things in the field of nonmilitary application.

This is the field that the President wanted an international atomic pool in.

Let us turn over to the definitions. We will find out what an international arrangement is. On page 7, line 12, the term international arrangement means any international agreement hereafter approved by the Congress. That is a bill like our foreign aid bill which comes to the Congress. Now the President has the right to send us a bill now with anything that he wants to put into it for the House and Senate to pass on in a legislative manner. So you are not giving him anything there, are you?

Or any treaty hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include an agreement for cooperation.

Let us just take the first part. Can this Congress give the President any treaty right? Who gives the President the treaty rights? Why, the Constitution. I see the gentleman from Pennsylvania [Mr. GRAHAM] smiling. The gentleman from Pennsylvania as we all know is the greatest constitutional lawyer in the House of Representatives. I am sure he would not object to the statement I have just made. Of course, the President has the treaty power. So we are not giving him anything under section 124 in the way of treaty power, are we? Of course, the answer is "No."

Strange to say, in this definition, it does not include any agreement for cooperation. Now read the proviso in section 124:

Provided, however, That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

Now, how are you going to reconcile that? So that is the only area in which he can make an agreement. That is the area in an agreement for cooperation. But he cannot do it under the international pool section. He cannot make any of these treaties or arrangements or anything else. Now, let us consider section 123 because this is the section under which we are supposed to help the President make international agreements. Let us see what it says. It starts out—and it betrays its intent by the first two words, "No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until the Commission, or in the case of those agreements for cooperation arranged in the military field in the Department of Defense, has approved the proposed agreement for cooperation." And then it goes on for the rest of that page and almost all of the next page, and it puts restrictions and curbs around the President in trying to make an international agreement for cooperation, because there are three stages to international cooperative agreement. An international agreement comes to the Congress, both Houses, and a treaty comes to the Senate for two-thirds approval. We are talking of this lower level. All you have to do is read the provisions of those two pages and you will see you are not giving the President anything. You are tying his hands behind his back. He cannot sit down and negotiate with other nations for an international atomic pool without going to section 123 and abiding by the terms of it. I want you to read the terms of it. I want you to read the first two words: "Until the Commission approves."

So we have the astounding provision that an independent commission must approve. I say they are independent under the law. They are nominated by the President, they are confirmed by the Senate for a specific term of years. They do not serve at his pleasure and they can only be removed for malfeasance in office. Here is the Atomic Energy Commission that could, mind you, veto the President of the United States on an international cooperation agreement. How do you like that?

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. DIES. The gentleman says this is an independent commission. In section 162 the President may in advance exempt a specific action of the commission in a particular matter from the provisions of the law.

Mr. HOLIFIELD. Go ahead and read the rest of the section.

Mr. DIES. Where he deems it in the interest of the national defense.

Mr. HOLIFIELD. That is true.

Mr. DIES. The effect of that is to give the power to the President to absolutely nullify any action of the Commission before they take it.

Mr. HOLIFIELD. If he makes a finding it is necessary in the interests of the national defense and security. Whether he be the President of my party or the President of the other party, I think he would be on very, very thin ice if he tried to use that section to override the clear statutory provisions. I think in time of war he could do it under that section, but even in the Dixon-Yates contract, they have not appealed to that section.

Mr. DIES. This does not limit discretion; it does not say anything about war; it gives him the discretion in advance to exempt any action of the board.

Mr. HOLIFIELD. The gentleman is right, provided he does it on that basis.

Mr. DIES. Is there any precedent for that? This is an independent commission. Have we ever passed any provision like that?

Mr. HOLIFIELD. I think that was in the McMahon Act.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I would like to point out that this section just says he shall determine. It does not require that it be in writing or that there be any official determination or any showing. Insofar as this section is concerned, the President can orally say to somebody: Pay no attention to it. Then you go ahead and write a whole lot of provisions. In this bill you say the President may waive any of them.

Mr. HOLIFIELD. The gentleman finds me, strangely enough, unable to defend section 102. I will leave that to the chairman of the committee.

Mr. DIES. Will the gentleman answer another question? What is the reason that private utilities were not required to at least in part compensate the taxpayers for the $12 billion we have spent developing it?

Mr. HOLIFIELD. I find myself unable to answer that question. The gentleman, I hope, will direct it to the sponsors of the bill.

Mr. WHITTEN. I would like to point out further after referring to this section, that the Dixon-Yates matter is a prime example of what can happen under it because it has happened.

Mr. HOLIFIELD. It has not happened under this section. They have gone to section 164 before our committee and they have used the words "in connection with the plan" as the legal basis. They have not dared to go to section 102 that the gentleman from Texas referred to. They cannot justify that contract on the ground of national defense. Not a kilowatt of energy goes into a national defense plant.

Mr. WHITTEN. Let me say that they needed this section if the President should say that this is essential to our security. That would end it under that section.

Mr. HOLIFIELD. I cannot argue that with the gentleman.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is this not the greatest usurpation or an attempt to delegate authority that we have known in this legislative body? Is it not just a blank delegation of authority to the executive branch?

Mr. HOLIFIELD. In my opinion, this is the most flagrant violation by the executive department of an independent commission that I have known in my 12 years in Congress. There may be others but I do not know of any.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. JAVITS. A good many of us are puzzled by whether under section 123 dealing with an agreement for cooperation, and under section 124 tying into it, the President could enter into negotiations with and conclude an agreement subject to congressional approval in accordance with his historic suggestion for a nonmilitary international atomic pool with the Soviet Union as a nation or with the Soviet bloc? What does the gentleman say about that?

Mr. HOLIFIELD. I do not think so, since section 123 applies to peacetime uses. Did the gentleman mean military or peacetime?

Mr. JAVITS. No; entirely peacetime uses. In other words, could the President effectuate his proposal for an international atomic pool for these atomic uses under section 123 with or without any reference to section 124?

Mr. HOLIFIELD. Well, do you think that the Soviet Union can fulfill these provisions: guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained?

How many of you are going to rely on the Soviet Government to guarantee that they will follow certain security safeguards, and then, third, a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons. Are you ready to accept their guaranty that they will take this fissionable substance or take a reactor which we will help them to build that produces plutonium and not use it for military purposes?

Mr. JAVITS. Then, the gentleman's answer to my question is that the only way the President can act on this proposal, in his momentous and historic proposal, would be under section 124, which would mean he would submit a treaty or an agreement to the Congress.

Mr. HOLIFIELD. He would not only have to submit a treaty, in my opinion, he would have to submit it in accordance with the program outlined in section 123. I do not think you can enforce it, because I think the President can, under the constitutional rights given him to negotiate treaties, send any kind of a treaty he wants to to the Senate for approval. But, this is an attempt to curb his powers. Let me say this very frankly. The philosophy of the Bricker amendment is written all through this bill. You are not going to get any international cooperation. Now, if you want international cooperation in this bill that amounts to anything, you are not going to get it under this bill. If you are afraid of giving away secrets, you are not going to give anything away. It is phony. It is as phony as a $3 bill. So you might as well know it. Then, if you want to vote for that kind of section without amending it, that is your privilege.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan.

Mr. MEADER. Do I understand that under the McMahon Act, the present act, the President can negotiate an agreement with a foreign country to give them fissionable materials today?

Mr. HOLIFIELD. Not without coming to the Senate in a treaty.

Mr. MEADER. Then why does not this act give something that he does not now have under present law when we authorize that kind of an arrangement between this country and another country?

Mr. HOLIFIELD. Because there are so many restrictions. I am not saying that there is not a very slight lessening of the right to exchange information in a very limited field, but so many curbs and restrictions are put around it that you are not going to get very much. It may be a little, but it is going to be very small.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Minnesota.

Mr. JUDD. I am puzzled, because in part of the gentleman's discussion he complained that under section 123 the Atomic Energy Commission can veto the President. Then in his discussion with the gentleman from Texas [Mr. DIES] the complaint was that under section 162 the President can override the Commission. The gentleman says the bill does not grant the President enough power, and yet he says it is dangerous to give the President power to make agreements with the Soviet Union when there is no policing of the guaranties.

Mr. HOLIFIELD. I made no defense of section 162, and if you will read section 123, I think just the common, ordinary language there says that no cooperation shall be undertaken until the Commission—and you go on down—has approved the proposed agreement for cooperation, and then it says what they shall have.

Mr. JUDD. That allows the Commission to veto the President, as near as I can read the language.

Mr. HOLIFIELD. That is correct.

Mr. JUDD. But another complaint is that the President could override the Commission. Which is it?

Mr. HOLIFIELD. In contracts with the Commission, and I assume that section 162 refers to contracts to build plants and do other things. I do not consider that the word "contracts" in section 162 applies to the international agreements.

Mr. JUDD. It is limited only to the contract field?

Mr. HOLIFIELD. In my opinion, it is an attempt to limit it to the contract field.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. COLE of New York. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, you have listened to a very splendid address by our chairman and another splendid address by the recent acting chairman, and now you have to hear from the members, the gentleman from California, my colleague on the committee, and some of the rest of us. We do not pretend to know as much or be able to explain as much as the gentleman from New York [Mr. COLE] who has lived with this bill almost exclusively for a year. He has studied every portion of it, put in every safeguard that he thought the Congress would require in the negotiations for agreements, international as well as domestic, and circumscribed the giving of information as he thought, and we think, the Congress would require of the Commission. It must be understood that the present McMahon Act absolutely prohibits giving any information to anybody who does not hold a security clearance. This act goes part way toward a relaxation, we will say, of those provisions. My colleague has made a number of statements which I think ought to be looked at. In the first place, he talks about section 7 (b) of the McMahon Act. At the present time section 7 (b) provides that whenever, in its opinion, any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall report. The Commission is given wide latitude as to when it shall report, and the committee has figured that one of the purposes of enacting the law was to hasten the day when, as section 7 (b) says, the nonmilitary use of fissionable material is sufficiently developed to be of practical value. We hope that maybe 3 or 4 years from now, when the restrictions have been sufficiently relaxed, the Commission will be able to come and report to the Congress.

Then he said in one place that fissionable material—or special nuclear material, as it is called in this bill—is made by the hand of man. Fissionable material is not made by the hand of man. It resides in nature.

Seven-tenths of 1 percent of all the uranium in the world is fissionable material. To extract that seven-tenths of 1 percent you will, first, have to get uranium ore which varies greatly in its uranium content. A ton of rich uranium ore may contain many pounds of uranium, or it may require several tons of a low-grade ore to produce 1 pound of uranium. Even when the pure uranium has been extracted from its ore, you still have only seven-tenths of 1 percent to deal with as fissionable material. Mr. Chairman, this can be extracted by the hand of man, but it is not made by the hand of man.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield on that point?

Mr. HINSHAW. I yield.

Mr. HOLIFIELD. If the gentleman wants to make an argument on the use of the word "made" or "extracted," the gentleman is, of course, technically correct. But I think the House knows that the gentleman from California [Mr. HOLIFIELD] meant that the atomic fission process is accomplished with the hands of man and with the mind of man.

Mr. HINSHAW. The fission process is a natural process which occurs when you get enough of it in one place at one time.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. MEADER. Is there anything essentially different between this small amount of uranium that is fissionable and coal or gas or oil, as far as its being a natural resource is concerned?

Mr. HINSHAW. That is exactly correct. You do not consume it in the sense that you burn coal. What you do is convert it into energy by a nuclear process rather than a chemical one. All matter can be translated into energy. That is a peculiar thing that the scientists have discovered in the last 50 years or so, but it is true. Even the suit of clothes that you have on can be translated into energy, nothing but energy. You cannot see it, you cannot do anything except use it as energy. In this case matter is transformed into heat energy.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. PRICE. Of course the gentleman is absolutely correct on the technical point that he has made. But I think the gentleman will also agree with me that it took many thousands of years before man learned this, and it took the hand of man to use it.

Mr. HINSHAW. It is occurring right now in the sun in very large quantities, and it is occurring elsewhere throughout space in very, very large quantities. It is nothing new. It was just recently discovered as a source of energy that could be utilized by man.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. DIES. It is possible that we may discover a great deal more some day that will upset the present theories; is not that right?

Mr. HINSHAW. Not necessarily upset the theories, because it is not exactly a theory. It is a proven fact.

Mr. DIES. The understanding of it would be considerably different.

Mr. HINSHAW. They might find some new explanation or an explanation of some of the many mysteries that still exist in nature. As these new discoveries are made, man will make use of them to his best advantage, as he sees fit. I think my friend from Texas [Mr. DIES] called attention to section 162, and said that that was giving tremendous power to the President to upset the Atomic Energy Commission; and he thought that was something entirely new in legislative history.

Mr. DIES. No, I understand, since I said that, that provision was in the McMahon Act.

Mr. HINSHAW. That is what I want to call attention to.

Mr. DIES. But whether it was in that act or not does not change my opinion. I think that is dangerous legislation. Perhaps I am wrong. If the gentleman can submit some reason and logic for lodging that much power in the Executive, I would like to hear it.

Mr. HINSHAW. I do not offer any denial or support of the provision. It was in the original McMahon Act. We have used the McMahon Act as the base from which to make certain changes that would enable us to use atomic energy for peaceful purposes.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. COLE of New York. I ask this in order that we may clear up what I fear may be a misunderstanding as to the effect of section 162. As the gentleman from California has indicated, that is a continuation of a provision in the existing act. The committee has at all times endeavored to continue those provisions in the existing law which the committee thought essential to successful and effective continuation of the atomic program. With respect to the authority given to the President under section 162, it is not to the extent of permitting the President to override the Commission, to direct the Commission to do whatever he may want; it says the President may exempt any action of the Commission in a particular matter from the provisions of law relating to contracts.

As the members of the committee well know, there are innumerable statutes relating to the making of contracts by Government agencies. This simply authorizes the President to waive those provisions of law if the President finds that the waiver is necessary in the interest of the national defense and security. That is all.

Mr. HINSHAW. I think that provision, may I say to the gentleman from Texas, if he will examine the case very thoroughly, is absolutely necessary to the proper operation of the Atomic Energy Commission, whereas it might not be so with some other agencies of the Government.

Mr. DIES. That is what I want to find out. I would like to find out why it is necessary. I am not interested in the fact that it was in some previous law. We have passed a lot of laws here.

Mr. HINSHAW. I think I can tell the gentleman. For example, in the case of bidding for things, that is to say, permitting people to bid on the management, for example, of the Hanford plant. There is no question that we should not put that out to bid, is there? Thus any such contracts have to be exempt from the provisions of law. There are many other cases in which the contracts have to be exempt from the provisions of law, partly for the sake of secrecy, because you cannot disclose secret information in an advertisement, for example, for bids. You cannot disclose it in any case.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I point out that the gentleman is saying what he hopes this agency will be limited to. I would like to recall to the gentleman's mind that a few years ago the Atomic Energy Commission, because its work was supersecret, could not tell the Congress what it needed the money for, but under this secret program they used $90,000 to build a dog and cat hospital out in Nevada, and they did not give the information to the committee or to the Congress because it was engaged in supersecret work, and it is. What the gentleman is pointing out are a few things that might be required by the provisions of this bill, but the section itself is as broad as all outdoors insofar as what could be done is concerned.

Mr. HINSHAW. That is correct. I say you at the same time have a committee in the Congress whose duty it is to keep familiar with the activities of the Commission, and your Committee on Atomic Energy does just exactly that every day in the year.

Mr. WHITTEN. Can the gentleman tell me that anyone had the least idea they would build this dog and cat hospital with a $90,000 expenditure, when they had been told by the Appropriations Committee not to do it? I am talking about the impossibility of a committee's properly supervising it, regardless of how much the gentleman or his distinguished friends may try.

Mr. HINSHAW. I do not know but that the gentleman is perhaps questioning the committee's juridiction. He says his committee prohibited them from doing it, and probably we authorized it.

Mr. WHITTEN. No, they were advised not to do it.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. PHILLIPS. There were many other things in that picture besides just the fact that the veterinarian who was doing the field work and other things for it had space in the hospital for this purpose. The fact of the matter is more money was spent than was intended, but the situation was not quite so bad as the gentleman indicates.

Mr. HINSHAW. I will have to go on to another subject, because I want to say one thing about this volume which I hold in my hand. It is a page proof of hearings we held recently in the Subcommittee on Research and Development concerning the contributions of atomic energy to medicine. It will be off the press very shortly and the Members will be, I think, astounded to read of the many developments. These are all the developments we could include in 3 days of hearings, but, mind you, you could go on with hearings for weeks, to hear reports on these new developments of atomic energy in medicine. For example, we have found a way to use atomic energy as a source of a kind of X-rays, you might call them, and thereby create an X-ray machine one can carry around instead of transporting it on a truck. One can carry it around, with a man or two to operate it, and use it in a military field hospital, if you like.

It weighs a great deal less than any field X-ray machine and yet the rays of a radioactive isotope are used to make a photograph of, let us say, a bone injury or the location of a bullet or anything of that sort. It is a tremendous advance. There are many other advances which are mentioned in this volume and I recommend to each Member of the House that he read not only this volume, but if he has not already done so, the volume which we sent to him recently on the contributions of atomic energy to agriculture. There is plenty of speech material in them and it is all available to Members of the House.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. YATES. I notice in the report, it is stated that the provisions of the bill refer all matters of atomic energy to the Joint Committee on Atomic Energy.

Mr. HINSHAW. That is correct.

Mr. YATES. The gentleman is also a member of the Committee on Interstate and Foreign Commerce.

Mr. HINSHAW. That is correct.

Mr. YATES. Inasmuch as it is proposed in this bill to set up the provisions for licensing of companies who will be provided power presumably by the use of atomic energy, should not matters of that nature be referred to the Committee on Interstate and Foreign Commerce which also has jurisdiction over the Federal Power Commission and knows of power questions of that kind, rather than to be referred to the Joint Committee on Atomic Energy?

Mr. HINSHAW. The Joint Committee on Atomic Energy is composed of some very able and long-time Members of the House of Representatives; most of them also serve on the Committee on Military Affairs and are quite able indeed to decide all questions relative to

atomic energy because of their familiarity with the subject.

Mr. YATES. Are we not dealing here with the peacetime uses of atomic energy rather than the military aspects of it?

Mr. DURHAM. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I think the Members can see from what has taken place up to this time that this is an important piece of legislation which we should not attempt to complete in 1 day's time. I think it would be well if we could think over the debate that has gone on already and what will transpire in the next few hours and have a chance to look at it in the RECORD and give further consideration to it on another day. I think it would be very unwise to attempt to complete this bill today. It is probably one of the most important pieces of legislation that this session of the Congress will be called upon to consider before we adjourn, as it is hoped, some time next week. There is no reason to rush. We certainly have time to give this the attention it deserves. It has been heralded as an important piece of legislation. It should be regarded as such and should be considered as such on the floor of the House.

Mr. Chairman, I joined with all the other members of the committee in reporting this bill to the House. My vote to bring the measure to the floor was not without some reservations which have been pretty generally expressed in separate views which appear in the report on the bill. I joined my colleague the gentleman from California [Mr. HOLIFIELD] in separate views and I joined my colleague, the junior Senator from Rhode Island, Mr. PASTORE, in separate views on the international provisions of the bill relating to the implementation of the international atomic pool proposal made by the President before the United Nations last December. I am in full accord with the view expressed by my colleague, the gentleman from California [Mr. HOLIFIELD], a few minutes ago, that in our opinion this legislation does not in its present form and without amendments which we think are required, implement the President's United Nations proposal. We think amendments are required before the President can enter into any international atomic pool as he indicated was his desire in his U. N. speech, which almost every Member of the House endorsed and which I think the American public endorsed. We do not stand alone in the position we have taken that this is a bill which merits the closest scrutiny and the closest observation.

Mr. Chairman, there is not the slightest reason why the international section of the bill, which is the really important section for immediate enactment, could not be separated from the domestic power section. The international portion could be readily amended and passed, but the domestic power section, even if it should be bulled through, would remain a canker sure to cause trouble later. To be sure, the Johnson amendment adopted yesterday makes the power section more palatable. But the philosophy governing atomic power requires as thorough consideration as that given the original McMahon Act. This portion could just as well be put aside for more study and cooler discussion at the beginning of the next session. I believe we have a better bill under consideration today than the first print of the proposal to revise the Atomic Energy Act of 1946, thanks principally to the untiring efforts of the gentleman from California [Mr. HOLIFIELD].

First I want to explain my reservation concerning the majority of the bill—the 33 pages of separate views which the gentleman from California [Mr. HOLIFIELD] and I have submitted. Throughout the hearings on H. R. 9757, or rather its predecessor, H. R. 8862, including the markup sessions on the bill, I joined with the gentleman from California [Mr. HOLIFIELD] in every possible effort to explore and consider the hazards which this Nation will encounter in opening up atomic development to private enterprise. It has always been unthinkable to me that we could do less than provide every possible safeguard short of tying up development completely.

It is essential that no corporation or handful of corporations be allowed to obtain a monopoly position in this field which has been developed entirely thus far at public expense. There must be adequate assurances that such a monopoly is not authorized through the device of licenses. There cannot be any limitation on the availability of licenses to all competent to seek them. One of the fundamental elements of the entire bill now before the House is, therefore, the assumption that all applicants will be treated equally and that no applicant will be denied opportunity to get into this business solely because of a shortage of the necessary special nuclear material. In the unlikely event that any condition should develop in the future which might limit the number of licensees, there is contained in the bill a preference clause which insures that those applicants whose plants would be located in high power cost areas would be given preference. I intend to support amendments to extend preference language to public-power groups.

I want a bill which will insure that all will be treated equally in this opportunity to participate in the development of atomic energy. While the bill requires the Atomic Energy Commission and the Attorney General to consider and in fact be bound by considerations flowing out of antitrust and monopoly statutes, I am not entirely satisfied in my own mind that this proposed bill cannot be administered in such a way as to foster monopoly. The language of the bill is a compromise on this antitrust problem. The affirmative obligation which the McMahon bill placed on the AEC to prevent the formation of a monopoly has been deleted. Amendments will be offered to correct this serious deletion. I shall support those amendments.

The remaining area which would-be monopolists might have hoped to exploit to the detriment of the public interest is that of patents. The joint committee spent a long time reaching agreement on the patent provisions contained in chapter 13 of the bill. Section 152 provides for compulsory licensing of patented peacetime atomic ideas. I personally preferred the language of the existing law which required the Commission to declare all really significant atomic patents affected with the public interest and open to compulsory licensing. Amendments will be offered to strengthen the existing language on patents. I am not ready to accept the normal private patent system in this field, neither was the President as he indicated in his message to the Congress on this subject. I have grave doubts that the 5-year period for compulsory licensing of patents provided in the proposed bill is long enough. But I do have sufficient confidence that, if it proves to be too short, a favorably disposed Congress will have opportunity to extend the deadline.

And then there is the matter of the so-called built-in subsidy. This has bothered many of us. In view of the fact that future Federal control over this industry hinges primarily on Federal ownership of all special nuclear material, there is some possibility that in the Commission's payments for privately produced special nuclear material a subsidy may be hidden. Such a subsidy is not in itself bad. In fact it may be essential in order to get the industry started. What would be intolerable would be long term commitments of the Federal Government to subsidies beyond those necessary to stimulate private development. In order to partly safeguard against this we have provided in the proposed bill that the Commission can pay only a fair price for the production of such material and in establishing this fair price the intended use to be made of the material by the United States shall be of primary consideration. A loophole needs to be closed in this fair price formula. In other words the Federal Government can commit itself under the proposed bill to pay more for material than it is worth to the taxpayers, be it for weapons or for industrial use. Guaranteed payments can be made for 7 years at any time. There are better ways to prevent a built-in subsidy, and the House should look at this section carefully.

I am sure it is now obvious that the bill I would like to see approved by this Congress would differ from this bill especially with regard to safeguards against abuses of the public interest. At the same time political reality demands that we know when we have reached the point of diminishing return in our efforts at compromise. I will continue to support those solutions which appear to me to have a chance both of adoption and workability. My reservations on the points mentioned, I hope will be corrected.

In the matter of implementation of the President's international atomic pool proposal, however, this is an issue on which I have grave doubts that this legislation will be helpful.

I believe that the President's U. N. proposal was courageous and requires more than minimum support. I find it difficult to believe that a majority of this Congress could conclude otherwise. Yet the bill reported out from committee

does no more than give token support. In the face of Soviet intransigence and advisers here at home who counsel caution, the only source of renewed strength, vigor, and encouragement remaining to the President for his idea is here in the Congress.

Last December the President went before the United Nations and made a bold proposal. I say "bold" because it was one of the most realistic proposals ever made by any of the great world leaders. The President did not suggest that we abandon our efforts to achieve atomic disarmament. He did not suggest that the United States would withdraw its Baruch plan, requiring adequate inspection prior to any international control of atomic weapons. He did not suggest any of the things which we have had ample proof will never be accepted by the Soviet Union in their present posture. But the President did hold out to the world the hope that even in the desperate straits in which we all find ourselves today, of hot and cold war, the possibility that all the nations of the globe might get together to take some first step toward atomic coexistence. He suggested no turning over of secret-weapons information to any international agency. Instead, he suggested that all nations start making whatever contribution they felt they could safely make to an international pool from which all nations could draw assistance for peacetime atomic development.

The President's U. N. speech fired the imaginations of men everywhere. Coming as it did, after years of talk of war, it rose before mankind like a vision of the peaceful world which men everywhere so earnestly desire. This proposal proved once again the power and fertility of the American leadership. It did much to restore world confidence in American leadership for peace. The force of this idea alone was so great that the Soviets could not turn their backs on it. If this great proposal is pushed with vigor, the Kremlin will be forced by world opinion to join in a first step toward international atomic cooperation. This is the thing that is so important. The Soviets have no material desire to see this idea succeed, but neither can they afford to have its death laid at their door.

What has happened to this great idea since last December? Negotiations have all been conducted in secret. Conferences and notes have gone completely hidden from the public press. Despite an occasional protestation by the President, the common people of the world have no reason to believe today that the international atomic-pool proposal was anything more than another propaganda gesture. I know that that was not the case.

We must remember that the President said in his message to Congress on February 17 that certain amendments should be passed to enable the United States to cooperate with friendly nations in the exchange of peacetime information and techniques. Secton 123 of the bill seeks to do this, but it provides so many restrictions that its value is in my opinion very limited.

Section 124, the so-called international atomic pool section, is without real substance. It may be useful for political propaganda purposes, but it will not add to the President's power to make international agreements or treaties. He has that power now. By adding the restrictions of section 123 to section 124 we will in effect restrict the President's freedom to negotiate rather than help him. The international sections of the bill should be amended to help the President or stricken from the bill.

I therefore intend to support amendments to the international cooperation section of the bill. Amendments which would make it possible for the President to cooperate with other nations in the formation of a new special agency or agencies put together solely for the purpose of carrying out peacetime atomic development.

The amendments would make it possible for the President to exchange information concerning peacetime atomic development with such an agency as well as with the individual governments subscribing to the agency.

I urge the House to support Representative HOLIFIELD when he offers these amendments to sections 123 and 124 of the bill and I feel that unless the bill is so amended this legislation will not be helpful to the President in negotiating international agreements.

Mr. COLE of New York. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, I should like to take a moment to commend the members of the staff of the Joint Committee on Atomic Energy for the contribution that they made to the writing of this bill. They worked not only on Sundays but on holidays so the committee could bring this bill and the committee report to the floor for consideration.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. DIES. I hate to interrupt the gentleman at the beginning of his remarks, but I would be very grateful if the gentleman would explain the language in the bill in section 11, where it says:

> The intent of Congress in the definitions as given in this section shall be construed from the words or phrases used in the definitions rather than from the choice of words or phrases defined.

Mr. COLE of New York. Mr. Chairman, I shall undertake to help the gentleman, since I was responsible for that expression.

Mr. VAN ZANDT. Mr. Chairman, I prefer that the gentleman be answered on somebody else's time, since I want to discuss a section of the bill that has to do with military weapons. I am sure when the bill is read for amendments, the gentleman from Texas [Mr. DIES] will have the opportunity to put the question and it will be answered properly.

The committee, in the study of the legislation, heard 198 witnesses. The bill sent to us by the Atomic Energy Commission was laid aside after which we proceeded to write our own bill. After 11 drafts we finally came up with the bill now under consideration. While I realize there may be some sections of the bill that should be amended, yet it is my belief we should proceed to perfect the bill so it will become a law at the earliest possible date.

Mr. Chairman in supporting H. R. 9757, I do so in the sincere belief that the passage of this legislation will help atomic energy make a greater contribution to our Nation—both in protecting it from our enemies, and in allowing us to realize the benefits of the peacetime atom.

The basic aim of H. R. 9757 is to modernize the Atomic Energy Act of 1946 or in other words bring it into harmony with the realities of 1954.

In drafting this legislation, our committee made every possible effort to retain legislative controls over atomic energy and yet not hamper its development and use for either wartime or peacetime purposes.

In discussing H. R. 9757, my remarks will be confined to those sections of the bill which permit increased cooperation with our allies in military uses of atomic energy.

I would like to describe why such cooperation is necessary, and how it would be accomplished.

If at all possible, I would also like to correct some misinterpretations which may have arisen concerning the military cooperation sections of H. R. 9757.

Every Member of Congress realizes that—insofar as number of men under arms is concerned—we find ourselves at a military disadvantage in facing our Communist foes.

In Western Europe, despite the commendable steps which have been taken over the past 3 years to increase the size and efficiency of the NATO forces, these forces are still badly outnumbered by the Soviet and satellite divisions which could be quickly committed to an attack on the free nations of Europe.

If we and our NATO partners were to build our defense in this theater solely around conventional forces—around nonatomic deterring power—we might not be able to defend Western Europe at all.

Or, if we could defend Western Europe it would be only at the cost of ruinous losses in manpower.

However, there is a way out.

Tactical atomic bombs—weapons which can be used in conjunction with the operation of ground forces—are now in our American stockpile.

Such tactical weapons will become available in increasing number.

These weapons hold forth the promise of tremendously increasing the effectiveness of the Western European defense system.

Even though the NATO ground forces now find themselves out-numbered, they are already of sufficient size so that the Red army would be forced to concentrate its troops before launching an assault toward the English Channel.

But once the divisions of the Red army were concentrated in this manner, they would expose themselves to the danger of devastating atomic attack.

In other words—if the NATO forces can build their defensive plans around the threat of atomic striking power—the Russian general staff will find itself in what may be an impossible operational situation.

So long as the Communist armies remain dispersed, they cannot penetrate the NATO defenses.

But once they concentrate, they may well become the victims of a ruinous atomic counterattack.

It is common knowledge that the Soviet Union also has atomic weapons at its disposal.

While it is likely that we now have a commanding lead over the Russians in the output of atomic weapons—particularly tactical atomic weapons— we must presume that the Soviets would enlist the support of their own atomic stockpile in any invasion of Western Europe.

The situation we face in Western Europe is this: We have it in our power to increase greatly the effectiveness of the western European defenses by integrating atomic weapons into the planning and operations of the NATO alliance.

In addition, the NATO forces must be prepared to defend themselves against atomic weapons in the hands of our enemies.

Today, however, NATO planning in respect to atomic weapons suffers from one great flaw.

Our allies lack sufficient information concerning the effects of atomic weapons—how these weapons might be employed in defending Europe—and how the NATO forces should best prepare themselves against the threat of the atomic weapons possessed by our enemies.

The British, of course, have such information as they have gathered from their own experience in manufacturing and testing atomic bombs.

The other members of the NATO alliance, however, simply do not have authoritative data concerning the tactical uses of atomic weapons—the kind of information which is indispensable to realistic defense planning.

Last year, there was organized, under American auspices, a NATO Special Weapons School, intended to acquaint selected allied personnel with certain elementary facts concerning the employment of atomic weapons.

However, the kind of information which can be transmitted to NATO personnel in these courses is severely limited—it is limited by the information control provisions of the Atomic Energy Act of 1946.

That act prohibits our Government from revealing restricted data concerning atomic weapons to foreign nations.

Eight years ago, when the original law was written, this was a wise, and necessary, provision.

Our country possessed an atomic monopoly.

Atomic weapons were conceived of as strategic bombs—to be used against targets deep within the heartland of an enemy.

This being the case, there was no need to acquaint our allies with information on these weapons.

Furthermore, since we possessed an atomic monopoly, it was only prudent to try to prolong that monopoly by the strictest possible control over weapons information.

Today, however, the situation is changed.

Today, the time has come to impart a limited amount of information concerning the use of tactical atomic bombs to our allies, in order to assure the effectiveness of the free world's defense planning.

The Members of Congress are aware of the fact that the NATO defense system involves a pooling of land, sea, and air forces, and common defense planning.

They are also aware that, in the NATO organizational setup, the command channels cannot be arranged so as to pass entirely through American officers and units.

In Central Europe, for example, Marshal Juin, a Frenchman, is in overall command of the NATO forces.

General Carpentier, who is also a Frenchman, commands all the ground forces in this area.

Air Chief Marshal Embry, a Royal Air Force officer from the United Kingdom, commands all tactical air forces, including United States fighter-bomber units.

Similarly, the ground forces in the northern half of West Germany are made up entirely of Dutch, Belgian, and British units—commanded by an Englishman, General Gale.

The air forces in that area are largely Belgian, Dutch, and British—under the overall command of a Britisher, Air Marshal Broadhurst.

Were the NATO forces in this region to be attacked, it would be imperative to support them with United States ground and air units possessing an atomic capability.

Presently, however, non-American allied commanders in Central Europe—who are directly responsible for the operational conduct of the defense of this region—are prohibited by American law from receiving adequate information on the degree, the nature, and the timing of the atomic support which they could expect from American forces.

This is a highly unsatisfactory situation—a situation which could have disastrous military consequences.

In fact, Gen. C. V. R. Schuyler, who is the deputy commander of the allied forces in Europe, appeared before the joint committee last month and, speaking in behalf of Gen. Alfred Gruenther, Supreme Commander Allied Powers in Europe, told the committee that—

> Thus far, in our school instruction, in our field training, and in our war planning, we are seriously impeded by United States policy restrictions concerning release of atomic information.

The bill now before us will correct the present deficiencies in NATO planning involving atomic weapons.

Subject to comprehensive security safeguards, the legislation would permit the Department of Defense to transfer to a regional defense organization of which we are a member, such as NATO, or to another foreign nation, restricted data concerning the tactical use of atomic weapons.

It is stipulated in the bill that data which it would be permissible to exchange must relate to, first, the development of defense plans; second, the training of personnel in the employment of and defense against atomic weapons; and, third, the evaluation of the capabilities of potential enemies in the employment of nuclear weapons.

The bill provides that no important information concerning the design or fabrication of vital parts of atomic weapons can be communicated to other nations.

Permit me to quote the language of the bill.

It says that—

> No such cooperation shall involve communication of restricted data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Atomic Energy Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon.

I agree that this is involved language.

It is involved because it reflects the joint committee's determination to make doubly sure that only such information as is indispensable to defense planning with our allies can be transmitted to other nations.

This bill will not—and I repeat will not—give other nations scientific data concerning our atomic weapons.

Neither will this bill authorize our Government to transfer any atomic weapons to other powers.

We will maintain sole possession of our atomic weapons, and—in the event of war—these weapons will be used exclusively by American personnel.

I stress this because, in certain quarters, there has existed the mistaken notion that this legislation would put American atomic bombs in the hands of our allies.

This is simply not true.

Your attention is called to the fact that the members of the joint committee are unanimous in thinking that the degree of military cooperation envisaged in this bill will promote the common defense and security of our Nation.

I wish to point out that this section of the bill has the full support of the Department of Defense, the Atomic Energy Commission, the Joint Chiefs of Staff, the Supreme Commander, Allied Forces in Europe, the National Security Council, and President Eisenhower.

In conclusion, I wish to give unequivocal assurance that the members of the joint committee have weighed, and reweighed, the dangers and advantages of increased military cooperation with our allies in atomic energy before approving this section of the bill.

We have concluded that—on balance—cooperation of the kind permitted in this bill is highly desirable.

It is my earnest hope that this provision and the bill in its entirety will receive approval when it reaches a vote.

Mr. COLE of New York. Mr. Chairman, I yield such time as he may need

to the gentleman from Connecticut [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, I want to discuss the security provisions of H. R. 9757.

I believe my colleagues in the House are familiar with my interest in the broad field of security in all its varied aspects.

My experience in the Government service, in the military service, and in my service on the Joint Committee on Atomic Energy has given me an opportunity to study the problem of security—in terms of its statutory foundation, its procedural structure, and its effectiveness in practice.

The joint committee has a Subcommittee on Security. The gentleman from Ohio [Mr. JENKINS] and the gentleman from California [Mr. HOLIFIELD] both serve on this subcommittee. It has been my honor and privilege to serve as chairman of this subcommittee. Senator PASTORE and Senator CORDON are the other members. We have given the security aspects of this bill the closest possible study. Every line has been carefully gone over with the experts who have direct responsibilities in the field of security.

More important than our study of the bill, or at least of basic importance in terms of our competence to judge this bill, is the continuing review and close scrutiny given to the practice of security since the McMahon Act went into effect. I have not served on the joint committee during this entire period, but I have never ceased to give the matter my closest attention.

Chapter 12 of H. R. 9757, composed of six sections, modernizes the security provisions of the existing act, passed in 1946 and reflecting the attitudes of that period as to the exclusiveness of America's position in the field of atomic energy.

Chapter 18, dealing with enforcement, makes more practical and realistic the provisions for effectively maintaining adherence to the security provisions of the bill, and establishes a better legal foundation for enforcing the security measures.

As a matter of fact, the objectives of making practical and realistic the security provisions of the act characterize every change we have made from existing law.

I would like to recall to your minds, since I am sure my colleagues have gone over the report accompanying this bill—Report No. 2181—the discussion of this all-important security problem appearing on page 23 of the report.

I want to touch briefly on each section of this chapter, but before doing so, I would like to summarize the security accomplishments of this bill. I say "accomplishments" advisedly, not only because of the very merit of the proposed language but also because of the improvement effected in the Commission's security operations. The new language will give the Commission needed flexibility in specific fields, and assures the American people that the expansion of the whole business of atomic energy—in both domestic and international aspects—can be carried out with adequate protection for the security interests of the United States.

A major accomplishment of H. R. 9757 is to clear up a situation which has plagued both the Commission and all of the military services since the passage of the act. We have made several attempts in the past to cure this problem by legislation. Nearly 8 years of experience underlie these changes. The problem has been acute during the last 4, as the military services have intensified and expanded their competence, their training effort and their preparedness in the field of atomic weapons. What was once a unique and limited weapon for use only under conditions of very high and very narrow policy determinations—due to scarcity—is now a central item of ordnance in the total complex of weapons systems.

Let me give you an example of why the changes proposed in H. R. 9757 are so important. This is a hypothetical case, of course, but not necessarily so.

Put yourself in the position of an ordnance technician employed by a Department of Defense contractor developing a guided missile. One of the specifications, set up by the Defense Department, is that the missile must be able to carry an atomic warhead.

Can you go direct to the nuclear-weapon designers, who are employees of the Commission's contractors in the weapons field? They have a so-called top-secret clearance and so do you. You need to know about the shape and size and weight distribution of the nuclear warhead which your missile is to carry.

The present law says you cannot talk to the Commission's contractor unless you have been investigated by the FBI or the Civil Service Commission and cleared by the Commission. Not just cleared by the Department of Defense, even though you may have been investigated a dozen times and tested by every personnel-security procedure known to the Department of Defense. You may have handled the most sensitive information in the Nation's whole defense setup for years but, unless you have also been through the parallel channels of clearance established by law for AEC contractors, you cannot talk to your fellow weapons expert in the AEC setup. H. R. 9757 clears this matter up. The Commission's contract employer can talk to you upon receipt and notification to your employer of the Department of Defense certification as to your clearance.

As matters stand now, this type of information could be given to you only through a third party officially cleared by both of the contracting agencies. The awkwardness and waste in such a procedure is obvious, for the duplication of investigations and clearance actions is costly and unnecessary.

The safeguards surrounding the exchange of information with our allies are of vital importance. But they are realistic. As matters stand now, General Gruenther, when wearing his hat as Commander of Allied Forces in Europe, cannot tell his British chief of fighter aircraft—assuming he has a British chief directing fighter-aircraft operations—General Gruenther cannot even tell him the basic weapon effects needed in the employment of the types of atomic bombs which fighter aircraft can carry. When the general put on his hat as commander of the American forces, he can talk freely to his American staff about the things the field-operations commanders need to know.

The proposed bill will assist the NATO commander in this regard. It permits the transmission, under rigid safeguards, of the information required for the military employment of the weapon. It specifically forbids, since there is no need for transmission of such information, all data about the design and manufacture of the weapon and the nuclear materials involved.

The bill provides the same flexibility in connection with the operations of our own forces. It permits the removal, as the Commission and the military may agree, the removal from the statutory restraints of restricted data of that information relating to the size, weight, shape, and ballistic characteristics of atomic weapons and provides for the continuing protection of such data under military security regulations. Just as the restricted data security requirements provide for one kind of protection of research and development and manufacturing operations, the military security regulations provide protection of another kind to meet the differing conditions of military operations. Heretofore, we have tried to impose the Commission's statutory security standards on information of military operations with respect to information primarily of importance to the military. Needless to say, both the Commission and the Department of Defense are very anxious to have this matter cleared up. We are assured that the language in section 142 will do this. Should it be necessary for me to speak later in more detail on these sections of this bill which deal with the operations of the security system, I will do so, but in order to expedite the business before the House, I suggest you first check the report. I believe you will find it very complete on this point.

The last point I will touch on is the authority given to the Commission to make a determination as to the degree of sensitivity of various types of restricted data. Again, an example might help.

During the building of one of the gaseous diffusion plants, there comes a stage when enough equipment is on the floor that a competent engineer or scientist in the field of isotope separation by gaseous diffusion could gain some knowledge of the output of such a plant. That is, he could see the size of the motors and compressors and examine the layout of the plant to get some idea of the volume of flow of the gases. Of course, he would have it for only the one bay, or wing, of the plant. Now, under the present law, the expert welders who have to put this vast system together, but who do not see any plans, specifications, production data, nor do they get anywhere near nuclear materials, and who work under the closest possible and very vital technical supervision and direction—these people have to go through the same security procedure as the top

scientists who design the weapons themselves. The cost in time and dollars is obvious.

I want to assure my colleagues of the adequacy and effectiveness of the protective features of the bill. But there is one more item of major importance.

The joint committee has long been of the opinion that the most effective security is attained only if the areas of information requiring protection are held down to include only that information which positively needs protection.

H. R. 9757 constitutes an unequivocal directive to the Commission to maintain continuous review of all classified information and to declassify and publish scientific and technical data which can be published without undue risk to the common defense and security.

The bill, of course, continues, and I believe improves, the policy declarations with respect to the Commission's obligations to control of information in such manner as to assure the common defense and security, and with respect to the dissemination of technical information essential to scientific and industrial progress and public understanding and to expand and enlarge the Nation's reservoir of scientific knowledge available to all our teachers and research workers.

Mr. COLE of New York. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, as a member of the Joint Committee on Atomic Energy, I am tremendously interested in this important and far-reaching legislation that is before us for consideration today. I participated in the preparation of this proposed legislation as did all the other members of this joint committee. The very learned address already given to you by the gentleman from New York [Mr. COLE], the chairman of the joint committee, covers the subject before the House completely and I am sure that his speech will be read carefully by the many people who are so much interested in this great new problem.

I frequently say in discussing the great possibilities of atomic energy that because of the great inherent danger in atomic energy that it imposes a great burden on the Government, when other great new usages of nature's hidden powers have been given to the people these powers were not inherently dangerous.

For instance I often think of the great Thomas A. Edison as he slaved night and day for many years in his little laboratory in an effort to give the people of the world the electric light. He must have envisaged the great cities of the world lighted up at night. He must have imagined the many great pieces of machinery that would be operated by electricity. He did not keep his great invention to himself but he gave it to the people.

The same is true of those who gave us the telephone and the radio. And the same is true of those who arranged to explode gas in a steel chamber and using the power of that explosion to give us the automobile.

The same is true as to the radio.

The Government did not take charge of these great inventions as they were developed by the geniuses among our people.

But when atomic energy became recognized as a great and potential power its dangerous possibilities were recognized and Congress in behalf of the safety of the people took steps to protect the people. To do this Congress passed a law about 5 years ago which provided that a Commission known as the Atomic Energy Commission would be set up. This Commission was to consist of five members who were to be appointed by the President.

This Commission was set up immediately and five competent persons were appointed to fill these places. This Commission immediately proceeded to perform the duties which had devolved upon it. This Commission was authorized to supply a competent staff. This has been done and now the Atomic Energy Commission has on its payroll quite a large number of very competent persons. Among them are a number of learned scientists and a number of expert research men and women.

When the Congress passed the legislation above referred to it also set up the Joint Committee on Atomic Energy to consist of 9 Senators and 9 Members of the House of Representatives. The function and purpose of this joint committee is to exercise such control over the whole atomic situation and the activities of the Atomic Energy Commission as would be necessary to give to the people protection from the possible dangers that might develop as the utility of atomic energy would be expanding.

We all know that atomic energy has now become not only a great possible benefit to civilization but it has become a threat to the life and safety of the people of the world.

The growth and development of the human family has been measured by the capacity of the human family to protect itself from all dangers. The human family has by producing food, protected itself from hunger. By its genius in producing fire it has protected itself from the cold. By its genius in conserving water it has protected itself from thirst. Likewise, I think that the genius of the human family will protect itself from self-destruction from atomic energy used in warfare.

Mr. Chairman, in other words the human family will be smart enough to perpetuate itself in spite of its smartness in developing instrumentalities by which humanity can be seriously affected.

Mr. Chairman, I realize that atomic energy has great possibilities for destruction. At the same time it has great possibilities for the benefit of humanity.

As the greatest nation in the world, and as a nation that has become great because it recognizes that the best interests of the people is its greatest responsibility and greatest problem, I feel sure that Congress was wise in taking over the production and use of atomic energy. The Atomic Energy Commission has a great responsibility to protect the people and at the same time to increase the usefulness of atomic energy. And the Joint Committee on Atomic Energy of which I am a member has a great responsibility to do what is necessary to promote the production and use of atomic energy, keeping always in mind, that the best interest of the people is our first aim and our constant responsibility.

May God give us the power to use his natural resources for the benefit of the human family. Let us not forget the potent words—life, liberty, and the pursuit of happiness.

Mr. DURHAM. Mr. Chairman, I yield 7 minutes to the gentlewoman from Idaho [Mrs. PFOST].

Mrs. PFOST. Mr. Chairman, I am privileged to be able to join my many distinguished colleagues in the House today who are fearlessly defending the rights of the average American family, and of small business—in other words defending the very heart and backbone of America.

Fortunately for the American people the vital amendments which I understand are to be offered to this bill present a clear choice. By examining the actions of their representatives in Congress, the people can count noses and see who is for them and who is for big business. I have no hesitancy in taking my stand on the side of the people.

I am going to offer an amendment which will give preference to public bodies and cooperatives in applications for the development of atomic energy power plants. Other amendments will be offered that will provide preference to public bodies in the sale and distribution of such power. I sincerely hope these amendments will be adopted.

The people of America have spent approximately $12 billion for the atomic energy program thus far. Does it not seem fair and logical that those of us who have paid for these vast projects should receive the benefits from them?

This AEC bill is of particular interest to me since the first successful production of useful atomic power was accomplished in December 1951 in my own State of Idaho. It was developed in a machine known as the Experimental Breeder Reactor, constructed at the National Reactor Testing Station in Arco, Idaho. I am naturally very proud that it was at this installation located on the Snake River plains, in my own State, and staffed primarily by Idaho people, that such a momentous event occurred.

This fact has made me even more determined that the people who have helped develop atomic energy, and who have footed the bill for it, should now receive its full benefits.

Before we consider public preference in applications for atomic energy power installations, we should recognize that this term "public preference," either in the distribution of electric energy or in the construction of facilities to generate it, is really a misnomer.

When the public pays out its own funds to develop a great natural resource, it really does not have just a preference but an inherent right to obtain the benefits from the use of its own property.

This public preference—this inherent right—if you please, is no novelty in American law or practice. Rather, it is a bipartisan congressional policy now a generation old. At the opening of the century, in the Reclamation Act of 1906, Congress granted public preference to public bodies. In the Raker Act of 1913, Congress granted similar public preference.

And when we come to public preference in the Federal Water Power Act of 1920, we have an exact precedent, directly analogous, to the preference in the construction of atomic powerplants by public bodies that I am advocating today.

Congress continued public preference in the Boulder Canyon Project Act of 1928, and the Tennessee Valley Authority Act of 1933. It also continued this bipartisan policy of public preference in the Rural Electrification Act of 1936 and the Bonneville Act of 1937. The same public preference was in the Fort Peck Act of 1938, as well as the Water Conservation Acts of 1939–40. The basic policy of Congress was reaffirmed very clearly in the Flood Control Act of 1944 and thereafter the public preference provision was included by reference in the Umatilla Project Act of 1945.

Mr. Chairman, my purpose in reciting briefly this generation-old bipartisan policy of public preference is to tell the people once more that we are not dealing with any novel or recently inaugurated policy. Public preference has stood the test of time and has made this country the arsenal of democracy that it is today. Oh, yes; the private utility monopolies ranted and raved each time such laws were enacted and predicted all sorts of gloom. Fortunately, the facts of the history of our country are just the opposite.

I am sure my colleagues are aware of the fact that the private utilities already have a head start on the public agencies at the expense of the consumers of electricity. The monopolies are obtaining this advantage in this very simple manner: They are using funds derived from the consumers electric bills to finance their vast program of research on the conversion of atomic energy into electric power. Since this is the case, Mr. Average Citizen should have the same opportunity because he has already spent his tax dollars, in fact he has spent, mind you, $12 billion of his own money that is already tied up in this program.

On the other hand, the public agencies and the people are at a tremendous disadvantage. The appropriations that Congress grants are extremely limited and very specific. They lack the unlimited funds or grants to them, which the private utilities may obtain from the consumer's power bills. Therefore, in simple justice to the American people we should immediately grant additional funds to public agencies like TVA and Bonneville Power Administration. We should do this in order for them to really engage in extensive research at present so that when the proper time comes they will be abreast of the private utilities and can make the electric power available to the people as soon as it is developed.

Mr. Chairman, we are in a dreadful race against time. Let us not forget that the atom bomb is no respecter of persons or buildings, including the very one in which we are meeting today. Time and again our Government has had to assume the leadership when private monopoly—seeking immediate profits—was blind to the broad national public welfare. Once again a similar crisis confronts this great Nation of ours. Public preference in the sale of atomic power and public preference in the development of atomic powerplants is the one best means of continuing the leadership that will always have at heart the welfare of all the people and not just the profitable interests of a few.

Mr. COLE of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I do not rise here for the purpose of making any comment on the bill. However, by reading the report there were certain questions which I wanted to ask that I felt were pertinent to this issue, and that is the only purpose I have asked for this time. I want to thank the distinguished chairman of the committee for giving me these few moments to ask these questions. I presume I should ask them of the chairman first, and if there if any disagreement on the other side, I would be glad to know about that.

I am referring, first of all, to page 7 of the report, which has to do with the improvement of the procedure for the control and dissemination of atomic energy information, but principally I am referring to the clearance of the individuals employed on these projects for access to restricted data. I take it from page 67 of this report—and I see here what the proposed bill is and what the old law was—that on the matter of security we are taking a backward step, Mr. Chairman, in this. Formerly, as I understand, it was required that you have a full home and background investigation of all employees employed on these atomic projects. I take it now that that is going to be changed and that the Commission under certain criteria will designate those that are to have home and background investigations and those that are to receive only a spot check from the intelligence agencies and the FBI. Am I right?

Mr. COLE of New York. Mr. Chairman if the gentleman will yield, the gentleman is partly right. As the gentleman has indicated, the present requirement is that all people employed in this project be investigated by the Civil Service Commission initially except in some unusual cases. Now, experience has shown that this is not only a burdensome task on the Civil Service Commission but in many cases quite unnecessary. For instance, why would it be necessary to have a full investigation of the loyalty and character of a man who drives a truck out in an outermost part of an activitiy or a man who is a janitor in a remote area, which is not required? Everbody in the program must be investigated. This change is simply to permit the Commission to establish standards for determining who will be investigated by the Commission. Those standards must be uniform. The Commission must set up criteria by which it is determined what individual will be investigated and who may not, depending on the type of employment that individual is engaged in. The closer he is to the innermost operations of the program, the greater the thoroughness of the investigation; the more remote the work, the more lax the investigation.

Mr. SPRINGER. That is the rule adopted. I am not saying I am in complete accord with it. However, I understand the reason for it.

Now, the second question. We recently, in the past 2 or 3 months, have been through a rather difficult experience with reference to one particular person employed by the Atomic Energy Commission. We have been having a great deal of publicity in the newspapers, and hearings went on for some 900 pages, which I just completed reading the other day. Now, do I understand under this proposed program that the same rules for clearance would be applied to those who are running this project as would apply to anyone else? I am talking about the operation of it as it applies to anyone else on the project having access to restricted data.

Mr. COLE of New York. So far as I am advised, there is no proposed change in the present system, nor does this bill anticipate otherwise or invite any change in the present system.

Mr. SPRINGER. The third question. There will be no impairment by virtue of this legislation of the security regulations as laid down by the President last year. Am I right on that?

Mr. COLE of New York. Not so far as this bill is concerned.

Mr. SPRINGER. Let me say this. The particular sections that I am referring to, section 145 (a), (b), (c), (d), (e), and (f). Those will be put into force and applied together with the security program and regulations as laid down in the present security program. Am I right in that?

Mr. COLE of New York. I am not sure that I am in a position to say to what extent the President may invade or direct the security requirements established by the Commission.

Mr. SPRINGER. May I say that I think if the President had not applied his new security regulations in the recent case, it would not have been possible to bar a certain scientist who was investigated recently from restricted data; is not that correct?

Mr. COLE of New York. I will call the gentleman's attention to section 146 which specifically indicates that the provisions of other laws with respect to security are not changed by virtue of this act.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield at that point?

Mr. SPRINGER. I yield.

Mr. HOLIFIELD. I would like to comment on the question the gentleman asked. At any time during the past few years, the Atomic Energy Commission could have denied clearance to any employee without the President's Executive order. They have complete control over the granting of clearances by administrative act.

Mr. SPRINGER. I understand that, may I say to the gentleman from California, but I want to be sure that there is nothing to impair the operation of the President's security program as this legislation may be applied. I wanted to be sure that this legislation does not take way from the President the power to impose his security program. If it does I want to know it, that is all.

Mr. HOLIFIELD. In my opinion, I think the chairman has answered the gentleman already on that.

Mr. SPRINGER. I thank the gentleman.

May I ask the chairman this question. I am referring to page 12 of the report which reads:

> The Chairman is given the task of being the official spokesman for the Commission (which does not ban the holding or expression of separate or dissenting views by any member) and of seeing to the faithful execution of the policies decided on by the Commission.

May I ask at that point, What is the difference under the language of this bill between the status of the Chairman and his status under the proposed section where he was the "principal agent?"

Mr. COLE of New York. The expression as it was characterized at one time was "principal officer."

Mr. SPRINGER. I beg the gentleman's pardon; "principal officer."

Mr. COLE of New York. I find it hard put frankly to make the distinction or make a choice between those words.

Mr. SPRINGER. Was there any disagreement in the committee as to the meaning of the term "official spokesman"?

Mr. COLE of New York. There was substantial protest against characterizing the Chairman of the Atomic Energy Commission as the principal officer of the Commission. After that protest was voiced suggestion was made by way of a revision, a substitute, which is now contained in the bill. That substitute language, at the time at least, received the general concurrence of the members of the committee.

Mr. SPRINGER. The language now used?

Mr. COLE of New York. The language now in the bill.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield on that point?

Mr. SPRINGER. I yield.

Mr. HOLIFIELD. As far as this member of the committee is concerned, I objected to the phrase "principal officer" in view of the fact that it was not contained in the old law and was put into this new bill, and in view of the fact that the Chairman of the Commission, Mr. Strauss, appeared before our committee and testified at some length in favor of adding more powers to the office of the Chairman. There was a great controversy over this matter. If I thought that the words "official spokesman" of the Commission gave to the Chairman anything else than the right to speak in public the will of the Commission or on matters upon which the Commission had acted and authorized him to make a declaration or a statement in behalf of the Commission, I would certainly be very much alarmed. I hope the chairman does not mean by his answer to the gentleman that additional power is given to the Chairman other than that obtained from the Commission as the result of allowing him to be the spokesman for Commission findings or declarations which the Commission has by majority action approved.

Mr. SPRINGER. Is that the understanding, Mr. Chairman, on this particular feature?

Mr. COLE of New York. I assure the gentleman there will be considerable discussion on this point. There will be opportunity to clear it up later.

Mr. SPRINGER. I thank the chairman and the gentleman from California.

Mr. DURHAM. Mr. Chairman, I yield 7 minutes to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, my remarks are directed at the proposed Dixon-Yates agreement to provide 600,000 kilowatts of power to the Atomic Energy Commission by the method of displacement.

During the course of the extended debate in both Houses of Congress on the proposed Dixon-Yates power contract, as well as in various news articles that have been written on the subject, the true facts have not been conveyed fully to the public. These misleading statements have been detrimental to my State since they have tended to spread erroneous information. The State of Arkansas is vitally interested in the question now being considered; that is, the construction of a 600,000-kilowatt steam generating plant at West Memphis, Ark. The city of West Memphis is located on the Mississippi River and is adjacent to Memphis and the Tennessee Valley territory. Transmission lines near West Memphis have been used for a number of years in selling private power to the TVA at this point.

In the past few years TVA has urged Congress to provide additional steam power generating facilities to serve its needs. Two reasons were given by that agency: One being to serve the Atomic Energy Commission needs, and the other to provide for the expanded uses throughout the Tennessee Valley region—and more particularly in western Tennessee around Memphis.

Congress, as well as the executive branch of the Government, has been wrestling with the problem of trying to balance the budget. Economy must be practiced in the strictest sense in order to accomplish such results, as well as to provide tax relief. With economy in mind, the President placed in his budget message on January 21, 1954, a statement to the effect that "arrangements are being made to reduce, by the fall of 1957, existing commitments of the TVA to the AEC by 500,000 or 600,000 kilowatts."

At the suggestion of the President and the Budget Bureau, private industry was asked by AEC if it would be interested in furnishing this needed power supply. Various members of the utility industry were consulted. Two concerns that had contracts to furnish power to AEC decided that they were not interested in further contracts. The Middle South Utilities Co., which owns the properties of the Arkansas, Mississippi, Louisiana, and New Orleans companies, became interested in making an offer to the AEC largely because these companies are located immediately adjacent to the TVA area. The Middle South Utilities Co. approached the Union Electric Co. at St. Louis to determine whether that company would be interested in joining them in the venture. Other companies in Missouri, Louisiana, Oklahoma, and Arkansas were approached, but they were not interested. The Southern Co., which lies just south of the Tennessee Valley area, was interested and was willing to underwrite 20 percent of the venture. The Middle South has been unable to obtain other groups to share in the undertaking, and as a result assumed the remaining 80 percent.

The Middle South-Southern—or the so-called Dixon-Yates group—said in effect, "We will build a 650,000-kilowatt powerplant at West Memphis and furnish all of said power to TVA through our Memphis interconnections for the account of the AEC. We will provide all the money—every dollar of it. Not one dollar will be asked from the Federal Treasury. We will borrow 95 percent of this money from investors, principally insurance companies, at a rate of 3½ percent, all for the benefit of cheap power. We will furnish the other 5 percent and the maximum earnings thereon will be 9 percent—if we can make it. We take all the risk."

Guaranties for AEC were provided in the contract. Should the plant cost more than a certain amount, which means that the cost of power would increase, then the companies would bear the burden; or if there was any saving under the estimated cost, then such saving would be divided with the Government. It is a provision that is not written into the present AEC contracts either with private industry or with TVA. It is an added protection to the Government. The AEC with assistance from the Federal Power Commission concluded that this was a favorable contract; that it would—

First. Relieve the power shortage in the Memphis area;

Second. Give stability to the power supply of the AEC;

Third. Add to the national defense by providing an additional source of power and further transmission interconnections with large outside power sources;

Fourth. Supply the power at the area where it was to be consumed, thereby saving transmission losses and other expenses;

Fifth. Avoid further concentration of generating capacity in the Paducah area; and

Sixth. Relieve Congress of the apparent necessity of appropriating in excess of $100 million to build similar facilities for the same power in the same area.

Many unjust and critical allegations have been made against this contract. It has been said that the plant would be financed by the Government. As a matter of fact, not one dollar of Government money would be put into the actual construction of the plant. Private industry would furnish all of the capital. Critics of the contract have said, "The money

will be raised on the security of the Government contract; that is, this Dixon-Yates group will take the 25-year Government contract and pledge that contract to insurance companies and raise 95 percent of this money, and it is on the Government credit and not on private credit that the contract is financed." Here are the true facts: The Government has a 25-year contract with two 5-year extensions, making it mandatory for the companies to furnish the power for 35 years by the companies for only a 3-year contract. The Government can cancel its contract on 3 years' notice. What financial agency would want to lend money on a Government contract that may not run but 3 years?

It has been argued by opponents of the private contract proposal that the contract has a $40 million windfall for the companies; that if the Government canceled the contract the private companies collect $40 million and can sell the power to other consumers. If that were the case, I would oppose the contract. The contract does say that the Government can cancel upon a 3-year notice. The power companies agree to take back 100,000 kilowatts per year whether it can dispose of that power or not. During the cancellation period, AEC can sell the power to any other Government agency. TVA has said it desperately needs power. If that is the case, the cancellation will cost AEC nothing. The contract provides that the companies will do their best to sell and consume this power themselves if the Government does not want it. If the power companies do absorb such power the cancellation will cost the Government nothing. All contracts that AEC now has for power, including TVA contracts, contain similar provisions on cancellations. Here are the maximum cancellation costs on the three contracts AEC now has, compared with the proposed Middle-South-Southern contract:

Ohio Valley Electric Corp	$139,635,853
Electric Energy, Inc	68,609,000
The TVA-Paducah contract	60,000,000
The Middle South-Southern proposal	40,000,000

On May 23, 1952, G. O. Wessenauer, TVA Manager of Power, wrote a letter explaining the reasons for its cancellation privileges contained in its contract:

The demand charge component in our price to you for power covers costs which continue whether the capacity is used or not. Therefore, as indicated above, even if AEC suspends power use, TVA must arrange to continue to collect the demand charges for the capacity that has been provided, until other consumers are found who will take on the obligation through purchase of the power.

I would like to insert a letter I received from Middle South Utilities and the Southern Co. dated July 21, with regard to the cancellation provisions in the proposed contract:

JULY 21, 1954.

Hon. E. C. GATHINGS,
House of Representatives,
Washington, D. C.

DEAR MR. GATHINGS: We are pleased to submit the following information in response to your request for an explanation of the cancellation provisions in our proposal to the Atomic Energy Commission under date of April 10, 1954. The precise wording of our proposal in this respect is as follows:

"(7) Termination:

"(a) After commencement of full scale operation, termination will be allowed on 3 years' notice, during which period assignment may be made to another governmental agency, at contract rates, including all taxes and other adjustments.

"(b) Upon termination seller shall be entitled to and will absorb capacity at least as rapidly as load growth will permit, but in any event in the amount of at least 100,000 kilowatts in each year, absorbing associated proportions of costs. Buyer may assign any balance to another governmental agency at an increased price to be approved by FPC, such price to include recognition of any increased costs then encountered or foreseen by seller. To extent such capacity is not used by buyer or assignee, buyer will reimburse seller for pro rata proportion of base capacity charge, as adjusted, and taxes.

"(c) In event of partial termination above formula will be applied on a pro rata basis.

"(d) In event buyer relinquishes right to capacity after termination, base capacity charge (including adjustments) will be thereafter reduced $1,500,000; proportionally in case of partial reductions.

"(e) Buyer will repay Seller for any fair and reasonable cancellation charges payable by seller to a third party and costs, losses, and other expenses incurred by seller by reason of cancellation."

The cancellation provisions provided for in our proposal might well be characterized as a "one way street." The sponsors may not by any independent action of their own regain use of the plant facilities for 60,000 kilowatts at any time earlier than 35 years from the date the plant is completed. On the other hand, the Government has the sole right of cancellation any time and for any reason up to the 25th year and it alone thereafter has the option to renew the contract for an additional 10 years, or 35 years in all.

The Government is free to use all of the electric power contracted for during the 3-year-notice period at the contract price. In other words, if the AEC requirements diminish or are eliminated, any other Government agency, including TVA may use this power. In this event there would be no cost of cancellation since the Government would be receiving full value in the form of electric power and energy for the money it would be paying.

It would be completely unrealistic to assume a condition whereby the Atomic Energy Commission could not anticipate a situation where their needs for this electric power would either decrease or be eliminated. However, in the unlikely event that no electric energy is required by the AEC, the TVA or any other Government agency, starting with the very first day that notice of cancellation is given, the maximum payment (before taxes) required by the AEC would be approximately $40 million spread over an 8-year period. This amount is arrived at, as follows:

	Without call on unabsorbed capacity
Notice period:	
1st year	$7,275,000
2d year	7,257,000
3d year	7,275,000
Subtotal	21,825,000
After termination:	
1st year (May 6)	6,062,500
2d year (Apr. 6)	4,850,000
3d year (Mar. 6)	3,637,500
4th year (Feb. 6)	2,425,000
5th year (Jan. 6)	1,212,500
Subtotal	18,187,500
Total	40,012,500

It should be pointed out that the maximum amount of cancellation costs would occur only in the event of severe economic distress for otherwise some agency of the Government would certainly be able to use this electric power and thus avoid the cancellation charges. In the event of a situation where the Government could find no market for such electric power, presumably the sponsor companies would be similarly situated and would incur losses proportional to the amount of power for which they become responsible. Over the full cancellation period the cost to the company could amount to over $18 million and after the cancellation period $7,275,000 annually until a market for the power could be found. As indicated in our formal proposal all the foregoing amounts represent costs before taxes and adjustments.

You will notice in paragraph (b) of the termination clause in our proposal that "* * * Seller shall be entitled to and will absorb capacity at least as rapidly as load growth will permit, * * *." In other words if, during the cancellation period, the sponsors are able to absorb the power at a rate greater than 100,000 kilowatts per year they have agreed to do so and this would result in a comparable saving to the Government.

The 3-year notice period gives protection to the consumers in the Memphis area of TVA as well as to the company. In view of the fact that 3 years are required to design and build a major electric power station, it was felt that this should be the minimum notice of cancellation afforded the Atomic Energy Commission since power was to be delivered to it through TVA and elimination of this power source in less than the time required by TVA to arrange for its replacement might be detrimental to the public utility customers served by that agency.

If electric power is required by the AEC beyond the initial 25-year contract period the Government alone has the option for continuing the arrangement for 2 additional 5-year periods. At the end of the initial 25 years, the company will still have unamortized nearly 30 percent of its investment. Only the Government has the option of termination during the first 25 years or continuance of the arrangement after 25 years. During the debate with respect to this matter on the floor of the United States Senate, an attempt was made to insinuate that the Government would be obligated to pay some penalties on cancellation even though the electric energy were to be sold by sponsors to other parties. This is completely untrue as is clearly indicated in paragraph (b) of our termination provision: "Seller * * * will absorb capacity at least as rapidly as load growth will permit * * * absorbing associated proportions of costs."

Provisions in our proposal permitting cancellation were made at the insistence of AEC in order to give that agency a means of terminating its power obligations within a reasonable period of time in the event of a change in the need of AEC for power. It is interesting to observe that other power contracts made by AEC, including the TVA contract at Paducah, contain similar cancellation provisions. For example, as shown in the appendix to the hearings before the Joint Committee on Atomic Energy in 1953, the maximum cancellation costs for the power to be supplied to AEC by TVA were estimated to be $70 million for Paducah and $52 million (excluding $9 million for coal contract cancellation) for Oak Ridge. As quoted in the same appendix, Mr. G. O. Wessenauer, manager of power for the Tennessee Valley Authority, in a letter of May 23, 1952, to Mr. S. R. Sapirie, Manager, Oak Ridge Operations of AEC, had this to say in support of his contention that the AEC should pay its sister agency, the TVA, substantial amounts in the event of cancellation:

"The demand charge component in our price to you for power covers costs which

continue whether the capacity is used or not. Therefore, as indicated above, even if AEC suspends power use, TVA must arrange to continue to collect the demand charges for the capacity that has been provided, until other consumers are found who will take on the obligation through purchase of the power."

We shall be glad to furnish any additional information you may desire.

Very truly yours,

MIDDLE SOUTH UTILITIES, INC.,
By E. H. DIXON, *President*.
THE SOUTHERN CO.,
By J. M. BARRY,
Chairman Executive Committee.

It has been said by opponents of the private company contract that should the Government build its own plant a saving would result, although the Congress would be called upon to appropriate $100 million to build a TVA plant.

General Nichols made a statement before the committee setting forth this proposed additional cost and particularly set forth just how the difference arose. You can analyze this statement and in every instance the difference is accounted for, not by comparison, because TVA is not including all costs in its power rates. This difference of $3,685,000 is not realistic. It is not based on actuality, but is purely an estimate for the future, and is different from the present contract under which TVA is selling power to AEC. The said additional cost of the guaranteed private proposal over the estimated proposal of the TVA of $3,685,000 is accounted for as follows:

1. Extra cost of money..... $1,059,000

(TVA figures its cost at 2½ percent and the private companies at 3½ percent. It is difficult to say what the money would now cost the Government. The Treasury is urging people to buy Government bonds at 3 percent, and that is not all the cost. To this there should be added the cost of maintaining the bond campaigns, the cost of refinancing and constantly reissuing new bond issues to pay off maturing obligations. Our overall Government cost of money is certainly near 3½ percent.)

2. TVA would pay no taxes.... $1,429,000

(Eight hundred and twenty thousand dollars Federal taxes and $1,499,000 local taxes.)

3. Difference in cost of transmission..... $177,000

(This may be true. I am adopting the figures used by TVA. It appears, however, that in building to this new plant there should be no difference.)

4. Estimated extra fuel cost..... $309,000

(West Memphis is 50 miles further from the source of fuel than Fulton. Private companies insist this is wrong. Large suppliers have offered to furnish the fuel at West Memphis for the same cost as fuel at Fulton. Here's the letter:)

APRIL 1, 1954.

Mr. J. M. BARRY,
Southern Co., Birmingham, Ala.

DEAR MR. BARRY: In response to your suggestion, we desire to furnish the following information and any other information that you may later desire or find pertinent in connection with delivered prices on coal going to points in the neighborhood of Memphis. Our coal company, with its subsidiary coal mining companies, mines and sells 4 or 5 million tons of coal per year, and operates a towing company in the name of Potter Towing Co., a river transportation company which uses 3,500-ton capacity barges, which are the largest in existence at the present time.

We are attaching a map of the territory in question which shows the Memphis area, shows the rivers, the railroads, the location of the western Kentucky coalfield, the Indiana coalfield, the southern Illinois coalfield, and the Bellville coalfield of Illinois, which would be the practical sources of supply of coal for this area in question. Each of these coalfields could ship by rail, the lowest freight of any one of which by rail has a present freight rate of $3.39 per ton. The map also shows that each of these coalfields has river docks. In the case of Illinois, the Ford dock on the Missouri-Pacific Railroad serving the two Illinois coalfields has a rail rate to the Ford dock of 84 cents per ton, with a case now pending to reduce it to 70 cents per ton. The Indiana coalfield can load coal at the Yankeetown dock, with a rail rate to Yankeetown of 35 cents per ton. The western Kentucky field can load at the Grand River dock, at a rail rate to the dock of $1 per ton. In western Kentucky we operate the Uniontown mine, which is on the banks of the river itself and delivers direct into the river with no rail rate. Other such mines are now being planned.

The river mileage to Memphis from the Ford dock is 336 miles. From Grand River dock it is 300 miles. From Yankeetown it is 440 miles. From the Uniontown dock it is 370 miles. Figuring all the way downstream with loads and upstream empty, it is readily apparent that a river rate of 2½ to 3 mills per ton-mile would be readily available at all seasons of the year, as there is no difficulty with ice in this area, and high waters would serve as an actual advantage. Simplifying this, it is readily apparent that the combination rail rate to the docks from any of the coal fields, plus the river haul, would be somewhere in the neighborhood of, or slightly above, one-half the transportation cost that is obtainable by an all rail movement. It would become absurd, therefore, to base any figures on any transportation except the river movement. It would be one of the most outstanding cases in the country of the very great advantage of a water movement.

You have asked about the relative cost of the transportation to Fulton, Tenn., a few miles above Memphis as compared to a point on the west bank of the Mississippi just below Memphis, a difference in distance of 30 or 40 miles. It would be our judgment that there would not be any difference in the rates for this short distance for the following reasons: In the first place, it is a downstream haul, which would mean only three or four hours additional time, which would therefore not be worthy of notice. The Mississippi River does not have locks which are time consuming and are very much more important than the question of the small difference in distance. It is in fact the general policy in the towing business, where large tows of coal are possible coming from the same general points of origin, to ignore such short distances or such small amounts of difference in time, which is the important element. For example, in moving coal to the Twin Cities the same rate applies to St. Paul and Minneapolis, and even up the Minnesota River to the Black Dog plant of the Northern States Power Co. This distance is small, but it is upstream and has a small, old-fashioned lock between St. Paul and Minneapolis. This situation has been established for many years, and similar situations exist over the country. For the above reasons, I would say without qualification that it would be absurd to figure any difference in cost of transportation between coal going to Fulton, Tenn., and a point across the river from Memphis.

Under present conditions of cost we think it would be safe for you to figure on a delivered price from any of the four coal fields of between 18 cents and 19 cents per million B. t. u. on an as-received basis. Our own company would be glad to make a price within this range with normal escalation for labor, and since we assume that you would probably want to buy from several companies, and possibly from different coal fields, we will add without hesitation that we firmly believe that you would not have any difficulty getting similar prices from other companies in each of the four coal fields. We would like to add further that each of these coal fields have very large reserves of coal, with good physical conditions for mining, with coal permanently available.

Respectfully yours,

NASHVILLE COAL CO.,
JUSTIN POTTER, *President*.

5. Extra operating costs..... $211,000

So I earnestly urge that the bold statements that extra sums must be paid to private industry for this 600,000 kilowatts of new power to be provided when and where needed are not supported by the facts. Even on this basis, the private power is as cheap, taking into consideration taxes and cost of money. No private concern can compete with TVA operations, if these items are not considered, and if these costs are to be passed on to the taxpayers of the Nation, rather than included in the cost of power. These figures are on the authority of the AEC and the Federal Power representatives. They can be checked.

That allegation of extra cost, however, is based purely on an estimate—what can happen in the future, with no guaranty and with no protection to the AEC. If those estimates are wrong—if the costs are more—then the Government will bear the burden.

THE DIXON-YATES PROPOSAL IS CHEAPER THAN THE TVA-AEC CONTRACT

In determining the wisdom of this contract you do not have to depend on assumptions and estimates and guesses for the future. AEC now has a contract with TVA, under which it has been operating some years. This contract was made when construction costs were much cheaper. Certainly TVA—in view of continuously increasing costs—cannot now build another powerplant and sell power to AEC any cheaper than under its present contract. If so, TVA should reduce the rate under its present contract. One Government agency should not overcharge another Government agency. This would be an undue preference to the rate consumers of the Tennessee Valley. In fact, such heavy overcharge to the AEC would soon become an operating gouging and a financial abortion. I had rather believe that TVA made an honest contract, and that its rates are fair and proper. Anyway, this is a realistic basis for comparing the Dixon-Yates proposal with the actual costs under the TVA-AEC operations.

I would like to ask permission to insert at this point a note to Mr. Strauss from K. D. Nichols, General Manager of the Atomic Energy Commission, dated June 11, 1954, which compares the rates charged by private companies and that

charged by TVA for power delivered to the Paducah plant:

JUNE 11, 1954.

NOTE TO MR. STRAUSS

In the matter of rates charged the AEC by the TVA for power, the following comparison with rates charged during the same period by EEI for power delivered to the Paducah plant is pertinent:

	Kilowatt-hours	Costs	Average cost mills per kilowatt hour
Jan. 1, 1951–Dec. 31, 31, 1953			
TVA:			
Normal	2,653,349,972	$16,907,540.74	6.3721
Supplemental	334,053,688	3,370,045.04	10.0883
Total	2,987,403,660	20,277,585.78	6.7897
EEI:			
Permanent	1,289,097,810	4,153,650.59	3.2221
Interim	1,513,528,311	11,848,120.05	7.8281
Total	2,802,626,121	16,001,770.64	5.7095
July 1, 1953–Dec. 31, 1953			
TVA:			
Normal	1,709,062,951	8,642,400.56	5.0568
Supplemental	282,800,138	3,011,270.19	10.6481
Total	1,991,863,089	11,653,670.75	5.8515
EEI:			
Permanent	1,247,011,470	3,941,354.02	3.1606
Interim	814,843,158	6,319,398.46	7.7554
Total	2,061,854,628	10,260,752.48	4.9797
Jan. 1, 1954–Mar. 31, 1954			
TVA:			
Normal	1,053,464,000	3,916,543.00	3.72
Supplemental	393,720,000	3,111,767.00	7.90
Total	1,447,184,000	7,028,310.00	4.86
EEI:			
Permanent	683,394,000	2,230,159.00	3.26
Interim	475,487,000	3,662,618.00	7.70
Total	1,158,881,000	5,892,777.00	5.08

It was not until February of this year that the average cost of power furnished by TVA became less than that furnished by EEI. During all the above periods the cost to AEC of EEI permanent power was less than TVA normal power.

In negotiations with TVA that resulted in our present contract for normal or permanent power at Paducah, we understand that TVA included in the fixed charge portion of the rate a charge that would amortize the original investment for the new facilities required in 28 years at 4 percent interest. To accomplish this, the charge must be equal to 6 percent of the original investment per year.

In recent joint discussions between the FPC, TVA, and the AEC to develop a comparison of cost to the Government between the Dixon-Yates proposal and TVA for 600,000 kilowatts of power, we had access for the first time to operating and construction cost data on which TVA based their position on actual cost to the Government.

Using this data and their present quoted cost of $145 per kilowatt of capability for the Shawnee plant; providing in the capital costs of $95,040,000 for a plant of 660,000 kilowatts of capability for the delivery of 600,000 kilowatts of power; $13,000,000 for transmission, making a total capital cost of $108,040,000; and using 35-year depreciation for the useful life of the plant; and 15½ cents per million British thermal units for fuel costs; we have estimated the cost to TVA for delivery of 600,000 kilowatts of power to the Paducah plant from the Shawnee plant at 98 percent load factor.

It should be noted the TVA Act requires that new congressional appropriations for power facilities to be repaid over a period not to exceed 40 years after the year in which such facilities go into operation. No interest payment is required.

On the basis TVA should furnish power to the AEC at cost, and based on information from TVA that coal cost of 15½ cents per million British thermal units will be reflected in the rate under our present contract at Paducah on July 1, 1956, AEC would be charged for 600,000 kilowatts under the present contract over and above estimated cost to TVA as follows:

	Annual cost to TVA	Mills per kilowatt-hour
Amortization, 35 years	$3,086,000	0.59
Operation and maintenance, general and administrative, transmission, replacements, etc	2,195,000	.42
Fuel at 9,947 B. t. u.'s per kilowatt-hour and 15½ cents per million B. t. u.'s	8,037,000	1.55
Total	13,318,000	2.56
TVA-AEC Paducah contract	18,036,000	3.47
Difference	4,718,000	.91

We feel that TVA should pay interest on its investment equal to the cost to the Government long-term borowings during the period of construction of the new facilities. On the basis this rate would be not less than 2½ percent, then the estimated cost to TVA for 600,000 kilowatts of power furnished at Paducah after July 1, 1956 and the difference between the contract rate would be as follows:

	Annual cost to TVA	Mills per kilowatt-hour
Amortization, 35 years, interest at 2½ percent [1]	$4,666,000	0.90
Operation and maintenance, general and administrative, transmission, replacements, etc	2,195,000	.42
Fuel, at 15½ cents per million B. t. u.'s	8,037,000	1.55
	14,898,000	2.87
Paducah contract	18,036,000	3.47
Difference	3,138,000	.60

[1] Computed as follows: 0.432×$108,000,000=$4,666,000, which is divided into $3,086,000 for amortization and $1,580,000 for interest.

By July 1, 1956, TVA will be furnishing under the contract 1,205,000 kilowatt-hours of normal power. Thus on that date charges to AEC over estimated cost to TVA will be approximately double the $3,138,000, or $6 million.

Since the original contract was on a commodity basis and TVA was taking a risk on capital costs, the rate then established had justification on the part of TVA. However, now that the capital costs are known and operating experience is being obtained, a continuation of the present contract rate does not seem justifiable on the basis TVA should sell power to the AEC at cost.

To continue the present Paducah contract rate could place TVA in a position, at the expense of the AEC, of subsidizing other users in the TVA system.

Many factors other than a policy of sales of power to defense agencies at cost to TVA may be involved that should be explored with the Bureau of the Budget and possibly TVA before these figures could be considered as a basis for contract renegotiation with TVA.

K. D. NICHOLS.

A cost chart has been put into the RECORD by me, it appears on page 9870 of the CONGRESSIONAL RECORD of July 6, 1954. This data was taken from calculations made by the Budget Bureau, based on assumptions of the same cost of fuel for the two operations. Any other assumption would be unrealistic and will not give the right answer.

I have made some investigations in connection with this cost, and this chart. I have found that, in the interest of accuracy, and in the interest of making a full disclosure of all costs, the proposed State and local taxes have been overstated by some $500,000, or 33⅓ percent. I made a personal investigation of the matter, calling on the Arkansas Tax Commission to give me the facts. To be as factual as possible, I will reflect only the taxes that would be paid by the Government under the Dixon-Yates proposition in the years to come.

I have reworked this statement in a way that the layman can understand. I am just comparing the cost under the Dixon-Yates proposal against the actual cost of power furnished to AEC by TVA at Paducah, using the same size plant and the same consumption—that is 600,000 kilowatts, and the 5.2 billion kilowatt-hours per year, and using 19-cent fuel costs in both places.

Comparison of annual cost for power supply from Dixon-Yates proposal versus cost to AEC of power from TVA at Paducah, using 600,000-watt capacity, 5.2 billion kilowatt-hours per year or 98 percent load factor and 19 cents per million British thermal units fuel cost

	Tennessee Valley Authority		Dixon-Yates	
	Present Paducah contract	Mills per kilowatt-hour	Revised proposal, Apr. 10, 1954	Mills per kilowatt-hour
Production and transmission:				
Capacity	$8,208,000	1.578	$8,775,000	1.688
Energy	11,648,000	2.24	9,688,000	1.863
TVA transmission required to primary point of delivery			177,000	
Total, excluding taxes	19,856,000	3.82	18,640,000	3.58
Savings to Government, excluding taxes, under Dixon-Yates proposal			1,216,000	
State and local taxes, as calculated by Arkansas Tax Division			1,022,600	
Savings to Government, Paducah versus Dixon-Yates, after paying State and local taxes			183,400	

This chart is realistic. It is not far wrong. It will pretty well reflect the actual operations in the two plants. This chart shows—and these figures are from the Budget Bureau, except a correction that I have made on the authority of the Arkansas Tax Commission—that the Dixon-Yates proposal is going to save the Government some $183,400 a year, even after paying State and local taxes.

I incorporate at this point the cost statement presented by AEC to the joint committee which has been discussed heretofore. The rate contained in the statement is purely an estimate made by TVA:

Comparison of annual cost to Federal Government for power supply delivered to TVA system in Memphis area (for 600,000 kilowatts of demand and 5.2 billion kilowatt-hours a year)

ESTIMATED COST OF INCREASING TVA NET CAPABILITY 650,000 KILOWATTS (AT FULTON OR AT FULTON AND JOHNSONVILLE)

Fixed costs:	
Plant and transmission facilities (interest, 2½ percent, 30-year amortization, replacements, insurance, and fixed operating costs)	[1] $7,580,000
Variable costs (fuel cost, 18.4 cents per million B. t. u.'s)	[1] 9,304,000
Total	16,884,000
Cost to Government:	
Per year	$16,884,000
Per kilowatt-hour (mills)	3.25

[1] Distribution of total costs to fixed and variable components made on basis comparable to Dixon-Yates demand and energy charges.

ACCEPTING DIXON-YATES PROPOSAL (NEW PLANT OF 650,000 KILOWATTS NET CAPABILITY AT WEST MEMPHIS, ARK.)

Demand charges (interest, 3½ percent, 30-year amortization, 9-percent return on equity, replacements, insurance and fixed operating costs)	$8,775,000
Energy charges (fuel cost, 19 cents per million B. t. u.'s)	[2] 9,688,000
Total, Dixon-Yates charges	18,463,000
TVA transmission costs (from point of interconnection at middle of river to TVA Memphis substation)	607,000
Cost to Government (excluding taxes)	
Per year	19,070,000
Per kilowatt-hour (mills)	3.67
Taxes:	
Arkansas (State and local)	$1,499,000
Federal income	$820,000
Subtotal	$2,319,000
Cost to Government (including taxes):	
Per year	$21,389,000
Per kilowatt-hour (mills)	4.11
Less: Federal income tax	$820,000
Net cost to Government:	
Per year	$20,569,000
Per kilowatt-hour (mills)	3.96
Additional cost to Government, per year	$3,685,000
The additional cost of Dixon-Yates power is due to the following:	
State and local taxes	1,499,000
Extra cost of money (2½ percent versus 3½ percent interest) (return on equity 9 percent)	1,059,000
Extra fuel costs [2]	309,000
Extra operating costs	211,000
Total for Dixon-Yates	3,078,000
Extra TVA transmission costs	607,000
Total	3,685,000

[2] If coal can be delivered by barge to Memphis site of Dixon-Yates, 55 miles downstream from Fulton, at same cost as at Fulton (as assumed by Dixon-Yates), then this cost would be reduced by $309,000.

Federal appropriations, school system, Paducah, Ky.

Maintenance and operation (1951–54):	
Paducah Board of Education	$268,362.35
McCracken County Board of Education	516,318.21
Total	784,680.56
Construction: (1951–54):	
Paducah Board of Education	643,252.00
McCracken County Board of Education	1,053,450.00
Total	1,696,702.00
Maintenance and operation	784,680.56
Construction	1,696,702.00
1951–54 total	2,481,382.56

Maintenance and operation appropriations, school system, Paducah, Ky.—Public Law 874

	Paducah Board of Education	McCracken County Board of Education
1951	[1] $18,082.10	$12,691.14
1952	78,415.00	154,375.62
1953	86,818.55	208,769.47
1954 (estimated)	[2] 85,769.98	[2] 140,481.98
Total	268,362.35	516,318.21

[1] Only 96 percent ($17,358.82) received as Government did not have enough money.
[2] Not final; 75 percent paid.

Construction appropriations, school system, Paducah, Ky.—Public Law 815

	Paducah Board of Education	McCracken County Board of Education
1951 and 1952	$643,252	
1952		$794,450
1954	(1)	259,000
Total	643,252	1,053,450

[1] Application in.

Wherever a Government plan is constructed there results a great impact upon the school districts. Let us look at how much Federal appropriations have been made at Paducah, Ky., from 1951 through 1954, in order to provide additional moneys for maintenance and operation, as well as construction, in the Paducah school.

Also, at Kingston, Tenn., for the fiscal years 1951 through 1954, the Government contributed for maintenance and operation of the schools $169,644.20, and for the fiscal years 1953 and 1954, $200,508.12 has been made available for construction.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. DIES. May I ask the gentleman a question to clarify that. As I understand it, this utility company is putting up $105 million, which is their money?

Mr. GATHINGS. It is estimated that the cost will be $107 million.

Mr. DIES. One hundred and seven million dollars. That is their money, is it not?

Mr. GATHINGS. Every dollar of the money that goes into that plant will be private capital.

Mr. DIES. Then they are going to make a contract with the Atomic Energy Commission, and that contract can be cancelled after 3 years notice?

Mr. GATHINGS. After 3 years notice, yes, that is right. And this power will have to be taken back by these power companies at the rate of 100,000 kilowatts a year until they assume or absorb the whole load.

Mr. DIES. What is the controversy? Some of them want the TVA to build it and others want the private company to build it?

Mr. GATHINGS. There is a controversy in that so many of those who are interested in the TVA and who live in that particular area want to see the TVA build its own power plant at Fulton, Tenn., which is located about 25 miles north of Memphis.

Mr. DIES. Where would the TVA get the money to build that plant?

Mr. GATHINGS. They would come to the Congress and ask for a $100 million appropriation.

Mr. DIES. And we would have to borrow the money?

Mr. GATHINGS. We would have to borrow the money—and how much would we have to pay for it? We would have to pay from 2½ to 3 percent interest for the money that we would have to borrow.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. PRIEST. Will we not have to borrow the money to pay the $96 million to $139 million, which the power produced by this plant will cost in excess of what it would cost the TVA at TVA rates?

Mr. GATHINGS. I put in the RECORD just the other day that the only difference was $282,000 annual cost when the same rate is used as TVA now charges AEC at Paducah. Since that time, I want to say to the gentleman that I have obtained additional figures from the Public Service Commission of the State of Arkansas showing that there would be something like $475,000 less cost for taxes and it really would be, as a matter of fact, in the interest of economy—as a saving to the Government would result—to enter into the Dixon-Yates agreement. I am inserting a revised table as a part of my remarks explaining and comparing costs.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. DIES. The private utility company will have to pay local taxes, will they not?

Mr. GATHINGS. They will have to pay local taxes, yes, just like any other private business.

Mr. DIES. Of course, the TVA does not pay any local taxes, is that not correct?

Mr. GATHINGS. They pay very little in lieu of taxes. It is a small percentage of the tax that private business pays on the same or similar property.

TVA claims to pay taxes and interest. Private power companies in the same territory of TVA for the year 1953 paid an average of 44 percent of their total revenues for interest and taxes. The TVA paid 4 percent of its total revenues for interest and taxes. Someone has to make up this difference for taxes that are not paid by this governmental agency.

Mr. DURHAM. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, the pending bill to amend the Atomic Energy Act is one of the most important and far-reaching bills to come before this session of Congress. Its implications, as it affects the welfare of our country and the defense of our country, are of the utmost gravity and demand the serious and studied consideration of the House.

Much has been written and much has been said, both during this debate and before, on the overall subject of the revision of the Atomic Energy Act. The very consideration which we are giving to amending the Atomic Energy Act—one of the most important acts in the history of our Nation—is in itself an indication of our changing times and our development within what we call the atomic age. Less than 10 years following the writing of the Atomic Energy Act, the time has come for revising it to fit the times. It is important that this revision insure the full protection of the public interest.

I should like to state that I feel strongly that every safeguard and every protection should be written into the bill to protect the public interest in this age when atomic-energy development is in its infancy and early stages of development for peacetime purposes—for purposes other than military.

I shall support the protecting and safeguarding amendments to be offered to the bill generally, and I shall most certainly support the amendment offered by our colleague the gentleman from Tennessee [Mr. COOPER] to protect the public interest by preventing the Atomic Energy Commission from being forced to invade the integrity of the Tennessee Valley Authority as it has been proposed in the so-called Dixon-Yates contract.

This proposal has been extensively discussed.

The President has directed the Atomic Energy Commission to contract with the Dixon-Yates private-power syndicate for 600,000 kilowatts of electricity to be channeled into the TVA system.

This directive has been handed down by the White House despite the fact that the Dixon-Yates contract will cost the American people millions of dollars more than other proposals for gaining needed extra power.

Under reliable estimates, if this proposal is finally put through, it will cost millions more than should be required—specifically, it would mean an expenditure in excess of $90 million as a windfall to a favored private-power syndicate.

That figure is not my own estimate, Mr. Chairman. It is the estimate of the Atomic Energy Commission.

The Tennessee Valley Authority estimates that the excess of cost would run to as much as $135 million to $139 million.

Regardless of which agency has the most accurate estimate—in either event—the costs are excessive.

The proposition is wholly unwarranted, unnecessary, and undesirable—and it is a most unfortunate thing to come up.

The people of the Tennessee Valley area—the people of the Nation—are opposed to this proposition. They are opposed to this threat of a private-power scandal—this windfall to a favored private-power syndicate.

The President assured the people of the Tennessee Valley area—in campaign speeches and in his budget message—that TVA would not be crippled, but would be maintained at maximum efficiency.

I do not question his motives but I do question—and strongly—the advice he is getting and upon which he is basing his present astounding program for maintaining the efficiency of TVA. Who furnishes him the information about TVA needs and requirements?

The quality of the information he is getting, Mr. Chairman, must be judged in the light of its source.

The President, as we all know, is being advised in this grave and vital matter by Messrs. Dodge, Hughes and Adams.

Now, Mr. Dodge is a Detroit banker and former Director of the Budget. Mr. Hughes is the present Director of the Bureau of the Budget—and a Wall Street man who has come down to help out in Washington, but who has not left his private business behind him.

The third advisor is Presidential Assistant Sherman Adams. Former Governor Adams has repeatedly indicated an enmity and hostility to the TVA program.

Those are the men who are advising President Eisenhower as to ways and means of carrying out his pledge of maintaining TVA at maximum efficiency.

We may well inquire, now, as to the source of the information which reaches the Presidential advisors, Messrs. Dodge, Hughes, and Adams.

When questioned as to the source of their information concerning TVA needs, these top-ranking administration advisors have indicated that they have obtained it from the Edison Electric Institute which is known and recognized to be TVA's worst enemy.

The conclusion cannot be avoided, Mr. Chairman, that the President has been misinformed—misadvised— on the TVA. I may say further that the President has never discussed TVA operations with any official of this great agency of our Government.

How can he consider that he is being properly advised when he seeks information not from the agency itself—not even from a neutral source—but from the avowed enemies of TVA.

Mr. Chairman, support for the TVA, and its position in the present critical situation, comes not from the people of the Tennessee Valley alone. Support comes from all over the country. Indeed, the serious situation posed is of international significance and importance.

Among the great newspapers of the Nation that supported President Eisenhower in his campaign for the Presidency but who are now opposing him on this issue and strongly voicing their support of the TVA can be named the following:

The New York Times.

The Scripps-Howard chain—19 in number.

The Washington Post and Times Herald.

The Louisville Courier-Journal.

The Memphis Commercial Appeal.

The Knoxville Press-Scimitar.

And many others, both within and without the TVA area.

These great newspapers, who now oppose in this instance the man they so strongly supported to be the President of the United States, represent the point of

view of a great segment of the people of the Nation. They are opposing this proposed private power deal to invade the integrity of the TVA.

Further, Mr. Chairman, the municipal bodies, the rural electric cooperatives, and other public and private distributors of TVA power—representing capital investments of more than $400 million as regional partners of the Government—have unanimously gone on record in support of the TVA program as it exists and as they wish it continued without change.

I feel, therefore, that it must appear obvious, Mr. Chairman, that the people of the Tennessee Valley and the people of the Nation generally are pleased with the program of the TVA and are opposed to this administration—or any administration—attempting to kill the TVA or to break the TVA yardstick of low rates which has served a most useful purpose of stimulating competition in the electric-power field throughout the country.

The Dixon-Yates deal would do just that—deal a death blow to TVA and break the TVA yardstick of low rates.

The Dixon-Yates deal would be an entering wedge to force—through the vital Atomic Energy Commission—the speed-up and to accelerate the destruction of the TVA, which the President now calls creeping socialism.

High-cost private power funneled into the TVA grid system would force up electric power rates to the consumer. The people of the TVA area would be at the mercy of the private power monopoly. And, in addition to the many undesirable features of the proposal—including the excess cost to the taxpayers—the Dixon-Yates contract is otherwise not in the public interest.

Mr. Chairman, the Atomic Energy Commission is the Nation's most sensitive and vital agency. It was not set up to serve as a power broker for the Government. It has no legal authority to enter into such a contract, and the propriety of the proposal that has been made in this regard has been strongly questioned by a majority of the members of the Commission.

It is, indeed, regrettable and a pity that at this time when we are called upon to measure up to the demands of time and progress in our atomic energy program we should be diverted by a proposal that could greatly harm that program, greatly harm the public interest, and wreck a program—the TVA—which funnels some 70 percent of its output into our vital defense programs.

Three of the AEC Commissioners have expressed their opinions that the proposed forced contract goes beyond the scope of the function of the Commission for which it was created. The Commission, I repeat, was not created to serve as a power broker for the Government.

In support of these statements, Mr. Chairman, I desire to read from a copy of a letter to Mr. Hughes, the Director of the Bureau of the Budget, from AEC Commissioner Smyth. This letter appears on page 958 of the hearings of the Joint Committee on Atomic Energy.

Commissioner Smyth wrote:

We—

The Commissioners—

are taking this opportunity to bring to your attention our personal view that the proposed action involves the AEC in a matter remote from its responsibility. In an awkward and unbusinesslike way, an additional Federal agency would be concerned in the power business.

Also:

The proposal under discussion is an outgrowth of the responsibility to the President's budget message * * * requesting the AEC to explore the possibility of reducing existing commitments of the TVA to the Commission.

Commissioner Smyth states further:

In the course of that exploration, it was determined to be unwise to disturb the AEC arrangement with TVA upon which our production schedules depend.

And following this, Mr. Chairman, the Commissioner says—please listen:

Since that determination, the explorations have taken a different course.

In other words, the AEC has said it does not need the power, but, notwithstanding this fact, the negotiations have taken a different course. That is, they are being forced to negotiate the contract notwithstanding the fact that there is no need for it and that the contract would be awkward and unbusinesslike and remote from the AEC's responsibilities.

They were ordered to make the deal anyway.

On page 1004 of the same hearings, Commissioner Murray of the AEC testifies:

Since our program is not advanced by these negotiations and the subsequent administration of this 25-year contract, I do not believe that it is desirable for the AEC to perform a function that another agency of the Government could perhaps more logically perform.

Mr. Murray further testified:

I have never personally felt that the administration of long-term contracts for areas such as the Memphis area ever came within our jurisdiction.

Could the conclusions be any more clear?

Despite this testimony, Mr. Chairman, and despite the clear and unmistakable assertion of the attitude of the majority of the members of the Atomic Energy Commission as to the proper functions of the AEC, we have pressed upon us explanations and justifications for this proposal which are, in fact, unworthy of any responsible agency of our Government.

The Bureau of the Budget has recently issued a press release in defense of this proposal, and, to say the least, it is the weakest sort of defense.

In this press release statement, the Bureau of the Budget attempts to justify the high cost of the proposed contract—the admitted high cost. Further, it attempts to shift the burden of failure to provide for the Fulton steam plant on the Congress.

In this latter connection, Mr. Chairman, I want to point out that funds for construction of the Fulton steam plant were recommended by the previous administration, but such funds have not been recommended by the present administration.

Funds for Fulton steam plant were stricken out of the budget at the start of the 1st session of the 83d Congress and again in the 2d session of the 83d Congress.

How can the present administration shift to the Congress the burden for the failure to provide for funds for Fulton steam plant when the funds were not requested—were not recommended by the President.

I deeply regret that the Bureau of the Budget elected to weaken its prestige by such a dismally inadequate defense of its actions.

The Bureau of the Budget has attempted to justify its position by trying to explain away another proposition and offer for power in this regard which was greatly under the cost to be entailed in the Dixon-Yates deal. It attempted to justify the almost fantastic position of the administration in insisting that the favored power syndicate, Dixon-Yates, be given a contract which was so obviously a lucrative contract that the favored syndicate accepted it without even being apprised of its specifications.

As indicated, Mr. Chairman, the members of the Atomic Energy Commission not only feel that they should not enter into this proposed contract, but, like others, they point to the excessive cost under the private power—the Dixon-Yates — arrangement. This would amount to $3,700,000 a year.

Over the period of 25 years—the life of the contract, I repeat—the power cost would be in excess of $90 million.

The taxpayers will have to make up the difference between the cost of the TVA-produced power and the cost of the private monopoly power.

This deal represents a clear-cut repudiation of the President's campaign pledge to maintain the TVA at maximum efficiency. The enemies of TVA who are constantly complaining of the cost to the taxpayers can now, if they wish, shed a few crocodile tears for the taxpayers of the Nation who will pay enormous profits into the pockets of a favorite private power monopoly in the unhappy event this unholy contract is consummated.

When the TVA builds its own facilities, the assets belong to all the people. Under this Dixon-Yates proposal, the people would pay for the plant with high profits and tax writeoffs, but they would never own it.

The net effect of this whole brazen deal will be to block normal and needed TVA development and expansion—to give private power a foothold in the TVA region, a foothold which it has long been seeking, to break the TVA service yardstick of low rates—and to guarantee to the Dixon-Yates syndicate huge profits at the expense of the American taxpayers.

Surely the Congress does not wish this to happen.

Only the private power lobbyists and favored utility syndicate wish to disguise the evils of this proposal. The

amendment to prohibit the consummation of this contract should be adopted in the public interest.

Mr. Chairman, I wonder if such debate, such display of absence of understanding, has not beclouded the issue and has not failed to contribute to a real recognition of the issues at stake.

The fact that the TVA is producing large amounts of cheap power—of which 70 percent is called upon directly for national defense needs—requires no defense nor any justification. Even those who criticize TVA must admit that during the course of World War II and the Korean War, and in the operation of our post-war and atomic energy program, the TVA performed magnificently and is still making an astounding record of accomplishment.

But I must say this, Mr. Chairman, it appears that those who through tirade and vengeful tactics are now attacking TVA—a tremendously successful Government program—are doing so in an effort to pull the President out of a hole—a very deep and dangerous chasm he has fallen into.

The very sharpness and viciousness of their defense of this illegal contract suggests they are defending the President in his present untenable position.

A reasonable proposition does not dictate an unreasonable defense.

No, Mr. Chairman, a great attempt is being made to pull President Eisenhower out of a hole—out of a situation which has become increasingly embarrassing to the administration.

I say this Dixon-Yates deal has become embarrassing to the administration because the present administration has highly touted and advertised itself as a "businesslike administration"—an administration composed of hard-boiled businessmen; an administration run on a solid business basis. And yet here has been proposed the most unbusinesslike contract conceivable.

No stockholder expects such windfalls of profits and earnings as would be possible under this Dixon-Yates deal. No stockholder expects that their dividends be, in effect, paid by the Federal Government—by the taxpayers of the Nation.

Mr. Chairman, this proposed contract is not only illegal; it is unbusinesslike, brazen, outlandish, and a boon to a favored private power syndicate.

This contract was not negotiated by bid; it was directed.

This contract was handed down and accepted by the syndicate without any specifications being set down or discussed.

This contract makes tax concessions that are totally unacceptable.

This contract makes profit guaranties which are far in excess of what is equitable and just and in line with normal business operations.

This contract is excessive in cost.

Further, Mr. Chairman, this proposal, if consummated, would damage the effectiveness and the efficiency of the Atomic Energy Commission and, at the same time, weaken a proven agency which guarded the Nation's power output during two wars, and which through its power production helped to achieve victory for our country in time of war.

We must spare the Atomic Energy Commission—upon the threshold of great achievement for peaceful purposes—from this weakening and diversionary proposal. We must keep both the AEC and the TVA strong.

We must leave atomic energy in the hands of those best qualified on that score—the AEC—and we must leave electric-power production in the hands of those best qualified on that score—the TVA.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to the distinguished gentleman from Indiana—the House majority leader.

Mr. HALLECK. Does the gentleman know whether or not the TVA purchases power from private sources at the present time?

Mr. EVINS. It does, and the arrangement is quite satisfactory with the private power people.

Mr. HALLECK. Let me ask the gentleman one other question. Does he not know that the Atomic Energy Commission in its various operations around the country in many places buys power from private sources?

Mr. EVINS. Yes, for their own needs, but not as here proposed.

Mr. HALLECK. Then why is the gentleman getting so excited about this operation?

Mr. EVINS. If the gentleman will give me additional time I will answer fully. I should like to protect the public interest.

Mr. PRICE. I think one of the great reasons is because of the unusual manner in which the Dixon-Yates arrangement was made. There was no competitive bidding on it, and it is made against the wishes of 3 of the 5 Atomic Energy Commission members. I think there are a number of reasons for being excited about it.

Mr. EVINS. The proposal here is a most unusual one. It has taken a very devious course. The AEC has a very satisfactory arrangement now for their own power needs, yet they have been ordered to go ahead and contract for it anyway, forcing them to take it. That is the different course they are being required to take. It is most unusual. It is unsound.

Mr. COLE of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I would like to refer briefly to the question of agreements which will be made abroad under section 54, "Foreign distribution of special nuclear material" and section 123, "cooperation with other nations." When we propose these agreements being made abroad on fissionable materials, we certainly should have the same restrictions in those agreements as we have on the delivery of ordinary weapons to our allies.

The Committee on Foreign Affairs, and the House, have adopted section 142 of the Mutual Defense Assistance Act for the current year which puts in many such restrictions. I would like to ask the committee: Why is there not a specific requirement in these agreements that the United States shall have continuous observation and review of these agreements with foreign countries that are made and of the fissionable materials that are given to them. Without any requirement under this particular bill, the United States would hand the materials over, then would have no right within the country to continuously watch the programs or for our military groups, our so-called MAGS, to look after them.

In addition, I have one other point to call to the attention of the committee. Under the Mutual Assistance Act by the concurrent act of each of the bodies of this Congress by concurrent resolution any of these agreements can be canceled. I believe likewise that when we come to these agreements on fissionable materials abroad we should have the right in the Congress to cancel any of these agreements which the executive departments have made, because it makes for much closer supervision by the Congress and will be much better than just having these agreements submitted to the Joint Committee on Atomic Energy and a 30-day period has elapsed while the Congress is in session.

I will propose later an amendment for that kind of a provision which would make for quick and easy termination in case the people of the United States felt that the agreements were not in the national interest and the programs had changed from their original purposes.

Mr. DURHAM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DOYLE].

Mr. METCALF. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred Members are present, a quorum.

Mr. DOYLE. Mr. Chairman, I think I am justified in calling to the attention of the House in connection with this debate that my own great interest in the subject of atomic power, atomic bombs, and atomic energy was given pretty good evidence of in the past because I find on July 19, 1946, in connection with the debate in which the former distinguished Member of the House, Mr. Lanham, of Texas, took the lead on the Democratic side, I, in the CONGRESSIONAL RECORD, volume 92, part 8, page 9491, said this:

> Mr. Chairman, I wish to call attention to the fact that if you adopt this amendment you strike out all control by the United States Government of this most dangerous substance, for military purposes, unless it is acquired from the inventors by purchase or condemnation, after a military weapon is invented or patented. You wipe out all exclusive control at the source of this material by the United States Government, and turn it over to private speculation and control. You turn over to private parties the control of the source of this energy and control of the development of military weapons in the first instance. Yet we have already this day by other actions recognized it to be the most powerful element in history for destruction or for progress.
>
> I am absolutely opposed to my Government being placed in second place, on account of any factor.

Now I wish to say that I support the President of the United States in what was a very important declaration of policy on his part, in his message to us in February 1953 that during the first 5-year period subsequent to the enactment of this law, if we enact it, inventors who may invent shall be entitled to the benefit of their inventions and shall have the right to use their discovery under favorable conditions.

I served on a subcommittee of the Committee on Armed Services of this House within the last year on a subject of great importance. We made an extensive trip to certain areas in the United States in connection with synthetic rubber plants and the question as to whether the Government should dispose of them to private industry. I wish to say in connection with that study and the conferences that we had with big American industry that I came to admire the way in which American industry had made their patents and inventions available to the Government without cost. On the other hand, I came to realize that in no small manner, even in the field of synthetic rubber, the patents were controlled very largely by just a handful of large companies. I do not criticize them for that. They took the initiative in the very early years. But in that connection I wish to now say also in connection with atomic energy development, that while it is true that our great American industrial corporations have developed this atomic energy material they have been well paid for all their services. My information on that matter a year ago was that the large companies that developed atomic energy fission have been well and abundantly paid for all the work that they have been doing in cooperation with the Government. In other words, they have not invested their own capital. Tax dollars have paid the whole bill. They have been virtually the employees of the United States Government even though not legally so. Therefore, I feel that in a very large and specific manner the small man, the man who has not had the advantage of working for these large companies during this period of development, should now get a break and an honest-to-god opportunity to get into the field of inventing what may be available in this area if this bill is passed. The taxpayers have expended about $12 billion, no part of which, under this bill is being returned.

Mr. DURHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. WIER].

Mr. WIER. Mr. Chairman, I take this limited amount of time merely to express my opposition to the bill in its present form. There is no question but what I shall oppose it, even though several amendments have been favorably enacted upon.

I oppose this bill for the same reasons that I opposed the tidelands oil bill. I think this is just another travesty which will close the 83d session of the Congress. The tidelands oil giveaway was one of the first acts of this administration; and now, as we come to the close of the 83d Congress, we are about to make the beginning of a giveaway of the Tennessee Valley Authority, which up to date represents an investment of $12 billion of the American people's hard earned money.

Mr. Chairman, in my judgment, this is one of the worst bills and one of the most undesirable bills and one of the most dangerous bills from the standpoint of the public interest that has ever been before the House for vote in my 6 years in the House. This bill, in my opinion, will have terrific causal repercussions upon generations of American boys and girls yet unborn. It has within it the potentialities of such danger to the welfare of the American people that I think every Member of the House who shares my views as to the dangers of the bill has the duty to make whatever sacrifices, personal and political, that may be called for, in order to prevent the passage of the bill until such time as the American people can be heard from. My confidence in the American people is such that I am satisfied once they come to understand the dangers of the bill it will not pass.

I felt that to be so in the tidelands debate. I felt it deeply, Mr. Chairman, just as I do in the case of this bill. I felt something had to be done in order to break through what was obviously a news boycott by the American press, by and large, concerning the merits and demerits of the tidelands bill.

I have been very much disappointed again in the failure of the journalistic profession, by and large, with some notable exceptions, to analyze this atomic-energy bill for the benefit of the reading public and to point out to the American people the dangers that are truly involved in the pending bill.

It makes one sad to note that the journalistic profession failed in its responsibility of reporting the truth and failed in its responsibility of performing its function as the greatest educational institution in America. No educational institution compares with the press as a medium for the presentation of information in educational form, if the press wants to rise to that great responsibility.

In the newspapers of the past few days, one reads stories such as are found in some of the releases today, "Atomic energy bill debate drones on," instead of telling the American people what the differences between and among us on the floor of the House are in regard to this bill, instead of pointing out the facts and contentions as presented by both the proponents and the opponents. The speeches on the merits and demerits of this bill will read well when any student comes to analyze the debate.

The press is aware of the situation, but it has assumed an attitude of lethargy, an attitude of unbelief, an attitude of wishful thinking which have come to characterize the mental reactions of so many of our fellow citizens these days. They would like to believe the best. They do not want to believe the worst. They are psychologically resisting a growing fear that is taking root at the grassroots of America these days, and that fear is that in 1952 they were taken for a political ride. They certainly were, Mr. Chairman. They were fed a lot of nice-sounding promises on issue after issue by the Republican candidate, and they are beginning to discover they were only promises. They are beginning to discover not only that there has not been any deliverance on those promises, but those promises were based upon a campaign strategy of political expediency.

I think the American people are now in a state of great mental shock. They are shaking their heads and wondering. They are asking each other the question, "Did it happen here?"

It is hard to believe it did happen. It happened to them. They were fooled in the campaign by promises based upon political expediency and by a campaign strategy of anything to win; it is votes that count, and if ignoring political principles and political morality will get us the votes, then let us ignore principles and morality.

It happened, Mr. Chairman. During the life of this administration we have seen the people suffer the loss of one interest after another.

Take issue after issue, the hard money policy, the failure to do anything constructive to meet the very serious recession of the past year, the giveaway of billions of dollars of the wealth of the American people in the tidelands, the failure to protect the people's heritage in the natural resources, which show an administration bent on serving not the American people, but the selfish big business interests which obviously control it. The time has come, it seems to me, when a last-ditch fight has to be made before the adjournment of this Congress in opposition to and protest of this sorry record of the Eisenhower administration.

We have had presented to us, in my opinion, a bill which will be so damaging to the future economic welfare of the American people that I urge my colleagues to take a stand here and make this the last point of retreat. I am well aware what that requires, but there comes a time when each one of us has an obligation far beyond us as individuals in importance, because we sit here in the Congress of the United States as symbols of a great public trust. We sit here in the House, as I see it, at least, under the obligation to do whatever lies within our power to protect the public welfare as the public welfare becomes involved in the legislative process.

Here is a piece of legislation, Mr. Chairman, that I cannot reconcile with the public welfare. Here is a piece of legislation which, in my judgment, if it becomes the law, will go a long way in selling the American people into a monopolistic economic bondage. Here is a piece of legislation which, in my opinion, will give a throttled control over the economy of the country in the hands of a very few monopolies that obtain control over atomic energy. It must be stopped. Who is going to stop it? It is obvious that at this hour a majority in the House will not stop it, but I am convinced that the American people would stop it if they understood the facts.

So, as I see it, a minority of us are confronted with really a sacred public trust. We are confronted with a challenge of great personal sacrifice. We are presented with an opportunity of service to the American people. We must

be willing to take all the criticisms, or political brickbats, so to speak, that angry editors can conjecture and conjure. We must be willing to do it if we have the conviction which is mine—and I think other Members of this body share my conviction—that this bill sells short the economic welfare and the maximum economic opportunity of generations of unborn American boys and girls. I do not propose to sell them short. I have never felt, in my service, that I count as an individual. I have never felt that this job could be translated into a human equation. I have always felt that I was but a vessel, a vehicle, a medium through which, or by which, the people's business was, in part, to be transacted.

Mr. COLE of New York. Mr. Chairman, I yield myself 1 minute in order to answer a question of the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I am sure there is an explanation of this, and I should like to ask the gentleman from New York [Mr. COLE] to give it, if he would, at this time.

On page 7 of the bill we find that "the term 'person' means any foreign government or nation or any political subdivision of any such government."

Then on page 17:

> The Commission is directed to exercise its powers in such manner as to assure the continued conduct of research and development activities in the field specified below, by private or public institutions or persons.

Thereafter I note the word "person" is used frequently throughout the bill. Was it the intention of the bill that these powers were to be exercised with reference to foreign governments?

Mr. COLE of New York. The gentleman has raised a very interesting point. It would be my personal interpretation that the use of the word "persons" in section 31, which directed the Commission to engage in research through persons, would not include foreign governments or foreign agencies of any kind. Further, in verification of that interpretation, let me call the gentleman's attention to section 104, which authorizes the Commission to grant licenses for research activities. In that section, which implements section 31, foreign governments are excluded.

Mr. DIES. In many places in the bill the same word is used, "person" which creates at least a serious doubt as to what the intention of the committee is. I know that you seek by specific language to deal with international cooperation, but by defining clearly that a "person" shall include any foreign government it would seem to me that there is a conflict there.

Mr. COLE of New York. The definition of "persons" is intended to cover everybody whatsoever, individual, corporation, association, government, agency, in any respect, with the exception of the Atomic Energy Commission. The Atomic Energy Commission is not a person under the definition of the term "person" as contained in the act.

The authority that is conferred upon the Atomic Energy Commission in section 31 to engage in research through public or private institutions or persons must be read in connection with section 104, which authorizes the Commission to grant licenses and to engage in this activity. Section 104 specifically eliminates the possibility of a license for research being given to a foreign corporation, person, or association.

Mr. DIES. I would think that that would create a very serious conflict there, an ambiguity, to say the least.

Mr. COLE of New York. I appreciate the gentleman's bringing this to our attention. We shall endeavor in the time available to remove any cloud that exists.

Mr. DURHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, in discussing this bill I daresay I am like most of the others here. It is much too lengthy and much too complex for anyone to say that he thoroughly understands it. But as we read the various sections and hear the explanations made by the very fine members of this joint committee and others who have studied this subject you cannot help but realize that the proponents feel it is all right. If those in charge of the Nation's affairs limit themselves to what our friends here contemplate they will, that might be all right. But they have not.

I will not attempt to discuss the dangers under the exchange of atomic-energy information under the terms of this bill. Others will discuss that. But if as a lawyer, or even as a layman, you read this bill, you can see the sky is almost the limit as to what can be done under this bill. I need only to direct your attention to page 79, section 162, which was commented on by the gentleman from Texas and myself earlier, which reads as follows:

> The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

You will note the words "common defense and security." That is just about as broad as it can be. It says the President may determine. It does not say President Eisenhower—it could be the next President, whoever he may be. That section does not even say he must put his determination in writing. It does not say he shall submit any reasons. It does not say there shall be any review. Then go further to the next section in this bill, which says "that prior contracts—which are listed in the bill." And what has heretofore gone on is now confirmed—period.

Then when you read in the section on definitions—and I would not attempt to say I understand it; I think I do understand what the members of this committee understand, and that is what the fellow who wrote it understood—but when you vary the definitions of things which are fixed in your dictionary, the very fact that they differ from the fixed means that they are open to interpretation, and the fellow who wants to do something can interpret it in his own way, because it is not tied down as other things are tied down. So how can you say he is wrong or restrained? Certainly the committee meant to have it to be somewhat different from the usual, or you would not have written it in here, or else the counsel who is responsible for language intended to change it. In our section of the country we have already seen just how far the authority in this law will be stretched, when the administration wants to stretch it. I refer to the Dixon-Yates contract, which I will discuss later.

Mr. Chairman, about one-half the district I represent is served by a private power company, the Mississippi Power & Light Co., and I live in that half of the district. My relations with that company have been friendly throughout the years. They are doing a good service. The other half of my district is served by the Tennessee Valley Authority. The Tennessee Valley Authority belongs to the Government, it is the Government. The Government has invested money which we had to raise in building up this power facility down there. But this Congress in passing that act, and in every other similar act that I know of, said that if public moneys are to be spent in producing power in developing our natural resources, to make sure the benefits do not get gobbled up in between the place where the power is generated and where the consumer buys it, the law provides that preference shall be given on that power to public bodies, municipalities, and to the REA cooperatives, and that such power shall be made available as economically as possible.

Now it is said that this bill does not contemplate generating any electricity by the Atomic Energy Administration, though it might be well if it did authorize that for bargaining reasons at least. This bill does contemplate and express the hope and show the anticipation that at some future date, we will be getting energy and power from atomic energy. But here we do not find that the results of the hoped for domestic use of $12 billion, which the American people have spent on this program, are being tied down for the benefit of the people. This bill sets it up so that by permit it is put into other hands without the protection that those who obtain a permit and produce power must pass such benefits on to the American people except on their own terms.

Let me say while I am in the well of the House, and I want to refer again to this wide open section in this contract, this matter of the Dixon-Yates contract, and this is independent of how you may feel about the TVA and independent of how you may feel about public power versus private power, because I have my views and I have found since I have been here that some of you have other views.

Many people feel the administration is giving undue advantages without proper protections of the public interest, to private utilities. My friends, real thought should be given to whether that is true.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. HINSHAW. It has been an existing law since the bill was passed originally, and that provision will still be in existence.

Mr. WHITTEN. Since I have been here most of our time has been taken up

changing the law. We need to change this section, particularly in view of what has already been done when the President directed the contract with Dixon-Yates.

It is time some of our friends began to take stock of this situation. It looks as if it fits a pattern.

Mr. Chairman, many spokesmen for the Democratic Party have long claimed that the Republican Party represents special interests, as against the public interest. The Republicans have marked off such charges as mere politics. Personally, we have never believed in blanket indictments; but actions of the administration have done little to refute the charge.

Already we have seen the administration set out to balance the budget, and that is good. But practically the first step was to raise interest rates paid by the Government on its own debt. You can imagine who gets the benefits of us paying higher interest on our own debt.

While complaining about huge storage costs on Commodity Credit Corporation stocks of farm commodities, the administration added millions to those costs by raising storage rates the Government paid on its own commodities.

While complaining about high costs of the farm program, the administration added millions to the cost of financing by having CCC borrow from our huge financial giants instead of by the Government borrowing the money direct at much less interest, and the Government is obligated to pay either way.

Farm price supports were reduced without resulting benefit to the consumer but with injury to the farmer, all to the benefit of the group between the farmer and the consumer.

And now the Dixon-Yates contract.

The Atomic Energy Commission, an arm of the Government engaged in a $9 billion expenditure for the protection of the American people, has been directed by the President to buy 600,000 kilowatts of power from the private utility, the Dixon-Yates combine. Such action would in effect be to set a new combine up in business, and at a cost of $3,685,000 a year more than the Government-owned Tennessee Valley Authority could provide the power. Some estimate the additional cost at $5,500,000.

Why would such directive be issued? It is not because the Atomic Energy Commission needs the power for its own use. The Commission has a contract for and is getting the power it needs; and the Commission would not get nor use this power the President would have the Commission to buy. The law requires the Tennessee Valley Authority to meet Government power needs.

Is not this action on the Dixon-Yates contract strange? The Dixon-Yates combine did not even have the specifications for the plant when its proposal was submitted. A majority of the Commission would not approve the contract. Other private utility groups who would have liked to bid were given no chance to compete.

The contract provides for paying all taxes for the combine—more than $2 billion per year.

The combine is guaranteed more than 8 percent return above taxes, and at the end of 25 years will own the $107 million plant with no substantial risk to the combine. Under the contract the Government, in effect, guarantees they will own it.

The 600,000 kilowatts of power would not be turned over to the Atomic Energy Commission, but would be turned over to TVA. TVA would then have to channel such power into its own system, spend $9 million getting such power across the river to the point where it would be used; and the extra costs would, of necessity, have to be reflected in increased charges by TVA to municipalities and REA systems buying power from TVA and by them to the consumers.

This would mean a windfall for Dixon-Yates, for according to witnesses other private power groups offered to supply this power for from $90 million to $150 million less. They did not have a look-in.

Obviously the most costly feature to the people of the mid-South would be the increase in retail rates for electricity, both in and out of the TVA area. That is one of the major objectives of the contract. Certain private utilities have made a never-ending fight through the years to force the TVA to bring about a raise in retail rates; and with the present administration in power they seem to ride a gravy train.

The real purpose behind efforts in the Republican 80th Congress to pull out of the TVA, in cash dividends, enough money to cripple the operation of TVA was to force increased rates to consumers in the area and thereby achieve their desired effect outside the area.

Only after a hard fight were we able to provide 40 years for the TVA to return costs of power facilities, one-fourth of the cost each 10 years; and I remind you that the TVA will still belong to the people of the United States when the total cost has been paid.

Both last year and this year funds were refused TVA for construction of the Fulton plant, with which to provide power for the growing needs of this 80,000 square mile area. Remember, the TVA has not and is not seeking to enlarge its territory.

Only this year, yielding to the pleas of those whose prime purpose seems to be to make the operation of TVA more costly in anticipation of forcing an increase in power rates, the committee handling funds for TVA recommended that the cash operating funds of the agency be greatly reduced. And here is the dead giveaway—the committee provided that the bridle be taken off and distributors, municipalities, and REA systems charge retail consumers whatever they pleased for power obtained from TVA. Cities and others could have financed anything in the world out of power profits. The sky was the limit. In other words, it made no difference what happened to the money so long as retail rates to consumers were increased by those distributors to whom the TVA sold power wholesale.

Fortunately, we were able to get rid of that provision in the Congress. While the advocates of that provision did not care who got the money, under the Dixon-Yates setup the retail charges to consumers would be increased and the administration would go further and contract to pay the additional money to their favorites—even turning down other private-utility groups. I do not believe the American people will stand for it, at least not for long.

In my judgment such contract is certainly not within the intent of the Atomic Energy Act. In fact, I do not believe it is legal under the present act. If, in spite of our efforts here, such contract should be entered into under the urging of the executive department under the present law, I feel the Congress should prohibit the use of funds to pay the claimed obligations, and we could thereby force the matter into court for a determination as to its legality.

I believe the facts justify the belief that TVA has been good for the private-utility companies. I know that since the beginning of the TVA private utilities closest to TVA have reduced their retail-sales rates to a greater extent, increased their total power sales more, and increased their earnings more than other private companies, except those in the Columbia River development—which is similar to TVA. The greater the distance the private utility was located from TVA, the less reduction in rates, the less the increase in total power sales, and the less the increase in profits.

I presented these facts in a debate with one of the major private-power-company officials at Chattanooga, where I pinch-hit for Senator GORE, of that State. This debate was on the American Forum of the Air on a national hookup. The power company representative said the TVA had destroyed navigation on the Tennessee River, when actually it has increased many, many times. He talked of land flooded, and yet there is more cultivatable land than before. He charged that the TVA and its power had nothing to do with locating the Atomic Energy plant at Oak Ridge. He was completely wrong about that.

We are accustomed to that kind of lack of information and to statements that are completely erroneous, to say the least; but here in the Dixon-Yates deal the administration would not only force higher power rates to the people in our cities and on REA lines served by TVA, all to the financial benefit of Dixon-Yates, it would also result in higher rates throughout the Midsouth in those areas served by private utilities. We think we can see how much extra the Dixon-Yates contract would cost directly, but the indirect costs in higher rates throughout the country would be many times that.

The REA systems also have an interest in this matter. Low prices charged in the TVA area to REA systems have contributed to lower charges by the private-power system to REA co-ops it serves. Private utilities have prospered greatly since the creation of the Rural Electrification Administration, whereby the Government loaned funds for providing service to rural people. It was proven that rural people desired and would pay for electricity. I am a member of the committee which handles the REA program.

Its record of repayment is practically 100 percent, and now REA co-ops are among the best customers of private utilities.

The TVA has been a good influence, in my opinion, on the private-power companies. In providing electricity at low rates the use of electricity has been greatly increased, and I think the facts show there is more profit in large use at lower prices.

May I say most private utilities seem to be doing a good job. I know the utilities adjoining TVA are rendering better service than ever, and judging them by utilities in other areas the TVA seems to have helped their progress.

Now with this example of how far the adminstiration will strain the Atomic Energy Act to serve the ends of Dixon-Yates and the utilities which sponsor such proposal, we must put every safeguard in the new Atomic Energy Act to protect the interest of the American people in the future. They are the ones who have put nine to twelve billion dollars in the atomic-energy program. To make use of the facilities of private enterprise is one thing; but to set it up, guarantee its profits, pay its taxes, give the resulting plant to it—all at greatly increased cost to the public—is to do injury to the public and to the Government.

Some may say Dixon-Yates would do nothing to earn this extra money the people would pay. I say they would do something. They would raise retail rates throughout the Midsouth. Doubtless that would be worth something to private utilities, but not to the American people. Now, as to those in control of the administration, truly by their actions we must judge them.

Mr. COLE of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. NORRELL].

Mr. NORRELL. Mr. Chairman, I am not going to attempt to make a talk on this technical bill. I have read it, and all I can say is that I am going to accept the recommendations of the committee. These committee members have, of course, conferred with the Atomic Energy Commission. They all have carefully studied the bill. This is what they want. I cannot place my own decision over and above their combined opinions regarding the provisions of the bill. However, there are 3 objections advanced by the opponents of the bill, 3 objections that I would like to reply to. One is that the bill is wrong because it requires TVA to buy power indirectly from the private power companies.

The second question is that the TVA is required to buy from the Atomic Energy Commission.

The opponents, those who are opposed to this bill, have much to say about this. Let me turn, now, to the evidence of the TVA itself regarding the matter of securing power from private power companies. Right now it is doing that and it has been doing it for a long time. It is purchasing power from some 20 or 25 utility companies at this very moment according to the TVA report dated June 30, 1953. If anybody desires to look at the report I have it here and I shall be glad for you to see same. It shows that the TVA purchases and exchanges power. It purchased nearly 9 billion kilowatt-hours in fiscal year 1953 from private utility companies. In addition to this they acquired net by exchange about 2 billion kilowatt-hours. This is shown by the TVA reports for fiscal 1953.

In this fiscal year it may be said that they will buy and exchange net energy to the tune of 2,696,749,000 kilowatts of power at the colossal sum of about $13½ million per year. These are their own figures.

We are not starting something new. They are doing this already.

Now, they say that they should not have to buy power from the Atomic Energy Commission. Again I turn to the testimony of TVA in their report for the fiscal year 1953 and we find that now they are also buying power from the AEC. It is nothing new. They bought, in the fiscal year 1953, 2,696,749,000 kilowatt hours of Atomic Energy Commission power at the rate of 2.96 mills per kilowatt-hour. However, the TVA is, at the same time, selling power to AEC. They buy at the rate of 2.96 mills per kilowatt-hour and sell to the AEC for 8.59, thereby making a profit of about 70 percent. All this is information found in the reports of the TVA as of fiscal 1953.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. NORRELL. I yield to the gentleman from Iowa.

Mr. JENSEN. I hope the gentleman will take into consideration, when he compares rates charged by TVA and private power, that the private power companies pay on an average of almost 4 mills for every kilowatt-hour they produce in local, State, and Federal taxes.

Mr. NORRELL. That is right.

Mr. JENSEN. I know the gentleman wants that fact to be brought out.

Mr. NORRELL. Yes, of course, and now I want to conclude with, and this is the third point, the major difference between public and private power, is how will the taxes and insurance be paid. They are going to be paid. You bet your bottom dollar on that. There are two ways of doing it. One, these charges can be paid by those who use the service of TVA. That is one way to do it. The other way, they can be charged to the entire country, the citizens of the United States, wherever you live, and be paid in that way; that is from appropriations by Congress and the collection of taxes from all our citizens.

But, they are going to be paid.

As for me, I would rather that TVA should pay its own bills.

Mr. DURHAM. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, the "talkathon" going on in the Senate, which has spotlighted the attention of the Nation on legislation to amend the Atomic Energy Act of 1946, prompts me to speak briefly.

I regret that there seems to be a feeling that this legislation should be rushed through to clear the way for Members of Congress to get back home. No campaign for reelection is more important than the independent handling of the future of our great atomic program. It may well be that some Members of Congress are in such a hurry to get home that their constituents will see that they remain there. The final accounting for this bill, amending the Atomic Energy Act, will not be made at the polls this November—it may not come for many, many years—but it will come—and if we make mistakes now merely because we have been in such a hurry to get home, we have hurt not only ourselves as legislators but all the people of America. There should be a full discussion on all proposed amendments to the present bill.

The atomic age was born during the throes of war on a crash project basis at a cost of billions of the American taxpayers' dollars. It does not follow that it should be exploited on a crash project basis by a few big companies and their selfish interests.

The people of my district feel that this project is too vital to the future of America to be handled hurriedly or carelessly, and I personally feel that all light possible should be shed on the whole matter.

Mr. DURHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman, so much has been said about the Memphis area that I think I better say something about Memphis, because, as most of you know, I have the honor of representing that big city. We have half a million people in that congressional district.

Now let me very quickly give you the history of Memphis and its relationship to TVA. The TVA Act was passed in 1933. On November 6, 1934, we had an election in my city, and we voted 16 to 1 to go into partnership with the TVA for the purchase of all of our electricity. Now, what does this mean?

The Atomic Energy Commission I have always felt was an independent body and should act with all of the independence that is thereby implied. I have never sought to project a TVA into any other section of the country. But the city of Memphis has no other place to get its power save from TVA. TVA, at a cost of $139 million less than it will cost if the Dixon-Yates contract is signed, would obtain its power by the erection of a plant at Fulton, Tenn., 25 miles north of the city of Memphis. Under this very peculiar directive of the President, the AEC is going out of the bounds of the Tennessee Valley, across the Mississippi River, over into the State of Arkansas; and it will cost $9 million for the TVA to build a line across to the middle of the river to get this private power which is out of the area of the TVA as it was designed under the original act of 1933.

What does it mean? It means that the private-power people have been watching my city and my area for these many years as a plum where they can really sell power at a higher rate than the yardstick which the TVA allows.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. DAVIS] has expired.

Mr. COLE of New York. Mr. Chairman, I am informed that we have 8 minutes remaining on this side. Rather

than consume that time in general debate, I shall yield back that time in order that we have that much more time to consider the bill for amendment under the 5-minute rule.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Atomic Energy Act of 1946, as amended, is amended to read as follows:

"CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

"SECTION 1. Declaration: Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

"a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

"b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

"SEC. 2. Findings: The Congress of the United States hereby makes the following findings concerning the development, use, and control of atomic energy:

"a. The development, utilization, and control of atomic energy for military and for all other purposes are vital to the common defense and security.

"b. In permitting the property of the United States to be used by others, such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"c. The processing and utilization of source, byproduct, and special nuclear material affect interstate and foreign commerce and must be regulated in the national interest.

"d. The processing and utilization of source, byproduct, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.

"f. The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of those facilities in interstate commerce for the purposes of this act.

"g. Funds of the United States may be provided for the development and use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare.

"h. It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nuclear material is within the United States.

"SEC. 3. Purpose: It is the purpose of this act to effectuate the policies set forth above by providing for—

"a. a program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

"b. a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare;

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

"e. a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

"f. a program of administration which will be consistent with the foregoing policies and programs, with international arrangements, and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

Mr. HOLIFIELD (interrupting the reading of the bill). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLIFIELD. Mr. Chairman, I would like to understand the parliamentary situation. Are amendments in order as we read each page, or do we have to read 102 pages of the bill before any amendments are in order?

The CHAIRMAN. Under the rules, the bill is being read by sections; and amendments are not in order until the reading of the entire section has been completed.

Mr. HOLIFIELD. Further, Mr. Chairman, will the bill then be taken page by page for the benefit of the Members who offer amendments, or will it be open to amendment at all parts of the bill?

The CHAIRMAN. The entire section will then be open to amendment. As the gentleman knows, under the rules the members of the committee will be entitled to first recognition.

Mr. HOLIFIELD. Then, as I understand it, this bill as it is written is considered as two sections or more?

The CHAIRMAN. No, there are four sections.

Mr. HOLIFIELD. Four sections? The first section goes to what line on page 102, please?

The CHAIRMAN. To the bottom of the page. Section 2 begins at the top of page 103.

Mr. HOLIFIELD. And how far does it go?

The CHAIRMAN. It goes five lines.

Mr. HOLIFIELD. Then section 3 goes over to line 13 on page 104?

The CHAIRMAN. The gentleman is correct.

Mr. HOLIFIELD. And the final section is lines 14, 15, and 16 on page 104?

The CHAIRMAN. That is right.

Mr. COLE of New York. Mr. Chairman, in view of the fact that section 1 of this bill represents 90 percent of the bill, would it be in order for me to ask unanimous consent that section 1 be considered as a separate bill for the purpose of consideration under the 5-minute rule, to the extent that it be read by sections, and that at the end of each section that section be open to amendment?

The CHAIRMAN. That may be done by unanimous consent.

Mr. COLE of New York. Otherwise, if we are to follow the rules explicitly and read all of section 1 of the bill, which runs to 102 pages, then at the conclusion of that reading the entire bill, or at least those 102 pages, would be open to amendment at any point at which a Member might seek recognition to offer an amendment?

The CHAIRMAN. That is correct.

Mr. COLE of New York. It would seem to me that the more orderly way to consider this measure would be to consider it section by section, as I have indicated.

The CHAIRMAN. Does the gentleman make that request?

Mr. COLE of New York. I make that request, Mr. Chairman, in order to get it before the Committee.

Mr. HALLECK. Reserving the right to object, Mr. Chairman, if the chairman of the committee desires it to be handled that way, of course I shall not object, but frequently it happens that given sections of a measure are by unanimous consent considered as read and open to amendment at any point. Whether or not that would be disruptive of proper procedure here I do not know. It would seem to me that since we are hopeful that we might conclude action on this bill this evening it might expedite matters a lot if the first section were read and then be open to amendment.

The CHAIRMAN. The Chair might offer a suggestion here. Perhaps it would not be in order, but it has been suggested that perhaps it might be better if it were considered by chapters instead of by sections.

Mr. RAYBURN. Mr. Chairman, I do not understand the situation here at all. It is stated the bill will be read section by section, and then it is claimed there is one section here that covers 102 pages. Are you breaking that up in some fashion?

The CHAIRMAN. The gentleman from New York means sections within section 1.

Mr. RAYBURN. I certainly have no objection as far as I am concerned to the request of the gentleman from New York as I understand it.

Mr. COLE of New York. Section 1 of the pending bill starts on page 1 and ends at the bottom of page 102. In those pages are a number of sections, the last one of which is numbered 291. My request is that section 1 of the bill be read by the Clerk as though it were a separate bill and be open to amendment at the conclusion of the reading of each section within the entire section 1, so that the effect, if this consent request is granted, would be that when the Clerk has read to page 2, line 10, the end of the first section, that section would be open for amendment.

Mr. RAYBURN. That would be line 10 on page 2?

Mr. COLE of New York. That is right.

Mr. PHILLIPS. Mr. Chairman, reserving the right to object. An examination of these subsections, that is the individual sections inside the major section 1 shows that there are a great many of them which are of minor importance and rather short. Would it not be reaching exactly the same end which the gentleman from New York reaches to consider the bill by chapters rather than by these little sections? I think in that way we would expedite the proceedings, and I make that suggestion to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, I believe that the suggestion of my colleague, the gentleman from California, is a good suggestion in view of the peculiar arrangement of the bill. I think if we can consider it chapter by chapter, it would be more orderly and amendments could be offered to each chapter.

Mr. COLE of New York. Mr. Chairman, I renew the request which I have made.

Mr. HOLIFIELD. Mr. Chairman, reserving the right to object, I am not sure what the request was.

The CHAIRMAN. The Chair will state the request as he understands it. The request is that section 1 of the bill beginning on page 1 and extending to page 102 may be read by chapter and be open to amendment by chapters, as it is read. Is that a correct statement of what the gentleman from New York intends?

Mr. COLE of New York. Mr. Chairman, I will accept the chairman's interpretation of my request. The Chairman has correctly stated my request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FORAND. Mr. Chairman, reserving the right to object, and I shall not object, I believe the procedure suggested by the gentleman is that we consider section 1 of chapter 1 and then section 2 of chapter 1 and so on until the bill is read completely. If I understood the original request made by the gentleman from New York, it is that we consider each of the sections in each of the chapters, one at a time, and I believe that is the interpretation he has in mind.

Mr. RAYBURN. Mr. Chairman, further reserving the right to object. Of course, the Chairman of the Committee of the Whole, in my opinion, went far beyond the request of the chairman of the legislative committee. But, if the chairman of the legislative committee is willing to accept the interpretation of his request as made by the Chairman of the Committee of the Whole, may I say, as it has been said on the floor of the House on previous occasions, that will be eminently satisfactory to us.

Mr. COLE of New York. Mr. Chairman, if the gentleman will yield to me in order that I may express my interpretation of the request, as it was stated by the Chairman of the Committee of the Whole, if the request is granted, the effect of it will be that at the conclusion of the reading of chapter 1, which would be on page 5 in the middle of the page, then all of that portion of the bill preceding the middle of page 5 will be open for amendment. Thereafter, we will consider chapter 2, and at the conclusion of chapter 2, all of the sections contained within that chapter will be open for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk concluded the reading of chapter 1.

Mr. COLE of New York. Mr. Chairman, there are a number of corrective amendments which are needed throughout the bill having to do with typographical mistakes, the change of certain commas, parentheses, and correcting the misspelling of a word. These have been compiled. I have shown them to the minority members of the joint committee and I understand they are entirely acceptable to them.

I therefore ask unanimous consent that at this time this block of corrective amendments may be considered by the Committee of the Whole even though they relate to portions of the bill which have not yet been read.

Mr. DIES. Mr. Chairman, reserving the right to object, do the amendments include a correction on the provision which I pointed out a moment ago?

Mr. COLE of New York. The amendments do not touch that subject.

Mr. DIES. You then intend to clarify the bill in that respect?

Mr. COLE of New York. At a later time.

Mr. McCORMACK. Mr. Chairman, may we have the request restated?

The CHAIRMAN. The gentleman from New York [Mr. COLE] has sent to the desk a block of corrective amendments to rectify clerical errors which he states have been submitted to the minority members of the committee and approved by them, and he asks unanimous consent that these amendments may be considered en bloc even though they relate to portions of the bill which have not yet been read.

Mr. McCORMACK. Reserving the right to object and, of course, that in no way interferes with the reading of the bill as agreed to.

The CHAIRMAN. No.

Mr. HOLIFIELD. Mr. Chairman, reserving the right to object, I believe the chairman has stated it properly. The offering of these corrective amendments will not nullify any amendment that is offered to present numbered sections and numbers of the bill, will they?

Mr. COLE of New York. None whatever.

Mr. HOLIFIELD. With that understanding, Mr. Chairman, I have no objection to the gentleman's request.

Mr. CROSSER. Mr. Speaker, I want to protest against the skipping of whole pages in the reading of the bill. I want this bill read in its entirety.

The CHAIRMAN. That has been done so far.

Mr. McCORMACK. Mr. Chairman, reserving the right to object, the interrogation or observation of the gentleman from California, which was agreed to by the chairman of the joint committee, raises another question. If an amendment should be offered by a Member later on to any portion of the bill to which these amendments apply, a point of order cannot be raised against them if the amendment is otherwise germane; is that correct?

The CHAIRMAN. That may be incorporated in the request.

Mr. COLE of New York. Mr. Chairman, I modify my request according to the suggestion made by the Chair.

The CHAIRMAN. Is there objection to the modified request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendments offered by Mr. COLE of New York:

Page 2, line 23, strike out "affects" and insert "affect."

Page 22, line 17, after the word "located", insert a comma.

Page 24, line 22, strike out "42" and insert "41.'

Page 33, line 24, strike all of line 24 and insert "(1), subsection 63 a. (2), or subsection 63 a. (4), and shall make a reasonable."

Page 34, line 6, strike out all of line 6 and insert: "subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), considering."

Page 35, line 5, strike out word "Aquisition" and insert "Acquisition."

Page 36, line 24, strike out the word "cause" and insert "caused."

Page 37, line 16, strike out the following: "prior to its amendment hereby."

Page 50, line 22, strike out "11 w. (2)" and insert "11 v. (2)"

Page 58, lines 24 and 25, strike out the words "Atomic Energy."

Page 68, line 12, strike out the word "Advisory."

Page 68, lines 13 and 14, strike out "Advisory."

Page 69, line 13, strike out "material," and insert "material or atomic energy."

Page 70, line 1, strike out the word "Advisory."

Page 70, line 23, strike out "11 (a) 1, 11 (a) 2, or 11 (b)" and insert "11 (a) (1), 11 (a) (2), or 11 (b)."

Page 70, line 25, after number "151", insert "or section 154."

Page 74, line 9, strike out subsection h. and insert " 'h. Consider in a single application one or more of the activities for which a license is required by this Act, combine in a single license one or more such activities, and permit the applicant or licensee to incorporate by reference pertinent information already filed with the Commission."

Page 74, line 16, strike out the words "The Commission is authorized to."

Page 76, line 17, strike out the word "refinining" and insert "refining."

Page 77, line 25, strike out all of line 25 and insert "not more than 1 percent of the eligible employees."

Page 78, line 9, strike out "the Commission may."

Page 78, line 10, insert after the words "or other officers" the words "of the Commission."

Page 81, line 13, delete the word "and."

Page 82, line 24, strike out "44" and insert "43."

Page 83, line 15, strike out "1937" and insert "1931."

Page 83, line 17, strike out the sentence beginning "Upon or after."

Page 89, line 23, strike out "9b" and insert "9 (b)."

Page 101, After line 20, insert a new section to read as follows:

" 'SEC. 241. Transfer of property: Nothing in this act shall be deemed to repeal, modify, amend, or alter the provisions of section 9

(a) of the Atomic Energy Act of 1946, as heretofore amended."

Page 104, lines 14, 15, and 16, strike out section 4.

The CHAIRMAN. The question is on the committee amendments offered by the gentleman from New York [Mr. COLE].

The amendments were agreed to.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: On page 3, at the bottom, add the following new subsection:

"i. In achieving the maximum contribution of atomic energy to the general welfare it is essential that the United States, through its own agencies and through other agencies, public and private, undertake a comprehensive program for the production and distribution of electrical power utilizing atomic energy."

Mr. HOLIFIELD. Mr. Chairman, this amendment just adds one more purpose to the bill and is in line with the intent of the bill. It puts upon the Atomic Energy Commission the duty through its own agencies and through other agencies, public and private, to undertake a comprehensive program for the production and distribution of electrical power utilizing atomic energy. In other words, this leaves the field open as far as the purpose is concerned; however, several amendments will be offered to implement the purposes more clearly than now exist in the bill.

I hope that the Chairman will have no objection to accepting the amendment and may I ask if he could accept this amendment as supplementing the other purposes in section 3 on page 4?

Mr. COLE of New York. Not at this moment.

Mr. HOLIFIELD. Then I must proceed.

Mr. Chairman, I will read the amendment:

1. In achieving the maximum contribution of atomic energy to the general welfare it is essential that the United States, through its own agencies and through other agencies, public and private, undertake a comprehensive program for the production and distribution of electrical power utilizing atomic energy.

This is one of the purposes of the bill. Of course, it would have to be implemented in other sections of the bill and before it could be put into effect, any licensing would have to be done by the Atomic Energy Commission through private or public agencies. If it was to a private agency, of course, there would be no concern as to the fund. In case of licensing a public body, it would be of no concern to the Congress, because a public body, if it was on the municipal or State level, would have to furnish its own funds. If it were an action taken on a Federal agency, other provisions of the bill provide that those agencies would have to come to the Congress and obtain authorization and, of course, obtain the appropriation. It is the same as any other Federal agency obtains its appropriations, and therefore this would not indicate any final action along those lines. This would merely put as one of the purposes of the bill the maximum expansion of the atomic energy program to all public and private bodies in the United States.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan.

Mr. MEADER. Is not the essence of this amendment to put the Congress on record as saying that the Federal Government ought to be in the business of developing electrical energy from atomic energy?

Mr. HOLIFIELD. This would permit the Federal Government to do that. It would indicate that the purpose of this act is to not take away from the Government the right to do that if it wants to do it.

Mr. MEADER. In other words, it expresses the philosophy of Government-operated power companies if the power is derived from atomic energy.

Mr. HOLIFIELD. It does not express it any more than the Federal Power Act now expresses the same philosophy. It has been in existence for 50 years, this philosophy, that what the Government owns it has the right to do whatever it wants with it. And the Government owns atomic fission, every gram of it, every dollar of it. It owns it all, and one of the purposes of this act should be that it should be utilized on the widest base possible for the benefit of the people of the Nation and the welfare of the citizens of the United States.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. I think it merely expresses encouragement for the full development of atomic energy in every respect through every means.

Mr. HOLIFIELD. The gentleman is right. It leaves the field completely open, and the implementation of this purpose will occur later by later legislative action.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. I think it should be pointed out that the amendments which the gentleman from California is offering are to be found on pages 10956 and 10957 of the RECORD of last Monday.

Mr. HOLIFIELD. That is correct. And following the recitation of the amendments there is an explanation of each amendment.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry I cannot accommodate the gentleman by accepting his amendment, because his amendment is not nearly as innocent or innocuous as his statement has indicated it would be. We might as well understand that the amendment the gentleman from California has just offered is the opening salvo of several guns that are going to be fired here this afternoon, all of which are designed to put the Federal Government in the business of generating electricity through the use of atomic energy. This proposal the gentleman has offered declares as a matter of public policy that it is essential that the United States, through its own agencies, undertake a comprehensive program for the production and distribution of electric energy. I ask you if that is a policy that should be accepted without more sober, mature, and complete deliberation than is allowed to the House of Representatives today in consideration of this bill. I said earlier today that this bill is not a power bill. It is not a bill to permit the Atomic Energy Commission to generate electricity. Ever since the Commission has been created, and so far as I have been concerned, as long as the Atomic Energy Commission continues to live, its purpose has been and will be one and one only, and that will be to produce special nuclear material for the defense of the United States, for the security of the United States, for making weapons. And at no time should its primary purpose be diverted and distorted into a secondary purpose of generating electricity.

Apparently the conception has developed in the minds of some persons in the House that electric energy from atomic energy will be around the corner; that it will be in the transmission lines a year from now. Nothing could be further from the truth. It will be many, many, many years before electric energy is produced from atomic energy in sufficient quantity to be commercially feasible.

This bill is simply the opening of the door as an incentive to American ingenuity and enterprise to try to find ways and means for making that electric energy possible, as one of the many possible peacetime uses of atomic energy. The time has not yet arrived to consider whether or not we want to put the Federal Government in the power business. That day may well come in 8, 10, 15 years from now—nobody knows. But the day has not yet arrived, and so consideration of that phase of the atomic program should not require much discussion in connection with this bill.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. PHILLIPS. Is not the point adequately covered, Mr. Chairman, in the bill as now written? I refer to page 3, lines 17 to 20, where it says "use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare"; and also at the top of page 5, where it says "applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit"?

Does not the bill already have those things which properly should be in this bill?

Mr. COLE of New York. That is a statement of the purposes of the bill. It

is to open up this new field to nonmilitary applications. That is the goal.

The amendment of the gentleman from California [Mr. HOLIFIELD] goes much further and says that the policy of this Government is that it must produce electrical energy from atomic energy. I am certain that such a step is not contemplated or authorized by the Constitution. The time is not appropriate even to consider whether or not it should be done.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. HOLIFIELD. Is it not true that the other body has adopted an amendment——

Mr. COLE of New York. Mr. Chairman, I am not prepared to comment on that; and I make the point of order—I might as well do it now—that there is no place in the consideration of this bill by the House for references to be made with respect to what has been done by another body or what may be done, or what has been said or what has been considered by the other body. I do not like to make that point, but there is not any sense of beclouding our consideration of this measure by what some other group of people may have done.

The CHAIRMAN. Perhaps the Chair should read a quotation from Jefferson's Manual.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Mr. McCORMACK. Mr. Chairman, that would cover expressions concerning actions of the other body?

The CHAIRMAN. It covers anything that occurs in the other body.

The time of the gentleman has expired.

Mr. DURHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, although I dislike to oppose an amendment offered by my colleague on this side, this is a question that this body might just as well decide at this time as any other, and I think that the time is proper, because if we are going to make out of the Atomic Energy Commission a power-producing agency then we had better consider this bill for a long, long time. I certainly think it will take more time, as far as I am concerned, for it is a matter that goes far and wide. It is one that should be considered seriously before this body takes such a step.

Mr. Chairman, I ask that this amendment be voted down.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to interrogate the chairman of the committee. He has stated that as far as he is concerned the purposes of this legislation and the scope of the activity of the Atomic Energy Commission should be devoted solely to the national defense of our Nation. May I ask him whether or not the Atomic Energy Commission, under the terms of this bill, is not placed in the position of passing upon the production of power for civilian purposes? As I understand later sections of this bill, the Commission is authorized to grant licenses to commercial companies for the production of power. That was the reason I asked the gentleman from California [Mr. HINSHAW] earlier in the day whether it would not have been wiser to give the authority to the Federal Power Commission, which now has the duty under existing law to determine the impact of production facilities for power, to pass upon the question as to whether or not the construction of reactors of this type should be passed on by the Federal Power Commission. The fact still remains that in this bill the Atomic Energy Commission is called upon to pass upon the production of power for civilian purposes through the construction of reactors. Is that not so, may I ask the chairman of the committee?

Mr. COLE of New York. No, I cannot answer whether it is so or not, but I can say that the gentleman completely misinterpreted what I may have said about the Commission. I did not say the Commission's sole responsibility was producing weapons. What I did say is what is contained in line 3 on page 2 concerning the purposes of the bill, where it says that the primary purpose at all times is the paramount objective of making the maximum contribution to the common defense and security. That is the principal and primary purpose of this atomic energy program, although, of course, not the sole purpose. There are many secondary activities of the Commission.

Mr. YATES. Does the gentleman not agree that under the language of later provisions of this bill the duty is imposed upon the Commission to determine whether the public convenience and necessity require certain commercial institutions to be licensed to construct reactors for the production of power for civilian purposes?

Mr. COLE of New York. I do not think there is any imposition upon the Commission of a duty to grant licenses based upon public convenience and necessity. That is regulated by existing Federal and State authorities. We do not touch that in any respect.

Mr. YATES. Under what authority, then, does the Commission grant a license? Will the applicant for the construction of a reactor be required to go to the Federal Power Commission, or other appropriate regulatory commissions, before it can start construction of its reactor, if it proposes to use it for power purposes?

Mr. COLE of New York. I can only direct the attention of the gentleman to the provisions of section 271 on page 102, which states that—

Nothing in this act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power.

If the applicant for a license intends to use that license in such a way that he would have to apply to the Federal Power Commission, then he will have to apply to the Federal Power Commission.

Mr. YATES. In other words, the authority that is contained in this act for any person within the language of the definition of the act who proposes to construct a reactor for the production of power for civilian purposes is only a preliminary grant and such a person must then go to the appropriate Federal or State agency in order to obtain a certificate of convenience and necessity in order to carry out the charter which is granted under the terms of this act; is that correct?

Mr. COLE of New York. With the exception of an industry which might want to obtain a license for using atomic energy to generate electricity for its own use. Then it would not have to go to any regulatory body.

Mr. YATES. That is a construction for the individual use of a single industry and one that would not be used for the general public; is that correct?

Mr. COLE of New York. That is right.

Mr. YATES. Then the answer to my question, as I propounded it prior to your answer, is "Yes; he would have to go to the other regulatory agencies."

Mr. COLE of New York. The answer is in the affirmative.

Mr. YATES. Then the next question I have is this: Under present conditions, in view of the extremely high cost necessary in construction of reactors of this type, is it not likely that private companies may not want to undertake the construction of reactors for the generation of power for civilian purposes, and it may be necessary for the Government to construct a pilot plant to test the usefulness of such an enterprise? In the case of Duquesne, to which the gentleman from North Carolina [Mr. DURHAM] has referred, the Duquesne Co. reactor will generate only 60,000 kilowatts.

Mr. DURHAM. That is a very small amount.

Mr. YATES. I agree that that is a very small amount, but the fact still remains if they are going to construct a reactor for feasible, economic purposes, it would have to be a much larger generator than that encompassed in the Duquesne operation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The question was taken; and on a division (demanded by Mr. HOLIFIELD) there were—ayes 72, noes 146.

So the amendment was rejected.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Amendment No. 2: On page 4, after line 20, add the following new subsection e and renumber sections e and f as f and g, respectively.

"e. A program for Government and non-Government production and distribution of electrical power utilizing atomic energy so directed as to achieve the maximum public benefits of atomic energy development and make the maximum contribution to the national welfare."

Mr. HOLIFIELD. Mr. Chairman, I shall take no more time of the House than is necessary to say that this also is in the philosophy section of the bill; this language in the purposes section of the

bill states that the program for Government and non-Government production and distribution of our electrical power utilizing atomic energy have been directed to achieve the maximum public benefits of atomic energy development and make the maximum contribution to the national welfare.

It is the same type of amendment as the one I offered before. This is in the philosophy section of the bill. It indicates that the intent of the House would be for the Government to operate in this field for the benefit of all the people rather than for just a favored few.

Mr. COLE of New York. Mr. Chairman, I want to indicate only the same objection that I raised to the earlier amendment offered by the gentleman from California applies to this amendment.

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I have taken this time to call attention to the membership of the House and to ask the question if we are going to revert to the philosophy that was followed in this country for so long when the utilities enjoyed a monopoly and stole from the people of this Nation billions of dollars.

I was in a fight one time against the utility companies, when they were unwilling to listen to any reasonable demand. I do not know much about the Atomic Energy Commission but I do know a little bit about the philosophy of the private power utilities of this country. I led that fight in my hometown to put in a municipal light plant. We battled them through the courts for over 5 years before we got that plant into being. We offered to compromise if they would meet certain requests that our city had made, but they opposed and refused every one of those requests. I said at that time: "If you do not give us these things we will vote bonds for a municipal light plant and I predict that after the town of Kennett, Mo., votes to install a municipal light plant, you will go to the other towns you are now serving and give them the same things we have demanded; but you are first going to have to be shown you are beat." That prediction materialized.

I also had a part in the fight for the REA in Missouri. There is not a man or woman in this House who does not know that if we had relied on the monopolistic power utilities of this Nation, our people in the rural districts would not have electric power today.

I was surprised, amazed, and greatly disappointed when I heard the chairman of the Joint Committee on Atomic Energy a minute ago indicate by his remarks that he wanted to give to the private power interests of this country the $12 billion investment that the taxpayers of this Nation have already made and not give the REA, TVA, and the people served by public power an equal opportunity to use this thing. I plead with you, if we are going off on these other amendments as we have started on the first one, every person who votes for a thing like that will be contributing to the giving away of the resources of this Nation. It pains me to think that we sit here without thinking and give away the resources and try to prevent the Government, our own people, from enjoying the resources that we have.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from California.

Mr. HOLIFIELD. The issue is clear cut. The chairman of the committee says that this is not a power bill, but it is a power bill. It puts the private utilities in the power business with atomic fissionable material paid for by the taxpayers' money. It authorizes the Commission to give them licenses to do this very thing. So, regardless of how many times he gets up on the floor and says that this is not a power bill, it is a power bill. The issue is clear cut.

Mr. JONES of Missouri. Mr. Chairman, in opposing the amendment a moment ago he indicated he was not willing that this be utilized by other agencies, including public and private power. All we want is a fair break to give the people who are supplying the public power an opportunity, an equal opportunity. But if you are going to give this monopolistic control to the private utilities, I say it is typical of the administration that has always been opposed to the people's interests.

Mr. HINSHAW. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, in the first place, this bill has nothing whatsoever to do with the production of electric power. Power can of course be produced by an REA or any other unit sponsored by the Government under the law as it now stands.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Can the gentleman tell me why he opposed the first amendment where it would give them an equal opportunity?

Mr. HINSHAW. Because the first amendment provided for putting the Atomic Energy Commission in the business of producing electric power.

Mr. JONES of Missouri. Also that amendment prevented the public power interests from using this resource.

Mr. HINSHAW. It did no such thing. It has nothing to do with that. This bill in nowise prevents any other public agency from going into the production of electric power with the use of atomic energy as a heat source. As far as generation is concerned they use the same generating equipment as in any steam plant. The heat source is atomic energy. I disagree with the gentleman and say that so far as his remarks may have carried any acrimony they were totally unjustified.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Is it not true that the reactors awarded by the AEC are purely experimental?

Mr. HINSHAW. Certainly.

Mr. VAN ZANDT. In connection with the power these reactors will develop, is it not true the taxpayers' interest is protected when it comes to the disposition of such power?

Mr. HINSHAW. Why, certainly. He is protected by other agencies also.

Mr. SIEMINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the distinguished chairman of this committee a few questions, if I may. It is my understanding that the difference in power available to the average man in Asia as against that available to the average person in the West is a ratio of 30 to 1. In Asia there is less than one horsepower available per man; in the West it is around 30. Now, my question is this: Does this bill, the way it is phrased now, enable the Government to step in, in the event we discover that the Soviets and their satellites are closing the power gap with atomic plants throughout their land? What action is the Government enabled to take to encourage private industry under this bill to step on the gas to keep ahead of the increased power that might be developed in the Orient? Does this bill foreclose action?

Mr. COLE of New York. Mr. Chairman, if the gentleman will yield, very definitely the bill does not foreclose action. I confess I share the gentleman's concern in that respect. I think it is highly important that this Government proceed as expeditiously and as rapidly as possible toward proving the feasibility of atomic energy for generating electricity to the end that it may be used not only here at home, but made available to people throughout the world who may want to use it as well.

Mr. SIEMINSKI. It is my observation that the Soviets are not interested in free enterprise. It is likely they will try to close that power gap before they start war. If they can, they will most certainly try to capture the markets of the world through atomic power and slave labor. I want to be sure that we have the wherewithal to stay ahead of them; that we can advise industry, and, if need be, shell out the dough to stay ahead.

Mr. COLE of New York. But we do not give them the dough.

Mr. SIEMINSKI. Well, we do in the Export-Import Bank, and no one says that is bad. There we encourage foreign trade; we want to be sure that we are not interpreting this bill as a socialist or restrictive bill, but one that encourages business and enables industry to stay abreast of the field.

Mr. COLE of New York. We want to make it lawful for them to carry out this mission which now is unlawful.

Mr. SIEMINSKI. I thank the gentleman, and, at the proper point, in the House, I shall ask unanimous consent to cite now further remarks on the 30:1 ratio as they appeared on page A5261 in the Appendix of the RECORD, believing they will assist the progress of the Congress on this pioneer measure:

WHAT THEN OF HORSEPOWER AND THE 30:1 RATIO?

(Speech of Hon. ALFRED D. SIEMINSKI, of New Jersey, in the House of Representatives, Wednesday, July 21, 1954)

Mr. SIEMINSKI. Mr. Speaker, in Korea, the Reds learned that firepower overwhelmed manpower.

What now of horsepower? It outpulls manpower.

What steps are the Reds taking to close the power gap between their world and ours?

At the moment, for each person in Asia, there is available, on the average, less than one horsepower. In America, for each person, the average is around 30 horsepower. Thus, the gap in horsepower between East and West could be expressed as 30:1 in favor of the West.

To dominate the world in peace as well as in war, it would appear that the Reds must first close the power gap, then pass the West, with a ratio in their favor.

In what way will the Reds power the East, before attempting to blanket the West?

A clear answer to that question might well guide the Congress in its vote on the use of atomic power. One or two observations might be helpful.

I am told that there is little waterpower in the East, that Russia has only four great rivers and China fewer than that.

Thus, factors of strategy, tactics, and economics lead one to conclude that the Reds will power their lands with atomic plants.

It took the blood of Korea to reaffirm the superiority of firepower to manpower.

What treasure will the future require, before the superiority of atomic power for peacetime pursuits is established, if ever?

What then of horsepower and the 30:1 ratio?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The amendment was rejected.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FRANCES P. BOLTON: Page 2, after line 10, insert:

"c. The United States should continue to press for effective international control of the military use of atomic energy and its derivatives under adequate safeguards to protect complying nations against violation and evasion."

Mrs. FRANCES P. BOLTON. Mr. Chairman, we are so definitely living in the midst of an atomic age, and most of the people of this country—in fact, all of them—are very troubled as to the use that will be made of it—our knowledge of these forces. We have found by experiment that it can be a completely destructive element. The American people through their Congress pray that atomic energy and its derivatives will not be the destroyer of humanity but, rather, its servant. I have introduced this amendment to suggest that we never stop telling the world in simple language that we will continue to press for adequate control of the military use of atomic energy and its derivatives under safeguards that will protect the complying nations against violation and evasion.

Mr. COLE of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I confess I cannot rise in opposition to the amendment, because it is simply a statement of what everybody acknowledges is the policy of our Government, which is to seek and support an effective mechanism for the control of atomic weapons. However, I do question the advisability of including that statement of policy in this particular bill. If it is the will of the Members of the Committee of the Whole that that should be done, I have no objection. I cannot resist the amendment itself.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. DURHAM. Mr. Chairman, I agree with the gentleman that of course it is our policy at the present time to do just what the lady from Ohio [Mrs. FRANCES P. BOLTON] intends. I see nothing in the amendment except words of platitude. We have tried to write a positive bill here in this international control section, which will give action to this measure. I think well of the approach but I doubt the wisdom of inserting the amendment in this measure.

Mr. PRIEST. Mr. Chairman, may the amendment be rereported?

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Amendment offered by Mrs. FRANCES P. BOLTON: Page 2, after line 10, insert:

"c. The United States should continue to press for effective international control of the military use of atomic energy and its derivatives under adequate safeguards to protect complying nations against violation and evasion."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio.

The amendment was rejected.

The Clerk read as follows:

"CHAPTER 2. DEFINITIONS

"SEC. 11. Definitions: The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions rather than from the choice of words or phrases defined. As used in this Act:

"a. The term 'agency of the United States' means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144, and made pursuant to section 123.

"c. The term 'atomic energy' means all forms of energy released in the course of nuclear fission or nuclear transformation.

"d. The term 'atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use, as or for development of, a weapon, a weapon prototype, or a weapon test device.

"e. The term 'byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

"f. The term 'Commission' means the Atomic Energy Commission.

"g. The term 'common defense and security' means the common defense and security of the United States.

"h. The term 'defense information' means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense.

"i. The term 'design' means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

"j. The term 'Government agency' means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

"k. The term 'international arrangement' means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation.

"l. The term 'Joint Committee' means the Joint Committee on Atomic Energy.

"m. The term 'operator' means any individual who manipulates the controls of a utilization or production facility.

"n. The term 'person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

"o. The term 'produce,' when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such materal may be contained; or (3) to make or to produce new special nuclear material.

"p. The term 'production facility' means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

"q. The term 'research and development' means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

"r. The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the restricted data category pursuant to section 142.

"s. The term 'source material' means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

"t. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

"u. The term 'United States,' when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

"v. The term 'utilization facility' means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

Mr. COLE of New York (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of this chapter be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CROSSER. Mr. Chairman, I object.

The Clerk concluded the reading of chapter 2.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a few minutes ago, the gentleman from Texas [Mr. DIES] interrupted the speech of the gentleman from Pennsylvania [Mr. VAN ZANDT] to inquire as to the meaning of the language contained in lines 11 to 15 on page 5, under the title of "Definitions." This language is as follows:

The intent of Congress in the definitions as given in this section shall be construed from the words or phrases used in the definitions rather than from the choice of words or phrases defined.

The gentleman from Texas was promised that he would have an explanation of this later. I had hoped that he would take the time himself when we reached this point in the bill, but apparently he is not on the floor at the moment. Being interested, also, in getting an explanation of that language, I have requested this time in the hope it may be clarified.

I looked in the report to see if it explains that rather ambiguous language, and the only thing I found in the report which has to do with that particular section or that wording reads as follows:

Those portions of the definitions which require substantive action have, in most cases, been separated from the definitions and have been put into the appropriate section of the bill.

Mr. Chairman, I lay no claim to any great wisdom or intelligence; in fact, I confess to being dull, but if this can possibly be explained to me in terms and language I can understand, I hope that some member of the committee will do so. I will gladly yield to any member of the committee who may desire to explain this language. Now if this were not such a serious matter, I would think this kind of language to be amusing. But, this is a serious matter—perhaps, the most serious piece of legislation we have considered this year. I do hope some member of the committee, and I will be delighted to yield, will give me an explanation which I will be able to understand because I cannot understand even what you have in the report.

Mr. COLE of New York. Mr. Chairman, if the gentleman will yield, I shall undertake to give him an answer. I am sure he will be able to understand it, but I am not so sure it will be acceptable to him. The gentleman referred to the statement in the committee report with respect to definitions in which it is said that those portions of the definitions which require substantive action have in most cases been separated from the definition and been put into appropriate sections of the bill. That has to do with portions of existing law where words are defined. Those are now brought forward into this single section under the title "Definitions" so that all of the expressions used frequently in the latter portions of the bill, which might have a variety of interpretations, are defined in this section under the heading "Definitions." With respect to the language used in the opening part of section 11, the effort there was to declare a direction to whoever it might be who would be called upon to interpret these words which have a special meaning, at a later time, to look to the definition itself in interpreting the meaning of the word rather than the word which was selected to be defined. Now to me that is perfectly clear. It may not be to the gentleman, but it is perfectly clear to me.

Mr. WILLIAMS of Mississippi. I do appreciate that because it is just as clear as mud to me.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield.

Mr. WHITTEN. I would like to make the comment, if I may that my good friend, the chairman of the committee, whom we all admire and respect, has demonstrated here the very great need the Atomic Energy Commission is going to have for him to be around on many of the sections of this bill in order to explain what is intended. In many of the sections, it is questionable as to what the limitations are or where the controls rest. This is an example of the great weakness, as I see it, of this bill. To carry it out as the gentleman intends to carry out the provisions of the bill is one thing but it is not tight enough to guarantee that will be done, and then we find section 162, it says point blank that the President can waive the legal requirements, as to contracts if he wants to do so.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may proceed for 5 additional minutes.

Mr. COLE of New York. Mr. Chairman, as far as I can recall, this is the first request for additional time. I doubt that it is very necessary to have additional time on this subject. I wonder if the gentleman would reduce his request to 2 minutes.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that the gentleman cannot yield his time in that way.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. WILLIAMS of Mississippi. Mr. Chairman, perhaps the explanation just given should clarify also the fact that the term "agency of the United States" in subsection (a) under "Definitions" means something entirely different from the term in subsection (j) "Government agency," but, frankly, I do not understand it. I doubt that 500 Philadelphia lawyers and 10 members of the Foreign Affairs Committee could go through this bill and explain the difference between the term "government agency" and "agency of the government."

Mr. WHITTEN. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS of Mississippi. I yield.

Mr. McCORMACK. I do not want the gentleman to get in trouble again. I yield to the gentleman.

Mr. WHITTEN. I would like to say that this colloquy here demonstrates what many of us are fearful of. The committee has pointed out by these statements in the report and in debate that in this bill things are not what they seem, do not carry their usual meaning; and what is contemplated under this bill is not always fixed, nor is it clearly identified, nor are other things prevented by the terms of it.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. DIES. I want to ask the gentleman—I know the gentleman has studied the bill and section 144 of the bill refers to 123.

You go back to 123 and you are referred again to 144.

Mr. WILLIAMS of Mississippi. No; I think you have the number wrong. It was section 142.

Mr. DIES. Yes. We had that under consideration, however.

Mr. WILLIAMS of Mississippi. Section 142 provides for the control of information, the dissemination of atomic information, provides that we shall remove from the "Restricted Data" lists information relating to the utilization of military atomic weapons.

It appears that they are going to open the door and remove from the restricted list all this data; but it is provided further to tie it down, to see that no such data shall be made available to another nation or defense organization. But they make exception to that, and cite us to section 144 (b) for the exception. So when we read section 144 (b), we find that there are certain conditions which must be satisfied before giving the information to other countries. Among the conditions listed is the key one outlined in the proviso at the end of that paragraph which says that the cooperation with other nations shall be undertaken pursuant to an agreement in ac-

cordance with section 123; citing this as a condition to the President's authority to give these secrets to other countries. We check section 123 and we find that it says, in effect, that no such cooperation shall be given until the Commission finds that the agreement made is pursuant to section 144 (b). When we have reached that point, we find ourselves right back where we started. How can we expect this bill to be properly administered, when the bill itself is incapable of being understood?

Mr. HOFFMAN of Michigan. That is more than we ever got under your administration; we never got back.

Mr. McCORMACK. It seems to me the effort made in this section on definitions is that these definitions should be considered as words and phrases that have no reference to any dictionary.

Mr. COLE of New York. It was not intended to eliminate the possibility of resort to the dictionary. If the gentleman will permit, I will give him the information. For instance, under "Definitions" the statement is made "The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions rather than from the choice of words or phrases defined." So we must interpret that as being a direction to the person who interprets the language to look at the words used in the definition. Take, for instance, the definition "source material." It might mean raw material, it might equally mean dirt material, it might mean a number of other kinds of material. So we look at the words used in defining "source material" rather than the selection of the words themselves.

Mr. WILLIAMS of Mississippi. Take another confusing instance, the interpretation of "agency of the Government," and "Government agency."

Mr. COLE of New York. It is perfectly clear to anybody who has the desire to read what "Government agency" and "agency of the Government" mean. They have a very clear meaning.

Mr. McCORMACK. If I may suggest to the gentleman from New York that he should put a period after the word "definitions" in line 13; you would then be clear, because the other language following that seems to contradict that which precedes, because the other language says "rather than from the choice of words or phrases defined."

You have already said that the intent of Congress is given in this section and will be considered from the words and phrases used in the definitions.

It seems to me as though the latter language is contradictory of the former. I am not going to offer any amendment, but it seems to me if you would strike line 13 after the word "definitions" and put a period there it would accomplish what you want and it does not permit a situation to exist where the following contradicts the previous.

Mr. COLE of New York. May I suggest to the gentleman that he ask unanimous consent that that be done?

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that on page 5, line 13, after the word "definitions" there be placed a period and that the words "rather than from the choice of words or phrases defined" be stricken from the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

"CHAPTER 3. ORGANIZATION

"SEC. 21. Atomic Energy Commission: There is hereby established an Atomic Energy Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

"SEC. 22. Members:

"a. 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 qualifications of the nominee. The term of office of each member of the Commission taking office after June 30, 1950, shall be 5 years, except that (1) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of 1 year, one at the end of 2 years, one at the end of 3 years, one at the end of 4 years, and one at the end of 5 years, after June 30, 1950; and (2) 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 $18,000 per annum; and the member designated as Chairman shall receive compensation at the rate of $20,000 per annum.

"b. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

"SEC. 23. Office: The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia.

"SEC. 24. General Manager: There is hereby established within the Commission 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 Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of $20,000 per annum.

"SEC. 25. Divisions and offices: There is hereby established within the Commission—

"a. a Division of military application and such other program divisions (not to exceed 10 in number) as the Commission may determine to be necessary to the discharge of its responsibilities. Each such division shall be under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of $16,000 per annum. The Director of the Division of Military Application shall be an active member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;

"b. an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of $16,000 per annum; and

"c. an Inspection Division under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of $16,000 per annum. The Inspection Division shall be responsible for gathering information to show whether or not the contractors, licensees, and officers and employees of the Commission are complying with the provisions of this act (except those provisions for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission.

"SEC. 26. 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 9 members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of 6 years, except that (a) any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after August 1, 1946, shall expire, as designated by the President at the time of appointment, 3 at the end of 2 years, 3 at the end of 4 years, and 3 at the end of 6 years, after August 1, 1946. 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 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.

"SEC. 27. Military Liaison Committee: There is hereby established a Military Liaison Committee consisting of—

"a. a Chairman, who shall be the head thereof and who shall be appointed by the President, by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, and who shall receive compensation at the rate prescribed for an Assistant Secretary of Defense; and

"b. a representative or representatives from each of the Departments of the Army, Navy, and Air Force, in equal numbers, as determined by the Secretary of Defense, to be assigned from each Department by the Secretary thereof, and who will serve without additional compensation.

The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence. The Commission shall advise and consult with the Department of Defense, through the Committee, on all atomic energy matters which the Department of Defense deems to relate to military applications of atomic weapons or atomic energy including the development, manufacture, use, and storage of atomic weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of atomic weapons; and shall keep the Department of Defense, through the Committee, fully and currently informed of all such matters before the Commission. The Department of Defense, through the Committee, shall keep the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the devolpment or application of atomic energy. The Department of Defense, through the Committee, shall have the authority to make written recommendations to the Commission from time to time on matters relating to military applications of atomic energy as the Department of Defense may deem appropriate. If the Department of Defense at any time concludes that any request, action, proposed action, or failure to act on the part of the Commission is adverse to the responsibilities of the Department of Defense, the Secretary of Defense shall refer the matter to the President whose decision shall be final.

"SEC. 28. Appointment of Army, Navy, or Air Force officers: Notwithstanding the provisions of any other law, any active officer of the Army, Navy, or Air Force may serve as Director of the Division of Military Application without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation prescribed in section 25. Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee without prejudice to his active or retired status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.

Mr. McCORMACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCORMACK: On page 10, line 24, after the word "Commission", place a comma and insert the following: "shall have equal access to all information pertaining to atomic-energy matters, whether originating within the Commission or elsewhere in the Government."

Mr. McCORMACK. Mr. Chairman, before addressing myself to the amendment, I want to make a few observations about the salaries of the members of the Commission appearing on page 12, the compensation of each member being $18,000 and the chairman $20,000 a year. I think the salary is right. In fact, with the responsibility of their positions we might well provide for a higher salary for them. But, that brings back fond memories and recollections of my own salary and the salaries of my colleagues. On several occasions I have spoken in the well of the House taking the position publicly and openly that I felt we ought to receive a salary of $25,000 a year. And, I repeat it. But, it is now just a memory. I had hoped it would materialize and I had hoped it would be forthcoming during this session of the Congress. But, it has faded long, long ago. I still have very faint hopes as I have no opposition in either the Democratic or the Republican Party in my district, I reasonably expect to be back here in the next Congress. I hope that if we do not do it now, the next Congress will give consideration to the Members of Congress and their families, of which consideration they are deserving.

Mr. BURDICK. Mr. Chairman, a point of order.

Mr. McCORMACK. My friend from North Dakota and I are such good friends, I should like to say that I am talking on the subject of salaries.

Mr. BURDICK. I want to know what the salary of a Member of Congress has to do with this bill.

Mr. McCORMACK. It is very important, in my opinion.

I do want to make the observation that I thoroughly approve of this salary. It should be more. I regret very much that we have not increased our own salary.

Coming to the amendment, the amendment is one that should be adopted. It would be difficult for me to understand why my friend from New York [Mr. COLE] would oppose it. Each Commissioner, it is provided, shall have equal authority and responsibility in all decisions. Certainly they should have equal opportunity for access to all information in the making of those decisions. I recognize the fact that the committee in its report has stated, "the right of the members to have access to all information within the Commission flows from this responsibility and authority." That being so, it seems to me that we would be authorized to put it in the bill itself.

I think the amendment, speaking for itself, is the best argument that can be made in its favor. The committee recognizes it. You and I know that many times the contents of a committee report or the suggestions contained therein are not followed. The committee may mean well in its report, but it does not necessarily follow that what they suggest is going to be carried out. Incorporating that language into the act means that it is definite and that each member has an equal opportunity for the obtaining of all information in connection with the performance of their duties and in making their decisions.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOFFMAN of Michigan. I agree with the gentleman, but I ask the gentleman is it his thought, if his amendment is agreed to, that, for instance, the McCarthy committee, including the chairman, would have access to all that information?

Mr. McCORMACK. Let us not get into any extraneous matters.

Mr. HOFFMAN of Michigan. Why not? I am asking the question. The purpose is a good one.

Mr. McCORMACK. I am glad the gentleman agrees with the purpose of my amendment. That part of his observation I recognize as being pertinent. I hope he will help to obtain votes for the amendment.

Mr. HOFFMAN of Michigan. Perhaps they will accept it.

Mr. McCORMACK. I think in all seriousness this is an important amendment and should be adopted. I see no reason why it should not be adopted.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this amendment. The reason I do so is because on page 812 of the hearings, part II, a colloquy ensued between Commissioner Murray, the gentleman from California who is addressing you, and Mr. COLE. Mr. Murray's question is:

Do I interpret your remark to mean that you can conceive of a situation of vital importance where information would be withheld from one Commissioner?

Chairman COLE. By a majority decision of the Commission; yes, I do.

Representative HOLIFIELD. Mr. Chairman, this is an astounding statement. I do not want to engage in a controversy with you. But what possible conception could occur to you that could cause such a situation to arise when it related to the performance pursuant to the purposes of the act, that it would not be a matter of concern to every member of the Commission, unless that member of the Commission was held to be a loyal, discreet individual, but a security risk?

Chairman COLE. Well, that is conceivable. And it is just such situations as that that I have in mind.

Representative HOLIFIELD. Then I would say if that occasion ever rose, it should be a matter of congressional action immediately.

Because of that colloquy and because of the statement that the chairman made on a television program, which indicated that he thought there should be a reservation of information as between Commissioners, we have tried to write into the section equal duties and responsibilities for each member of the Commission. Remember that these Commissioners are appointed by the President and they are confirmed by the Senate. They must pass, of course, the most intense security and other type of FBI scrutiny or evidently the President would not select them and the Senate would not confirm them. Why they should not have equal access to information, of course, I think is an untenable position. The committee has attempted to write into the record of the committee report the fact that they should have equal access to all information. But because that amendment was offered in committee and was defeated, I think the gentleman from Massachusetts [Mr. McCORMACK] is in order when he presents it, and I believe we should end for all time any doubt as to the equality between the Commissioners. The Congress has chosen the Commission as the form of management. It has imposed equal duties and responsibilities upon these Commissioners, and it should give them the equal right of access to infor-

mation which is pertinent and pertaining to their duties.

Mr. Chairman, I ask that the amendment be accepted.

Mr. HINSHAW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the Members of the House would do well to listen to the rereading of the amendment, and they can judge themselves as to whether or not it should be adopted. The bill reads:

Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission.

The amendment adds "and equal access to all information pertaining to atomic energy matters, whether originating in the Commission or elsewhere in the Government."

"Now, "elsewhere" is a very broad statement. I believe the Chairman of the Atomic Energy Commission is also a member of the Security Council, and conceivably some of the information which he obtains in the Security Council should not go beyond the Security Council itself. He is also acting as an adviser to the President on atomic energy matters and in that capacity he has a confidential position.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I certainly do.

Mr. McCORMACK. The gentleman notices the word "information" is used. Certainly any talks that are had with anyone are differentiated from information. The amendment calls for information, my friend will realize, information relating to atomic energy matters.

Mr. HINSHAW. I think we will have to admit—we will not have to admit it at all; we do not have to admit anything here if we do not want to, but let us say there has been a controversy carried on between some members of the Commission. But we have a statement such as this. For example, the gentleman from Pennsylvania [Mr. VAN ZANDT] was questioning Mr. Zuckert. He asked if at any time he requested information that was denied. The answer was:

The blunt answer to that is, I have never been refused information on anything having to do with the Commission's operations.

I think that this is, if you will pardon me for saying so, for I do not like to use such terms, a sort of backhanded slap at the Commission. I do not think the amendment should be agreed to.

Mr. McCORMACK. The gentleman can characterize it any way he wants to, but the gentleman from Massachusetts has no intent in his mind and had none in offering the amendment to take a backhanded slap at anyone.

Mr. HINSHAW. I concede all of that.

Mr. McCORMACK. Construe my amendment as you want, but as far as my intent is concerned, it was pure as far as any backhanded slap or anything of that nature is concerned.

Mr. HINSHAW. I would withdraw any possibility of that thought or intention on the part of the gentleman from Massachusetts, but I think the adoption of such an amendment by the Committee of the Whole would constitute such a slap.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. PRICE. What the gentleman from California stated about the testimony of Mr. Zuckert is absolutely correct. Mr. Zuckert, however, and other members of the Commission did leave the inference that while they had not been denied any information they ever requested, there were times they were not getting all the information which should be available to them to assist them in making proper decisions as members of the Commission.

Mr. HINSHAW. That, may I point out to my friend, was the very thing that motivated the question of the gentleman from Pennsylvania when he asked the question, and that is what he was trying to find out, and it was answered in the absolute blunt negative—that he was not denied any information. The phrase "elswhere in the Government" is a very broad thing. I believe it should not be in the amendment, and I recommend that it be disapproved by the committee.

Mr. PRICE. All members of the Commission are entitled to this type of information wherever it may be in the Government.

Mr. DURHAM. Mr. Chairman, I rise in support of the amendment. I do not think it would be often that you would find yourself in a situation where you would not receive full information on most of the things in this whole category of atomic energy in ordinary discussion.

I cannot understand why any member of the Commission should object to it. I cannot see why anybody in any department of the Government should object to it. I realize the difficulty our present chairman is working under in wearing two hats, but I do not think there is any man more able in America to represent us as the adviser to the President on atomic energy matters, and I have said so before. Lewis Strauss is a capable, able, conscientious public servant, and I have full confidence in him. So to avoid any future controversy, in my opinion, it would be wise for the Congress to adopt this as a policy.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. PRICE. I might point out that the matter is of sufficient importance that the members of the Commission itself recommended that this language be in the bill.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to the amendment, not because my opposition is to the substance of the amendment, but because of the very certain misinterpretation which will be placed on the action of this Committee in adopting the amendment. As the gentleman from California has indicated, not a shred of evidence either directly or indirectly or by inference was given to this Committee that any information had been withheld from any member of the Commission. There was evidence or some feeling on the part of some of the Commissioners from the fact that the Chairman of the Commission in his position as personal adviser to the President on atomic energy matters, and as a member of the National Security Council was able to get information in the atomic energy field, which was denied to the other members of the Commission.

So if we were to adopt this amendment it would tend to create the inference that certain information had been withheld.

Let me ask you, Mr. Chairman, why should we in the law after having said that each member of the Commission shall have equal authority and equal responsibility, why should we then begin to pick out certain phases of the work and say that they shall have equal opportunity and equal authority in that particular phase of the work, if we say they shall have equal access to information. Do we say that they shall have the same number of secretaries, or do we say they shall have the same colored curtains on the windows of their offices? Of course not.

In our own body we accept the fact that each one of us has equal responsibility, but do we write into the law that every Member of Congress shall have access to all the information that every Member of Congress may have? Of course we do not.

I repeat, I concur with the objective of this amendment and the expressions contained in the report that it is intended that the Commissioners shall have equal authority and responsibility. We mean by that in all respects of their responsibility the opportunities will be the same.

In making that statement it is not necessary to particularize to the extent of identifying it by information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. McCORMACK].

The question was taken; and on a division (demanded by Mr. McCORMACK) there were—ayes 80, noes 144.

So the amendment was rejected.

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: On page 13, line 3, after the word "of", insert the following: "Civilian Power Application, a Division of."

Mr. PRICE. Mr. Chairman, this amendment provides an organizational base for the atomic power program by creating a Division of Civilian Power Application in section 25. That section already provides a Division of Military Applications.

Since this bill is intended to emphasize the peacetime development of atomic energy, certainly civilian applications should have equal recognition in the organizational setup of the Atomic Energy Commission with military applications. If the use of nuclear energy as a source of commercial electric power is to be accorded the consideration which its importance warrants, this should be reflected in the statutory organization of the Commission. It cannot be left wholly to the discretion of the Commission which may at any given time be

weighted in favor of laying down on the Government's responsibility in this field.

Specifically, I believe there should be a statutory division of Civilian Power Application counterbalancing the statutory Division of Military Applications with peacetime responsibility for the commercial development of nuclear electric power by Federal or non-Federal public and private agencies.

Mr. Chairman, there has been considerable interest of late in the industrial development of atomic power.

Recently the former chairman of the Military Liaison Committee and the Assistant to the Secretary of Defense for Atomic Energy, Hon. Robert LeBaron, made a very interesting speech out in Wisconsin in which he pointed out that the all-important news today for the American people is the fact that the "if" in peacetime atomic power is no longer present, and he said that we are, in fact, over the first great hurdle in our atomic future. The peaceful atom is definitely here and now, Mr. LeBaron said, and he proposed that the Government form a sort of Manhattan Engineer District for peacetime power. I might say such a suggestion might probably fit well into the scope of the amendment which I am here offering; in other words, that the civilian power division of the Atomic Energy Commission could well be this new Manhattan Engineer District for the development of peacetime power. We all remember that the Manhattan Engineer District made an all-out effort in the World War II to build our first atomic bomb. As Mr. LeBaron said:

> What could be more appropriate in this era of cold war than a cold war for peace? What could be more inspiring than a new dedication by our scientists and industrialists to a specific project for peace? Is there not a great opportunity—

Mr. LeBaron said in his very fine speech—

> to unify our efforts in atomic peace, as we did in atomic war?

Mr. Chairman, I have a feeling that my amendment would lead to such a program and to giving the Commission responsibility for peacetime development of atomic energy, to take the leadership as a Commission in doing for peaceful purposes with the atom what they did for military purposes with the atom back in the Manhattan Engineer District. I sincerely hope that the House will adopt this amendment, because, after all, one of the big reasons for the revision of the Atomic Energy Act of 1946 is to promote industrial participation for the peaceful uses of the atom, and I think this amendment lends itself to that purpose, the purpose for which we say that this bill is being considered here this evening.

Mr. COLE of New York. Mr. Chairman, I hesitate to oppose this amendment, because it sounds so good. However, I consider it to be a part and parcel of those amendments that have been and will be offered, all of which are designed to put the Federal Government and the Atomic Energy Commission in the business of generating electricity, which is totally foreign to the purposes of the bill as it is presently written.

Now, actually there is a Division within the Atomic Energy Commission that does the very thing which the gentleman from Illinois argues should be done by this Division which he proposes to create. There is a Reactor Division, a Reactor, Research, and Development Division. It is the function of that Division to encourage research and development in reactors which are designed to produce electrical energy.

Now, to repeat what I have said earlier, if the time comes when some of these reactors prove to be practical and feasible and economical and the Congress wants to put the Federal Government in the power business by using these reactors, that is the time to create a Division of Civilian Application of Atomic Power. So while I say the objective and the thought of the amendment is quite laudable, it is untimely, and I ask that it not be accepted.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the provision in section 25, top of page 13, the Atomic Energy Commission is given the right to have 10 organizational divisions. One is named the Division of Military Application. Certainly, in a bill which is to bring peacetime application of atomic energy to the people, there should be a division named and designated for civilian purposes, if we are to put as much emphasis on the civilian use of atomic energy as we have on the military use. I do not know why the chairman has opposed this. Maybe it is because the word "power" is in it, but there will be a division in the organization to take care of applicants for licenses and to take care of inspection under the health and safety rules. It seems to me that this is a very mild amendment, something that certainly should be accepted. I hope the House will consider it favorably.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PRICE].

The amendment was rejected.

Mr. SHELLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SHELLEY: On page 15, beginning at line 4, add the following new section, and renumber sections 27 and 28 as sections 29 and 30, respectively (this assumes that the amendment adding an Electric Power Liaison Committee will be section 28):
>
> "SEC. 27. Labor-Management Advisory Committee: There shall be a Labor-Management Advisory Committee to advise the Commission on all matters relating to labor-management relations in atomic energy plants and facilities owned or licensed by the Commission, including measures to promote collective bargaining and alleviate industrial strife, health and safety standards and workmen's compensation provisions and other terms and conditions to be observed by contractors or licensees of the Commission, the application of Federal statutes governing employment and labor standards, personnel security procedures, and the effects of atomic energy enterprises on established industries and occupations. The committee shall be composed of nine members who shall be appointed by the President, four each representing labor and management and a chairman representing the public. Each member shall hold office for a term of 6 years, except that (a) 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 (b) the terms of office of the labor and management representatives first taking office after the effective date of this act, shall expire, as designated by the President at the time of appointment, one each at the end of 2 years, two each at the end of 4 years, and one each at the end of 6 years. The committee shall meet at least four times in every calendar year. The members of the committee shall receive a per diem compensation for each day spent in the work of the committee and all members shall receive the necessary traveling or other expenses while engaged in the work of the comittee."

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. SHELLEY. I yield.

Mr. JAVITS. Mr. Chairman, I would like to say to the gentleman from California, in view of what has just taken place at the atomic-energy plants concerning labor difficulties, and in view of the fact that this whole effort is absolutely critical to the very future of our country, I shall support the gentleman's amendment. I think this is one amendment that certainly should carry.

Mr. SHELLEY. I thank the gentleman from New York.

Mr. Chairman, here we are acting on perhaps the most important issue before the American public in our time. We have set up in this bill an Industry Advisory Committee, an Electric Industry Advisory Committee; we have set up a Military Liaison Committee; we have set up a General Advisory Committee.

The Atomic Energy Commission has plants throughout the country. There are over a hundred thousand people employed in those plants who are members of labor organizations. They have relationships with the management of those plants which in some cases have not been harmonious. The gentleman who heads the metal-trades department of the American Federation of Labor has spent a great deal of his time in the last several months traveling to Oak Ridge and other sections of the country where these plants are located trying to straighten out labor unrest in the plants. In talking to some of those who have worked on this situation, I have been advised that there has been no actual policy, so far as the Commission is concerned, on its labor program. There has been no advice sought. That is perhaps why some of this unrest and these disturbances have taken place. Some of them have been strikes which have created a stoppage of work, which has held up production on some of the projects.

The labor organizations of this country and the men and women of the labor movement have as much interest in the success of this program, they have as much interest in the extent to which atomic energy and its products will be made available for peaceful use and the use of the people, as do the people in industry, as do those in the military, as do those who may be on any general advisory committees. As a matter of fact, they can make a great contribution

toward the continuance of work in these plants without work stoppages, because the Advisory Committee is composed of people from management and people from labor. It is assumed that the President will appoint persons who have an understanding of the situation, who are dedicated toward sound labor relations and who can contribute because of their own experience in these fields advice and guidance to the Commission on the setting up of a sound program for personnel practices and labor relations. This will tend to make for better employee relations and continuity of work and will eliminate the causes of some of the labor unrest in these plants.

The people employed in these plants are thoroughly checked and screened for security. I have observed several times that where management thinks they have a security club to hold over the heads of some employees they get the idea they can then otherwise deny the employees standard labor conditions. By the advice of people in the management field and the advice of men who head some of the national labor organizations and have a sense of responsibility for the welfare of this Government, some of those practices can be eliminated and sound labor relations can be instituted in their place.

The labor movements of this country have done their part in resisting communism and in throwing Communist-dominated organizations out of their ranks. They are dedicated to the welfare of this country. They have as much at stake, Mr. Chairman, as any other individual or any group in the country or any industry group. In order to give them a voice in the carrying out of a program in which their people are employed and in which as American citizens and taxpayers they have an interest, I think they are certainly entitled to a place in this program by setting up a labor-management advisory committee.

Mr. McCONNELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have studied this amendment for the past hour. I have tried in my mind to visualize just exactly what the purpose of it would be and what the result would be if it were put into operation.

It provides for an advisory committee which, as I read it, is to meet at least four times a year and to advise on labor-management problems, health and safety standards, collective bargaining, and so on.

As I read this bill, I see there is to be a manager. I assume that the manager, like the manager of any other business, would learn the problems of the atomic-energy business and also would learn how to work with the various managements involved and with the various unions involved. I can see no good reason at this particular time for this type of committee.

I do not know whether it is intended that they eventually become a Wage Stabilization Board in which they decide on matters of labor-management problems or just what the real purpose would be in the end. If that is the purpose, I would be doubly against it as compared to the way I feel about the present amendment. I understand that the Secretary of Labor realizing the seriousness of labor-management strife in atomic energy plants has stated he is making a study of this entire situation and a report will be made, and he will endeavor to recommend any needed measures. I also understand a panel is in action endeavoring to find out what should be done in labor-management problems in atomic energy plants. I can see some good sense in knowing just where we are going, but merely to set up an advisory committee with 4 members representing management and 4 members representing labor and 1 person as chairman representing the public, I cannot see that they will supply enough information to be of any real value in solving our labor-management problems. I am in accord with the purpose of my good friend, the gentleman from California, to seek good labor-management relations in atomic energy plants, but I do not feel that merely setting up an advisory committee at this time will handle the problem. I think we should wait until we get a real report on it.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. HOLIFIELD. There are certain problems that have come about in these atomic energy plants. These people in many instances are working for contractors with the Federal Government. They occupy positions of trust and have to have security clearance and all that sort of thing. They have peculiar problems which put these people in a grey area. They are neither in private industry nor are they Federal employees. This would set up an advisory committee evenly balanced between labor and management to study these problems. The Commission has never had a clear-cut labor policy. They more or less have had a hands-off, let-them-fight-it-out type of policy. We have had a large number of costly strikes in several of these plants because there was no policy in any of the plants. Many of these things come up like security clearance and so forth and because there were variable methods of clearing these people, one union was discriminated against the other and so on. There are many things that I think could be worked out. I think this is a very mild and reasonable approach, and I would hope that the gentleman would not feel constrained to oppose it because it is purely advisory. Certainly a study in this peculiar field needs to be made.

Mr. McCONNELL. Well, that study is being made now.

Mr. HOLIFIELD. No, not in the atomic energy field.

Mr. McCONNELL. Yes, by the Secretary of Labor and others.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. VAN ZANDT. For the information of the gentleman, this amendment was discussed by the joint committee. We agreed among ourselves that it covered such a broad field we should lay it aside until ample time was available to consider it.

Mr. McCONNELL. That should be done, I will say to the gentleman from Pennsylvania. I do not see the need of this advisory committee. In fact, I can see more confusion arising from it than real good. If advice is needed on labor management problems and fundamentally the real problem is between labor and management, that information could be obtained from many other sources today. This is a management-labor problem really that we are discussing and not some secret formula that some scientists have to develop. I see no reason for the appointment of or the establishment of such a committee to meet at least four times a year to give some type of advice.

Mr. SHELLEY. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. SHELLEY. The gentleman made a statement which may have left the inference, which I am sure the gentleman did not intend that possibly it was the thought behind this amendment to set up a committee which would then make policy. This is an advisory committee of people experienced in the field of labor relations which is a field unto itself, as the gentleman knows, and the advice given by them may be accepted or rejected.

Mr. DURHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think before we go into anything like this the principal element of the agreement which was reached a few days ago by the CIO and the Labor Department and the operators at Oak Ridge was based on the fact that a study was going to be made, and that was agreed to, I believe, by both parties. So I think we would be violating or jeopardizing that agreement if we adopted this amendment.

I hope the Committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SHELLEY].

The amendment was rejected.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Page 15, beginning in line 4, add the following new sections: On page 15, beginning line 4, add the following new section 28, and renumber present sections 27 and 28 as 29 and 30, respectively (this numbering assumes a new sec. 27 will be added, establishing a Labor-Management Advisory Committee):

"SEC. 28. Electric Power Liaison Committee: There is hereby established an Electric Power Liaison Committee consisting of—

"a. A Chairman, who shall be the head thereof and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for the Chairman of the Military Liaison Committee; and

"b. A representative of the Federal Power Commission, the Securities and Exchange Commission, the Rural Electrification Administration, the Tennessee Valley Authority, the Bureau of Reclamation, the Bonneville Power Administration, the Southwest Power Administration, the Southeast Power Administration, the Corps of Engineers, and such other Government agencies as the President may from time to time determine.

The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence. The Commission shall advise and consult with other Government agencies, through the Committee, on all atomic energy matters which relate to electric power applications of atomic energy, including the development, manufacture, and use of atomic reactors for power purposes, the allocation of special nuclear material for such purposes, the technical, economic, and accounting relationships between production of special nuclear material and atomic energy for electric power and for atomic weapons, appropriate policies to govern the production and distribution of electric power from atomic energy in order that the benefits of such power shall be widely distributed and maximum revenues shall be returned to the Federal treasury, and the integration of atomic power policies and administration with other power activities of the Federal Government; and shall keep other Government agencies, through the Committee, fully and currently informed of all such matters before the Commission. Other Government agencies, through the Committee, shall have the authority to make written recommendations to the Commission from time to time on matters relating to civilian applications of atomic energy as they deem appropriate."

Mr. HOLIFIELD. Mr. Chairman, this amendment provides for an electric power liaison committee commensurate with the military liaison committee now provided in section 27. The effort here again is to put civilian peacetime benefits of atomic-energy development on a par with military.

The electric power liaison committee would bring together people in the various boards and commissions concerned with electric power and utilization of atomic energy to study the national atomic policy. This is a national committee; it is a committee which would help integrate atomic-produced power into the great power complex of the Nation.

Mr. COLE of New York. Mr. Chairman, I feel that I should state that the same arguments in opposition with respect to the previous amendments apply equally to this proposition. It should not be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The amendment was rejected.

The Clerk read as follows:

"CHAPTER 4. RESEARCH

"SEC. 31. Research assistance:

"a. 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-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, 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 special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

"(4) utilization of special nuclear material and radioactive material and processes entailed in the production of such material for all other purposes, including industrial uses; and

"(5) the protection of health and the promotion of safety during research and production activities.

"b. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

"c. The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of sientific or technical information, except to the extent such dissemination is prohibited by law.

"SEC. 32. Research by the Commission: The Commission is authorized to conduct, through its own facilities, activities and studies of the types specified in section 31.

"SEC. 33. Research for others: Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of such activities and studies.

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: On page 19, line 14, after the word "authorized", insert the following: "and directed."

Mr. PRICE. Mr. Chairman, section 31 of the legislation under consideration provides that 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 in that section.

I feel it is absolutely essential to let contracts under section 31 with groups outside of the commission and with the various agencies and organizations. I feel it is essential for the commission to do the same thing within its own facilities. By means of this amendment we direct instead of merely authorizing the commission to continue basic research and development activities in its own facilities and in its own laboratories.

We have millions of dollars invested in atomic research facilities. They exceed several hundred million dollars, as a matter of fact. Those are the only such facilities available in which the basic scientific and engineering efforts can be carried on during the next few years ahead. In view of the large public investment in atomic energy thus far, it is vital to protect that investment. Almost all important atomic energy ideas today are public property. One of the best ways to insure that the critical ideas in the future continue to be public property is to make certain that the Atomic Energy Commission carries on experimental activities farthest out on the horizon of scientific and engineering exploration.

Unlike some of the other amendments already considered and not adopted, I sincerely hope that we can agree to this constructive contribution and safeguard. I sincerely hope that the committee itself might be inclined to accept the amendment. The provision was contained in the original act.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from California.

Mr. HINSHAW. After discussing this matter, with our Chairman, if it is understood that research is not to be limited to Commission facilities but they may also contract for research, then the committee could accept the amendment.

Mr. PRICE. That is correct.

Mr. HINSHAW. We are very much afraid, unless some word to that effect is placed in the RECORD, that the commission would be limited to research in their own facilities. Otherwise, there is no objection.

Mr. PRICE. It is not intended that it be limited to research in their own organization.

Mr. HINSHAW. Very well. Then we will accept the amendment if it is agreeable to the gentleman from North Carolina.

Mr. DURHAM. Mr. Chairman, if you recall, in discussing this amendment, at the present time the Commission has contracts in practically every college in the country. I think the program has been very fine and one that has been accepted by the colleges and one that has been very beneficial to us in supplying us with young scientists. If this in no way affects our college program, I would be willing to go along with the amendment.

Mr. PRICE. I am sure that it does not affect the colleges or any program outside of the commission facilities and I certainly do not intend that it should.

Mr. HINSHAW. With that understanding, it is perfectly agreeable to this side of the aisle.

Mr. MURRAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the most far-reaching and most important and most serious bill that has been considered by the House at this session. It certainly should have full, fair, and adequate debate. There are many more amendments yet to be offered to this bill. We are now on page 20, and there are 85 more pages left. I want to say that if the majority demands that debate be limited, that a gag rule be enforced, or that this bill be railroaded through without fair and adequate consideration, then I intend to ask for an engrossed copy of the bill. It is stupid to try to finish this bill tonight. We ought to quit in an hour or so and then come in tomorrow and give this bill full and fair consideration. It ought to be considered by the House for at least 3 or 4 days. If a gag rule is proposed, I deeply resent it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PRICE].

The question was taken; and on a division (demanded by Mr. PRICE) there were—ayes 112, noes 4.

So the amendment was agreed to.

The Clerk read as follows:

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

"SEC. 41. Ownership and operation of production facilities.

"a. Ownership of production facilities: The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all production facilities other than facilities which (1) are useful in the conduct of research and development activities in the fields specified in section 31, and do not, in the opinion of the Commission, have a potential production rate adequate to enable the user of such facilities to produce within a reasonable period of time a sufficient quantity of special nuclear material to produce an atomic weapon; or (2) are licensed by the Commission pursuant to section 103 or 104.

"b. Operation of the Commission's production facilities: The Commission is authorized and directed to produce or to provide for the production of special nuclear material in its own production facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce special nuclear material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce special nuclear material in facilities owned by the Commission to the extent that the production of such special nuclear 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 (1) prohibiting the contractor from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission; and (2) obligating the contractor (A) to make such reports pertaining to activities under the contract to the Commission as the Commission may require, (B) to submit to inspection by employees of the Commission of all such activities, and (C) 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, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under such contracts. The President shall determine in writing at least once each year the quantities of special nuclear material to be produced under this section and shall specify in such determination the quantities of special nuclear material to be available for distribution by the Commission pursuant to section 53 or 54.

"c. Operation of other production facilities: Special nuclear material may be produced in the facilities which under this section are not required to be owned by the Commission.

"SEC. 42. Irradiation of materials: The Commission and persons lawfully producing or utilizing special nuclear material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing special nuclear material.

"SEC. 43. Acquisition of production facilities: The Commission is authorized to purchase any interest in facilities for the production of special nuclear materials, or in real property on which such facilities are located without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to requisition, condemn, or otherwise acquire any interest in such production facilities, or to condemn or otherwise acquire such real property, and just compensation shall be made therefor.

"SEC. 44. Byproduct energy: If energy which may be utilized is produced in the production of special nuclear material at production or experimental utilization facilities owned by the United States, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly or privately owned utilities or users at reasonable and nondiscriminatory prices. If the energy produced is electric energy, the price shall be subject to regulation by the appropriate agency, State or Federal, having jurisdiction.

Mr. METCALF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. METCALF: Page 23, after line 12, add the following new section 45:

"SEC. 45. Electric Power Production: a. The Commission is empowered to produce or provide for the production of electric power and other useful forms of energy derived from nuclear fission in its own facilities or in the facilities of other Federal agencies. In the case of energy other than electric power produced by the Commission, such energy may be used by the Commission, or transferred to other Government agencies, or sold to other users at reasonable and nondiscriminatory prices. Electric power not used in the Commission's own operations shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power in accord with the provisions of section 5 of the Flood Control Act of 1944 (58 Stat. 890).

"b. The Commission may undertake any or all of the functions provided in subsection 45a through other Federal agencies authorized by law to engage in the production, marketing, or distribution of electric energy for use by the public, and such agencies are hereby empowered to undertake the design, construction and operation of nuclear power facilities and the disposition of electric energy produced in such facilities when funds therefor have been appropriated by Congress. Nothing in this act shall preclude any Federal agency now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy from obtaining a license under section 103 of this act for the construction and operation of facilities for the production and utilization of special nuclear material or atomic energy for the primary purpose of producing electric energy for disposition for ultimate public consumption."

Mr. METCALF. Mr. Chairman, in view of the importance of this amendment, I ask unanimous consent that I may have 5 additional minutes in which to explain the amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, I object.

Mr. METCALF. Mr. Chairman, this amendment adds a new section to the bill. This new section empowers the Atomic Energy Commission in its own facilities or through the facilities of other Government agencies to engage in the production of electrical power and other useful forms of energy derived from nuclear fission. This amendment makes it clear that the Federal Government itself, as well as other agencies, public and private, can generate, transmit and distribute atomic power.

Electric power not needed for the Commission's own operations is to be delivered to the Secretary of the Interior to be disposed of under the provisions of the Flood Control Act of 1944.

That act declares that—

The Secretary shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles * * *. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years. Preference in the sale of such power and energy shall be given to public bodies and cooperatives.

The act also authorizes the Secretary to provide transmission lines to make such power available to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

The Atomic Energy Commission, which is the greatest consumer of electric energy in the United States is now permitted to generate power for its own consumption.

This amendment would permit the Atomic Energy Commission to develop atomic power to meet its own power needs. The only power the Commission is permitted to generate under the proposed bill is that developed as incidental to its research activities.

This is clearly demonstrated in the report on page 14 and 15 where section 44 of the bill is discussed.

Here is an absolute prohibition for the production of any but byproduct energy.

This amendment is not mandatory, it is permissive and the money for such a powerplant would have to be appropriated by the Congress for that specific purpose.

We are embarking into an era of a new power source. The potentialities of atomic power may be greater than our oil, gas and coal reserves, and hydropower combined. As written, the bill authorizes the Commission to dispose of byproduct energy. It does not provide that public agencies and cooperatives shall have a prior right to purchase this byproduct energy. Nor does it authorize the Commission to construct a plant for the generation of electrical energy as such. It has been estimated that for economical development of atomic power a plant would have to be built capable of producing at least 200,000 kilowatts. A plant of this size would cost $200 million to $300 million. That is a tremendous risk for private producers.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. METCALF. I yield.

Mr. BAKER. Does your amendment go much further than Senator JOHNSON's did?

Mr. METCALF. My amendment is identical to Senator JOHNSON's amendment.

Mr. COLE of New York Mr. Chairman, I must make a point of order against this discussion which the gentleman from Montana is about to make in respect to what has been done in another body.

The CHAIRMAN. The point of order is sustained.

Mr. METCALF. This amendment authorizes the Commission to construct a plant for the generation of electric energy. I was pointing out the expense of constructing an electrical-energy plant. It has been estimated that an economical electrical energy plant which will produce electrical power economically so that it can be sold to industry and domestic consumers must produce 200,000 kilowatts. A plant of this size would cost $300 million. That is a tremendous risk for private producers. But the Government could build such a plant and it could build it as a pilot plant, and it would serve a twofold purpose. It would demonstrate the economy and the feasibility of producing low cost electrical energy by nuclear fission. Secondly, it would establish a yardstick which would be used to protect public interest in maintaining fair and equitable rates for the consumers by other private utilities who are developing atomic energy for distribution and sale. As the bill is now written, the Commission is permanently precluded from developing atomic power on a large scale. Earlier in the day, the distinguished chairman of the joint committee said that the main job of the Atomic Energy Commission was the job of producing weapons and promoting the security of the United States. With that I agree. Therefore, I have provided in this amendment that when power is produced, whether it is byproduct energy or whether it is direct atomic energy produced for ultimate sale that it will be sold by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret that the chairman of our committee has sought to invoke a rule which in the 12 years that I have been here I have seldom seen invoked. It is true that it is against the rules of the House to refer to a Member of the other body by name or even to refer to the name of the other body. It is also true that we cannot say what they have done.

Mr. HOFFMAN of Michigan. Mr. Chairman, a point of order. The gentleman is not speaking on the amendment or in opposition to it.

Mr. HOLIFIELD. I yield to the gentleman from Montana [Mr. METCALF] at this time. I regret that this action has been taken by our chairman. Of course, it is in violation of the rules of the House.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. HALLECK. It just so happens that a few days ago in behalf of one of my colleagues, I inserted an article in the RECORD which contained a newspaper account which mentioned inferentially—not directly—a Member of the other body. I was called to task for that and a demand was made on me that I delete the article from the CONGRESSIONAL RECORD because of the reference to a Member of the other body. I just want it understood that there should be no criticism of the gentleman from New York because, as a matter of fact, within the past few days there has been a discussion between certain of the leaders on your side and mine—and I do not want to prolong this or get it involved or complicated—looking to the reestablishment of the practice that ought to prevail that these references not be made.

Mr. HOLIFIELD. This was not in the nature of an attack at all. I know frequently we say complimentary things about Members of the other body and, of course, that is against the rules of the House also. I will not pursue this any further and I now yield to the gentleman from Montana [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I wish to say I heard the statement which was made by the distinguished chairman of the Joint Committee and I heard the reading of the rule by the chairman of the committee as we went into this discussion of the bill and I abandoned my original intention to identify this amendment. I did not do so until I was interrogated on that point. I want to ask the gentleman from California if in his study and his examination of this bill, he believes there is any preference clause whatsoever for the disposal of either byproduct energy which is generated by the Atomic Energy Commission or any of its licensees or any other energy that might be generated.

Mr. HOLIFIELD. There is no preference clause in the bill, and this section which the gentleman seeks to have the House adopt would be an enabling and an empowering section only; it would not be mandatory. Any action under this section would have to be taken by the House both as to authorization and as to appropriation.

The gentleman just seeks to place around the whole future as far as the future source of power which may be 30 percent of our total power within 15 or 20 years, the same protection that we have put for the last 50 years around hydroelectric sites in the Federal streams where falling water is turned into electrical energy. So this will be nothing more than enabling and empowering.

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. METCALF. I take it the gentleman feels it should be in the act.

Mr. HOLIFIELD. It should be considered favorably in this body.

Mr. METCALF. Is it the gentleman's understanding that if we authorize the the Secretary of the Interior to sell the power, when his Department has had experience in marketing power over 50 years under such rules as the Reclamation Act sets up, that we are then putting the Atomic Energy Commission in the business of collecting and selling power?

Mr. HOLIFIELD. No. We are doing the same thing that we did in the Federal Power Act. And in this legislation we are directing this agency of Government which has the most experience and has all of the rights and familiarity with operations throughout the United States that reside in that Department, we are now giving to them a function which they are now discharging in another field, that of hydroelectric power. This is comparable to that and it would be an identical application.

Mr. METCALF. Mr. Chairman, will the gentleman yield for a third question?

Mr. HOLIFIELD. I yield.

Mr. METCALF. I know that the gentleman from California is familiar with such acts as the Boulder Dam Act, the Federal Power Act, the Reclamation Act of 1906, the Fort Peck Act, the Rivers and Harbors Act, and so forth. I would like to ask the gentleman if there is anything in this amendment that is any different from our traditional and historic public-power policy with regard to hydroelectric power?

Mr. HOLIFIELD. This situation is directed along the line of legislation which has been passed by every Republican and Democratic Congress for the last 50 years.

Mr. JENSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to bring just a few facts to the Committee at this time regarding the Metcalf amendment.

The Flood Control Act of 1944 gives preference to nontaxpaying organizations for power that is produced by federally built dams, but the fact remains that Congress has never seen fit to pass a law giving the Bureau of Reclamation authority to build steam plants to produce electric power for sale.

We have permitted, and the law does provide that TVA may build steam plants in the TVA area. We do not even permit steam plants to be built by the Bonneville Power Administration for very good and sufficient reasons.

Mr. Chairman, it hardly squares with our American way to give preference to the organizations that do not pay taxes into the Federal Treasury over industries who do pay taxes on their property and commodity produced. Our private utilities have paid annually on an average during the last several years over $1,300,000,000 in local, State, and Federal taxes. Some may say: "Yes; but the consumers pay the bill. Of course they do. The ultimate consumers pay for everything, taxes included. The ultimate consumer pays the bill, whether it is something you eat, whether it is something you wear, or whether it is something you use, taxes included from the raw product to the finished product.

We have already spent of the taxpayers' money about $12 billion for the atomic energy program; $1,300,000,000 a year paid by private utilities in local, State, and Federal taxes would pay that bill in about 10 years. Let me remind you that when the Fabian Socialists got control of the electric power of England, the rest of the socialization of England was a pushover because they said, whether a farmer, a housewife, or a manufacturer: "Do you want electric power?" "Sure, we want electric power." "Well then, get in line, and stop bucking us."

That must never happen in our blessed land of liberty and free enterprise.

Mr. Chairman, the man who controls the electric energy of any nation, especially in a nation that is dependent on electric energy as we, controls that nation. Any one of you Members of this House, or any other American could control America lock, stock, and barrell today if he or she had control of the electric energy of America. Let us not forget that.

Let us not, then, take this step. Of course, private industry cannot meet the rates that subsidized Government agencies charge because the private utilities pay on an average almost 4 mills in local, State, and Federal taxes on each kilowatt hour of power they market. We have in the TVA area a rate of about 4 mills, and a 2-mill rate in the Bonneville area. Why? Because they do not pay taxes of any consequence.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Tennessee.

Mr. EVINS. The record will show that all the private-power people around the perimeter of the TVA area have not only lowered their rates to the public since the establishment of TVA but they have made enormous profits over the past several years, even though their rates have declined, their business has increased and dividend earnings have tripled.

Mr. JENSEN. I am not arguing that point. Private industry has to make money. This Nation was built and has become strong and great under the profits system.

Mr. FORAND. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FORAND to the amendment offered by Mr. METCALF: Strike out the period at the end of section 45 (a) and insert a comma and the following: "except that in the sale of such power for use in high-cost power areas not being served by public bodies or cooperatives, the Secretary of the Interior shall give the same degee of preference to any other purchaser who serves such areas."

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Montana.

Mr. METCALF. May I say to the gentleman from Rhode Island that I have examined his amendment, I feel it improves the amendment I submitted, and I certainly concur in it. I hope it will be adopted.

Mr. FORAND. I thank the gentleman from Montana.

This amendment is a very simple amendment. The amendment offered by my colleague, the gentleman from Montana, says that, if there is a surplus of electricity provided by any of the facilities referred to in this bill, preference in the sale of it would be to cooperatives and to public-utility groups. This amendment simply says that in the high-cost areas, such as in Rhode Island, Massachusetts, Connecticut, and other parts of New England, where we have an extremely high rate, that the preference which applies to cooperatives and public-utility groups shall be extended to privately owned utilities.

Mr. Chairman, I want to take this opportunity to get away from this amendment for a moment to serve notice on the House that, in view of the fact that the leadership has decided to keep us in session tonight, I am going to insist henceforth that every word of every amendment and every word of the bill be read, and that there be order maintained in the House. If I have to be on my feet all the time to make a point of order, I will do it.

Mr. COLE of New York. Mr. Chairman, if the gentleman will yield, I am sure I have no prospect of persuading the gentleman in that respect from his present position, but I was about to suggest to him that the amendment he has offered appears to me to be entirely justified if we are to accept the argument advanced by the gentleman from Montana. However, the amendment which the gentleman has offered is not acceptable.

Mr. FORAND. Under the circumstances, am I to understand that the committee is satisfied to accept this amendment and then take the Metcalf amendment as amended?

Mr. COLE of New York. We will go part way and accept this amendment to the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island to the amendment offered by the gentleman from Montana.

The amendment to the amendment was agreed to.

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York as a substitute for the amendment offered by the gentleman from Montana: On page 23, line 12, after the word "jurisdiction" insert "nothing in this act shall be construed to authorize the Commission to engage in the sale or distribution of energy for commercial use except such energy as may be produced by the Commission incident to the operation of research and development facilities owned by the Commission or facilities for the production of special nuclear material owned by the Commission."

Mr. COLE of New York. Mr. Chairman, this places squarely before the House the issue of whether the Congress wants the Atomic Energy Commission to become engaged in the generation of electricity for commercial purposes or not. The amendment offered by the gentleman from Montana is the Big Bertha of those salvos which I warned the House 4 or 5 hours ago would be fired in the deliberation of this bill. This is the heart of the power proposal. If the amendment offered by the gentleman from Montana is adopted, it clearly, squarely, and unquestionably puts the Atomic Energy Commission in the business of generating electricity from atomic energy. There is no doubt about that. That is what it is designed to do, in spite of equivocal words they use that the Commission is not directed to do it or required to do it.

May I say that the amendment which I propose was originally in the bill, was accepted at one time by the Joint Committee on Atomic Energy rather completely, but, through the persuasive efforts of the gentleman from California it was eliminated. Since the question has been thrown before the House and so that the issue may be clearly drawn, those who feel the Government should be in the power business by using atomic energy, should vote for the amendment of the gentleman from Montana [Mr. METCALF]; on the other hand, those who feel that the purpose and the function of the Atomic Energy Commission is to develop fissionable material for our national defense and to use what other time and money they may have left to encourage and develop peacetime use of atomic energy, licensing such persons as may apply to construct facilities for generating atomic energy for purposes of producing electric power, should vote for the amendment which I have offered.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. JONES of Alabama. I wonder if the gentleman would point out what additional authority would be acquired under the gentleman's amendment that is not already contained in section 44 of the bill?

Mr. COLE of New York. It grants no additional authority. As a matter of fact, it is simply a declaration of intent that the Congress does not intend the Commission to go into the power business.

Mr. JONES of Alabama. As I understood the reading of the amendment, it is repetitious of what is stated in section 44; is that correct?

Mr. HALLECK. Mr. Chairman, will the gentleman yield to me?

Mr. COLE of New York. I yield.

Mr. HALLECK. Section 44 does provide for the disposition of such power as is incidental to research; but that is contained in the amendment offered by the gentleman from New York [Mr. COLE], as I think it properly should be. Beyond that, the amendment of the gentleman from New York is simply a determination of policy to which he has referred.

Mr. JONES of Alabama. It is a restatement of section 44, is it not?

Mr. HALLECK. That is my understanding.

Mr. COLE of New York. That is substantially correct. It is saying in a different way what section 44 already says.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. EVINS. The gentleman states that this amendment would put the Atomic Energy Commission in the public power business. Is not that just exactly what President Eisenhower has directed the Atomic Energy Commission to do, to go into the power business as a "power broker" insofar as this contract with the Dixon-Yates group and the AEC is concerned? The President has ordered the AEC into the power business, has he not?

Mr. COLE of New York. I do not yield further to the gentleman.

Mr. METCALF. Mr. Chairman, will the gentleman yield to me?

Mr. COLE of New York. I yield.

Mr. METCALF. What is the difference between the gentleman's amendment and the declaration in the report on page 15 of the report that says that this does not permit the Commission to enter the power-producing business without further congressional authorization to construct or operate commercial facilities?

Mr. COLE of New York. The only difference is that if it is written into the law it is the law. If it is contained in a report it may be respected and it may not.

Mr. METCALF. It was the intention of the committee to do just exactly what the gentleman's amendment does?

Mr. COLE of New York. That is so.

Mr. METCALF. That is, to take the Atomic Energy Commission completely out of the business of producing power?

Mr. COLE of New York. Not to take them out; just not let them get into it.

Mr. METCALF. Would the gentleman consent to a provision that there be a preference in the sale of the byproduct energy which I understand he feels should be produced by the Atomic Energy Commission?

Mr. COLE of New York. That is a point which has been suggested to me by the gentleman from North Carolina [Mr. BARDEN]. I assume the gentleman has in mind the same thought.

Mr. METCALF. May I yield to the gentleman from North Carolina to make that inquiry?

Mr. COLE of New York. That has been considered and, so far as I am concerned, it has not been accepted.

Mr. BARDEN. May I say this to the gentleman? My proposal was not complicated. It was not a mixed-up proposal. I want to do exactly what the gentleman from New York [Mr. COLE] says he wants to do. He says he wants the Atomic Energy Commission to keep out of power production. I want the same thing. But in the gentleman's explanation he says he wants them in it a little bit.

May I say to the gentleman that for years here we have had the preference clause in regard to publicly produced power. If the Atomic Energy Commission is not going into the power production business, then a priority clause in there will certainly not hurt them. If they go into it a little bit it will not hurt them.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VAN ZANDT. Mr. Chairman, I move to strike out the last two words, and yield to the gentleman from New York [Mr. COLE].

Mr. COLE of New York. Let me clarify just a little bit the thinking of the gentleman from North Carolina and others, if I am able to.

Mr. BARDEN. My thinking is all right.

Mr. COLE of New York. The gentleman's understanding is not quite correct.

Mr. BARDEN. Maybe we can get somewhere on that.

Mr. COLE of New York. Section 44 authorizes the Commission to sell whatever electric energy may be developed as a byproduct of its research reactors. If we were to require that that byproduct electric energy were to be first made available to a public body, the effect of it would be to discourage, if not completely prohibit, private capital from coming in to build these experimental prototype reactors that cost millions, in some cases hundreds of millions of dollars.

Right at the moment the very first full-scale power reactor is under construction or in the course of eventual construction through a contract the Commission has made with the Duquesne Light & Power Co., of Pittsburgh. That is expected to generate electricity eventually. Had this provision and the statute at that time required this byproduct energy to first be made available to public bodies, it is very, very doubtful if not practically certain, that Duquesne Light & Power would not have put up—it is doubtful that they would have put up the $50 million that they are now doing, if they had been required to make that energy available to public utilities.

Mr. BARDEN. Let me say to the gentleman, then, it is not such an incidental item. If it was that important to the Duquesne Power Co. it was not such an incidental, minor matter; it was of tremendous importance if, as the gentleman says, they would have thrown down a $50 million proposition.

Let me say this to the gentleman: You could very easily put an exemption in there as to existing contracts, and you could also make it very clear that this power that is produced incidentally is used by those that are under contract in connection with that plant. But I say to the gentleman, I am standing by his very firm, positive statement that he wants to keep the Atomic Energy Commission out of production and sale of power. If you do that I am with you 100 percent, but you want to vary. It is my understanding that that is off the beam; the gentleman is traveling two different roads at the same time, under great difficulty.

Mr. COLE of New York. Perhaps in the mind of the gentleman from North Carolina that may be true, but so far as the gentleman from New York is concerned there is no doubt about what road he is traveling.

Mr. Chairman, I do not yield further.

Mr. BARDEN. The gentleman did not have the floor in the first place.

Mr. COLE of New York. The gentleman this time is correct.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from California.

Mr. PHILLIPS. Is not a situation now repeating itself? Some 20 years ago, when I was not here, but when some of the gentlemen may have been, the same argument must have taken place. The TVA was permitted to sell only its surplus power, only this little bit of surplus power that was probably incident to the hydroelectric installations at that time, maybe a steam plant. Ten years ago that had grown to where 30 percent of the power was furnished from steam plants and 70 percent from hydroelectric. At the present time 55 percent is from steam and 45 percent from hydroelectric. By the time the plants now under construction are finished, 70 percent will be furnished by steam plants and only 30 percent by hydroelectric. This is the record of growth in these little incidental sales that we are talking about today.

Mr. VAN ZANDT. Mr. Chairman, I now yield to the gentleman from New York.

Mr. COLE of New York. The gentleman from California is quite right. So that I will not take any more time, let me make the observation that if a provision is written into this bill requiring the byproduct electrical energy that may be generated from these new research projects to give preferential status to public utilities, public bodies, then we will defeat the very thing we hope to accomplish, and it should not be adopted.

Mr. VAN ZANDT. Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Metcalf amendment and in opposition to the substitute.

It is mighty hard to keep debate on the track when you get into this question of public versus private power, but I hope you will listen to me on this.

In the first place, the original amendment by the gentleman from Montana [Mr. METCALF] says that the Commission is empowered to provide for the production of electric power and other useful forms of energy derived from nuclear fission, and so forth. Then it provides for the use of the electrical energy produced. Then it says that if it goes into the production of power the public bodies and the people shall be given first priority on it.

Let us see what we do if we accept the substitute amendment offered by the gentleman from New York. Under his amendment we say that under no circumstances and under no conditions can the Atomic Energy Commission produce this power using Government agencies. What does that do? If you are sound in turning over the production of a $12 billion investment in atomic energy—if you are being sound in turning this whole program over to the private companies—I say it is unsound to tie your hands and be absolutely dependent upon them. That is what the amendment offered by the gentleman from New York would do. By law the Commission is prohibited from producing power. Therefore, the only thing they can do is to sell it. Private industry could almost set the terms if the AEC could under the law do nothing to produce it themselves.

Let me point out an illustration to you of what I mean, and it is a very good illustration. The Rural Electrification Administration is authorized by law to build power generation plants. I have supported that authority. I have fought on this floor for funds for it—not to supplant and put any private utility out of business. But because the REA could, if need be, build power generation plants, we have been able to get much more favorable rates from the private utilities. If you ever repeal the right of the REA to build such plants, then you will raise the rates that the rural people will

have to pay. When you write into this bill that the Government cannot produce power, you are making yourself dependent upon what the private utilities do and you weaken the position of the Government in agreeing on terms.

Let me repeat again, the original Metcalf amendment says that the Commission is empowered to produce power. It is not a directive. We hear so much about the TVA and the power it generates. Some indicate it is wrong to make such power available at reasonable rates. Some seem to think the power ought to be turned over to middlemen and let them get a cut. Let me tell you something worthy of thought. The utilities in the South, and I live in an area which is served by a private utility, the closer the utility is to the TVA, where they try to make their rates competitive with TVA, the more they have increased their power sales—the more the private utility has reduced its rates since the TVA has come into existence, and listen to this—the greater the increase in its profits. As you get away from TVA—and the same thing applies to the Columbia River Basin, where there is a similar project—as you get away from it, the further away you get, the less the reduction in rates and the less the increase in power and the less the profits. If that does not prove that it helps to some extent to set a good example for the utility companies themselves, then I do not know what it does prove. If we are going to spend $12 billion of the American people's money, and if we are going to produce this great potential source of power, is it not sound to try to provide that the benefits go as directly as possible to the people? Is it sound to require that it be channeled through the hands of a few stockholders without retaining our bargaining position? Is it sound to require that it be channeled through the hands of a few stockholders and let them set the terms? Again I say, my friend, do not tie your hands and say that this Commission cannot provide for power production. All the Metcalf amendment does is to empower such action by the Commission.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. COLE of New York. I simply want to help and accommodate the gentleman in the tears that he is shedding for the REA. There is nothing in this bill whatever that would prohibit any REA corporation from making application to the Atomic Energy Commission for a license to produce electrical energy from an atomic plant, nor for that matter is there anything to prohibit the TVA from doing the same thing.

Mr. WHITTEN. The gentleman has just explained that he wants to tie this Commission's hands so that under no circumstances could they produce power. Therefore, we would be dependent upon what the private utilities would charge for the atomic materials. Also, the gentleman said in reply to the gentleman from North Carolina that he was opposed to any such power as they did produce being set aside first for cooperatives and public bodies.

Mr. COLE of New York. Yes, for the reasons I have mentioned.

Mr. WHITTEN. On the gentleman's own statement, the bill provides no preference for such priority for the people.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hesitated a long time before asking permission to speak for two reasons—first, I have great admiration for the gentleman from New York whose course of action in this body I have watched ever since he came here. The second reason is that I do not know very much about atomic energy. The only thing that has encouraged me to say anything at all is that I have discovered that nobody else knows too much about it. I think we are living in an atomic age. We first had an epidemic of building dams across the main streams of our rivers. We next discovered that you could get electrical power cheaper out of coal right out of the ground than you could from a dam. As time goes on in the next 15 or 20 years you will discover that this power will be developed by atomic energy. I may not be in this House then but there is no proof I will not be. When that time comes the entire form of electricity will come from the source of atomic energy. You will forget about your dams and getting your power from the coalfields. So that this will become a very important industry in this country.

At the very outset do not make the mistake of saying to the Government that has put in $12 billion that it cannot operate this business if in time it becomes necessary. I do not believe in private monopoly, I do not believe in strict Government monopoly, because that is fascism. There is an opportunity for both systems to exist in this country. But if and when it becomes necessary for the Federal Government to take part in this development it certainly has a right to because all the information we have today was paid for by the people of this country.

I hope this Congress will not at the very beginning of this great question and before experience has taught us anything at all go in at the very first round and limit the Federal Government so that it cannot operate. You are building a private monopoly when you do that.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I could not refuse to yield to the gentleman from California.

Mr. HINSHAW. I thank the gentleman so much. There is nothing in the amendment of the gentleman from New York [Mr. COLE] and nothing in the bill that could in any way limit any other agency than the Atomic Energy Commission from going into the business of producing electric power. You can produce it in TVA, you can produce it by the REA's, you can produce it any way you want. But we feel that the Atomic Energy Commission should be limited to the production of fissionable material and weapons, and so forth.

Mr. BURDICK. I understand the purpose of this bill is to carry on some experiments to find out what there is to atomic energy; but, at the same time, while you are doing that, and if you are conscious of the fact that the future will bring forth the fact this is the best power in the United States for the production of energy, I cannot understand why you want to limit the Government at the very beginning.

Mr. HINSHAW. I suggest it is not limiting the Government as such.

Mr. BURDICK. Yes, it does, because the gentleman from New York made it perfectly plain he did not want to put the Government out, yet he did not want to let the Government in. Now, that is what he said, and I have every reason in the world to believe him.

If that is what you gentlemen want to do, if you want to foreclose the Government right at the beginning and say we are for private monopoly of the greatest industry this world will have known in a few years. You have a chance to do it right here. You can create a giant private monopoly in his bill but I refuse to do so.

Mr. BARDEN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would not have imposed myself on the House for these few minutes if a gentleman who did not have the authority to tell me to hush, had not told me to hush up at the wrong time.

Mr. Chairman, I entered this Chamber rather unsuspectingly this afternoon. I understood very definitely from the gentleman from North Carolina [Mr. DURHAM] and the gentleman from New York [Mr. COLE] that the Atomic Energy Commission was not entering into the production of power for sale. Then, a few minutes ago when this amendment was offered, the gentleman from North Carolina and his assistant called to my attention this section on page 23, section 44, which deals with byproduct power.

Then it was that I walked across the aisle and called to the attention of the gentleman from New York what I thought was a very practical and harmless suggestion that where he names the manner in which the byproduct power is to be sold, and those who were to get it, that such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly or privately owned utilities or users at reasonable and nondiscriminatory prices, we add this: "In this order of preference."

My reasoning was that if the Atomic Energy Commission was not in the production of power for sale except as an incidental byproduct, it could do no harm. If it did produce power, it could do no harm and would be no change in policy from what the House established many years ago. Now, in all frankness, I am beginning to get a little bit suspicious, and I am not a very suspicious kind of fellow. I want to know where you are going. Are you going in or going out? Now, the gentleman from California [Mr. PHILLIPS] made a statement a few minutes ago about how the TVA, under certain language, added a few percents, a few percents, and the next

year it was 60 percent or 40 percent—which was it?

Mr. PHILLIPS. Seventy percent.

Mr. BARDEN. Well, the gentleman's illustration so perfectly points out what could happen with this, until it was rather impressive with me, and then I was shocked out of my shoes when the gentleman from New York said that he was exactly right; I agree with him. Now, does the gentleman have something in mind that would clarify this?

Mr. HINSHAW. Yes, I think I have something in mind that will be helpful. The Atomic Energy Commission has felt for some time, as have the members of the committee, that when the time is ripe to proceed with the construction of an experimental unit to be used in connection with the proper generating facilities, that they would be glad to sponsor the construction of such a unit under a contract.

Mr. BARDEN. Now listen. I think I get you. You want to trade on this and you will induce private capital to go in, and I am all for that; I am all for these experimental units and so forth, but I would like to now determine to some degree the size of the bowl of gravy that is going to be passed around.

Mr. HINSHAW. There is no bowl of gravy going to be passed around, I assure the gentleman.

Mr. BARDEN. Well, let us either get in it or get out of it and let us see what we are doing. I tell you in all frankness I cannot understand it when you say "No; we are not in the production of power for sale," and then you turn around and refuse to accept any establishment of priorities in case you do. Now, what would the average fellow think of that?

Mr. HINSHAW. The contractors, the bidders, the high bidders had to contract for the purchase of steam and not electricity.

Mr. BARDEN. Now, I am going to tell you right now, you gentlemen over there, I believe in what I am saying and saying what I believe.

Mr. HINSHAW. I am very honest on mine, too.

Mr. BARDEN. Yes. And I am going to tell you this. It would not hurt one thing in the world, if you mean what you say, to put that language in the bill.

Mr. HINSHAW. I do not think it would hurt much myself.

Mr. BARDEN. You know it would not, and that is what disturbs me.

Mr. HINSHAW. But you could not do it. You could not make such a contract. You could not go through with the contract because they are only buying steam under pressure, I suppose.

Mr. BARDEN. Who could not?

Mr. HINSHAW. The Duquesne Light.

Mr. BARDEN. Who are they?

Mr. HINSHAW. They are people in the Pittsburgh area who are contributing $3 million to this experimental project.

Mr. BARDEN. Oh, well, I have seen these folks that give the Government all these millions. Why put just a little halo around their heads and make an exception for existing contracts?

Mr. HINSHAW. I wish we had a lot of time in some respects to discuss this matter. I am sure I could convince the gentleman.

Mr. BARDEN. I am like the gentleman that spoke here. I do not know anything about this atomic energy business, but I do know something about the matter I am now talking about.

Mr. COLE of New York. Mr. Chairman, I rise for the purpose of seeing if we cannot agree to limit debate. I think everybody pretty well understands what is involved, and I would call to the attention of the committee the fact that there are two subjects later to be discussed which will require a considerable amount of time. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MURRAY. I object, Mr. Chairman.

Mr. DURHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not see why we should get in a confused state of affairs here over these reactors. The provision which was mentioned by my good friend from North Carolina in the bill, of course, will probably be used in the future, I hope, and will be useful probably 10 years from now or 15 years from now. The question of the Duquesne reactor has been brought up. We participated in that. We are trying to find out whether or not the production of power is feasible and whether or not we can produce it on a basis at least to compete with some of the high priced areas in this country. The Commission will not produce 1 kilowatt-hour of electricity from that reactor. The Duquesne Power & Light Co. will take the steam and turn it into their own turbines and then produce power. Now, that is what is being done in that research project, for example. Out of these reactors, of course, we hope to get some power eventually. But as of today, we are not selling any power. They could sell it if they produced 100,000 kilowatts, but until the experiments are completed there is no possibility of producing that today and we know it.

I have been a member of the subcommittee on reactors since the first, and it is still in an experimental stage. What we are trying to do is to safeguard things for the future. I suppose from time to time this will have to be amended. I do not imagine that it would fit into the production of power 5 years from now. But all we are trying to do here is to provide some precautions in the field of operation of power. I have no objection to the preference clause. I am for it. But I do not think we have reached the point in the development of this activity at the present time to throw any restrictions around it. I think we should let the people who are doing this research job be as free as possible. They are not going to make any money out of this.

As to this constant reference to our having spent $12 billion on the atomic energy, Mr. Chairman, what were the atomic bombs that we used worth to America? What were they worth to the national defense of this country? We won the war. We saved lives through their use. We can charge it off to that, so far as that is concerned.

What we are trying to do is to use what we have in the way of research tools, to use what we have in the way of facilities, to put those in the hands of private enterprise so that we can develop this field, so that eventually it will pay taxes and the money will come back into the Federal Treasury.

Why get the Atomic Energy Commission down here into a position of producing power? There is no restriction whatever. The REA can come into it and get a reactor, if they can get the money from the gentleman from New York [Mr. TABER] to pay for it. The TVA can do the same thing. There are no restrictions. They get them on the same basis as the private power man from New York or any other place in the country. That is how simple it is. I do not think we should write so many restrictions, or expect this act to be perfect at the present time. I go along with the gentleman who wants the preference clause, when that time comes, but I do not see any need for it today.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. COLE].

First, if I understand the gentleman's amendment correctly, it will make inoperative section 188 which provides that whenever the Commission finds it necessary to revoke the license for one of these reactors, that the Commission may take the reactor back and operate it.

If I understand the amendment of the chairman correctly, this would make it impossible for the United States Government to take one of these reactors when it finds it necessary to revoke the license, and operate it, as provided for in section 188. I leave that as a matter for adjustment. I do not know how they are going to do it, but I just make the point.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. WHITTEN. I should like to ask this question. I, too, do not understand all there is to know on this subject. But as I understand it, as to the materials that are used in the generation of the heat, which would produce power, the Government retains title, does it not?

Mr. HOLIFIELD. That is right.

Mr. WHITTEN. If the Government had the right to use those materials itself, as long as it had the right to do so it would be in a bargaining power in submitting those materials for sale to a private company, on such basis as it wanted to; is that right?

Mr. HOLIFIELD. That is right.

Mr. WHITTEN. But if the Government has no right to use those materials for this purpose, then, to that extent, its bargaining position in dealing with a private utility is restricted or limited, is it not?

Mr. HOLIFIELD. That is right. The amendment of the gentleman from New

York would make it impossible for the Government to provide an adequate atomic yardstick to evaluate the cost of producing power, because it would have to build a commercial-type reactor large enough, in my opinion, in order to know the real costs involved.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. COLE of New York. I must confess that the gentleman has raised a point which must be given attention. I am confident that the point which he has raised will be adjusted properly if the amendment I have offered is agreed to, when the bill goes to conference.

Mr. HOLIFIELD. I am glad to hear the gentleman say that the point that I raise is a valid one. I want to say this further thing. I have been a Member of this body for 12 years. I have made some fast friends in this body and I hope I have not made any enemies. What I say I say without heat. The gentleman from New York said that this is the Big Bertha; section 45 is the Big Bertha; this is it; this is where you make the decision. I say that is exactly right. This is where the Republican administration and those who vote with them on this amendment are putting themselves squarely on the line, that they are against Government participation, against the AEC building an atomic yardstick reactor for adequate power and operating a reactor that has been reclaimed because of a revocation of license. You put yourselves right on the line. I am sure you will win your amendment; I have no illusions about that. But in November there will be someone else that will have something to say about this. That is when the people will have the right to decide as to whether the Big Bertha has been fired in the wrong direction.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. COLE] to the amendment offered by the gentleman from Montana [Mr. METCALF].

Mr. MURRAY and Mr. JONES of Missouri demanded a division.

Mr. HALLECK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COLE of New York and Mr. METCALF.

The committee divided, and the tellers reported that there were—ayes 161, noes 118.

So the substitute amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Montana [Mr. METCALF] as amended by the substitute.

The amendment as amended was agreed to.

Mr. JONES of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Alabama: On page 23, line 9, after the period in line 9 strike out the last sentence of section 44 and add a new sentence to read as follows: "The Commission shall at all times in disposing of such energy give preference and priority to public bodies and cooperatives."

Mr. JONES of Alabama. Mr. Chairman, the amendment I have offered does not put the Atomic Energy Commission in the power business. Let me call your attention to the language found in section 44:

Byproduct energy: If energy which may be utilized is produced in the production of special nuclear material at production or experimental utilization facilities owned by the United States, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly or privately owned utilities.

Now, this section provides that the Commission shall have authority to sell the thermal heat generated by these experiments to other Government agencies, to private or public utilities. Now, what does my amendment do? It says what we have repeatedly provided in law since 1902. It does not create a new philosophy, a new thought, or a new approach. It only protects the public interest as far as local government agencies and cooperatives shall have a priority to obtain this energy.

Mr. Chairman, this notion, as I said earlier, is nothing new. It was subscribed to by Theodore Roosevelt, Woodrow Wilson, Warren G. Harding, Calvin Coolidge, Herbert Hoover, Franklin D. Roosevelt, Harry Truman, and I presume by this administration. So, it raises no new problems. It creates nothing new for us to deal with. So, if it were added to that section, it would say that we are being uniform in the treatment of the sale of energy owned by the Federal Government.

I am quite sure that the committee will find no fault with this amendment, for I have tried to discuss it with the members of the committee. They have been occupied with the debate and could not give full attention to my request. However, I hope that they will accept this amendment, for I am quite sure that the problem that the gentleman from North Carolina raised earlier will be resolved by the acceptance of this amendment. If there is energy to be sold by the Government, then that insurance to local municipalities and cooperatives will be protected.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. COLE of New York. Would the gentleman point out the difference, if any, between his amendment and the idea advanced by the gentleman from North Carolina [Mr. BARDEN]?

Mr. JONES of Alabama. The gentleman from North Carolina was apprehensive that there would not be the right of the local bodies, as I understood him, to acquire this energy.

Mr. COLE of New York. Let me inquire a bit differently.

Mr. JONES of Alabama. Yes.

Mr. COLE of New York. Does the amendment which the gentleman now proposes carry out the philosophy and the thought advanced by the gentleman from North Carolina [Mr. BARDEN]?

Mr. JONES of Alabama. As I understood him, he was asking that we have the same priorities that are recognized in the act creating Rural Electrification, Bonneville Administration, Southwest Power Administration, Southeast Power Administration, Federal Power Act, the Flood Control Acts of 1928, 1936, 1944, and the Federal Power Act of 1920. So, I find nothing but uniformity in the treatment of this subject. Why should we abandon it at this late day, for it has proven its worth?

Mr. COLE of New York. I am inclined to accept the gentleman's amendment in order that it may be considered by the conferees between the two Houses to reach a more careful and relative conclusion on the effect which the amendment would have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. JONES].

The amendment was agreed to.

The Clerk read as follows:

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

"SEC. 51. Special nuclear material: The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submited to the joint committee and a period of 30 days shall elapse while Congress is in session (in computing such 30 days, there shall be excluded the days in which either House is not in session because of an adjournment for more than 3 days) before the determination of the Commission may become effective: *Provided, however,* That the joint committee, after having received such determination, may, by resolution in writing, waive the conditions of all or any portion of such 30-day period.

"SEC. 52. Government ownership of all special nuclear material: All rights, title, and interest in or to any special nuclear material within or under the jurisdiction of the United States, now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this act. Any person owning any interest in any special nuclear material at the time when such material is hereafter determined to be a special nuclear material shall be paid just compensation therefor. Any person who lawfully produces any special nuclear material, except pursuant to a contract with the Commission under the provisions of section 31 or 42, shall be paid a fair price, determined pursuant to section 56, for producing such material.

"SEC. 53. Domestic distribution of special nuclear material:

"a. The Commission is authorized to issue licenses for the possession of, to make available for the period of the license, and to distribute special nuclear material within the United States to qualified applicants requesting such material—

"(1) for the conduct of research and development activities of the types specified in section 31;

"(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104; or

"(3) for use under a license issued pursuant to section 103.

"b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of special nuclear material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

"(1) the physical characteristics of the special nuclear material to be distributed;

"(2) the quantities of special nuclear material to be distributed; and

"(3) the intended use of the special nuclear material to be distributed.

"c. The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used.

"d. In determining the reasonable charge to be made by the Commission for the use of special nuclear material distributed to licensees of utilization or production facilities licensed pursuant to section 103 or 104, in addition to consideration of the cost thereof the Commission shall take into consideration—

"(1) the use to be made of the special nuclear material;

"(2) the extent to which the use of the special nuclear material will advance the development of the peaceful uses of atomic energy;

"(3) the energy value of the special nuclear material in the particular use for which the license is issued;

"(4) whether the special nuclear material is to be used in facilities licensed pursuant to section 103 or 104. In this respect, the Commission shall, insofar as practicable, make uniform, nondiscriminatory charges for the use of special nuclear material distributed to facilities licensed pursuant to section 103; and

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge based on the cost to the Commission, as estimated by the Commission, or the average fair price paid for the production of such special nuclear material as determined by section 56, whichever is lower.

"e. Each license issued pursuant to this section shall contain and be subject to the following conditions—

"(1) title to all special nuclear material shall at all times be in the United States;

"(2) no right to the special nuclear material shall be conferred by the license except as defined by the license;

"(3) neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this act;

"(4) all special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of this act;

"(5) no special nuclear material may be used in any utilization or production facility except in accordance with the provisions of this act;

"(6) special nuclear material shall be distributed only on terms, as may be established by the rule of the Commission, such that no user will be permitted to construct an atomic weapon;

"(7) special nuclear material shall be distributed only pursuant to such safety standards as may be established by rule of the Commission to protect health and to minimize danger to life or property; and

"(8) the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee.

"f. The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities, to the maximum extent practicable and within the limitations set by the President pursuant to section 41. In the event that applications for special nuclear material exceed the amount available for distribution, preference shall be given to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation.

"SEC. 54. Foreign distribution of special nuclear material: The Commission is authorized to cooperate with any nation by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123.

"SEC. 55. Acquisition: The Commission is authorized to purchase or otherwise acquire any special nuclear material or any interest therein outside the United States without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes.

"SEC. 56. Fair price: In determining the fair price to be paid by the Commission pursuant to section 52 for the production of any special nuclear material, the Commission shall take into consideration the value of the special nuclear material for its intended use by the United States and may give such weight to the actual cost of producing that material as the Commission finds to be equitable. The fair price as may be determined by the Commission, shall apply to all licensed producers of the same material: *Provided, however*, That the Commission may establish guaranteed fair prices for all special nuclear material delivered to the Commission for such period of time as it may deem necessary but not to exceed 7 years.

"SEC. 57. Prohibition:

"a. It shall be unlawful for any person to—

"(1) possess or transfer any special nuclear material which is the property of the United States except as authorized by the Commission pursuant to subsection 53a.;

"(2) transfer or receive any special nuclear material in interstate commerce except as authorized by the Commission pursuant to subsection 53a., or export from or import into the United States any special nuclear material; and

"(3) directly or indirectly engage in the production of any special nuclear material outside of the United States except (A) under an agreement for cooperation made pursuant to section 123, or (B) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"b. The Commission shall not distribute any special nuclear material—

"(1) to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) to any person within the United States, if the Commission finds that the distribution of such special nuclear material to such person would be inimical to the common defense and security.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 29, line 15, add the sentence: "All agreements under this act for foreign distribution of special nuclear material may be terminated by a concurrent resolution of the Congress.

Mr. FULTON. Mr. Chairman, when I spoke in general debate on this bill to amend the Atomic Energy Act of 1946, I suggested that the agreements that are made with foreign countries under this legislation be subject to the same conditions and protections as are the agreements under the United States Mutual Security Program. This legislation applies, of course, to nuclear and fissionable material, but this material likewise can be used for weapons, so there is a close analogy.

In the mutual security legislation on all kinds of weapons such as the jets, radar, sonar, any kind of weapons whatever, that are given abroad by the United States under those programs, the Congress itself by a concurrent resolution can act to terminate the program, which is by affirmative action regardless of the executive departments. That gives Congress an additional right of independent action for our security. That gives to this Congress the right to terminate and to say, "We have gone far enough and we, the people, feel that as to this particular country the agreement should be terminated at once."

I believe that if we in Congress do have that right on other types of foreign executive agreements we should likewise have this termination right under this atomic energy bill, which will provide for the same kind of agreements abroad for nuclear materials. Therefore, I would add an additional sentence to section 54, a sentence saying that Congress shall have the right to terminate any of these agreements for the foreign distribution of special nuclear material on the passage of a concurrent resolution.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from California.

Mr. HINSHAW. It is quite possible that the amendment offered by the gentleman is apropos in this case. We have not had time to examine the amendment, but I would think that the place to put in his amendment would be as one of the conditions under section 123 rather than in this place.

Mr. FULTON. The termination is not a condition within the proposed agreements. This is a condition which terminates the agreement itself regardless of the provisions within it, or prior conditions to the entering of such agreement. So it is my intention that this action of Congress can be taken on any agreement made, and I will go through as each section comes up and see that it

is put into each section so that the right to terminate is in this Congress and retained in the Congress. It has nothing to do with the conditions precedent to entering the agreements as set out in section 123. This amendment gives Congress the right to terminate the whole agreement and wipe it out.

I hope the Congress will adopt this amendment in order to put this act in line with our general foreign policies that the Congress has already adopted in respect to the termination of such foreign executive agreements and which is likewise contained in the current mutual security bill which has been passed by this House.

Mr. HINSHAW. Mr. Chairman, I rise in opposition to the amendment. Of course, I am not in opposition to the principle of the amendment. The Congress of the United States has the right to reapeal any agreement with foreign nations at any time it pleases. There is no question about that. It is a constitutional right. The Congress can pass a law over the President's veto if necessary to terminate any agreements that have been made with a foreign country. But, that can be the cause of war. If it is understood that the possibility of taking such action resides in the Congress, and the country accepts that as one of the conditions for receiving the cooperation of the United States, then it is a wholly different matter. Therefore, if this should be placed in the bill, I believe it should be placed in section 123, as I said before, and not just in the bill in an odd place.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. JUDD. I had intended to offer an amendment to section 123 along the same line. Wherever the proper place for it is, the real advantage is in the use of the term "concurrent resolution." If other countries ever did use our material in ways that violated the agreement and we wanted to terminate the agreement, but did not have the express authorization that it may be terminated by concurrent resolution, Congress would have to pass a bill which would have to be signed by the President. If he did not sign it, it would have to be passed over his veto. But a concurrent resolution requires only a majority vote of both Houses to express the will of Congress. We have this same termination provision in every piece of foreign-aid legislation. The acts all say that the President shall terminate the agreement if he determines that the other country is not carrying out the agreement in good faith; and that the Congress may terminate it by concurrent resolution. I think that is a sound provision in all legislation in these fields.

Mr. HINSHAW. I know that the gentleman from Minnesota has been here a long time and has entered into the subject of this debate before, as I can see from what he has to say. He knows as well as I that this question has never been decided as to whether a concurrent resolution passed only by the House and the Senate has the force of law in these cases.

Mr. JUDD. Yes; it does if it is provided in the law under which the agreement was made.

Mr. HINSHAW. That might be.

Mr. JUDD. It is already in every one of the Mutual Security Acts.

Mr. FULTON. That is correct.

Mr. JUDD. I offered the amendment to put it in the first one, and it has been repeated in every succeeding bill.

Mr. HINSHAW. Now that my memory has been refreshed on that, I believe the gentleman is correct, but I also believe that this is not the place for this particular amendment offered by the gentleman from Pennsylvania.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. FULTON. We have put this provision in every law that has been passed giving foreign aid of any kind. This termination goes to the striking out of the whole agreement rather than to the requirement in advance of any particular provision of the agreement. I would like to have the amendment here, and I will put it, if necessary, in every provision as to any foreign agreement as they come along right through the act. I want the termination power in Congress wherever the words "foreign agreement" come in this act because we want it specifically and affirmatively stated that the Congress by majority vote has the right by concurrent resolution to cancel such foreign agreements by concurrent resolution. The people of the United States should not lose the right of termination of these executive agreements abroad.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. DURHAM. I hope the gentleman will read the President's message because I believe under section 123 we are probably restricting this matter of international cooperation to a point where, in my opinion, it will probably be more difficult for him to do what he is asking for the power to do in his message. The concurrent resolution proposition, in my opinion, places any country in a rather bad position when it comes to agreeing on taking fissionable material and investing, let us say, $50 million in a plant and then overnight pulling out very suddenly. I think it would be dangerous to try to get anybody interested in the use of this fissionable material on such a basis. I feel, if we are going to do anything to this, let us not throw all these restrictions around it. If you will read section 123, every agreement must come back to the Congress and must come back to the committee. We have all the protection that we can possibly write into the bill. Let us not make it so that the countries will say, "What is the use of us trying to meet these conditions?"

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. JUDD. I agree that perhaps the restrictions to be met before entering into such a cooperative agreement are perhaps stricter than they need be. But, on the other hand, once we have entered into an agreement, there is no authorization for its termination if it does not operate as we expected it to operate. The President doubtless can terminate it, without this language but the legislative body surrenders its power to do so.

Mr. DURHAM. Yes, that can be written into the agreement, in every one of them.

Mr. JUDD. It can be; but with this language it would have to be and so I think it ought to be written into the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania to point out that these amendments contemplate the dissemination largely of information with respect to the nonmilitary application. To what avail is it to us to cancel an agreement after the information has already been given to a foreign country, after it has been disclosed that the foreign country has violated the agreement and has not carried out the agreement? What comfort is it to us to say that the agreement is canceled, because we by that time have disclosed the information?

Furthermore, to the extent that we have provisions in the law with respect to entering into these agreements with foreign nations, we to that extent discourage the consummation of those agreements. Our purpose is to encourage the consummation of an agreement rather than to discourage it. At all times, if it develops that a foreign government fails to carry out the terms of the contract on international cooperation, it is a simple matter for the President either on his own initiative or through direction from the Congress to discontinue further participation under that contract.

Mr. CLARDY. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Michigan.

Mr. CLARDY. If this amendment should be defeated at this point, will the committee go along with the gentleman from Minnesota [Mr. JUDD] to put it in somewhere so that the Congress may at least have some postauthority over the thing?

Mr. COLE of New York. I cannot commit the committee. I must state, though, in fairness, that the objections that I have voiced to the amendment offered by the gentleman from Pennsylvania I would feel impelled to also voice against a proposal which may be made by the gentleman from Minnesota.

Mr. CLARDY. The gentleman said it would be useless to expect the Congress to try to do anything because the information would already be delivered. Is it not possible that in the midst, halfway down the line in carrying out some agreement or contract, we may find some reason to object here on the floor of the Congress and would it not be proper for this House or the Senate or both to have some authority to do something about that? I do not like the idea of our forever surrendering our power to the Executive. I think it ought to be

somewhere in the bill. I asked the first question to be sure that the gentleman's opposition would not continue all the way through. I am afraid it does.

Mr. COLE of New York. I share the feeling that has been voiced by the proponents of this, but I am confident that if it should ever eventually develop a foreign government violates the terms of an agreement and it is not in our national interest to continue under the terms of that agreement, the President on his own initiative will terminate it or the Congress through its influence, through its power of expression, will require that the contract be terminated. I do hesitate, however, to extend an offering hand of help in that field, then to put a limitation on it which would indicate that we really do not mean what we say. It is with that thought in mind that I have raised objection to the proposal allowing an international contract to be terminated by concurrent resolution of the Congress.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Minnesota.

Mr. JUDD. Would it not rather, encourage other countries to carry out in good faith agreements entered into? They know we would not be capricious in terminating a program unless it was not working effectively, but they would also know that if they did not act in good faith, if they did not preserve the secrecy of information, if they did transmit to unauthorized persons restricted data, the Congress could step in and terminate the arrangement. That is all I am trying to do.

Mr. COLE of New York. Frankly, I do not see where such a threat of canceling an agreement would persuade any participating nation to be more inclined or determined to carry it out.

Mr. JUDD. That would not be the main purpose. The main purpose, of course, would be to protect the United States, and keep the protection in the basic body responsible therefor, the Congress.

Mr. COLE of New York. I have not any doubt that if one of these agreements is not carried out fully by participating nations the contract is going to be canceled by this Government.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I am wondering because of the importance of having something written in the bill whether there is any corresponding provision as writing into the agreement that the President will confirm an arrangement whereby he may cancel or any indication that he will cancel? Is that in 123?

Mr. COLE of New York. I may say to the gentlewoman from Illinois it was proposed to section 123 originally. It was proposed that the agreement itself would carry a provision that the contract might be canceled at any time by the President if he felt it was in our national interest not to continue. However, representatives from the State Department were in opposition to that provision. Section 123 does require that the terms of the agreement are contained before section 123 is adopted, and those terms may contain an authority for the President to cancel.

Mrs. CHURCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during my complete study of this bill, the one question that has seemed to me to be the most important deals with this matter of how agreements may be terminated if conditions demand that in our wisdom we do wish them so terminated. I would be willing to have accepted the original provision in paragraph 123 to which the chairman has just referred—namely provision that the President be empowered to cancel an agreement. I have for 2 years sat while mutual security bills were written with the greatest of care; and at no time during any discussion when we were providing either economic aid or military materiel has there been any feeling that it would deter the program or cause ill will if, in the protection of our own safety, we put in a provision to cancel on the authority of the Congress. I would not think that the inclusion of such a protective clause in this present matter, where we are offering something infinitely more important than we have under the mutual security program, would do anything but serve the interests of this country. I would certainly hope, although it does not seem probably to be the case, that the amendment offered by the gentleman from Pennsylvania would be accepted, if not in this particular section of the bill, at least in paragraph 123. If that would not be possible, I would urge the adoption of the earlier committee suggestion that provision be written in the bill in paragraph 123 empowering the President to cancel agreements. I can foresee, though I do not like to anticipate such an occasion, a situation arising where we might wish to terminate the gift of this fissionable material or even advice or information; and I cannot see it to be anything but a necessary protection when we are giving such valuable information, such valuable material, to other countries for us to write into this bill some such provision as either the gentlemen from Pennsylvania or the committee has originally suggested.

Mr. JUDD. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield to the gentleman from Minnesota.

Mr. JUDD. I would like to comment on what the gentleman from New York said. This termination provision was written into the ECA Act in 1948 by the Committee on Foreign Affairs on my own amendment. Every year since then the State Department has sent down its foreign aid bill without the provision. They did it again this year. Every year the Committee on Foreign Affairs has put it back in. The Department never wants any restriction on its power in any respect. But the Committee on Foreign Affairs has nevertheless written it in every single year.

I am sure the Department represented to you that it did not want it. But I cannot see one good reason why we should not put it in. If we can terminate programs supplying tanks and everything else that we giving abroad and have given for all these years, including food supplies, why should we not have that authority with the most important item of all—atomic knowledge and material?

Mrs. CHURCH. I would like to ask the gentleman a question if I may. Do you think in any way that the interpolation of such a safety clause in this bill would cause any more ill will or misunderstanding than might have arisen under the Mutual Security Act, and has it not always been easily accepted as a condition by the recipient country?

Mr. JUDD. It has always been accepted and never caused any trouble. It is like fire insurance. You hope you will never need it, but if you do need it, you are glad to have it.

Mr. FULTON. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield to the gentleman from Pennsylvania.

Mr. FULTON. The reason this provision cannot be put in section 123 is because that section refers to prior conditions. It says, "No cooperation with any nation or regional defense organization shall be undertaken until—." Section 54 that I am putting in says on lines 12 and 13, "pursuant to the terms of an agreement for cooperation to which such nation is a party." Now, you see, this would terminate an agreement in section 54 while the other provisions in section 123, are conditions precedent to the making of agreements. Therefore, I would like the provision in any part of the bill, but I certainly think the Congress should decide whether it, by its own concurrent resolution, wants to cancel or terminate the agreement.

Mrs. CHURCH. I would hope that the House would not deny to the interests of the American people what seems to be most necessary protection.

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. DURHAM) there were—ayes 64, noes 32.

So the amendment was agreed to.

The Clerk read as follows:

"CHAPTER 7. SOURCE MATERIAL

"SEC. 61. Source material: The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the joint committee and a period of 30 days shall elapse while Congress is in session (in computing such 30 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days) before the determination of the Commission may become effective: *Provided, however,* That the joint committee, after having received such determination, may by resolution in writing waive the conditions

of or all or any portion of such 30-day period.

"SEC. 62. License for transfers required: Unless authorized by a general or specific license issued by the Commission, which the Commission is hereby authorized to issue, no person may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source material which, in the opinion of the Commission, are unimportant.

"SEC. 63. Domestic distribution of source material:

"a. The Commission is authorized to issue licenses for and to distribute source material within the United States to qualified applicants requesting such material—

"(1) for the conduct of research and development activities of the types specified in section 31;

"(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104;

"(3) for use under a license issued pursuant to section 103; or

"(4) for any other use approved by the Commission as an aid to science or industry.

"b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of source material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

"(1) the physical characteristics of the source material to be distributed;

"(2) the quantities of source material to be distributed; and

"(3) the intended use of the source material to be distributed.

"c. The Commission may make a reasonable charge determined pursuant to subsection 161 m., for the source material licensed and distributed under subsection 63 a. (1) or subsection 63 a. (2), and shall make a reasonable charge determined pursuant to subsection 161 m., for the source material licensed and distributed under subsection 63 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the source material licensed and distributed under subsection 63 a. (1) or subsection 63 a. (2), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the source material will be used.

"SEC. 64. Foreign distribution of source material: The Commission is authorized to cooperate with any nation by distributing source material and to distribute source material pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. The Commission is also authorized to distribute source material outside of the United States upon a determination by the Commission that such activity will not be inimical to the interests of the United States.

"SEC. 65. Reporting: The Commission is authorized to issue such rules, regulations, or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source material 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 material which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

"SEC. 66. Acquisition: The Commission is authorized and directed, to the extent it deems necessary to effectuate the provisions of this act—

"a. to purchase, take, requistion, condemn, or otherwise acquires supplies of source material;

"b. to purchase, condemn, or otherwise acquire any interest in real property containing deposits of source material; and

"c. to purchase, condemn, or otherwise acquire rights to enter upon any real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this section may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advanced payments may be made under contracts for such purposes. The Commission may establish guaranteed prices for all source material delivered to it within a specified time. Just compensation shall be made for any right, property, or interest in property, taken, requisitioned, condemned, or otherwise acquired under this section.

"SEC. 67. Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining of, or removal of deposits of source material in lands belonging to the United States.

"SEC. 68. Public lands:

"a. No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic-energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic-energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit.

"b. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the Government agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation. If any rights have been granted by the United States pursuant to any such reservation then such patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

"c. Notwithstanding the provisions of the Atomic Energy Act of 1946, as amended, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for or based upon a discovery of a mineral deposit which is a source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a source material.

"SEC. 69. Prohibition: The Commission shall not license any person to transfer or deliver, receive possession of or title to, or import into 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 or the health and safety of the public.

Mr. COLE of New York (interrupting the reading of the bill). Mr. Chairman, I venture to ask unanimous consent to dispense with the further reading of this chapter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MURRAY and Mr. FORAND objected.

The Clerk concluded the reading of chapter 7.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to call to the attention of the House that the McMahon Act, which reserved to the Federal Government all uranium deposits on all the public and private lands of the United States, is being amended by this bill, and all of the rights which the Federal Government had to those uranium deposits are now being removed. It is now open for settlement by prospectors and others. This is in effect a very important section. I call to your attention that it has been read rapidly. There has been no explanation given of it. There has been no debate on it. There was little testimony given to the committee. You have given away all of the uranium mineral rights which were withheld for the people of the United States by the McMahon Act. That is now open for entry just like lead and silver and anything else.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Indiana.

Mr. HALLECK. I think in all fairness it ought to be said that the gentleman and many others have been speaking for the past 3 or 4 weeks on the provisions of this bill and explaining what is in it. We have been reading about it in the papers from the folks on the other side of the Capitol who have been debating.

Mr. HOLIFIELD. That is right.

Mr. HALLECK. I do believe the matter has been given a lot of careful consideration.

Mr. HOLIFIELD. I am not going to speak on it, I am just calling it to the attention of the House. I will be very frank that this is one section of the bill which I have not been able to study enough to master it. I am very frank in saying that. I do not feel qualified to speak on these particular sections because my time was spent in trying to understand other sections of the bill.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. COLE of New York. It is correct, is it not, that the provisions of this

chapter to which the gentleman has directed our attention are contained in a bill which was considered by the House Committee on Interior and Insular Affairs' Subcommittee on Mines? The bill was considered here in the House this year, I believe, and was adopted.

Mr. HOLIFIELD. I understand that some of the provisions are identical with that. I believe there is extraneous material, is there not, in these sections that was not in that bill. I am not sure. I am asking for information.

Mr. COLE of New York. I am not certain of the gentleman's question.

Mr. HOLIFIELD. I think there were also some provisions of the bill that a Member of the other body had.

Mr. COLE of New York. My point is that this subject matter has been carefully considered, or presumably carefully considered by the committee of Congress having jurisdiction over public lands, and that the House has approved the recommendations of that committee.

Mr. HOLIFIELD. If it is identical, why is it in this bill?

Mr. D'EWART. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Montana.

Mr. D'EWART. The Committee on Interior and Insular Affairs tried to deal with this matter a year ago. We wrote a temporary bill. It has been in operation for the last year. With the experience that has been gained under that temporary bill this Congress wrote a new bill, which passed the House the other day, has passed the Senate and is now in conference. We are trying with the help of the experts on mining, the experts on oil, and the experts from the Atomic Energy Commission, to write legislation that will protect the mine claims, the oil leases, and the Atomic Energy Commission.

Mr. HOLIFIELD. May I ask the gentleman, if this identical language has been passed by his committee, why are we repassing it in the bill at this time?

Mr. D'EWART. That has to do with public lands. I believe that is contained in our new bill.

Mr. HOLIFIELD. Then I am correct in saying that that portion which is, I believe, section 66 is new language?

Mr. D'EWART. No; that is language which I believe is very largely carried in our bill. I might state that that particular language has been studied very carefully by the gentleman from Colorado [Mr. ASPINALL] on your side, and who is on the Mines and Mining Committee and by others who concede if there was any conflict it would be ironed out. We think there is no conflict. We think this legislation fits into the bill drafted by the Mines and Mining Committee and that one complements the other and that it is in the public interest.

Mr. HOLIFIELD. I am sure the gentleman realizes that I am only doing my duty as a member of the committee in calling these matters to the attention of the membership.

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. METCALF. Is there anything in this bill or any bill that is now in conference from the Interior Committee which will protect the National Parks and National Monuments.

Mr. D'EWART. I hold an amendment in my hand which I will offer as soon as I have the opportunity to do so.

Mr. METCALF. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 36, line 10, after the words "United States", strike out the period and insert a semicolon and add: *"Provided further,* That no lease or permit shall be awarded until competitive bidding is had pursuant to general regulations issued by the Commission. No lease or permit shall be approved or issued until after notice of the proposed offering for lease or permit has been given in a newspaper of general circulation in the county in which the lands are situated in accordance with regulations prescribed by the Commission."

Mr. ROGERS of Colorado. Mr. Chairman, we learned long ago that when the Government deals in business, the only way you can properly meet the issues in business is to put it on a competitive basis. We have learned that that is the best method to approach a problem of this kind. Section 67 on page 36 of the bill deals with the right of the Commission to dispose or issue leases or permits for prospecting to individuals. My amendment to this particular section only says that before they do that they shall give that right only to those who are willing to come in and give to the Government of the United States the highest price for that privilege. May I point out to the membership that when the Atomic Energy Act was passed and all the public lands in certain areas were withdrawn from public entry, it was then given to the Atomic Energy Commission for the purpose of leasing and developing. What happened was that the Commission did not abide by any particular rules so far as competitive bidding is concerned, but on the contrary went out and made deals with individuals to accomplish the removal of the ores from the ground, with the result that there was a great deal of dissatisfaction on the part of those who wanted to engage in this business.

When they would make application and were denied the lease, they immediately charged the Commission with showing favoritism toward individuals rather than looking out after the interests of the United States. And inasmuch as a certain amount of the land, contrary to the statement made by the gentleman from California, remained with the Commission, they are authorized under section 67 to issue leases or permits to individuals without any regard or any restraint whatsoever to develop uranium and other metals necessary to produce the fissionable material.

Therefore, I believe that to be consistent and to have a fair policy, we should treat our own property so that we can get the most money for it. We should put a limitation and a guide and a rule in this bill for the Atomic Energy Commission stating to them that when they do issue these leases, and when they do issue these permits, they should do it by competitive bidding.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield.

Mr. HINSHAW. I wonder if the fact that the Government will own the material to be mined would have any effect on the gentleman's idea as to whether they should bid competitively for the right to mine Government material for the Government.

Mr. ROGERS of Colorado. Yes; for this very simple reason that in the uranium field many operators are willing to pay royalties of from 40 to 60 percent for the right to produce this material.

Mr. HINSHAW. That is on privately owned land.

Mr. ROGERS of Colorado. No, that is on the public domain that has been withdrawn and given to the Atomic Energy Commission. What they did was this: Instead of leasing it out and asking the people how much will you give, 25 percent or 30 percent or 50 percent for the right to produce, they sat down and fixed an arbitrary rule of 15 percent with the result that a large number of people were complaining of the favoritism that was exercised by the office issuing these leases. All I am asking is that when the United States Government in connection with the development of its property issues a lease or when it issues a permit they do it on a competitive basis, like they do when they start out to buy any property or anything else. We have it in connection with coal lands, we have had it in connection with many other things.

Mr. HINSHAW. I can see where you would have to have it in connection with coal lands; but this is a case where the Government is the only purchaser of the product.

Mr. ROGERS of Colorado. Yes; but let me point out to you that in the practice they have used heretofore, instead of making the best deal with an individual who would gladly and willingly pay to them 40 percent of what they produce as a royalty, they fixed an arbitrary figure much lower.

Mr. COLE of New York. Mr. Chairman, I move to strike the last word, only to indicate that the suggestion made by the gentleman from Colorado appears to have considerable merit. It is a phase of atomic energy which I think should be more properly considered by the committee of the House dealing with the subject of public lands and mines. In order that the thought may be given current consideration by the mining people in Government and on the Committee on Mines and Mining, I am prepared to accept the amendment so that it will be kept alive for further consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was agreed to.

Mr. D'EWART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. D'EWART: On page 36, line 10, change the period to a colon

and add the following: *"Provided further,* That such leases or permits may be issued for lands administered for national park and national monument purposes only when the President by Executive order declares that the requirements of national defense make such action necessary."

Mr. COLE of New York. Mr. Chairman, if it will aid the gentleman and expedite the matter, may I say that I am prepared to accept the amendment.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. D'EWART. I yield to the gentleman from California.

Mr. HOLIFIELD. I am in favor of the gentleman's amendment. Does this protect the national park lands from commercial entry unless they get a specific order from the President to go in and file on the lands within the public parks and monuments?

Mr. D'EWART. As far as fissionable materials are concerned.

Mr. HOLIFIELD. As far as fissionable materials are concerned, but does it leave it open for other minerals, or is it already open?

Mr. D'EWART. There are specific laws that cover mining inside of national parks only by special permission. The regular mining laws do not apply to national parks or monuments, but there can be mining under certain circumstances under other laws. This applies to fissionable material.

Mr. HOLIFIELD. Your amendment does not change or nullify any of the protection of the other laws?

Mr. D'EWART. Not in any way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. D'EWART].

The amendment was agreed to.

The Clerk read as follows:

"CHAPTER 8. BYPRODUCT MATERIAL

"SEC. 81. Domestic distribution: No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section or by section 82. The Commission is authorized to issue general or specific licenses to applicants seeking to use byproduct material for research or development purposes, for medical therapy, industrial uses, agricultural uses, or such other useful applications as may be developed. The Commission may distribute, sell, loan, or lease such byproduct material as it owns to licensees with or without charge: *Provided, however,* That, for byproduct material to be distributed by the Commission for a charge, the Commission shall establish prices on such equitable basis as, in the opinion of the Commission, (a) will provide reasonable compensation to the Government for such material, (b) will not discourage the use of such material or the development of sources of supply of such material independent of the Commission, and (c) will encourage research and development. In distributing such material, the Commission shall give preference to applicants proposing to use such material either in the conduct of research and development or in medical therapy. Licensees of the Commission may distribute byproduct material only to applicants therefor who are licensed by the Commission to receive such byproduct material. The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, 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 material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission. The Commission is authorized to establish classes of byproduct material and to exempt certain classes or quantities of material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

"SEC. 82. Foreign distribution of byproduct material:

"a. The Commission is authorized to cooperate with any nation by distributing byproduct material, and to distribute byproduct material, pursuant to the terms of an agreement for cooperation to which such nation is party and which is made in accordance with section 123;

"b. The Commission is also authorized to distribute byproduct material to any person outside the United States upon application therefor by such person and demand such charge for such material as would be charged for the material if it were distributed within the United States: *Provided, however,* That the Commission shall not distribute any such material to any person under this section if, in its opinion, such distribution would be inimical to the common defense and security: *And provided further,* That the Commission may require such reports regarding the use of material distributed pursuant to the provisions of this section as it deems necessary.

"c. The Commission is authorized to license others to distribute byproduct material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

"SEC. 91. Authority:

"a. The Commission is authorized to—

"(1) conduct experiments and do research and development work in the military application of atomic energy; and

"(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

"b. The President from time to time may direct the Commission (1) to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense or (2) to authorize the Department of Defense to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: *Provided, however,* That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

"SEC. 92. Prohibition: It shall be unlawful for any person to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by the Commission pursuant to the provisions of section 91. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101.

"CHAPTER 10. ATOMIC ENERGY LICENSES

"SEC. 101. License required: It shall be unlawful, except as provided in section 91, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104.

"SEC. 102. Finding of practical value: Whenever the Commission has made a finding in writing that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103.

"SEC. 103. Commercial licenses:

"a. Subsequent to a finding by the Commission as required in section 102, the Commission may issue licenses to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, such type of utilization or production facility. Such licenses shall be issued in accordance with the provisions of chapter 16 and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this act.

"b. The Commission shall issue such licenses on a nonexclusive basis to applicants (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

"c. Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding 40 years, and may be renewed upon the expiration of such period.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123, or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 104. Medical therapy and research and development:

"a. The Commission is authorized to issue licenses for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this act to promote the common defense and security and to protect the health and safety of the public.

"b. The Commission is authorized to issue licenses for utilization and production facilities involved in the conduct of research and development activities leading to the

demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this act to promote the common defense and security and to protect the health and safety of the public and will be compatible with the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 103 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the applicaton of atomic energy for industrial or commercial purposes.

"c. The Commission is authorized to issue licenses for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31 and which are not facilities of the type specified in subsecton 104 b. The Commission is directed to impose only such minimum amount of regulation of the licensee that the Commission finds will permit the Commission to fulfill its obligations under this act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 105. Antitrust provisions:

"a. Nothing contained in this act, including the provisions which vest title to all special nuclear material in the United States, shall relieve any person from the operation of the following acts, as amended, 'An act to protect trade and commerce against unlawful restraints and monopolies' approved July 2, 1890; sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes' approved August 27, 1894; 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914; and 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes' approved September 26, 1914. In the event a licensee has been found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws cited above, to have violated any of the provisions of such laws, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this act.

"b. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of special nuclear material or atomic energy which appears to violate or to tend toward the violation of any of the foregoing acts, or to restrict free competition in private enterprise.

"c. The Commission shall, prior to the issuance of any license under section 103, notify the Attorney General and the Federal Trade Commission of the proposed license and the proposed terms and conditions thereof, except such classes or types of licenses as the Commission, with the approval of the Attorney General, may determine would not significantly affect the licensee's activities under the antitrust laws. If the Attorney General or the Federal Trade Commission believes that the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, the applicant may file a petition with the Federal Trade Commission for a hearing under section 5 (b) of the act of September 26, 1914, as amended, asking for a declaration as to whether or not the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws. The Attorney General and the Commission may appear in the hearing before the Federal Trade Commission and present evidence. With respect to antitrust matters the Commission shall be bound by the determination of the Federal Trade Commission and may not issue a license to the applicant if the Federal Trade Commission finds that the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws. All parties to the hearings may appeal the Federal Trade Commission's determination in accordance with the procedures established by law for the judicial review of such determination.

"SEC. 106. Classes of facilities: The Commission may—

"a. group the facilities licensed either under section 103 or under section 104 into classes which may include either production or utilization facilities or both, upon the basis of the similarity of operating and technical characteristics of the facilities;

"b. define the various activities to be carried on at each such class of facility; and

"c. designate the amounts of special nuclear material available for use by each such facility.

"SEC. 107. Operator's licenses: The Commission shall—

"a. prescribe uniform conditions for licensing individuals as operators of any of the various classes of production and utilization facilities licensed in this act;

"b. determine the qualifications of such individuals;

"c. issue licenses to such individuals in such form as the Commission may prescribe; and

"d. suspend such licenses for violations of any provision of this act or any rule or regulation issued thereunder whenever the Commission deems such action desirable.

"SEC. 108. War or national emergency: Whenever the Congress declares that a state of war or national emergency exists, the Commission is authorized to suspend any licenses granted under this act if in its judgment such action is necessary to the common defense and security. The Commission is authorized during such period, if the Commission finds it necessary to the common defense and security, to order the recapture of any special nuclear material distributed under the provisions of subsection 53 a., or to order the operation of any facility licensed under section 103 or 104, and is authorized to order the entry into any plant or facility in order to recapture such material, or to operate such facility. Just compensation shall be paid for any damages caused by the recapture of any special nuclear material or by the operation of any such facility.

"SEC. 109. Component parts of facilities: With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 p. (2) or 11 w. (2) the Commission may (a) issue general licenses for activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security, and (b) issue licenses for the export of such facilities, if the Commission determines in writing that each export will not constitute an unreasonable risk to the common defense and security.

"SEC. 110. Exclusions: Nothing in this chapter shall be deemed—

"a. to require a license for (1) the processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission; or (2) the construction or operation of facilities under contract with and for the account of the Commission; or

"b. to require a license for the manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91, or for the use of such facility by the Department of Defense or a contractor thereof."

Mr. HALLECK (interrupting the reading of the bill). Mr. Chairman, this is a rather long chapter. I ask unanimous consent that the chapter be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. FORAND and Mr. MURRAY objected.

Mr. COLE of New York. Mr. Chairman, I offer a committee amendment. I think the RECORD should show that applause has just been expressed by members of the Committee indicating its approval of the facility of our reading clerk.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 48, line 3, strike out all of paragraph c and insert:

"c. Whenever the Commission proposes to issue any license to any person under section 103, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof, except such classes or types of licenses, as the Commission, with the approval of the Attorney General, may determine would not significantly affect the licensee's activities under the antitrust laws as specified in subsection 105a. Within a reasonable time, in no event to exceed 90 days after receiving such notification, the Attorney General shall advise the Commission whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws. Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate or necessary, to enable him to give the advice called for by this section."

Mr. COLE of New York. Mr. Chairman, as I previously indicated this is an amendment adopted by the joint committee. In substance, it places in the atomic energy law the present provisions of the Federal Property and Administrative Services Act with respect to the enforcement of antitrust activities.

I think it may be of interest to the members of the Committee of the Whole to know that this provision which, as I indicated, is part of the present law, was sponsored by the gentleman from California [Mr. HOLIFIELD] during a Con-

gress a year or two back when he was chairman of a subcommittee of the House Committee on Government Operations.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from California.

Mr. HOLIFIELD. I want to thank the gentleman for his kindly reference to me. It gives me a great deal of gratification to realize that something I have offered, even though it be in the past, is now being accepted.

Mr. COLE of New York Let me assure the gentleman from California that he is entirely too modest. As a matter of fact, I desire to pay deserved tribute to the gentleman from California [Mr. HOLIFIELD]. He has spent many, many long, conscientious hours of hard work and has contributed measurably to the drafting of the bill which is now before us. Many of the provisions which this bill contains were the product of his vision and his judgment. He has contributed largely to this measure. I regret that we could not accept all of his recommendations, but that is, in my judgment, because he asked for too much.

Mr. HOLIFIELD. I thank the gentleman for those kind words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: On page 42, beginning line 16, strike section 102 and insert in lieu thereof the following:

"SEC. 102. Finding of practical value: Whenever in its opinion any industrial, commercial, or other nonmilitary use of special nuclear material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political, economic, and international effects of such use, and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the Congress together with his recommendations. No license for any utilization or production facility shall be issued by the Commission pursuant to section 103 until after (1) the Commission has made a finding in writing that the facility is of a type sufficiently developed to be of practical value for industrial or commercial purposes; (2) a report of the finding has been filed with the Congress; and (3) a period of 90 days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of 90 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days."

On page 42, in line 23, after the word "Commission", insert the following: "and report to the Congress."

Mr. HOLIFIELD. Mr. Chairman, as the chairman of our committee has told the Committee of the Whole House, at the present time there is no practical-value element in any of the reactors which are being built by the Government. We look forward to the time, as he has said today, when there will be economical power produced in these reactors. This is an amendment which is drawn from a similar amendment in the McMahon Act which gives to the Congress the right to know when a finding of practical value has been made of a type of reactor which will be of practical value in the production of electrical energy that that fact shall be certified to by the Commission and laid before the Congress in 90 days. The President shall be informed and shall transmit a report to the Congress for a period of 90 days, and the Commisson will also at that time indicate the type of legislation which it thinks should be passed to regulate a reactor which has been certified to be of practical value. This is a safeguard so that the Congress will know when that time arrives that there is a problem and that the Congress shall have the right to look at the problem before we go full-fledged into what might be a development which will have a tremendous impact upon investments now in existence, upon coal mining areas and oil producing areas and gas producing areas and other economic factors which will be affected when that time does arrive. I hope the committee will accept this amendment.

Mr. COLE of New York. Mr. Chairman, I feel compelled to resist the amendment offered by the gentleman from California largely because this amendment was proposed by him to the joint committee, and was considered by the joint committee but was not accepted. It should be understood that the substance of the gentleman's proposal is in the existing McMahon Act, and has caused considerable difficulty. That was proposed back in the dark ages of the atomic age in 1945 and 1946 when nobody had any conception about the possible peacetime applications of atomic energy. It was felt at that time before anything was to be done in the peacetime uses of atomic energy, a study should be made by the Commission and a report filed to the Congress to determine what dislocations this peacetime application might cause to our economic system and so forth. Now we have had an experience of 8 or 10 years in this field and we can see it is going to be a gradual progressive development, and that it is not going to be an overnight occurrence that atomic energy is available on a proven basis for commercial application. So the joint committee rejected this proposal. My particular objection to it is that the gentleman's amendment would prohibit the issuance of any commercial license even though a type of reactor has been established as having a practical effect until after a study and report has been made and the President has made his recommendations to the Congress. As an alternative to that, the joint committee wrote into the section of the bill relating to the obligation and responsibility of the joint committee, a duty to have open and public hearings so far as practical and possible at the beginning of each session of the Congress for the first 60 days at which there could be public discussion of progress in this field. That was designed to take the place of this study and report which is recommended by the gentleman from California. So I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The amendment was rejected.

Mr. MARSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL: On page 43, line 16, renumber condition "(3)" as "(4)" and insert a new "(3)" to read:

"(3) who agree, if the license is for facilities for the utilization of special nuclear material for the generation of electric energy for sale to claim no value for such facilities for ratemaking purposes in excess of the net investment in such facilities as defined in the Federal Power Act."

Mr. MARSHALL. Mr. Chairman, this is a comparatively simple amendment. All I am trying to do by this amendment is to provide that in the setting of rates credit shall be given only to the investment. There has been a tendency on the part of some to pad some of the rates. They have been putting in what we might term "extra curricular things" like travel, entertaining, some advertising, and other excess items in the establishment of rates. I am attempting to tie this down in the rate establishment that only those charges can be made in establishing those rates that are related to the direct investment itself.

I hope that the committee in reviewing the amendment that I have offered will see fit to accept it.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from California.

Mr. HOLIFIELD. Is it not true that this substantive language is in the Federal Power Act now and relates to any private power company that builds on a Federal dam site? It protects the purchasers of that energy from padded costs in the capital plan investment and, therefore, makes them put their actual costs in when it comes to setting the rates which they can charge for their energy?

Mr. MARSHALL. The gentleman is absolutely correct.

Mr. HOLIFIELD. This would do the same thing for people who build reactors. If it goes in intrastate commerce, due to the fact they are using Federal material in their reactors, this would give the same protection; it would allow the rate which is allowed by the local State commission, but it would only allow it on the actual capital-plan investment and not allow padded costs to enter into the ratemaking structure?

Mr. MARSHALL. The gentleman has spoken so fluently on behalf of my amendment that he has convinced me of its worth.

One of the things that has been of considerable trouble to me in talking to people in my district has been certain charges that have come about because of the cost-plus contracts and 5 percent's. That is what prompted me to introduce this type of amendment to protect the interests of the people of the country in the establishment of rates, tie it down so that some of the incentives that might be open will be removed, in

order that we could have a more equitable rate established, something that would be fair and, certainly, something that I think would be of value to all the people of the United States.

Mr. HOLIFIELD. Is it also true that six States have no public power commission; therefore, if a reactor using Federally owned fissionable material were built in those particular States, the builders of that reactor could charge the limit without any restriction at all by a State commission on the rates they could charge. This would indicate a Federal interest in seeing that the property of the Federal Government was not used to obtain extortionate profits.

Mr. MARSHALL. The gentleman again is correct. I urge the adoption of the amendment.

Mr. DURHAM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. MARSHALL].

Mr. Chairman, I call the attention of the Members to the fact that this amendment would, in my opinion, go far in regulating your State utility bodies. If you want to accept it on that basis and have the Government interfere in your own State's business, all right, good and well. That is exactly what the amendment does. I do not see where we have much to do with the rates in the States. Let them fix their own rates where they have public-utility bodies. Those States that have not public-utility bodies should have them. In my State we write into the law certain things that the utility bodies can take into consideration in making rates. That is what this amendment does.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Texas.

Mr. RAYBURN. One of the biggest States in the Union, my own State of Texas, has no utilities commission. It has a railroad commission that regulates the railroads and oil companies only and that is all we have in our State.

Mr. DURHAM. I am not particularly objecting to it. I am just calling the attention of the Members to it.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Indiana.

Mr. HALLECK. We have had a controversy raging here in the last few years about regulations in respect to the gathering and production of natural gas. Now, I have taken the position that is a matter that needed to be controlled within the State. I am wondering if this amendment is in the direction of that thing which many of us have fought through the years?

Mr. DURHAM. I think we had one about oil offshore, too, as I recall it, did we not?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Illinois.

Mr. YATES. Is it not true that the sale of this energy in interstate commerce will be under the ratemaking jurisdiction of the Federal Power Commission, and to that extent certainly the amendment should be acceptable because it eliminates any possibility of speculation in fixing a rate base for the computation of costs. The rate base will be calculated exclusively upon the investment in the reactor and in the power facilities. There will be no question about reproduction costs, about the speculation that comes in connection with it, and I think it is a worth-while amendment and should be accepted.

Mr. DURHAM. I am just one of those people that does not want the Federal Government messing with State agencies.

Mr. YATES. Yes. But the Federal Power Commission does not mess in the gentleman's State, does it?

Mr. DURHAM. No. We have a utilities commission.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from California.

Mr. HINSHAW. Is this not sort of an odd way to amend the Federal Power Act?

Mr. DURHAM. Yes.

Mr. HINSHAW. Of course it is.

Mr. YATES. In what way is this an amendment to the Federal Power Act? The gentleman from California a few hours ago told me that the regulatory fees of these reactors would be under the jurisdiction of the Federal Power Commission. Therefore, in what sense is this an additional amendment to the Federal Power Act?

Mr. HINSHAW. I did not say that. I said the jurisdiction rested in the State, unless it is interstate transmission of electric power, and the interstate transmission provides for the Federal Power Commission to set the rate, the value of the property, and all that sort of thing. If it is purely intrastate transmission of power and sale of power, then it is entirely within the regulation of the State.

Mr. YATES. What would the gentleman propose with respect to the interstate transmission of electric power? Would not this amendment be good for that purpose?

Mr. HINSHAW. No.

Mr. YATES. Why not?

Mr. HINSHAW. I do not think it is necessary.

Mr. YATES. Well, the gentleman himself knows that the original cost of a reactor will mount with the passage of time and that the rates will go up correspondingly.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MARSHALL].

The question was taken; and on a division (demanded by Mr. MARSHALL) there were—ayes 54, nays 141.

So the amendment was rejected.

Mr. METCALF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. METCALF: On page 44, line 3, add the proviso as follows: "*Provided*, That not less than 2 years' notice in writing from the Commission the United States shall have the right upon and after the expiration of any license to take over and thereafter to maintain and operate any facility or facilities for the utilization of special nuclear material for the generation of electric energy on payment of the net investment of the license in such facilities, with severance damages, if any, in general accordance with the terms of section 14 of the Federal Power Act: *And provided further*, That, if the United States does not exercise its right to take over the facility or facilities on the expiration of any license, States, municipalities, and cooperatives shall have a prior right of acquisition on the same terms in connection with the issuance of a new license for such facility or facilities."

Mr. METCALF. Mr. Chairman, section 103 is the licensing section of the act. It provides for the various licenses to private enterprise to develop the atomic reactor for generation of electric energy and other purposes.

We have heard a good deal today about the fact that there is no need at this time for power regulation. We have heard a good deal about the fact that it may be 5 or 10 years before we need any legislation for power regulation.

The amendment I have submitted is the recapture clause of the Federal Power Act which provides that when a private utility is licensed to build a dam in a navigable stream, at the end of the licensing period the United States may recapture that dam; or, if the United States does not want the dam, then a State or municipality or public-utility district may take over the license and operate it. It is as simple as that. It is the same provision that we have in the Federal Power Act.

The whole proposition here, as has been outlined by the gentlemen on my left is this. They say that we are today at the point where we were in the development of hydroelectric power in 1906. We are faced with this business of starting to give it away little by little. All right—we are giving it away little by little, maybe we are giving all of it away. But let us not throw away the key. Let us have one little string attached to it so that 40 years from now or 30 years from now or whenever the licensing period expires, if the United States wants that facility, or if some public agency or cooperative or municipality wants that facility, upon the payment of just compensation, including severance damages to the utility or the agency that is being licensed, the United States Government or one of these public agencies may take it over.

We are not making the decision today. We would not be making it even 10 years from now. We would be making it at the end of the licensing period which would be up to 40 years. We are reserving the right to make it by including a recapture clause in our contracts and licenses.

Forty years from now, if the Government wants these facilities, let us give the Government the chance to get them back. That is all I am asking by this amendment. It is already the law in the licensing section of the Federal Power Act and should be adopted as the law for licensing domestic commercial development of the atomic program.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to the amendment, but before expressing my opposi-

tion, I feel I should compliment the proponents of public power for their persistence and their determination. This is one of the score of amendments which I mentioned 8 hours ago. It is proposed and designed to put the Atomic Energy Commission in the power business, or to make application of certain phases of the Federal power law applicable to atomic energy. It is an amendment that should not be approved.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Montana [Mr. METCALF].

The amendment was rejected.

The Clerk read as follows:

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"SEC. 121. Effect of international arrangements: Any provision of this act or any action of the Commission to the extent and during the time 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 force or effect.

"SEC. 122. 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 international arrangement made after the date of enactment of this act.

"SEC. 123. Cooperation with other nations: No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144 b., the Department of Defense has approved the proposed agreement for cooperation, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any restricted data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of 30 days has elapsed while Congress is in session (in computing such 30 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days).

"SEC. 124. International atomic pool: The President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may thereafter cooperate with that group of nations pursuant to sections 54, 57, 64, 82, 103, 104, or 144 a.: *Provided, however,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

Mr. HOLIFIELD. Mr. Chairman, I have three amendments to offer, and in order to facilitate the action of the House, because these amendments all have to do with the same subject, I ask unanimous consent that these three amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. HOLIFIELD:

On page 52, in line 12, strike the word "approved" and insert in lieu thereof the following: "submitted to the President."

On page 52, in line 22, after the word "purpose" and before the semicolon insert the following: "except where the President determines that such uses will bring reciprocal benefits and be otherwise advantageous to the United States."

On page 53, in line 16, before the period, insert the following: "after which period of time the agreement shall take effect."

Mr. HOLIFIELD. Mr. Chairman, these three amendments, I think, correct this section and remove a very strange situation.

In the first case, I call the attention of the House to the fact that in line 10 the Commission can veto an agreement by the President. This amendment, in place of having the Commission and the Department of Defense approve a cooperation agreement by the President, would have them submit to the President their recommendations. I think that is the constitutional way it would be, anyway. I doubt very much if they could disapprove a cooperation agreement by the President. Anyway, I do not think this body wants to put the Atomic Energy Commission in the position where it can veto a cooperation agreement with other nations which has been entered into by the President.

That is what the first amendment will do.

The second amendment, on page 52, line 22, after the language "a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose," insert the words "except where the President determines that such uses will bring reciprocal benefits and be otherwise advantageous to the United States."

This provides that if we would give England, for instance, some material to use in their research and development reactors, and they had already progressed in the development of a certain type of weapon, the President could make an arrangement whereby we would have access to that weapon provided the President thought it was all right for them to use this in research and development of the weapon. In other words, it allows the President to have a hand in making a trade with a nation like England, which has, incidentally, some very fine scientists, some very fine reactors, and some very fine scientific laboratories. It would leave it to the President in his discretion if he could make a trade which would be advantageous to the United States.

Then on page 53 it provides that after an agreement has been before the joint committee of the Congress for 30 days that the agreement shall take effect. It just completes that section of the bill and does what, I think, the committee wants it to do. I will ask the chairman of the committee at this time if he understands the import of my amendments, and if he has any objections to them.

Mr. COLE of New York. I confess to the gentleman that I did not see the gentleman's amendments until this very moment.

Mr. HOLIFIELD. I left those amendments with the staff at least a week ago—all of these amendments.

Mr. COLE of New York. So I suspect these are amendments suggested by the gentleman at the last meeting of the joint committee, which the committee did not consider. I can see no objection to 1 or 2 of the gentleman's proposals, but I do see serious objection to one of the proposals.

Mr. HOLIFIELD. Which one is that, please?

Mr. COLE of New York. That is the one which would place an exception upon a condition which is required to be contained in these agreements. That condition is carried on page 52, line 18, under item (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons or for research on or development of atomic weapons or for any other military purpose.

The gentleman would make an exception of that in case the President determines that such use will bring reciprocal benefits or might be otherwise advantageous to the United States.

Mr. HOLIFIELD. That is right. This would frankly put our reliance on the President that if he can make a trade or if he saw a trade which could be made with scientists of Great Britain to get some advantageous knowledge, and the gentleman knows as well as I do that they have knowledge which we do not have, he could make a deal with them on that basis.

Mr. COLE of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would call the attention of the gentleman to the fact that in this particular clause to be required in the contracts, we are not dealing with information—we are talking about special nuclear material.

Mr. HOLIFIELD. That is right.

Mr. COLE of New York. It has been the concept of the committee all along that in this effort to cooperate with other nations in the military field, it should be only with respect to knowledge pertaining to the application or utilization of military weapons, and that the material itself should never be used by a foreign country for a weapon or for use in a research reactor to learn lessons pertaining to military weapons. I fear the gentleman's amendment might be an invitation and an encouragement to some future administration or Government or responsible person to make an exception.

Mr. HOLIFIELD. And possibly the present President.

Mr. COLE of New York. That could be. Of course, it would be contrary at least to the present philosophy of this bill which is to grant no information to foreign countries with respect to important parts of weapons nor to grant to any foreign country any material that would be used for a weapon. So to that extent, I feel the gentleman's amendment is objectionable.

Mr. HOLIFIELD. In that case, if the gentleman has no objection to my first and third amendments, I would ask unanimous consent to withdraw my second amendment from consideration at this time and vote on the first and third because, I believe, they are perfecting amendments.

Mr. COLE of New York. I should also point out to the gentleman that I do have some reservations on the advisability of his fourth amendment.

Mr. HOLIFIELD. We are not considering the fourth one. This is the first and third amendments on the page.

Mr. COLE of New York. You are not proposing to amend section 124 here?

Mr. HOLIFIELD. No; not yet; we are only considering the first three amendments on the page.

Mr. COLE of New York. That is a fair proposition. I will accept two of the gentleman's amendments, if he will yield on the middle one.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to withdraw the amendment on page 52, line 22.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, I ask that the amendment on page 52, line 12, and the amendment on page 53, line 16, be voted on at this time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California at page 52, line 12, and on page 53, line 16.

The amendments were agreed to.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: On page 53, beginning at line 17, strike the wording of section 124 and insert the following in lieu thereof:

"SEC. 124. International atomic pool: The President is authorized to enter into an international arrangement with any nation or number of nations or with an organization representing any or all of such nations providing for international cooperation in the nonmilitary applications of atomic energy. The President is further authorized to request the cooperation of or the use of the services and facilities of the United Nations, its organs, its specialized agencies, or other international organizations in carrying out the purposes of this section. Any agreements made by the United States under the authority of this section with other governments and with international organizations shall be registered with the Secretariat of the United Nations in accordance with the provisions of article 102 of the United Nations Charter. In the event further legislation is necessary to implement an international arrangement authorized by this section, the President shall transmit recommendations therefor to the Congress."

Mr. HOLIFIELD. Mr. Chairman, as I told the committee earlier, section 124, in my opinion, ties the President's hands in the making of any kind of an international agreement for an atomic pool for peacetime purposes. I have explained in some detail why I think it does tie his hands because he can make an international agreement now without the help of section 124, he can make a treaty without the help of section 124 and the provision that he abide by section 123 in the making of a cooperation agreement and the conflict between this provision in section 124 and the definition of "international arrangement" is something I have also asked the committee to consider.

Very frankly, if you want to help the President form an international pool you will accept my amendment. If you want to throw restrictions about his present right to negotiate and place the tortuous and complicated provisions of section 123 on his right to negotiate, then you will vote down my amendment.

Without further explanation, Mr. Chairman, I ask that my amendment be agreed to.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from North Carolina.

Mr. DURHAM. What control would you have under this section 124 which the gentleman has offered in the international pool? Would you have any recovery at all of the fissionable material in any way?

Mr. HOLIFIELD. You can have the same recovery of that that you do in the other sections, which is absolutely none, because you ask that a nation give you a guaranty. If the nation wanted to divert it it could divert the material and break its guaranty. In all the other arrangements the guaranty is the only thing that protects you in getting back your material, and that guaranty can be broken. So you have no other assurance of this than you do in the other arrangements.

Mr. DURHAM. We do not lose complete control of it.

Mr. HOLIFIELD. Yes, you do. When you deliver to a foreign nation you lose control of it. They may tell you they will take care of it, that they will give it back to you, but if they break their agreement it would take an act of war to get it back.

Mr. DURHAM. I do not agree with the gentleman on that. In meeting the United Nations article 102, what does that provide for?

Mr. HOLIFIELD. That provides that any international agreement shall be reported to the United Nations.

Mr. DURHAM. That is all?

Mr. HOLIFIELD. That is my understanding. If we believe in the United Nations, if we believe we should have an international pool, this is your chance to vote for it. If you believe in forcing tortuous provisions on the President to prevent him from having an international pool, notwithstanding the title of section 124, you will vote against my amendment.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I believe there should be an amendment in this act that will provide for continuous observation and review of these agreements and programs by United States representatives so you can follow them up. I have that amendment at the desk now.

Mr. HOLIFIELD. The gentleman is supporting my amendment?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Indiana.

Mr. HALLECK. I wonder if the gentleman proposed this amendment in the committee.

Mr. HOLIFIELD. Yes. All of these amendments were proposed in the committee.

Mr. HALLECK. It was proposed in the committee and voted down in committee?

Mr. HOLIFIELD. No. I proposed it to the committee so that the staff and the chairman and the members of the committee would have access to it.

Mr. HALLECK. Was it ever considered in the committee?

Mr. HOLIFIELD. I do not believe it was considered.

Mr. JAVITS. Mr. Chairman, I offer a substitute for the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. JAVITS as a substitute for the amendment offered by Mr. HOLIFIELD:

"SEC. 124. International Atomic Pool. Notwithstanding the provisions of section 123 the President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may therefore cooperate with that group of nations pursuant to sections 54, 57, 64, 82, 103, 104, or 144a."

Mr. JAVITS. Mr. Chairman, all that my amendment does is to untie section 124 from section 123; that, I believe, is the only legitimate purpose which should be served by the Holifield amendment. That is why I have offered mine as a substitute. I think when you tie in the whole recital about the United Nations and everything else Mr. HOLIFIELD'S amendment contains, it makes people unduly suspicious, whereas the motive seems to be very clear, and it is this: There are two ideas to be worked out in this bill. One is cooperation with our allies and with regional organizations of our allies. That is properly covered by section 123. Now, you also have the President's nonmilitary atomic pool proposed, the subject of the historic and momentous speech which captured the world's imagination, probably one of the greatest proposals in foreign affairs of recent years. Now, under my substitute, the President would be able to negotiate untrammeled from any of the conditions in section 123, which relate to a totally different subject, for an international atomic pool; and when he completes his negotiations, he must, as this law provides, and my amendment carries that out to the full, submit that, either as a treaty or as an international agreement, either to the Senate or to both Houses of the Congress, as the case may be.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from Illinois.

Mr. PRICE. I want to say that I agree fully with the gentleman from New York. Unless his amendment or the amendment of the gentleman from California is adopted, we cannot truthfully say that this legislation implements the President's proposal.

Mr. JAVITS. It seems to me that we certainly ought to show our confidence in the great proposal which the President has made and leave him untrammeled negotiating authority, knowing that we have full residual rights to approve a treaty or international agreement. What do I mean when I say it complicates it? It complicates it in a strange way against the interest of which the Congress is solicitous. Section 53, page 52, line 15, calls, for example, for a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained. Now, it is doubtful that any such guaranty from the Russians—and those are the people the President was talking about negotiating with—would be acceptable, because it is a paper guaranty. Yet the Russians might say to the President on the nonmilitary international atomic pool, if he negotiated with them, that the Congress said that he could take a paper guaranty.

It seems to me we should give the President full treaty authority in respect of the great proposal which he made to the world without tying it to something that has no relation to it, which is our own relation with our allies on atomic energy like the British, and so forth, or regional organizations like NATO. We take no risks. We certainly strengthen the hands of the President and impose potency in the proposal he made to the free world, the historic significance of which I think we all appreciate. I hope the committee will accept this. It is one of the fine things we can do to strengthen the President's hands not only not jeopardizing our own position but strengthening the position of the Congress indeed, as Mr. FULTON's amendment did a little while ago.

Mr. HAYS of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to address this inquiry to the gentleman from New York, the author of the substitute. Is it his purpose to leave to the President the power in the atomic-energy field that he exercises in other areas?

Mr. JAVITS. Mr. Chairman, the gentleman is exactly right, subject to the constitutional limitations with respect to treaties and international agreements.

Mr. HAYS of Arkansas. I listened very carefully to what the gentleman from New York, the chairman of the committee, had to say in general debate and I sensed in his comment on the President's power that he shares the view that the President's power should not be circumscribed. As a matter of fact, there is little difference between us on this principle. All the thoughts that have been expressed seem to converge at least at this point, that we would be eager to preserve the President's constitutional power. Now, that is not platitudinous in the present world situation. I agree with the gentleman regarding the President's position. His address to the newspaper editors and later the address to the United Nations Assembly inspired millions throughout the world.

And, the gentleman knows my attitude on the constitutional question. Whether a Republican or Democratic President is in the White House, I am eager for the legislative body to recognize his authority just as I would expect the Executive to recognize our authority. In the present perils it is important that we leave him a free hand for world leadership, and I, for one, believe that only world leadership vigorously exerted can reach the goals we have in mind. It is the gentleman's viewpoint, as I understand it, that if there is any practical service to be realized by the President's agreements with other nations, it is largely with nations that are definitely on our side in the present cleavage. We are not going to have any agreements with Russia for example within the foreseeable future. Does the gentleman agree with that?

Mr. JAVITS. I certainly do agree with the gentleman, and I feel, therefore, that with the tremendous power which it gives the President to be able to speak and say the things he said, which are responsible for this international pool, that we ought to leave it untrammeled, and yet put conditions in with respect to the people we are going to do business with.

Mr. HAYS of Arkansas. It seems to me that the gentleman's approach is to be preferred to that of my good friend from California [Mr. HOLIFIELD].

The substitute simplifies and improves the section. Since complete clarification is essential, I hope that the gentleman from New York, the chairman, will accept the substitute.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to both amendments. I fear that there is a misunderstanding of the effect and the purpose of section 124. May I assure the Members of the House that this problem gave the joint committee much concern and trouble. We were confronted with two conflicting philosophies:

There was one viewpoint that said that we should do nothing toward disseminating atomic energy information to foreign countries, that is, do nothing toward making available to them knowledge or help with respect to purely nonmilitary uses of atomic energy.

On the other hand, some felt that we should turn everything over to foreign countries, irrespective of the degree of cooperation and assistance and effort which those foreign countries may have displayed toward our mutual endeavor to defend free people against Communist aggression.

The committee, I feel, has struck a rather conservative approach to dealing with this problem. It is an approach which will make possible the carrying out of the President's proposal to create an international atomic pool for peace. On the one hand we say, in section 144 (b), that the President may cooperate unilaterally with an individual country; and there is no limit upon the number of international agreements for cooperation that he may make. He may cooperate bilaterally with as many countries as he wishes. But he is not authorized to enter a multilateral arrangement for cooperation.

Section 124, on the other hand, does invite the President, by way of international arrangement, as defined in the bill, to enter into an international pool consisting of a group of nations.

Having made that international arrangement as envisioned in section 124, then thereafter it is possible for that group of nations to be treated and considered as one nation so far as the provisions of section 123 are concerned. At no time would section 124 limit or circumscribe in any respect, nor is it intended to circumscribe or limit, the authority of the President to enter into any treaty he may wish in the atomic energy field, if that treaty is entered into in the proper constitutional fashion. Nor does section 124 limit his authority to enter into an international compact or international agreement of a lesser stature than a treaty in the atomic energy field. Those avenues of approach are still available to him.

But section 124 does make available a third approach to the Chief Executive by permitting him, and in fact inviting him, to enter into an international arrangement by which these nations of the world, which will be a part of that agreement, will agree to participate in this pool for the dissemination and exchange of information and cooperation under the mechanics set forth in section 123.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. JAVITS. Is it not a fact that if the President does make an international agreement under section 124 he must nevertheless, and in addition, comply with section 123 if the law is left as it is written here?

Mr. COLE of New York. If the President determines to exercise his constitutional authority by way of the provision of section 124, then it must be carried out in accordance with section 123. However, the President may completely ignore section 124, completely ignore section 123, and make whatever international arrangement, treaty, or agreement he may wish.

Mr. JAVITS. Would not the gentleman say that we are unwise to pass a statute which we are inviting the President to ignore?

The CHAIRMAN. The time of the gentleman from New York [Mr. COLE] has expired.

The question is on the substitute offered by the gentleman from New York [Mr. JAVITS] for the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The amendment was rejected.

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JUDD:

On page 52, line 7, before the word "No", insert the numeral "(1)."

On page 53, after line 16, insert two new subsections, as follows:

"(2) If the President determines that any agreement for cooperation under any provision of this act—

"(a) is no longer consistent with the national interest or security of the United States; or

"(b) would no longer contribute effectively to the purposes for which such agreement for cooperation was undertaken, he shall terminate such agreement.

"(3) Any agreement for cooperation under any provision of this act may, unless sooner terminated by the President, be terminated by concurrent resolution of the Congress."

Mr. JUDD. Mr. Chairman, this is the amendment to which I referred earlier. It merely puts into this act the same provisions which are in existing legislation for termination by the President or by the Congress of any agreement for cooperation found to be no longer consistent with the national interest or security of the United States.

Mr. COLE of New York. Mr. Chairman, will the gentleman from Minnesota yield?

Mr. JUDD. I yield.

Mr. COLE of New York. In view of the fact that the House has already expressed its feeling on this subject, which in general is carried out by the proposal the gentleman now advances, I am prepared to accept the amendment.

Mr. JUDD. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 53, line 2, after the semicolon add: "(5) a guaranty by the cooperating party to permit continuous observation and review by United States representatives of programs authorized under this act, including the utilization of any such material furnished, or provide the United States with full and complete information with respect to these matters as the President may require."

Mr. FULTON. Mr. Chairman, this is a condition which I believe should be attached to the agreements which are to be made with foreign countries. It is a provision which requires the country that receives these nuclear materials to permit the United States to have continuous observation and review by our representatives so that we can see what is going on with these programs once we deliver the materials.

As the act now stands, once we have delivered the materials the foreign country can keep us from observing and from having knowledge of the program. Under our mutual security program, we learned that we should have a provision in the agreement allowing our United States military groups to have the right to follow the programs through so that we could see that the original intent of the agreement was carried out.

Some of these countries secretly might turn and go in different directions than the program was originally instituted for. Under those circumstances, we in the United States should certainly know and should certainly have the power to see what is going on. So that, taking language from the Mutual Security Act, I simply added an extra section, subsection (5), to the requirements of the cooperating nations, that they likewise give us the power to permit continuous observation and review by United States representatives of programs authorized under this act, including the utilization of any materials furnished by the United States, with such full and complete information with respect to these matters as the President may require. It gives the President the right to require under this agreement that we have full information from these countries as the program progresses.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to my colleague on the committee.

Mr. VORYS. Is it not almost inconceivable that the President would make agreements of this nature, with which we are familiar under the Mutual Security Act and other international arrangements, without making such a requirement?

Mr. FULTON. I agree with the gentleman.

Mr. VORYS. And is it also not inconceivable that any nation that is accepting this and going into a pool or going into such an arrangement would have its feelings hurt or would refuse this right of observation and review? It seems to me that this ought to be among the requirements.

Mr. FULTON. And we have learned on the Committee on Foreign Affairs that we need this right of continuous observation and review by United States representatives in the original agreement as the gentleman from Ohio [Mr. VORYS] stated.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield.

Mr. WAINWRIGHT. While I am in sympathy with the gentleman's amendment, I am sure the members of the committee are also in sympathy with it, it seems quite apparent that if your amendment were adopted and some foreign nation gave us the benefit of their information with regard to fissionable material, the same thing would attach to us and we would have their agents running all over this country for inspection purposes.

Mr. FULTON. Of course, I would disagree with the gentleman because under the Mutual Security Act we give arms to foreign nations for mutual programs and we do not permit that stated action in the United States. So it does not follow that they likewise could enter into this country. I do not want to deliver fissionable material without following up on it to see what is being given and how it is being used.

Mr. PRICE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the committee is in error and is making a mistake in considering this legislation on the same basis as the Mutual Security Act. In the Mutual Security Act we are doing almost all the giving. In this act we are thinking of an exchange with foreign nations. I think we took a step backward a few minutes ago when we accepted the amendment offered by the gentleman from Minnesota. I think we ought to get away from the idea that we are working now on the Mutual Security Act. We are thinking here of a mutual exchange of information with friendly foreign nations.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. FULTON. I would like to comment on that because if it is worth while to the United States to have this review and this right of inspection on minor weapons which are given to foreign countries how much more worth while is it for our own United States security to have that right of inspection and review on atomic and fissionable nuclear material.

Mr. PRICE. May I point out to the gentleman from Pennsylvania I am not directing my remarks so much to his amendment as to the prior amendment which the committee accepted.

Mr. FULTON. I hope the gentleman will agree on this amendment.

Mr. PRICE. I am definitely for the strictest type of inspection, but feel there is no need for the amendment offered by the gentleman.

Mr. FULTON. I want inspection.

Mr. PRICE. I agree with the gentleman on that point, but I would just like for us to get away from the idea of pursuing this phase of the bill as though we are considering mutual security legislation where, as we did a moment ago, we accepted an amendment which might be all right in the Mutual Security Act, but which would further handicap the President in an effort to arrange mutual exchange of information with friendly foreign countries.

Mr. DURHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a rather peculiar situation. I do not think we can consider this act on the same basis as we do the Mutual Security Act. It is of an entirely different nature. On the last 2 or 3 amendments that have been offered from the other side, I might say, and I am a little bit surprised because it shows but little confidence in the leadership of our President, that seems to be the attitude. Again I ask you to read the message of the President. What we are trying to do here is to put the President in a position so that he can deal with this thing in a gentlemanly way and not say that we will go over there and we will do this and we will do that and you cannot do this and you cannot do that. This is not a case similar to handing out provisions or handing out money. As the chairman said a few moments ago, much of this is information which has to be dealt with on an entirely different basis. I would not want to find myself in the position here of expressing no confidence in the leadership of our President. I think that is bad. I do not believe we should place these things on that basis. As much respect and confidence as I have in my colleague the gentleman from Minnesota [Mr. JUDD], I feel that we went too far in adopting the amend-

ment a few minutes ago. I expect to oppose it if I am on the conference committee.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Minnesota.

Mr. JUDD. My amendment does not express lack of confidence in the President. My amendment provided, first of all, that if a situation developed where any agreement for cooperation was working in a way contrary to the interests of the United States, the President shall terminate the agreement. That is what my amendment said, the President shall terminate it. In addition, the Congress may terminate it if the President has not terminated it sooner. Suppose one of these countries went Communist, there is no provision in the bill where we could interrupt the cooperation program.

Mr. DURHAM. He can stop it overnight. We cannot pull the information out of the heads of the people. That sort of problem constitutes the major percentage of those cases with which we are dealing.

Mr. JUDD. It is not lack of confidence in the President; it is a declaration of policy. Whenever a program is not working in such a way that it accomplishes the objectives we intended, the President shall terminate it, and if he does not the Congress may.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from New York.

Mr. COLE of New York. If this authority permitted the transfer of fissionable material of sufficient amount to make a weapon, then the fears or apprehensions that have been expressed by the gentleman from Pennsylvania or as represented by his amendment might be justified. But that is not the case. There is no authority here to transfer enough material to make a weapon, therefore inspection is not necessary.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Pennsylvania.

Mr. FULTON. My amendment says when we give them information and when we give them fissionable materials of any amount, that we in the United States have the right to follow up with continuous inspection and supervision of the program to see what they are doing with it, because if the country is starting to go Communist and they are diverting the information or the materials to another country, I think we in the United States for our own security need to know it quickly.

Mr. DURHAM. Does not the gentleman's amendment do this: It says to those people, we will deal with you as long as we please; but when we get miffed, out it comes. And then where are you? You destroy at one swoop all the good relations and goodwill that you have been trying to build up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I demand a division.

The Committee divided and there were—ayes 11, noes 75.

So the amendment was rejected.

The Clerk read as follows:

"CHAPTER 12. CONTROL OF INFORMATION

"SEC. 141. Policy: It shall be the policy of the Commission to control the dissemination and declassification 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:

"a. Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of restricted data with other nations except as authorized by section 144; and

"b. The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

"SEC. 142.—Classification and declassification of restricted data:

"a. The Commission shall from time to time determine the data, within the definition of restricted data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of restricted data.

"b. The Commission shall maintain a continuous review of restricted data and of any classification guides issued for the guidance of those in the atomic-energy program with respect to the areas of restricted data which have been declassified in order to determine which information may be declassified and removed from the category of restricted data without undue risk to the common defense and security.

"c. In the case of restricted data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

"d. The Commission shall remove from the restricted data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the restricted data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144b.

"e. The Commission shall remove from the restricted data category such information concerning the atomic-energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102 (d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.

"SEC. 143. Department of Defense participation: The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Commission to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to restricted data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such restricted data will not endanger the common defense and security: *And provided further,* That the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 145.

"SEC. 144. International cooperation:

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation restricted data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

Provided, however, That no such cooperation shall involve the communication of restricted data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this act.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such restricted data as is necessary to—

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons; and

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That no such cooperation shall involve communication of restricted data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Atomic Energy Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

"SEC. 145. Restrictions:

"a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until

the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"b. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to restricted data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. In the event an investigation made pursuant to subsections a and b of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

"d. If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections a and b of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"e. Notwithstanding the provisions of subsections a and b of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"f. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections a. and b. of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the restricted data to which access will be permitted.

"SEC. 146. General provisions:

"a. Sections 141 to 145, inclusive, shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.

"b. The Commission shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. Military utilization:

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted, for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. 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 utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful: (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the 90th day after completion of such invention or discovery; or the 90th day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

"d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications.

"SEC. 152. Nonmilitary utilization:

"a. The Commission may, after giving the patent owner an opportunity for a hearing, declare any patent to be affected with the public interest if: (1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and (2) the licensing of such invention or discovery under this section is of primary importance to effectuate the policies and purposes of this act.

"b. Whenever any patent has been declared affected with the public interest, pursuant to subsection 152 a.—

"(1) the Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this act; and

"(2) any person may apply to the Commission for a patent license to use the invention or discovery covered by such patent, and the Commission shall grant such patent license to the extent that it finds that the use of the invention or discovery is of primary importance to the conduct of an activity by such person authorized under this act.

"c. Any person—

"(1) who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

"(2) to whom such license, permit, or lease has been issued by the Commission;

"(3) who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under sections 62 or 81; or

"(4) whose activities or proposed activities are authorized under section 31,

may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent. Each such application shall set forth the nature and purpose of the use which the applicant intends to make of the patent license, the steps taken by the applicant to obtain a patent license from the owner of the patent, and a statement of the effects, as estimated by the applicant, on the authorized activities which will result from failure to obtain such patent license and which will result from the granting of such patent license.

"d. Whenever any person has made an application to the Commission for a patent license pursuant to subsection 152 c.—

"(1) the Commission, within 30 days after the filing of such application, shall make available to the owner of the patent all of the information contained in such application, and shall notify the owner of the patent of the time and place at which a hearing will be held by the Commission;

"(2) the Commission shall hold a hearing within 60 days after the filing of such application at a time and place designated by the Comimssion; and

"(3) in the event an applicant applies for two or more patent licenses, the Commission may, in its discretion, order the consolidation of such applications, and if the patents are owned by more than one owner, such owners may be made parties to one hearing.

"e. If, after any hearing conducted pursuant to subsection 152 d., the Commission finds that—

"(1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

"(2) the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

"(3) the activities to which the patent license are proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of this act; and

"(4) such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant,

the Commission shall license the applicant to use the invention or discovery covered by the patent for the purposes stated in such application.

"f. The Commission shall not grant any patent license pursuant to subsection 152 e. for any other purpose than that stated in the application. Nor shall the Commission grant any patent license to any other applicant for a patent license on the same patent without an application being made by such applicant pursuant to subsection 152 c., and without separate notification and hearing as provided in subsection 152 d., and without a separate finding as provided in subsection 152 e.

"g. The owner of the patent affected by a declaration or a finding made by the Commission pursuant to subsection 152 b. or 152 e. shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by this section. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 156 c.

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1959.

"SEC. 153. Injunctions: No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a patent licensee, to the extent that such use is licensed by subsection 152 b. or 152 e. If, in any action against such patent licensee, the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to subsection 156 c., together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to subsection 156 c. If any such patent licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and

reasonable attorney's fees as may be fixed by the court.

"SEC. 154. Prior art: In connection with applications for patents covered by this chapter, the fact that the invention or discovery was known or used before shall be a bar to the patenting of such invention or discovery, even though such prior knowledge or use was under secrecy within the atomic-energy program of the United States.

"SEC. 155. Commission patent licenses: The Commission shall establish standard specifications upon which it may grant a patent license to use any patent held by the Commission or declared to be affected with the public interest pursuant to subsection 152 a. Such a patent license shall not waive any of the other provisions of this act.

"SEC. 156. Compensation, awards, and royalties:

"a. Patent Compensation Advisory Board: The Commission shall designate a Patent Compensation Advisory Board to consider applications under this section. The members of the Board shall receive a per diem compensation 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 Board. The members of the Board may serve as such without regard to the provisions of sections 281, 283, or 284 of title 18 of the United States Code, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

"b. Eligibility:

"(1) Any owner of a patent licensed under subsections 152 b. or 152 e., or any patent licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as the Commission by regulation may establish.

"(2) Any person seeking to obtain the just compensation provided in section 151 shall make application therefor to the Commission in accordance with such procedures as the Commission may be regulation establish.

"(3) Any person making any invention or discovery useful in the production or utilization of special nuclear material, who is not entitled to compensation or a royalty therefor under this act and who has complied with the provisions of section 151 c. hereof may make application to the Commission for, and the Commission may grant, an award. The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

"c. Standards:

"(1) In determining a reasonable royalty fee as provided for in subsections 152 b. or 152 e., the Commission shall take into consideration: (A) the advice of the Patent Compensation Advisory Board; (B) any defense, general or special, that might be pleaded by a defendant in an action for infringement; (C) the extent to which, if any, such patent was developed through federally-financed research; and (D) the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

"(2) In determining what constitutes just compensation as provided for in section 151, or in determining the amount of any award under subsection 156 b. (3), the Commission shall take into account the considerations set forth in section 156 c. (1) and the actual use of such invention or discovery. Such compensation may be paid by the Commission in periodic payments or in a lump sum.

"SEC. 157. Nothing in this act shall affect the right of the Commission to require that patents granted on inventions, made or conceived during the course of federally financed research or operations, be assigned to the United States.

"SEC. 158. Saving clause: Any patent application on which a patent was denied by the United States Patent Office under sections 11 (a) 1, 11 (a) 2, or 11 (b) of the Atomic Energy Act of 1946, and which is not prohibited by section 151 of this act may be reinstated upon application to the Commissioner of Patents within 1 year after enactment of this act and shall then be deemed to have been continuously pending since its original filing date: *Provided, however,* That no patent issued upon any patent application so reinstated shall in any way furnish a basis of claim against the Government of the United States.

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 63, line 5, strike section 152 in its entirety and substitute therefor the following:

"SEC. 152. Inventions conceived during Commission contracts or other relationship: Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived by any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission, shall be deemed to have been made or conceived by the Commission, except that the Commission may waive its claim to any such invention or discovery if made or conceived by any person at or in connection with any laboratory under the jurisdiction of the Commission as provided in section 33, or under such other circumstances as the Commission may deem appropriate. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within 30 days after request therefor by the Commissioner of Patents, a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall forthwith forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission entitling the Commission to take title to the application or the patent, the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements no notification by the Commission that it has no objections to the issuance of a patent to the applicant shall be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section."

Mr. COLE of New York. Mr. Chairman, I am fully conscious of my inability to adequately deal with the subject matter of patents, but to me it is of paramount and transcendent importance that the manner in which this bill deals with patents in the atomic-energy field be properly treated. The bill, as presented for the consideration of the House this evening, requires compulsory licensing of patents in the nonmilitary field. As I endeavored to explain to the House a number of hours ago, this is the first time in the history of this country that the Congress would be adopting a law providing for compulsory licensing of patents although many efforts to do so have been made in years past. The argument is advanced by the supporters of the compulsory licensing approach that it is necessary in order to prevent a few companies or those persons who have been engaged in this program from reaping an unjust harvest because of that association with the program. With that objective, I am in complete agreement. But there is another way in which that can be reached without doing utter and complete violence to the traditional patent system that has made this country so great. It will be pointed out that the President in his recommendation to the Congress urged that the law with respect to patents be enlarged to make lawful patents in the atomic-energy field, but that it be circumscribed for the period of the next 5 years by requiring compulsory licenses. I felt so deeply on this subject that I undertook personally to communicate with the President by way of letter pointing out the dangers of such an approach. A short while ago I received a reply from which I will read but one sentence. The letter in effect reiterates the recommendation made by the President at that time, but it carries this additional sentence. I should point out that this reply is not from the President, but from Mr. Bernard M. Shanley, special counsel to the President. I quote from the letter:

THE WHITE HOUSE,
Washington, July 15, 1954.

HON. STERLING COLE,
House of Representatives,
Washington, D. C.

DEAR MR. COLE: The President asked me to reply to your letter of June 26 with respect to the patent provisions of the proposed amendments of the Atomic Energy Act.

The President is concerned, as I am sure you are, that permitting greater utilization of atomic energy by industry does not result in giving to the limited number of companies which have had contractual relations with the Atomic Energy Commission a monopoly position in this field. For this reason, he felt that it was essential that the act contain some effective mechanism to prevent this situation from arising. Hence, he suggested that the authority which the Atomic Energy Commission now has under the act to require a patent owner to license others to use an invention essential to the peacetime applications of atomic energy be continued for a limited period. This suggestion, however, was not intended to foreclose the consideration and adoption by the Congress of any other effective merchanism that would accomplish the objective that the President had in mind.

With kind regards,

Sincerely yours,

BERNARD M. SHANLEY,
Special Counsel to the President.

The amendment that I have proposed is to the effect that every application for a patent in this field must carry with it a sworn statement by the applicant telling the time and circumstances and conditions under which this invention or discovery was conceived, and if that information discloses that it was during the course of any employment by the Atomic Energy Commission or employment by a contractor of the Commission or in any relationship whatever with the Federal Government that then the Commission may deny to that applicant the right of a patent and declare that that patent is public property—based upon the argument that it was conceived in the course of an association with the Government which was supported by public funds. That to me accomplishes the objective. It prevents anybody at all—everybody whatsoever who has been engaged in this program from obtaining a patent in the nonmilitary field of atomic energy, if that invention or discovery was conceived during the course of any association or relation with the Government. My objection to the compulsory licensing provision is that basically it is clearly in contravention of the Constitution, which says that the Congress may grant exclusive rights to patents and inventions. As you will note, it says "exclusive right." Therefore, a compulsory patent law is a clear violation and infringement of the exclusiveness of a patent.

This subject was a matter of concern when the McMahon Act was considered by the Congress 7, 8, or 10 years ago. It was of such concern that the chairman of the Patent Committee at that time, a man who most of you will recall as being one of the most respected, most lovable and most learned men in this House, whose specialty was in the field of patents, took occasion when this bill was under consideration to take the floor and expound his view. The gentleman to whom I refer was the Honorable Fritz Lanham, of the State of Texas.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VAN ZANDT. Mr. Chairman, I move to strike out the last word and yield to the gentleman from New York [Mr. COLE].

Mr. COLE of New York. Mr. Chairman, in connection with a proposal that was contained in the McMahon Act dealing with a section requiring compulsory licensing, he said:

It would be much more than a poor pun or a facetious observation to say of the patent section in this bill for the consideration of a bomb that it is "a-bomb-inable." It would sovietize our American system of patents upon which our prosperity and our progress have been founded.

That was the counsel of the one man in the House at that time who I dare say knew more about patents and the significance of our traditional patent system and the development of our industrial economy than any other man in the House at that time or since.

Further than that, it was a matter of such concern to members of the committee of the House having jurisdiction over this subject that it was the sole item contained in an expression of minority views of the Committee on Military Affairs. That expression took violent exception and protest against the adoption of a compulsory licensing system, although I point out it was rather academic because other sections of the McMahon Act prohibited patents. Therefore it was academic. But irrespective of its full force, the Military Affairs Committee or at least a minority of that committee took occasion to criticize it.

It is interesting to see who those Members were at that time in 1946 who opposed it.

First is the gentleman from Michigan [Mr. SHAFER], who is presently a Member. Next, the gentleman from Iowa [Mr. MARTIN], who is still a Member. A former Member from the State of Ohio, a highly respected attorney, Charles Elston. Another former Member from the State of Indiana, who now serves in an official capacity in the other body, Mr. Forest Harness. Dr. IVOR FENTON, of the State of Pennsylvania, opposed compulsory licensing. The Honorable DEWEY SHORT, now chairman of the Committee on Armed Services, raised a word of warning against this step. The Honorable LESLIE ARENDS, present whip of this House, protested against compulsory licensing, and 1 or 2 others.

Mr. Chairman, this is the first step in a most dangerous direction. It will be argued that it is in a very narrow field of nonmilitary utilization of atomic energy, it will be argued that it is only for a short period of time, 5 years. The tragedy is that having taken this step it cannot be retraced. In the future other Congresses will point to the action which we take tonight and say that the Congress in 1954 determined that the public interest required the inauguration of a system of compulsory licensing, therefore we in 1964 can make it 10 years or 20 years or forever, we can make it not only in the atomic area of a patent application but we can make it in electronics, aircraft engines, aircraft frames, any phase of our industrial production. If it is logical in this small area for this short period of time, it must be logical to enlarge it to other areas.

Perhaps the most important argument against compulsory licensing is that it is a reversal of a great tradition. For Congress to enact such a provision into law would be to defile and debase a 150 years of patent precedent. Undoubtedly, there is not a single member sitting in either House who can be certain that the vast industrial success of the United States, our primary defense weapon, is not the direct result of this excellent system. Compulsory licensing will completely alter its basic concepts. In this regard the Congress faces an awesome responsibility when it sets such a precedent.

It is urged that the compulsory licensing provision in H. R. 9757 will serve the public interest by preventing a few companies from capturing certain key patents. I would contend that this provision could have the reverse effect. The industries involved might choose to use their inventions as trade secrets and not patent them. As a result, there would be no publication and no review of the publication by competitors who would immediately set their research effort on the improvement of the primary patent. Trade secrets are common in American industry and are quite successfully concealed. Obviously, the public interest is better served by publication and the incentive to improve upon the primary patent.

It has been urged that the Atomic Energy Act of 1946, as amended, provided for compulsory licensing of certain patents in the atomic energy field, and that therefore it would be a reversal of precedent for the present bill not to contain this provision. It can be clearly shown, however, that this provision in the McMahon Act is a naked grant. The compulsory licensing provision was an unnecessary gratuity on the part of the framers, who may very well have had motives for breaking patent precedent other than the furtherance of nuclear enterprises. Furthermore, it is apparent that since the 7b report was a condition precedent to compulsory licensing, the committee and the Congress would get a second look at the compulsory licensing feature.

The Constitution has established a perfect system of reward for the inventor. It is impossible to fix the price of monetary reward for a particular invention by Constitution or statute because no one can anticipate the value of a particular invention. Therefore, what is the best reward that the Congress and previously the framers of the Constitution could offer to an inventor? Obviously, there is but one answer. The reward is the exclusive right to his invention balanced by the constitutional right vested in Congress to limit the time this right vests. It is therefore urged that compulsory licensing provisions destroy this delicately balanced system of reward and incentive. In line with this reward concept and the value of a patent, it should be considered that patent rights are property rights. They are incorporeal rights. Above all, it should be remembered that they are the most perishable and uncertain of all property. They could be of value one day and valuless the next. How can any reward system be established in regard to elu-

sive property such as this if the exclusive right formula is destroyed.

One of the major arguments through the years by the proponents of compulsory licensing has been that many large companies suppress patents. This argument is rebutted by the contention that suppression is relatively impossible under the patent system because of the necessity for publication. But more important, it can be fully established that both in the hearings before the Oldfield committee of the House in 1912 and in the hearings in March 1938 before the O'Malley committee, no witness presented evidence to prove that suppression had ever existed in major industries in the United States.

In this regard there are two interesting quotations:

Testifying before the Oldfield committee in the House in 1912, Thomas Edison said in this regard:

> I myself do not know of a single case.

Dr. Frank B. Jewett, president of the National Academy of Sciences, said in 1943:

> Personally during an experience in industry of nearly 40 years, I have never known of a single authenticated case where a valuable invention was willfully suppressed. Nor have I ever known anyone who claimed to know of a single such case.

In a book entitled "There Is No Mystery About Patents," by patent attorney William R. Ballard, there appears the following introduction:

> Were it my task as a supersaboteur to destroy America, I should certainly want to begin by disabling her patent system, thus to sterilize her entire industry.

The following is a quote from Ballard, cited above:

> A patent does not take something from the public and give it to an individual. On the contrary, a patent is the means of getting something from an individual and giving it to the public.

Another interesting quote is:

> Nothing could better promote the progress of any art than to have two or more companies (or individuals) competing under the spur of self-interest to see who could produce and patent the most and best improvements relating to it.

Insofar as compulsory licensing by patentees of certain classes of applicants to the Atomic Energy Commission is concerned, it is my contention that the provisions of section 152 of H. R. 9757 and S. 3690 are unconstitutional. The enactment of such a statutory provision would violate an express limitation upon the power of Congress under the Federal Constitution.

Article I, section 8, clause 8 of the Federal Constitution provides the Congress shall have the power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This express power has been frequently exercised by Congress in enacting the various patent statutes commencing in 1790. I maintain that the power of Congress under article I, section 8, clause 8, of the Constitution is subject to the express limitation of securing only "the exclusive right" to duly constituted patentees, and the granting of less than an exclusive right would be inconsistent with the Constitution.

Article VI, clause 2, of the Federal Constitution provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Speaking in the case of *Carter* v. *Carter Coal Co.* (298 U. S. 238), Mr. Justice Sutherland said:

> The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior statute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, *Adkins* v. *Children's Hospital* (261 U. S. 525, 544); but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevent to the inquiry. *Schechter* v. *United States* (295 U. S. 495, 549–550).

Recently in the segregation case the Supreme Court held that "separate but equal" was not "equal" under the "equal protection of the laws" clause of the 14th amendment—Brown against Board of Education, decided May 17, 1954. It is equally true that "exclusive but forced to license" is not "exclusive."

No court is authorized to construe a clause of the Constitution, so as to defeat its obvious ends, when another construction, equally accordant with the words, and sense, will enforce and protect them—*Prigg* v. *Pennsylvania* (16 Pet. 612 (1842)).

The words "exclusive" and "right" are clear and unambiguous. Being free from ambiguity, the long-accepted rules of construction demand that we interpret the words by referring to their plain and ordinary meaning. This is construction by literal interpretation.

The plain and ordinary meaning of today is not enough. What was the meaning of these words during the period of the Constitutional Convention? They meant as much if not more than they convey today.[1]

Some modern reference sources contain the following:

Bouvier's Law Dictionary defines "exclusive" as:

> (Lat. ex. out, claudere, to shut). Not including; debarring from participation. Shut out; not included. An exclusive right or privilege, as a copyright or patent, is one which may be exercised and enjoyed only by the person authorized, while all others are forbidden to interefere.

Footnotes at end of speech.

Words and Phrases, permanent edition, 15A, "exclusive right," page 213:

> The exclusive right of a patent, or the franchise which the patent grants, consists altogether in the right to exclude everyone from making or using or vending the thing patented, without the permission of the patentee. This is all he obtains by his patent. In other words, the right is the right to prevent everyone from making or using or selling the thing patented without his consent. Or, to put it differently, it is the right to sue anyone who so makes, uses, or sells the thing patented. It is not the right to make, or to use, or sell the thing patented. That he has the right to do irrespective of the statute by virtue of the common law (*Hartman* v. *John D. Oark & Sons Co.* (145 F. 358, 363)).
>
> The "exclusive rights" secured by a patent are the right to make, the right to use, and the right to vend the invention it protects. A grant, transfer, or conveyance of these exclusive rights throughout the United States, or a grant of an undivided part of these exclusive rights, or a grant of these exclusive rights throughout a specified part of the United States, is an assignment of an interest in the patent, by whatever name it may be called. A grant, transfer or conveyance of any right of interest less than these is a license (*Paulus* v. *M. M. Buck Mfg. Co.* (129 F. 594, 596, 64 C. C. A. 162), citing *Waterman* v. *Mackenzie* (11 St. Ct. 334, 138 U. S. 252, 255, 256, 34 L. Ed. 923); *Union Switch & Signal Co.* v. *Johnson Railroad Signal Co.* (61 F. 940, 943, 10 C. C. A. 176, 179); *Pickhardt* v. *Packard* (22 F. 530, 532, 23 Blatch, 23)).

By this reference to the plain and ordinary meaning of the words "exclusive right," it is inconceivable that they could mean less than the total privilege to shut out other individuals from participation. This Congress is not empowered to grant less than this.

The Constitution gave the Congress power to grant exclusive rights to ideas and inventions just as it gave to the Congress other powers and prerogatives which historically resided in the sovereign. The English sovereign had complete and sole authority to grant or withhold patents or other sovereign privileges. Yet even the most absolute sovereign could not, for all his power, divide that which is inherently indivisible. No English sovereign has ever been able to bestow a title of nobility binding an individual to the sovereign and at the same time allow such a nobleman to have some degree of loyalty to another sovereign. Neither has any sovereignty—be it king or Congress—any power or ability to grant anything in part if that which is granted is not by its nature divisible. So it is with the exclusive right to ideas and inventions. That right is either exclusive or not exclusive. It cannot be less than exclusive and continue in being. The indivisibility of exclusiveness is not unique. Many words in common usage at the time the Constitution was drafted, and still today, convey a single idea not divisible. To suggest but a few, who can conceive of citizenship, divinity, or virginity, as being less than single and indivisible ideas, however complex may be their definitions?

Were I to concede that a latent ambiguity existed in the constitutional provision, questions of construction would be resolved by determining the intention of

the framers of the Constitution. I contend that reference sources support the proposition that it was the intent of the Constitutional Convention that the only patent rights which Congress has the power to grant are exclusive rights.

The words "patent" and "copyright" were words of common usage at the time of the Constitutional Convention and long prior thereto.[2]

I refer to the Records of the Federal Convention of 1787, edited by Max Farrand and published in 1911 by the Yale University Press. The words "patent" and "copyright" appeared therein in presentations to the Constitutional Convention.[3]

It is clear that the words "copyright" and "patent" were presented to the Constitutional Convention. They were terms bearing the same connotation as today and of common usage during the period of the Convention and prior thereto. Yet the framers chose the words "exclusive right" in their place.

The definitions in the dictionaries of the period[1] indicate that the phrase "exclusive right" was part of the common definition for the word "patent." It was used rather than the terms "patent and copyright." The terms were thereby interpreted for posterity.

I believe an examination of the possible reasons for this choice of words sheds considerable light on the intention of the Convention.

Some 13 years prior to the Constitutional Convention, in the year 1774, the celebrated English case of *Donaldson* v. *Beckett* (4 Burr 2408, 2 Brd. P. C. 129) was debated in the House of Lords. The issue involved in the case was the nature of the copyright, and question No. 4, which was presented to the lords, was the following:

> Whether the author of any literary composition and his assigns have tht sole right of printing and publishing the same in perpetuity by the common law.

Seven lords replied affirmatively to the question and four replied in the negative. It is therefore apparent that exclusiveness of a copyright was the subject of controversy in the years prior to the Convention. Would it not have been logical for the author of the clause to fear such arbitrary judicial interpretation of the terms and instead supply the interpretation itself?

Apparently Mr. Charles Pinckney, of South Carolina, is to be credited with the authorship of the patent clause in the Constitution.[3] Available sources indicate that Mr. Pinckney was reading law at the Temple in London, England, during or immediately following the period when the case of Donaldson against Beckett was being debated in the House of Lords.[4]

In his native State of South Carolina a clause relating to the granting of patents appeared at the end of a copyright statute.[5] Apparently this clause was the only patent statute then in force in the Colonies, and, in fact, there was no case involving industrial and manufacturing patents which came before a colonial court.[6]

Footnotes at end of speech.

Since Mr. Pinckney was an attorney and undoubtedly aware of the legal controversies of his era and the commingling of the patent and copyright concepts in his State statute, would it not have been logical for him to desire that the controversies concerning the nature of copyrights and patents be quieted by an explicit statement on their nature in the patent clause he suggested?

In the James Wilson version of the so-called Pinckney plan[7] it is noted that he used the words "exclusive right" in another respect. Pinckney proposed that Congress "shall have the exclusive right of coining money." Furthermore, in his published Observations[8] Mr. Pinckney refers to the exclusive right of Congress to regulate the militia.

Considering these references, it becomes difficult to construe Mr. Pinckney's conception of an exclusive right as a right subject to limitation.

In April of 1790, the First Congress, 2d session, enacted the first patent statute. April 10, 1790, Statute 109a. This Congress was closest in point of time to the Constitutional Convention and closest to thinking and intention of the prior group. Some Members of Congress were at the Convention. In this first patent statute in section 1 and section 2 the words "sole and exclusive right" were used in relationship to the grant. The addition of the word "sole" could be regarded as meaningless, since it is synonymous with "exclusive" and the only right Congress was empowered to grant was the "exclusive right." Yet it would appear that the word "sole" was added to fortify the concept of exclusiveness.

In the second patent statute in 1793—February 21, 1793, I Stat. 318, chapter 11—the word "full" was substituted for the word "sole."

In construing the later but almost identical patent laws, Mr. Justice Day, speaking in the case of *Bauer* v. *O'Donnell* (229 U. S. 1) expressed the following:

> The right to make, use, and sell an invented article is not derived from the patent law. This right existed before and without the passage of the law and was always the right of an inventor. The act secured to the inventor the exclusive right to make, use, and vend the thing patented, and consequently to prevent others from exercising like privileges without the consent of the patentees. *Bloomer* v. *McQuewan* (14 How. 539, 549); *Continental Paper Bag Co.* v. *Eastern Paper Bag Co.* (210 U. S. 405, 425).

Speaking elsewhere in the same case, Mr. Justice Day stated:

> In framing the act and defining the extent of the rights and privileges secured to a patentee Congress did not use technical or occult phrases, but in simple terms gave an inventor the exclusive right to make use, and vend his invention for a definite term of years. The right to make can scarcely be made plainer by definition, and embraces the construction of the thing invented. The right to use is a comprehensive term and embraces within its meaning the right to put into service any given invention. And Congress did not stop with the express grant of the rights to make and to use. Recognizing that many inventions would be valuable to the inventor because of sales of the patented machine or device to others, it granted also the exclusive right to vend the invention covered by the letters patent. To vend is also a term readily understood and of no doubtful import. Its use in the statute secured to the inventor the exclusive right to transfer the title for a consideration to others. In the exclusive rights to make, use, and vend, fairly construed, with a view to making the purpose of Congress effectual, reside the extent of the patent monopoly under the statutes of the United States. *Bloomer* v. *McQuewan, supra.*

Footnotes at end of speech.

We have analyzed the intention of the framers of the Constitution, and I would like to call attention to their objective. I believe that the objective is clear and unambiguous and plainly recited in article 1, section 8, clause 8 of the Constitution. Therein it states that the objective is "to promote the progress of science and the useful arts."

Speaking in *Pennock* v. *Dialogue* (2 Pet. 1) Mr. Justice Story said:

> While one great object (of our patent laws) was by holding out a reasonable reward to inventors, and giving them an exclusive right to their inventions for a limited period, to stimulate the efforts of genius; the main object was "to promote the progress of science and useful arts."

Do the compulsory licensing provisions of section 152 of H. R. 9757 implement or defeat this objective? I contend that they tend to defeat it.

Three primary arguments have been made by proponents of compulsory licensing through the years in this matter. They are:

First. The granting of patents in certain situations tends to create monopolies.

Second. The patent grant permits the patentee to retard progress through nonuse of the patent.

Third. In the atomic energy program certain business enterprises have enjoyed an advantageous contractual relationship which could easily gain for them a preferential patent position.

In answer to the first proposal, I refer to the common law.

Monopolies were contrary to and in derogation of the common law and from the time of the Magna Carta, the legislatures and courts of England interfered to repress them and to uphold the rights and liberties of the citizens from being restrained by the English sovereign.

The statute of monopolies in 1623 was declaratory of the common law proposition that monopolies were illegal. The statute of monopolies in section 5 specifically exempted letters patent in grants of privilege as related to true inventors. This exemption under the statute of monopolies is certainly declaratory of the common law. By Lord Coke's definition,[9] a monopolist is one who by report of his exclusive privilege takes something from the public which they had a right to use before the grant of such exclusive privilege. In the case of the inventor, this is not true. He is not taking something from the public which they had before; he is creating something new. His industry, sacrifice, labor, and expenditure produced the new item.

I believe that the logic of the common law is not materially altered in our

Footnotes at end of speech.

modern situation. I believe a monopoly is still created in the taking of something to which the public had inherent rights, through the use of conspiratorial business practices. This is incompatible with the concept of property right known to patent law whereby a grant is made to the one in whom the property right springs up. I therefore contend that it cannot be argued that the objective of the Constitution is defeated by the allegation that patents create monopolies.

Monopoly situations can arise as a result of unfair and conspiratorial practices in the business relationships of the patentee but I believe there are adequate remedies available to the Federal Government through the use of the antitrust laws.

The activities of patentees which have drawn the most attention of those reformers interested in compulsory licensing, as it relates to the antitrust laws, springs from the secondary aspects of the patent. The abuses, I contend, do not spring up in the "exclusive right" of the patent itself. An example of the type of patent abuse for which remedial legislation has been sought is reflected in the case of the *United States* v. *National Lead Company* ((1947) 67 Sup. Ct. 1634). Here we deal with territorial division, exchanges of patent licenses and patent technology, the making of each party the agent of the other, and an agreement not to contest the validity of each other's patents. These secondary aspects of patent use are subject matter within the purview of the antitrust laws.

I would be constrained to state, however, that the patent right is even superior to these antitrust laws since granting of "exclusive right" is a constitutional provision and is per se superior to the statutes.

It is said that nonuse of a patent tends to defeat the objective of the Constitution. I contend that the opposite is true. The nature of the patent system is such that the invention of a patentee must be published. If the nonuse of the patentee places his competitor in a disadvantageous position, what is the best remedy of the competitor? An easy remedy is the compulsory license; but this does not meet the objective of the Constitution.

The objective is best met by forcing the competitor to find a superior invention, an improvement through due effort and perspicacity comparable to that of the original inventor. The diligent competitor can soon devise and patent a development superior in the art. In this way the objective of the Constitution "to promote the progress of science and useful arts" is met. Through compulsory licensing the objective would be defeated and the sciences and the arts could atrophy.

In this respect Judge Brawley stated, in the case of *Crown Cork & Seal Co.* v. *Aluminum Stopper Co.* (108 F. 845, 870 (C. C. A. 4th, 1901)):

Painter's invention is not one of those great epoch-making discoveries like that of printing, or the steam engine, or the electric telegraph, which opened to their inventors the portals of the Pantheon of the immortals. For such as these the love of fame and the glory of being benefactors of human kind served alike as motive and reward, but to the patient laborer in workshop and factory the incentive of fame and glory is absent. For them the stimulus of the rewards offered by our patent laws is needed to encourage by the hope of profit that zealous eagerness to improve processes, to remedy defects in machinery, to invent new methods and appliances for saving labor and cheapening production in the numberless articles that are in daily use. It is this stimulus that has made the American mechanic the most alert, observant, and studious of any in the world, and it is the indefinite multiplication of these small inventions and improvements that has wrought an industrial revolution and brought his country to the forefront of the world's commerce. It was the consciousness that in the knapsack of every private soldier there might be the baton of a marshal of France that inspired her soldiers to unparalleled achievements. In our unheroic, industrial age the central processes of a nation's life lie in production and distribution. The protection and hope of profit held out by our patent laws inspires that stimulating energy which leads to experiment, invention, and all the resulting benefits; a refusal of that protection in a proper case will deaden and destroy it.

And the First Report of National Patent Planning Commission, House Document 239, page 1, 78th Congress, 1st session, 1943, commented in this regard:

The American patent system established by the Constitution giving Congress the "power to promote the progress of science and useful arts," is over 150 years old. The system has accomplished all that the framers of the Constitution intended. It is the only provision of the Government for the promotion of invention and discovery and is the basis upon which our entire industrial civilization rests.

The American people and their Government should recognize the fundamental rightness and fairness of protecting the creations of its inventors by the patent grant. The basic principles of the present system should be preserved. The system has contributed to the growth and greatness of our Nation; it has—

(1) Encouraged and rewarded inventiveness and creativeness, producing new products and processes which have placed the United States far ahead of other countries in the field of scientific and technological endeavor;

(2) Stimulated American inventors to originate a major portion of the important industrial and basic inventions of the past 150 years;

(3) Facilitated the rapid development and general application of new discoveries in the United States to an extent exceeding that of any other country;

(4) Contributed to the achievement of the highest standard of living that any nation has ever enjoyed;

(5) Stimulated creation and development of products and processes necessary to arm the Nation and to wage successful war;

(6) Contributed to the improvement of the public health and the public safety; and

(7) Operated to protect the individual and small-business concerns during the formative period of a new enterprise.

The strongest industrial nations have the most effective patent systems and after a careful study, the Commission has reached the conclusion that the American system is the best in the world.

It has been argued that there is a grave danger that a few companies which have been intimately associated with the federally financed atomic-energy program would gain a significant patent position if some means is not provided to license whatever ideas those companies may patent in the future. In the first place there have not been just a few companies intimately associated with the atomic-energy program. There have been over 15,000 companies engaged in one way or another over the past decade and a great many of these have acquired new experience and know-how from which they may derive advantage. All of those who have worked for the Government in our atomic-energy program brought to that work their previously acquired know-how, experience, and, in fact, their patents. It has not been possible to pay for all that has been done in dollars. In many cases those who negotiated construction and operating contracts, both for research and development and for production, recognized and took into account that the most significant part of the recompense the contractors would receive would be know-how and future advantage. Therefore, to some extent, whatever advantage these present and past contractors may obtain can be regarded as a present public payment to them for an obligation incurred by the Government in the name of the people in the past.

Those who have expressed concern about the preferential position which may have been gained by an atomic-energy contractor seem to overlook or have no faith in the existing devices to protect against abuses of that advantage. These companies have obtained their know-how and experience in the atomic-energy field under contracts which have contained stringent clauses on the Federal property right to patents. No Government contractor in the atomic-energy program has been free to obtain patents on anything vital in atomic energy. Nor will any of them be able to obtain patents in the future which flow directly from activities financed out of the Public Treasury. Compulsory licensing would be a radical solution to a problem which can be controlled under existing contract law. This Government should not succcumb to the deceptively easy path of imposing an arbitrary penalty on those guilty of abuses of the law.

That adequately, at least so far as time available to me is concerned, covers the subject matter. I urge most strongly that it be adopted.

Mr. MILLER of Kansas. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Kansas.

Mr. MILLER of Kansas. I think the gentleman stated that this amendment provides that the Commission may deny a license under certain circumstances. Does the gentleman mean "may" or "shall"?

Mr. COLE of New York. Well, whatever the bill provides.

Mr. MILLER of Kansas. Well, there is a great deal of difference.

Mr. COLE of New York. But since the gentleman has mentioned the Commission, I would point out, and it will be

argued, that this requirement for compulsory licensing was the recommendation of the Atomic Energy Commission. That is true, but it was not the unanimous, unequivocal recommendation of the Commission. They were divided. Some of them protested against it. Some of them wanted unlimited, perpetual compulsory licensing in this field. So, it was recommended as a compromise that this be done. But, bear in mind that it is not the recommendation of the President that compulsory licensing is the only way it can be done, so long as we accomplish the goal of denying unjust enrichment of those in the program, a goal with which I thoroughly agree, a proposal which I submit my amendment will accomplish.

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[1] The dictionary of Dr. Samuel Johnson, entitled "A Dictionary of the English Language," printed in London in 1810, sets forth in part the following definitions:

Exclusive:

"1. Having the power of excluding or denying admission.

"2. Debarring from participation.

"3. Not taking into an account or number; opposed to inclusive.

"4. Excepting."

Right, n. f. as used in this context:

"1. Just claim.

"2. That which justly belongs to one.

"3. Property; interest.

"4. Power; prerogative.

"5. Immunity; privilege."

Patent, n. f.: "A writ conferring some exclusive right or privilege."

The dictionary of Samuel Johnson, entitled "A Dictionary of the English Language," printed in London in the year 1770, contains the following definitions:

Exclusive, a. from exclude:

"1. Having the power of excluding or denying admission.

"2. The act of debarring from any privilege."

Right, f. as used in this context:

"1. That which justly belongs to one.

"2. Property; interest.

"3. Power; prerogative.

"4. Immunity; privilege."

Patent: "A writ conferring some exclusive right or privilege."

The dictionary of Thomas Sheridan, entitled "A Complete Dictionary of the English Language," printed in Dublin, Ireland, in the year 1790, reflects the following definitions:

Right, f. in this context: "Just claim; that which justly belongs to one; property, interest; power, prerogative; immunity, privilege."

Patent, f.: "A writ conferring some exclusive right or privilege."

The dictionary of John Walker, entitled "A Critical Pronouncing Dictionary and Expositor of the English Language," printed in London, England, in the year 1791 reflects the following:

Exclusive: "Having the power of excluding or denying admission; debarring from participation; not taking into any account or number, excepting."

Right, rite in this context: "Just claim; that which justly belongs to one; property, interest; power, prerogative; immunity, privilege;"

Patent: "A writ conferring some exclusive right or privilege."

[2] The English Statute of Monopolies (21 Jac. 1) enacted in 1623 refers to "letters patent" in excepting inventors from the statute.

According to the Encyclopedia Britannica, "Letters Patent (litterae patentes) are letters addressed by the sovereign 'to all to whom these presents shall come,' reciting the grant of some dignity, office, monopoly franchise, or other privilege to the patentee. They are not sealed up, but are left open (hence the term 'patent') and are recorded in the patent rolls in the Record Office.)"

[3] Vol. II, pp. 321–322 of Records of the Federal Convention of 1787, edited by Max Farrand, published 1911 in Yale University Press:

"In the Journal of Auguist 18, 1787, in a discussion of "additional powers proposed to be vested in the Legislature of the United States," the following references appear:

" 'To secure to literary authors their copyrights for a limited time."

" 'To grant patents for useful inventions."

" 'To secure to authors exclusive rights for a certain time.' "

Vol. II, p. 325:

"James Madison's diary of August 18 shows that the wording of the first additional power (listed above) was his own. The second and third were taken from the additional powers proposed by Mr. Charles Pinckney, delegate from South Carolina. (For this and other reasons contained herein, the weight of evidence would indicate that Mr. Pinckney is the originator of the clause.)"

Vol. II, pp. 505–506:

"The Journal of September 5, 1787, reports the following language agreed upon:

" 'To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.' "

Vol. II, pp. 509–510:

"Mr. Madison's diary of the same day shows the above clause 'agreed to nem; con.' "

Vol. III, p. 122:

"In the text of a pamphlet which Mr. Pinckney caused to be printed in 1787, he refers to additional authorities of the National Legislature. One of these is 'to secure to authors the exclusive right to their performances and discoveries'; this is the same language which appears in the Pinckney plan, Mr. Pinckney's draft of the Constitution which he presented to the convention on May 29, 1787.

"This is the same language which appears in the Pinckney plan, Mr. Charles Pinckney's draft of the Constitution which he presented to the convention on May 29, 1787.

"The following extracts were taken from Elliot, Debates on the Adoption of the Federal Constitution. * * * Washington, 1845.

"Vol. 5, pp. 439–440:

" 'Saturday, August 18: Mr. Madison submitted, in order to be referred to the committee of detail, the following powers, as proper to be added to those of the general legislature:

* * * * *

" 'To secure to literary authors their copyrights for a limited time. * * *

" 'To encourage, by premiums and provisions, the advancement of useful knowledge and discoveries. * * *

" 'These propositions were referred to the committee of detail which had prepared the report, and, at the same time, the following, which were moved by Mr. Pinckney—in both cases unanimously: * * *

" 'To grant patents for useful inventions.

" 'To secure to authors exclusive rights for a certain time.'

"The Federalist papers contain but one reference. Madison commented as follows:

" 'The utility of this clause will scarcely be questioned. The copyright of authors has been solemnly adjudged in Great Britain to be a right at common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals. The States cannot separately make effectual provision for either of the cases, and most of them have anticipated the decision of this point by laws passed at the instance of Congress.' "

[4] Biographical Directory of the American Congress, U. S. Government Printing Office, 1950.

[5] South Carolina Revised Statute.

[6] The Patent Grant. E. Binlow. Baltimore, Johns Hopkins Press, 1950.

The exclusive right of coining Money—regulating its alloy, and determining in what species of money the common Treasury shall be supplied, is essential to assuring the Federal funds (p. 19).

The exclusive right of establishing regulations for the Government of the Militia of the United States, ought certainly to be vesed (vested), in the Federal Councils (American Historical Review, Vol. IX, p. 746.)

Footnote 7 represents the James Wilson version of the Pinckney plan. It is in Mr. Wilson's own handwriting and can be found among his manuscripts in the library of the Historical Society of Pennsylvania. James Wilson was a delegate to the Constitutional Convention and a member of its Committee of Detail, which was charged with the actual drafting of a Constitution.

The column on the right contains pertinent excerpts from Mr. Pinckney's pamphlet, Observations on the Plan of Government, Submitted to the Federal Convention, in Philadelphia, on the 28th of May 1787, which appeared soon after the Convention adjourned.

[7] 16. S. and H. D. in C. ass. shall have the exclusive Right of coinage Money—regulating its Alloy and Value—fixing the Standard of Weights and Measures throughout U. S.

[8] 19 S. and H. D. in C. ass. shall regulate the Militia thro' the U. S.

[9] Institutes, Coke, vol. ch. 5.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to point out that the gentleman's amendment strikes from the bill the section which the committee agreed upon as being the minimum in compulsory licensing provisions. I point out that the President in his message of February 17 had this to say when he recommended 5 different types of amendments. I am reading from the message:

> To this end, I recommend amendments to the Atomic Energy Act which would:
>
> Liberalize the patent provisions of the Atomic Energy Act, principally by expanding the area in which private patents can be obtained to include the production as well as utilization of fissionable material, while continuing for a limited period the authority to require a patent owner to license others to use an invention essential to the peacetime application of atomic energy.

That is what the compulsory provision in the bill provides. It provides that a patentee can be given a reasonable fee, but he must let others use his patent during this period of time. The President went on as follows:

> Until industrial participation in the utilization of atomic energy acquires a broader base, considerations of fairness requires some mechanism to assure that the limited number of companies, which as Government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field. I hope that participation in the development of atomic power will have broadened sufficiently in the next 5 years to remove the need for such provisions.

Now, the Atomic Energy Commission has recommended against the purpose of the Cole amendment. The President of the United States has recommended against this provision of the gentleman from New Work. The gentleman from New York [Mr. COLE] tells us that he has a letter from Mr. Shanley in which Mr. Shanley, the legal counsel, reiterates the President's position, but then he goes

on to say that any other method that would accomplish the President's objective would be acceptable. I point out to you that in the one instance you have the word of the President and in the next you have the word of his legal counsel reiterating the President's original position but modifying it apparently so that if another method could be found that would accomplish the objective, that he would accept it.

Now, does the gentleman's method that he has advocated accomplish the objective of the President, or does it not? This is the most important section of the bill. I confidently expected to vote for this bill. I will vote against this bill if the chairman's amendment is accepted, with a clear conscience, and I will advise my friends to vote against it. I will vote to recommit the bill, and I will advise my friends to vote that way. If the amendment is defeated, I intend to vote for the bill.

But, this is the giveaway of all giveaways. This not only denies the Government the right to participate in the production of power with the substance owned by the taxpayers, but this gives the right to a few big corporations to come in and put patent rights on large programs owned by the people and exclude other private business men from using their patents. This will not advance the art and the technology during the next 5 years. This will handicap and slow up the art, and it will necessitate the paying of royalties and necessitate making a deal against exclusion, because that is what a normal patent does. It allows exclusion of use to others. This is the big giveaway, and I say to my friends in the Congress of the United States that this is something that should be voted down. You cannot turn down your President on this without reaping the results of it later on. I say that the substitute amendment does not obtain the desires of the President. I say that it goes right to the base of allowing practically normal patent rights, with very few exceptions, and those are not mandatory; those are permissive on the actions of the Commission. I ask that the chairman's amendment be voted down.

Mr. PRICE. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. COLE].

At the outset I wish to express my surprise and concern and, you might say, shock over the action of our committee chairman in presenting this amendment. I think the record of the Atomic Energy Committee would show that after very lengthy consideration of this particular section of the bill, realizing the importance of this section to the legislation now under consideration, compromise language was agreed upon in the committee—the language that is in the bill being compromise language. But it was worked out to the point where the majority of the committee could accept it and recommend it to their colleagues in the Congress. I am, therefore, surprised that we are confronted with this issue at this late hour when the Members of the House have had little opportunity to study and examine the issue that is before us at this time.

The gentleman from New York [Mr. COLE] stated in his remarks that the Commission itself had divergent views on this; they were divided on it. That may have been true at one time, but I want to read to the House testimony which the Commission gave before our committee on this subject.

First of all, let me say that at odds with the position taken by our committee chairman are the Atomic Energy Commission unanimously; the White House, as attested by the position taken by the President in his message to the Congress; and a majority of the joint committee. I now read from the hearings on the legislation to amend the act, and the person whose testimony I am reading is the Chairman of the Atomic Energy Commission, Mr. Strauss, testifying as follows in favor of a compulsory licensing system for a period of 5 years:

> There was in the Commission a divergence of opinion, as among any group of men, on how the patent aspect of the atomic energy program could best be administered in the public interest. There were those of us who felt that it might be immediately returned to the existing patent structure which is a common practice in every other field of endeavor. There were those in the Commission who felt that the present monopoly, Government monopoly, should continue indefinitely. This matter was debated in the best of good will. As a matter of fact, we took the problem with us out of town for a 3-day session, and the conclusion which we have reached is a unanimous conclusion based upon our considered opinion that this is a defensible position in the interest of the people of the United States, and one that will not stifle invention. As in so many other instances, it is the result of a compromise, and all of us are unanimous in believing it is a sound and wise one.

There, Mr. Chairman, is the testimony of the Chairman of the Atomic Energy Commission. He was addressing himself to the problem, the patent problem which we are considering here today. So there was no difference of opinion within the Commission on this point as the gentleman from New York indicated. The Commission testified adversely to similar provisions as suggested in the amendment of the gentleman from New York which were contained in the original draft of this legislation. All the testimony we have had from official Government agencies, from the White House, and from the Commission has been in opposition to this position which the House is now called upon to approve.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the distinguished gentleman.

Mr. ALBERT. Is it not true that this is distinguishable from all other fields where, so far as patents are concerned that are in use, the great investment in the field of atomic energy has been made through public funds, so that industry begins with that amount of work behind it?

Mr. PRICE. The gentleman from Oklahoma is 100 percent right.

Let me quote again from the message to the Congress of the President of the United States, in which he suggested this concerning patent provisions:

> Until industrial participation in the utilization of atomic energy acquires a broader base, considerations of fairness require some mechanism to assure that the limited number of companies, which as Government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field.

The President requested a continuation for a limited period the authority to require a patent owner to license others to use an invention essential to the peacetime applications of atomic energy.

By a majority vote the joint committee approved provisions in the bill now under consideration to comply with the President's recommendations. The amendment offered by the gentleman from New York [Mr. COLE] calls on the House to disregard the President's appeal to Congress to provide safeguards against patent monopoly.

The amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PRICE] has expired.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that I may proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CLARDY. Mr. Chairman, I object.

Mr. PRICE. Mr. Chairman, I anticipated that, where they are logrolling very important legislation at 11 o'clock at night.

The CHAIRMAN. Objection is heard.

Mr. MEADER. Mr. Chairman, I rise in support of the amendment.

Mr. RAYBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAYBURN. Mr. Chairman, when someone in the House objects, can he do it sitting in his seat, or does he have to rise and do it?

The CHAIRMAN. The regular practice and the proper practice is that he rise.

Mr. PRICE. I take it, then, Mr. Chairman, there was no objection to my request.

Mr. CLARDY. Well, I object, Mr. Chairman.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. MEADER. Mr. Chairman, I have been recognized, and I do not yield.

I want to say first of all, Mr. Chairman, that I am especially interested in this measure because I represent the district of Michigan wherein the University of Michigan is located. For the first time in the history of the University of Michigan our alumni were asked to raise a fund to commemorate the dead of World War II. We raised over $6 million to spend on a project for atomic-energy research for peacetime purposes known as the Phoenix memorial project.

I have checked this legislation with Dean Stason of the Law School of the University of Michigan, who has followed it very closely. He advised me this morning that he had read the draft reported by the committee and that although it was a compromise it was an excellent job.

I want to compliment the gentleman from New York [Mr. COLE] and his committee on bringing this legislation before us. It will open up a whole new field of human endeavor to the ingenuity of the private citizen.

I want to compliment the gentleman also on offering his amendment with respect to the patent provisions of this bill. I call attention also to the fact that here is one of those frequent instances we find in the House of Representatives where two committees of the House have concurrent jurisdiction, Patent policy is a matter assigned to the legislative Committee on the Judiciary. Far-reaching changes in patent policy such as this, the constitutionality of which is very doubtful, should properly be considered by the great Committee on the Judiciary, of which I have the honor to be a member.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I am glad to yield to the gentleman from New York, who is chairman of the patent subcommittee of the Judiciary Committee.

Mr. KEATING. I want to reiterate the gentleman's remarks regarding the unconstitutionality of this provision. I am supporting the amendment offered by the gentleman from New York, to a large degree because of my great fear that the existing language would be in violation of the Constitution.

Mr. MEADER. Article 1, section 8, clause 8 of the Constitution reads as follows:

> The Congress shall have power * * * To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

The point has been made by patent attorneys who appeared before the Joint Committee on Atomic Energy that Congress has the right to give the exclusive right to inventions for a limited time, but does not have the right to give a half-exclusive right or a right hedged around with a lot of limitations and conditions.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Pennsylvania, a member of the Judiciary Committee.

Mr. WALTER. Has a representative of the Patent Office testified on this very important question? I am as sure that the bill as written is unconstitutional as I have ever been about that question in any legislation. I believe that in order to make the bill constitutional the amendment offered by the gentleman from New York [Mr. COLE] must be adopted.

Mr. MEADER. I cannot answer the question of the gentleman completely. Perhaps a member of the Joint Atomic Energy Committee could answer it more completely. However, I did make inquiry as to whether or not the Patent Commissioner had been asked for his views by the Joint Committee on Atomic Energy. My understanding is that he had not been asked for a report by the committee, but that he had expressed his views to the Budget Bureau.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the majority leader, the gentleman from Indiana.

Mr. HALLECK. I just want to say that in my opinion the letter written by Mr. Shanley would not have been written except that it was cleared at the White House. It is obvious from that letter that the President has in mind a principle that must be protected, but leaves a certain degree of latitude to Congress in working for that objective. The matter is new to me in a measure, but I have listened to the fine statement by the gentleman from New York [Mr. COLE], and I have been impressed by it. I might say, beyond that, that probably the provision in the measure in the other body will be as it is written here. In any event, the matter could go to conference and something that would achieve the objective for which we all strive within the Constitution and within our concept of patent rights can be worked out.

Mr. MEADER. I would just like to say in conclusion, Mr. Chairman, that we are taking a history-making step in opening this field of atomic energy to development by the American people. It requires ingenuity, invention, and discovery to be useful to the American people. We certainly would be taking the wrong tack if we stifle the incentive to discovery by some semisocialistic change in our patent policy.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word for the purpose of inquiring from my friend, the distinguished constitutional lawyer the gentleman from Pennsylvania [Mr. GRAHAM] what his opinion is of this situation.

Mr. GRAHAM. Mr. Chairman, I have a very distinct recollection of the time a number of years ago, 7 or 8 years ago, when Hon. Fritz Lanham, chairman of the Committee on Patents, consulted with us on the Committee on the Judiciary on this subject and Hon. Hatton Sumners chairman of my committee, assigned me as one of those to go into the matter. I may say that I am as firmly convinced as I am talking to you at this point that the language of the bill is unconstitutional. And you cannot compromise with the question of constitutionality. In my judgment, and in my humble opinion, the amendment offered by the gentleman from New York absolutely covers the situation and is an amendment which should be adopted by the committee.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. I apologize to my colleagues for taking up the time of the committee when it is apparent that you wish to move to early adjournment. But I must take this time because I feel there is something that we should think about. The Constitution does provide that we may provide for the protection of patents for the use and benefit of those who make discoveries. But we do have statutes providing that where the result comes from the expenditure of public funds and public effort, the patent is recorded in the name of the representative of the Government for the use and benefit of all the people.

My committee handles the research funds for the Department of Agriculture. We have spent millions and millions of dollars annually for research. We provide many instances that those funds are paid by contract to private concerns who do the work. Where discovery comes from the expenditure of public funds, the law requires, and no one has ever questioned that law as being unconstitutional, that the patent must be recorded in the name of the Secretary of Agriculture for the use and benefit of all the people who want to make use of it. Certainly, the desire of this committee in its zeal to see that patents are not limited to these 8 or 10 companies who happen to have the know-how because of advantages provided them by the Government. They have had these contracts, and have earned their know-how and obtained the training of their personnel under this $12 billion that the Government has spent. The committee felt that for several years at least patents presumably would be based upon the results of the Government expenditures and where that public expenditure has contributed to the know-how and background and to patents which may come from that know-how and background, it is certainly sound to move in the direction of the law we have in other fields. Whether the language in the bill meets the particular demands of the Constitution, I do not know, not having studied it with that in mind. But certainly, to leave it so that a few people can get their hands on these patents and hold them for their own benefit is unsound. I say to you that provision that power which may come from this program must be transferred to private utility companies may do small injury as compared with what you may be giving to a few companies who have at least 8 to 10 years of background experience and all that know-how for which the American people paid. We spent $12 billion trying to get 2 or 3 years ahead of the Russians in this atomic-energy field and if you let the companies that have 6 or 8 years' experience ahead of the crowd, the others likely never will catch up with them. If this particular section giving some chance to all for use of discoveries which come from the expenditure of public funds does not do that then we need to provide a way that it can be done to protect the public interest. It can be done and it can be done within the Constitution. Certainly Mr. COLE's amendment would not recognize the fact that present know-how by all these companies is the result of the public expenditure of funds.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. HINSHAW. I think the gentleman from Mississippi may not have heard the language of the amendment offered by the gentleman from New York [Mr. COLE], which provides that any patent which comes as a result of any Government employment or any association with the project belongs to the Government outright.

Mr. WHITTEN. That would liimt it to cases of patents that came before, but what about the patents that these companies might ask for in the future, based actually on the work of these scientists trained as a result of the expenditure of public funds.

Mr. HINSHAW. And it applies to future patents so arrived at.

Mr. WHITTEN. I did not so understand it. However, I doubt that proper determination of the Government interest will be made and future discoveries would not be properly attributed to the Government.

Mr. HINSHAW. I assure the gentleman that the amendment does so provide.

Mr. WHITTEN. I did not so understand it. Further, you are drawing a distinction as to what it is based on, this knowhow, and things of that sort. It is thoroughly impractical to try to draw the line as to what the value of years of experience amounts to in discoveries subject to patent for the next several years where we have given to these companies and individuals who are trained in this field, experience that very few people in the whole world have. That of itself constitutes a public contribution to the patents that may even be started next month or for the next several years. It is an advantage if we give these companies the advantage of exclusive patents where the Government has been responsible. It is very dangerous to give that advantage, if it is your desire to see benefits of this program reach the great American people, which I think they should reach.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The question was taken; and on a division (demanded by Mr. HOLIFIELD) there were—ayes 137, noes 113.

So the amendment was agreed to.

Mr. COLE of New York. Mr. Chairman, this amendment having been adopted requires certain further amendments to conform with the action which the committee has just taken and in order to accomplish that I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: Page 67, line 7, strike out all of section 153.

Page 67, line 23, strike out "SEC. 154" and insert "SEC. 153.".

Page 68, line 4, strike out "SEC. 155" and insert "SEC. 154."

Page 68, line 7, strike out from and including the word "Commission" to the end of the sentence and insert "Commission."

Page 68, line 10, strike out "SEC. 156. Compensation, awards, and royalties" and insert "SEC. 155. Compensation and awards."

Page 69, line 2, strike out all of subsection (1).

Page 69, line 7, strike out "(2)" and insert "(1)".

Page 69, line 11, strike out "(3)" and insert "(2)."

Page 69, line 23, strike out all of subsection (1).

Page 70, line 9, strike out all of subsection (2) and insert in place thereof:

"In determining what constitutes just compensation as provided for in section 151, or in determining the amount of any award under subsection 155b (2), the Commission shall take into consideration:

"(1) the advice of the patent compensation board;

"(2) any defense, general or special, that might be pleaded by a defendant in an action for infringement;

"(3) the extent to which, if any, such patent was developed through federally-financed research;

"(4) a degree of utility, novelty, and the importance of invention or discovery; and

"(5) the actual use of such invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent. Such compensation may be paid by the Commission in periodic payments or in a lump sum."

Page 70, line 16, strike out "SEC. 157" and insert "SEC. 156."

Page 70, line 21, strike out "SEC. 158" and insert "SEC. 157."

Page 70, line 25, strike out "SEC. 154" and insert "SEC. 153."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

The Clerk read as follows:

"CHAPTER 14. GENERAL AUTHORITY

"SEC. 161. In the performance of its functions the Commission is authorized to—

"a. establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters, provided that the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board;

"b. establish, by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property;

"c. make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this act, or in the administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

"d. appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, as amended, except that, to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws: *Provided, however,* That no officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such act for positions of equivalent difficulty or responsibility. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

"e. acquire such material, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time, as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary, subject to the provisions of section 174;

"f. with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

"g. acquire, purchase, lease, and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to provisions of section 174, and to sell, lease, grant, and dispose of such real and personal property as provided in this act;

"h. The Commission may consider in a single applicaiton one or more of the activities for which a license is required by this act and is authorized to combine in a single license one or more of such activities. The Commission is also authorized to permit the applicant or licensee to incorporate by reference pertinent information already filed with the Commission;

"i. The Commission is authorized to prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this act, and to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;

"j. without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that act, or any other law, make such disposition as it may deem desirable of (1) radioactive materials, and (2) any other property, the special disposition of which is, in the opinion of the Commission, in the interest of the national security: *Provided, however,* That the property furnished to licensees in accordance with the provisions of subsection 161 m. shall not be deemed to be property disposed of by the Commission pursuant to this subsection;

"k. authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as it deems necessary in the interests of the common defense and security to carry firearms while in the discharge of their official duties;

"l. secure the admittance free of duty into the United States of purchases made abroad of source materials and other materials and supplies essential to its program, upon certification to the Secretary of the Treasury that such entry is necessary in the interest

of the common defense and security: *Provided, however,* That the authority granted by this subsection shall not be used to admit free of duty materials and supplies, other than source materials, which are adequately available within the United States;

"m. enter into agreements with persons licensed under section 103 or 104 for such periods of time as the Commission may deem necessary or desirable (1) to provide for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct, or other material or special nuclear material owned by or made available to such licensees and which is utilized or produced in the conduct of the licensed activity, and (2) to sell, lease, or otherwise make available to such licensees such quantities of source or byproduct material, and other material not defined as special nuclear material pursuant to this act, as may be necessary for the conduct of the licensed activity: *Provided, however,* That any such agreement may be canceled by the licensee at any time upon payment of such reasonable cancellation charges as may be agreed upon by the licensee and the Commission: *And provided further,* That the Commission shall establish prices to be paid by licensees for material or services to be furnished by the Commission pursuant to this subsection, which prices shall be established on such a nondiscriminatory basis as, in the opinion of the Commission, will provide reasonable compensation to the Government for such material or services and will not discourage the development of sources of supply independent of the Commission;

"n. assign scientific, technical, professional, and administrative employees for instruction, education, or training by public or private agencies, institutions of learning, laboratories, or industrial or commercial organizations and to pay the whole or any part of the salaries of such employees, costs of their transportation and per diem in lieu of subsistence in accordance with applicable laws and regulations, and training charges incident to their assignments (including tuition and other related fees): *Provided however,* That (1) no more than 1 percent of the eligible employees shall be so assigned during any fiscal year, and (2) any such assignment shall be approved in advance by the Commission or shall be in accordance with a training program previously approved by the Commission: *And provided further,* That appropriations or other funds available to the Commission for salaries or expenses shall be available for the purposes of this subsection;

"o. the Commission may delegate to the General Manager or other officers any of those functions assigned to it under this act except those specified in sections 51, 57 a. (3), 61, 102 (with respect to the finding of practical value), 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 e., and 161 a.;

"p. require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 31 and of activities under licenses issued pursuant to sections 53, 63, 81, 103, and 104 as may be necessary to effectuate the purposes of this act, including section 105; and

"q. make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this act.

"SEC. 162. Contracts: The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

"SEC. 163. Advisory committees: The members of the General Advisory Committee established pursuant to section 26 and the members of advisory boards established pursuant to section 161 a. may serve as such without regard to the provisions of sections 281, 283, or 284 of title 18 of the United States Code, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

"SEC. 164. The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding 25 years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric utility services from the contractor subsequent to the cancellation and during the life of the original contract.

"SEC. 165. In carrying out the purposes of this act the Commission shall not use the cost-plus-percentage-of-cost system of contracting.

"SEC. 166. No moneys appropriated for the purposes of this act shall be available for payments under any contract with the Commission, negotiated without advertising, except contracts with any foreign government or any agency thereof and contracts with foreign producers, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provision precluding an audit by the General Accounting Office of any transaction under such contract.

"SEC. 167. The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of $5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of the Commission's program for testing atomic weapons, where such claim is presented to the Commission in writing within 1 year and after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

"SEC. 168. In order to render financial assistance to those States and localities in which the activities of the Commission are carried on, and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District, or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment.

"SEC. 169. No funds of the Commission shall be employed in the construction or operation of facilities licensed under section 103 or 104 except under contract or other arrangement entered into pursuant to section 31.

Mr. COLE of New York (interrupting the reading of the bill). Mr. Chairman, at 11:30 o'clock I make bold to ask unanimous consent to dispense with the further reading of the chapter and that it be printed in the RECORD and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FORAND. I object, Mr. Chairman.

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 76, line 11, after the words "source materials", strike out the remainder of the paragraph and insert "which are regularly obtainable from domestic producers within the United States."

Mr. HINSHAW. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. HINSHAW to the amendment offered by Mr. COLE of New York: On page 76, line 5, after "materials" strike out "and other materials and supplies essential to its program."

In line 8, after "security", strike out the provision and insert a period.

Mr. HINSHAW. Mr. Chairman, I believe when the committee acted on the first amendment they included too much, so I have offered this substitute amendment to provide that only source material shall be admitted free of duty into the United States. The other materials and supplies, of course, certainly have to be under the jurisdiction of the Committee on Ways and Means, and we cannot say now what they may be. We have no idea what they may be. But the ore, the source material, we do know about.

I think the gentleman from North Carolina, the gentleman from California, the gentleman from Illinois, and the gentleman from New York are in agreement with my substitute amendment.

Mr. COLE of New York. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California [Mr. HINSHAW] to the amendment offered by the gentleman from New York [Mr. COLE].

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, as amended.

The amendment was agreed to.

Mr. COOPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOPER: On page 80, line 9, add the following at the end of section 164: "Nothing in this section shall be deemed to authorize the Commission to contract for electric utility services which are not delivered by the contractor directly to the installations named herein."

Mr. COOPER. Mr. Chairman, the purpose of this amendment is to enable the Atomic Energy Commission to continue to function as it was originally intended, and not to have to engage in an activity entirely outside of the field for which it was created.

The Atomic Energy Commission is not in the electric-power-producing business. It is in the power-consuming business, and should not be required by order of the President to be a power broker for the Tennessee Valley Authority or anybody else.

The Atomic Energy Commission has no more business providing electric power for Memphis than for New York, Chicago, or any other city. It has no business buying any electric power that it does not need in its own facilities.

The distance is about one-half as far from Oak Ridge, Tenn., to Charlotte, N. C., as it is to Memphis.

This amendment will stop execution of the proposed contract between the Atomic Energy Commission, Southern Corp. and MidSouth Utilities for power for the Tennessee Valley Authority. It will protect the Atomic Energy Commission from any further similar involvements without interfering with the authority of that agency to meet its own bona fide power needs.

The amendment does this by requiring that the AEC limit its long-term power contracts to contracts for power to be delivered directly to the AEC plants at Paducah, Oak Ridge, or Portsmouth. The Dixon-Yates power would not be so delivered, but would be fed into the Tennessee Valley Authority system as replacement power about 200 miles from Paducah.

Three of the five members of the Atomic Energy Commission opposed the proposed Dixon-Yates contract. The embarrassing deal was imposed upon them by the Budget Bureau. The majority of the members who voted on the matter have testified before the Joint Committee on Atomic Energy that they considered the deal unbusinesslike and improper. They will be taken out of the unfortunate position that this improper executive department order to two independent agencies has placed them. There is no more authority for the President to give orders to the AEC and the Tennessee Valley Authority than for him to order the Interstate Commerce Commission to grant a freight-rate increase, or the Federal Power Commission or any other independent agency to take action contrary to the best judgment of the Commission.

The President has been badly advised by some of his associates who are intent, as many have charged, on replacing the valuable yardstick provided by TVA for the cost of power to the consumers.

The adoption of this simple amendment will end the affair without denying the AEC any proper authority it needs or interfering with its ability to maintain its operations.

I have followed and contributed to the many hours of debate on this matter in the House and the Senate. Despite a great maze of conflicting statistics to prove and disprove the financial soundness of the proposed deal, its real nature is quite clear.

This Dixon-Yates deal was originated in the Budget Bureau Office last December. Officials of the AEC have testified that they were called over there and asked to start looking for replacement power for TVA.

Admiral Strauss told the joint committee that the AEC then called in the Mid-South and Southern Co. which he described as the two companies that "surround" the TVA on the west.

Admiral Strauss' use of the word "surround" was a very significant thing. The power companies have been talking about surrounding and quarantining the TVA yardstick for years. Admiral Strauss must have been familiar with their strategy. He did not say that the companies "adjoin" TVA, or "border" TVA. He used a military term which connotes battle strategy and had been used on the power company side.

The Dixon-Yates deal was planned in the Budget Bureau Office, placed in the President's budget message and has developed from there. It is an unfortunate effort to use the Atomic Energy Commission, with its enormous responsibilities for the security of this Nation and the free world, to do a chore for the private power companies.

It is a tragedy that the attention of this great agency had to be diverted from its constructive work to this unfortunate deal. It is unfortunate that the morale of employees who believed they were developing the greatest source of energy in the history of mankind, had to be disrupted by this effort to pervert the agency to carrying water for the private power companies.

I very deeply and sincerely regret that this matter developed to the point that the Presidential instructions were given to two independent agencies. True friends of the President would have advised him of the real extent of his authorities. But the unfortunate incident occurred. We can put an end to it. We can stop it before it becomes an historic celebrated cause that goes down in history as characterizing an era, or an administration.

I therefore urge that we adopt the amendment and close this whole unfortunate matter.

Mr. HALLECK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the hour is late, but I would like to say that in all my experience in the House of Representatives, I have never attended a debate and discussion on an important matter where such a large attendance has been maintained as we have gone along, and where the debate has been on such a high plane. Amendments have been offered and discussed, and they have been understood. Some have been approved and some have been voted down. I think what we are doing here in the way of action on this bill should commend the House of Representatives to the favorable consideration of the people of America who sent us here. Of course, there have been some evidences of sharpness, but I trust that this will not continue to be manifested and that tomorrow we will continue to be good friends.

Mr. Chairman, I have supported the TVA in my time here. The TVA got under way before I came to the Congress. But during the nearly 20 years I have been here I have voted for hundreds of millions of dollars of appropriations for the TVA. I must say that sometimes I had serious misgivings as to just exactly what I might be doing to other sections of the country that are required to compete in this great market that is America with the area of the TVA where undoubtedly the boast of the people in that section of the country about their cheap rates has much to be said for it.

Mr. Chairman, I am fond of my friends in Tennessee who are here in the House as well as my friends in Tennessee who are not here, but I do want to say this to you. I think the rest of us have been mighty generous with you. We have given you a lot of money and you have developed down there a great project. It is true, it started out as a water resource development. But after that, on occasion, without my support, we have seen it go from a water resource development to a steam plant construction project. I have sometimes thought that perhaps you might be coming up on the Wabash River, if you extended the periphery of that project a little further. Of course, we could set up a little TVA on the Wabash. We would not need very much power up there, but then we could start firming up the power with steam plants. And then we would vote for a lot of power. We could say we wanted a lot more. Let me tell you folks in Tennessee not to ride a good horse too hard because we want to go along with the TVA. I have heard some harsh things said about the President in some statements that have been made.

I am afraid that your real concern is not that the AEC is going into the electricity business. I am afraid that your real concern is that possibly if this arrangement can be worked out, and it is a highly satisfactory arrangement, that it may jeopardize in some measure your demands for more and more steam plants. The AEC buys power from other private operations and uses that power.

The AEC operates in parts of the country where there is no TVA. In addition, TVA buys power from private sources and puts it in the system. It is not a matter of this proposal serving the city of Memphis because TVA is

hooked up in one large arrangement. What difference does it make where you put the power in? You have got to take the power out somewhere to run the AEC which has the first call on the power. So all you do is put in one place the power that is taken out some place else for the AEC. To try to make a big hullabaloo about this is to draw a very false picture of the whole situation.

Why undertake to interfere with an arrangement that has been worked out under the law by the executive branch of the Government from the President on down, an arrangement that will provide what is needed in the Tennessee Valley for the AEC and at the same time will relieve the taxpayers of this country of an additional burden that otherwise they would have to bear?

Mr. Chairman, I trust that the pending amendment will be defeated.

Mr. PRICE. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, my concern in this matter is not the TVA. I do not live in that area. My concern is the Atomic Energy Commission and the heart of this issue is the independence on the direct responsibility of the Atomic Energy Commission.

Mr. Chairman, there can be no question but that the Atomic Energy Commission must be assured of an adequate supply of electric power to run the plants which produce the material for our atomic weapons. If the proposed Dixon-Yates contract bore even the most remote relationship to the vital work of the Atomic Energy Commission, I would feel compelled to find some means of authorizing the contract.

The facts of the situation are not as they have been presented by the administration. The electric power which will be produced at West Memphis under the Dixon-Yates proposal will be used exclusively and solely to meet the growing industrial demands for electricity along the southwestern edge of the TVA grid. Not 1 kilowatt of that electricity will ever enter an atomic energy plant.

It has been argued that this will be replacement power and is necessary in order to permit TVA to continue supplying electricity to the Atomic Energy Commission. Nothing could be farther from the truth. The TVA is required by law to furnish electricity for defense purposes. Under no circumstances could the TVA ever deny electricity to the Atomic Energy Commission even if the homes and factories in the Tennessee Valley were to remain dark because of that demand. This is a TVA problem, not an AEC problem.

All of us must resent the proposed subterfuge of the Dixon-Yates–Atomic Energy Commission power contract. It constitutes a misuse of AEC's fund of public confidence and threatens to strike at the very heart of that which has made AEC such a successful Government agency—our general belief that it is an exceptional organization operating under exceptional rules, doing an enormously important job.

Even if the Dixon-Yates proposal were to be made a strictly TVA deal, I could not support it. There is no room in my concept of private enterprise for absolute Government guarantees against private risk. If Mr. Dixon and Mr. Yates and their colleagues want to build additional generating plants in the Memphis area they have only to take a normal private enterprise risk that the market for that power will in fact exist. Why should this small group of private investors be favored over others throughout our country to take their chance on making a profit or losing their shirts? When the defense needs of our country demand that private industry undertake a capital investment beyond that which appears to be a proper private risk, then Government guaranties make sense. There is no good reason why the people of the United States, through the AEC, the TVA, or any other Government agency, should gurantee the rate of industrial growth of the Memphis area to Dixon and Yates or anyone else.

The Dixon-Yates proposal is as bad for the Government as it is bad for business. It does credit to no one involved in it. I have confidence in the collective judgment of the five Atomic Energy Commissioners. They examined this Dixon-Yates proposal from every angle and reached a conclusion. Their collective opinion resulted in a 3 to 2 vote against its adoption. Commissioners Smythe and Zuckert wrote the Bureau of the Budget on April 16 that they regard the Dixon-Yates-AEC contract as, and I quote, "awkward and unbusinesslike" and a reversal of sound philosophy. Commissioner Murray testified before the joint committee that he does "not believe it is desirable."

Here we have the spectacle of an independent executive agency compelled by the President—on most unclear legal grounds—to enter into an arrangement which the Commission itself regards as improper and unbusinesslike.

Without regard to the merits or demerits of the discussions on public versus private power, I wish to say simply that the AEC has no business getting into this matter. It is a vital agency making the sinews of our best weapons. It is getting and will continue to get all the power it needs—from TVA and from private sources. The AEC does not need and will never use the Dixon-Yates power. The answer, then, is simple. AEC has no part in this controversy. The administration is making a serious mistake in trying to drag the AEC into the deal. Let us keep our fights clean and keep innocent bystanders out of the mud. The AEC has all it can handle in the atomic energy business. If the President does not see fit to keep them at their proper tasks, then the Congress should do so.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, ever since the President sent the directives to AEC and TVA on June 16 ordering them to consummate the Dixon-Yates transaction I have been curious to find out on what possible basis of statutory authority AEC could proceed to buy 600,000 kilowatts of power for the use of TVA. It seemed clear to me from a reading of the AEC Act that the transaction was wholly beyond any powers which Congress had conferred upon AEC. I have written the Attorney General requesting his opinion for the enlightenment of Congress and of the public, but he has declined to furnish an opinion on the ground that he is forbidden by statute to advise Members of Congress on legal questions. I do not quarrel with Mr. Brownell's decision, but the net result is to keep Congress in the dark as to any possible statutory basis for the Dixon-Yates transactions if such a basis exists.

After the same question of the legal authority of the Commission had been raised in Senate debate for many days, Senator HICKENLOOPER finally inserted in the debate the opinion of the General Counsel of the AEC, Mr. William Mitchell dated June 22. I have now had an opportunity to study it carefully. Instead of allaying my doubts as to the existence of legal authority in the Commission, I can only say that the opinion supports and confirms them. Indeed, the only conclusion one can arrive at from a careful reading of the opinion is that in view of Mr. Mitchell himself the Dixon-Yates transaction is illegal.

Although the Mitchell opinion has already been inserted in the RECORD, I should like to have it included at this point in my remarks so that Members of the House can read it in connection with what I have to say about it:

JULY 22, 1954.

Memorandum.

To K. D. Nichols, General Manager.

From William Mitchell, General Counsel.

Subject: Commission's authority to enter into a 25-year contract with the Dixon-Yates group to provide electrical energy.

You have asked my opinion on the question of whether or not the Commission has legal authority to enter into a 25-year contract with the Dixon-Yates group to provide electric-utility services for the Commission's plants at Paducah and Oak Ridge.

The Commission presently has a contract with TVA to supply the requirements for electric power at the AEC plant at Paducah. In December 1953, the Bureau of the Budget requested the Commission to explore the possibility of releasing 600,000 kilowatts annually to TVA under this contract and making arrangements with privately owned utilities for replacement of the electric power which would be thus released. After considering the engineering and economic factors, the Commission decided that the best arrangements would be to contract for construction of a new generating plant in the Memphis area which would tie in with the TVA system. Two offers were received, one from the Dixon-Yates group and another from Von Tresckow. Both offers were carefully analyzed and the results of these analyses were transmitted to the Bureau of the Budget. The Commission took no position on the advisability of this arrangement for replacement of the Paducah requirements, stating to the Bureau of the Budget that the question was one for higher authority to decide. However, the Commission stated to the Bureau of the Budget, that if this plan were to be adopted, the Dixon-Yates proposal appeared to be much more favorable to the Government.

The Bureau of the Budget, upon direction of the President, has now directed the Commission to make appropriate arrangements with TVA and with the Dixon-Yates group

for release of 600,000 kilowatts under the present TVA contract, and construction by the Dixon-Yates group of a new generating plant at West Memphis, Ark., with a capacity of 600,000 to 650,000 kilowatts, tied into the TVA system, to meet the Commission's requirements for power at Paducah and additional requirements which have recently developed at Oak Ridge.

The question is whether, under these circumstances, the Commission has authority to make a 25-year contract with the Dixon-Yates group for this purpose.

Section 12 (d) of the Atomic Energy Act reads as follows:

"12. (d) The Atomic Energy Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric-utility services for periods not exceeding 25 years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric-utility services from the contractor subsequent to the cancellation and during the life of the original contract."

This statute gives the Commission the necessary authority to make the contract in question. The TVA system is an integrated unit, supplied from various plants owned by TVA, and, on occasion, by delivery from privately owned generating plants. Once electric power has been delivered to the system, it is impossible to identify the source of power which is supplied out of the system for end use. If additional generating capacity is constructed at West Memphis and fed into the TVA grid in an amount which is necessary to supply the Commission's requirements at Paducah and Oak Ridge, this can properly be said to be a contract for electric-utility services in connection with the operation of the Oak Ridge and Paducah installations of the Commission.

The increased cost to the Government of the Dixon-Yates proposal as against the Commission's present contract with TVA would be approximately $3,685,000 annually. However, if the President directs the Commission and TVA to modify their existing arrangements so as to release to TVA 600,000 kilowatts under the present contract (and we do not question the President's authority to do this), then the Commission has authority to make the best contract it can for replacement of the power thus released.

My conclusion, on the assumptions set forth above, is that the Commission would have authority under section 12 (d) of the Atomic Energy Act to make a 25-year contract with the Dixon-Yates group for the purposes indicated.

WILLIAM MITCHELL.

Mr. Chairman, Members of the House will note in reading this document that it is addressed to a state of facts which does not exist. It discusses the legality of a transaction which the President described in his budget message but which was abandoned in the directives of June 16. By clearest inference it says that the Dixon-Yates contract in the form which the President has ordered finds no support in the AEC Act.

In the President's budget message of January 21, the President spoke of meeting TVA's needs for power by releasing 500,000 or 600,000 kilowatts of the TVA commitment to supply the AEC facilities at Paducah. The President's message contemplated that AEC would replace the power thus released to TVA by purchasing an equivalent block from private utilities. That is the situation to which Mr. Mitchell addresses himself in his opinion of June 22. I for one have never questioned that the transaction outlined in the President's message of January 21 would be legal, however foolish and misguided it might be. But the whole basis of the transactions was changed in the directives of June 16. There it was stated explicitly that AEC would not release a single kilowatt of power to TVA, but rather that AEC would enter into a contract with Dixon-Yates for delivery of a block of power to TVA for TVA's general area needs. According to AEC's own experts this block of power would cost $3,685,000 more than the same power could be made available by TVA itself from new generating capacity on its own system. TVA's own estimates are that the extra costs would be $5½ million, both figures being exclusive of the Federal income taxes reimbursable by AEC. Of the extra costs, $1,499,000, representing State and local taxes payable in Arkansas, is proposed to be borne by AEC and the remainder by TVA. Now let us look at the opinion and see with what great care Mr. Mitchell has confined himself to approving the legality of a transaction which is now entirely academic and at what pains he has been to make clear that he is not passing an opinion on the Dixon-Yates contract which the President has ordered AEC and TVA to consummate. The very first paragraph of the opinion, which is in the form of a memorandum to Gen. K. D. Nichols, General Manager of AEC, states that his opinion was asked on AEC's authority to contract with Dixon-Yates "to provide electric-utility services for the Commission's plants at Paducah and Oak Ridge." If that was the question General Nichols submitted to Mr. Mitchell, then it was submitted only to provide Mr. Mitchell with exercise for his legal faculties, because the Dixon-Yates group would not provide a single kilowatt for the use of AEC itself.

In the third paragraph Mr. Mitchell again refers to the Dixon-Yates transaction as being in connection with the Commission's own requirements.

After thus misstating the essence of the transaction, Mr. Mitchell finds that the question is whether "under these circumstances" the Commission has authority to enter into a contract with Dixon-Yates. He concludes that if Dixon-Yates supplies power "in an amount which is necessary to supply the Commission's requirements at Paducah and Oak Ridge, this can properly be said to be a contract for electric utility services in connection with the operation of the Oak Ridge and Paducah installations of the Commission." I do not quarrel with that statement. So far as I am aware, no one quarrels with it. Unfortunately, however, the question is not as to the legality of a contract by AEC for amounts necessary to supply the Commission's requirements at Paducah and Oak Ridge, but as to AEC's authority to buy power for TVA which is not required at Paducah, or Oak Ridge, or at any other AEC installation.

In the next to the last paragraph of his memorandum Mr. Mitchell goes on to say that the increased cost to the Government of $3,685,000 annually is justified "if the President directs the Commission and TVA to modify their existing arrangements so as to release to TVA 600,000 kilowatts under the present contract" between AEC and TVA. No one quarrels with this statement. But the President has not directed AEC to release even one kilowatt of the TVA power supply commitment and AEC has stated that it does not intend to release a single kilowatt. Mr. Mitchell's opinion concludes with the statement that "on the assumptions set forth above" the Commission has authority "under section 12 (d) of the Atomic Energy Act" to enter into a contract with Dixon-Yates. However, every one of the assumptions "set forth above" is directly contrary to the facts.

I do not know how to explain this remarkable document. It is incredible that after almost a week to study the President's directives Mr. Mitchell should still be reading them backward and finding in them exactly what they do not say, but failing to find what they did say. Perhaps he was under pressure to provide some kind of a favorable opinion and being unable, in good conscience, to produce one on the set of facts which exist, he constructed a set of facts upon which it would be possible for him to rule favorably. This part of the mystery I will not probe any further but leave to the imagination of the Members of the House. What is even stranger, however, is that the Commission should not have asked Mr. Mitchell to revise his opinion in the light of the actual circumstances dictated by the President. The opinion was not disclosed until it was made a part of the CONGRESSIONAL RECORD by Senator HICKENLOOPER on July 19, almost a month after the opinion was written. Surely by then there was opportunity to secure from Mr. Mitchell an expression of opinion on the Dixon-Yates in the form which it actually took under the President's directives of June 16.

As I indicated before, no one can read this opinion without recognizing that the essence of the legal justification in Mr. Mitchell's mind was the release of 600,000 kilowatts by AEC to TVA and the purchase of replacement power by AEC from Dixon-Yates. This is the sole basis and support for any claim of legality under the AEC. The Mitchell opinion indicates that without this element, the contract would be illegal and, as every Member of Congress knows by now, the Dixon-Yates contract is not a replacement contract. It is therefore condemned by the opinion of AEC's General Counsel.

Mr. PRIEST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I agree with the distinguished majority leader, the gentleman from Indiana [Mr. HALLECK], that

the hour is late and the Members of the House are somewhat wearied with many words. I feel, however, that the amendment pending at this moment is one of the most significant amendments, in its broad aspects, that this House will pass on during this session of the Congress or perhaps in any other session of the Congress.

I fully share the opinion of the gentleman from Illinois [Mr. PRICE], who has just addressed you, that this is an issue that far transcends the question of the Tennessee Valley Authority. It transcends, also, the question of public versus private power, and I shall not go into that discussion at all.

During the course of this debate today, many times my good friend from New York [Mr. COLE], the distinguished chairman of this committee, has stood on the floor and said that we do not want the Atomic Energy Commission to go into the power business. I wish, Mr. Chairman, that my friend—and he is a friend whom I esteem very highly—would take the floor and with equal zeal and vigor say that he does not wish the Atomic Energy Commission to go into the job of buying and selling power, peddling power, if you please. I wish the gentleman might take the floor and take that position and argue that as eloquently and as zealously as he argued against some of those earlier amendments.

I say this is one of the most significant amendments in its broad aspects and implications that will be before the House during this session of the Congress, because I believe it strikes at the very heart of the question of the integrity and independence of independent commissions of this Government, and I believe that is the question that confronts us all.

Now a few minutes earlier I heard what the gentleman from Indiana [Mr. HALLECK] had to say about the generosity of the House toward the Tennessee Valley Authority, and I want to say on behalf of myself and many people that we are grateful for that consideration. But, let me say in the same breath that this is not a Tennessee asset, it is not a Tennessee Valley asset alone. It is a great national asset. It belongs to all the people of this Nation. It has contributed greatly to the winning of a great war and is making a significant contribution to the defense and security of the Nation and the free world. I shall not go into that, either. But, I do want to emphasize that the Tennessee Valley Authority is a national asset.

Now, just 1 or 2 words, Mr. Chairman. The question has come up many times in some other debates with reference to the TVA's service area. The proposal in the Dixon-Yates contract is to build a steam plant west of the Mississippi River and with extension lines built half way across that river to join with a line that TVA will be ordered to build to connect up with the Tennessee Valley Authority distribution line. And yet it has been argued many times on the floor of this House that Fulton, Tenn., which is on the east side of the river in the State of Tennessee, over which all of the transmission lines crisscross in every direction, that that is not in the service area of the Tennessee Valley Authority. It does not make logic to me to move still farther west to build a plant to furnish power, across a great river in another State, and say, that plant can be built there and serve the Tennessee Valley service area, but if you build one at Fulton, Tenn., it would be outside of the Tennessee Valley Authority service area.

I hope, Mr. Chairman, and I hope with all the sincerity I can express, that the amendment offered by the gentleman from Tennessee [Mr. COOPER] will be adopted, because I believe, first of all, that it will prevent the Atomic Energy Commission from launching into a program, the end of which we cannot see nor contemplate at this time, one which is entirely out of harmony, in my opinion, with the purposes and the functions of the Commission.

I hope the amendment, Mr. Chairman, will be adopted.

Mr. MURRAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was shocked and amazed when I learned that the President had issued a directive to the Atomic Energy Commission to execute a contract with the Dixon-Yates utility group to furnish the TVA 600,000 kilowatts of power by constructing a steam plant just across the Mississippi River from Memphis, Tenn., in West Memphis, Ark.

The directive of the President did not call for open competitive bids, or give any other private power utility group any opportunity to offer a bid. The directive was tailor made and cut and dried for the Dixon-Yates group. It is an outrageous proposal; a giveaway and a cloudy deal in the interest of the Dixon-Yates group.

I firmly believe the President exceeded his constitutional powers in issuing the directive to the Atomic Energy Commission, which is an independent agency, and which would destroy the integrity and independent judgment of the Atomic Energy Commission, which is not intended to be one of the executive departments of the Government and to be under the direct control of the President. It was established as an independent agency, like the Federal Power Commission, the Federal Trade Commission, and the Interstate Commerce Commission. The directive makes a power broker out of the Atomic Energy Commission which should only be permitted to contract for power for its own use and needs.

The majority of the Atomic Energy Commissioners were opposed to this directive. The Acting Comptroller General, for the General Accounting Office, protested because the directive eliminated competitive bidding. It is a sad commentary that an independent agency such as the AEC can be made to ignore its own judgment by the President of the United States and compelled to contract for power that it does not need and which will not be used in connection with the Commission's activities.

The Atomic Energy Commission is being misused by the President as a tool or puppet for the Dixon-Yates combine and is being forced to carry the ball against its own will for this selfish, greedy private power group in their efforts to weaken, divide, cripple, and destroy the Tennessee Valley Authority.

Mr. Chairman, the President in his budget message which he sent to the Congress last January said:

> In order to provide with appropriate operating reserves for reasonable growth in industrial, municipal and cooperative power loads in the area through the calendar year 1957, arrangements are being made to reduce, by the fall of 1957, existing commitments of the Tennessee Valley Authority to the Atomic Energy Commission by 500,000 to 600,000 kilowatts. This would release the equivalent amount of Tennessee Valley Authority generating capacity to meet increased load requirements of other consumers in the power system and at the same time eliminate the need for appropriating funds from the Treasury to finance additional generating units. In the event, however, that negotiations for furnishing these load requirements for the Atomic Energy Commission from other sources are not consummated, as contemplated, or new defense loads develop, the question of starting additional generating units by the TVA will be reconsidered.

Instead of following his budget message the President issued a directive for a contract to a private power group, not to relieve the TVA of any of its commitments to the Atomic Energy Commission but to serve the city of Memphis and that area. The private power group for a long time have been trying to destroy the TVA yardstick. They have been eager to get control of distributing power in the city of Memphis, and they have finally succeeded in getting this directive ordering the Atomic Energy Commission, against its own will, its own judgment, to execute a contract whereby the selfish Dixon-Yates group will be given the contract, to give power to the city of Memphis and not to the Atomic Energy Commission for its own use and its own needs.

Mr. Chairman, I appeal to the committee to adopt the amendment offered by the gentleman from Tennessee [Mr. COOPER].

Mr. GATHINGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have here a very fine airplane map of the location of the plant site in the city of West Memphis on the banks of the Mississippi River. I call to your attention the fact that a few days ago in the debate it was said that President Hoover had gone across this very site in a steamboat. This west bank of the Mississippi River is, and has been stable since 1919. The bank is revetted way around from the United States Engineer depot all the way down the line here past the plant site. This will be the plant site here.

In the last 2 or 3 years 8 or 9 million kilowatts of power are now being furnished near this point by the Arkansas Power & Light Co. to the Tennessee Valley Authority at about 4.5 mills per kilowatt-hour.

It has been said that AEC should not enter into this contract. That by so doing it would be occupying the position of a power broker. Such argument is unsound. To execute this contract is an administrative matter wholly and exclusively. It is the prerogative of the executive branch of the Government. Of course, AEC needs power. They are vitally concerned about power. They are

vitally concerned where the powerplant will be located. They do not want to see the plant knocked out by bomb attack. They want to be sure that these plants are dispersed.

This 600,000 kilowatts will be fed in just as has been stated here by the majority leader, just like you put it in the barrel on one side and take it out on the other. You cannot trace a particular kilowatt at all, but it is in there and it comes out.

This is the same thing that has been done by the Tennessee Valley Authority. Widow's Creek has been built 100 miles from Oak Ridge. Then there is the Johnsonville plant, 200 miles from Oak Ridge, furnishing power to Oak Ridge by replacement.

It looks like our friends and neighbors in Tennessee, and the other distinguished Representatives would help us folks from Arkansas get this great powerplant. We have been helping them for years. We are hurt that they do not have enough appreciation for their neighbors and for the fine relations existing through the years to join with us at this time. Why not build the plant at West Memphis just as well as at Fulton—they are only about 25 miles apart—West Memphis adjoins Memphis, Tenn. Memphis will get the principal benefits from the plant and from its operations—certainly more benefit than if the plant were built at Fulton, 25 miles away. I trust that the amendment of the gentleman from Tennessee will be rejected.

Mr. DAVIS of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if my colleagues will listen to me for just a minute, I will not transgress further on your time because I did have time to make a summary during general debate. But, I recognize that we have been talking about atomic energy and fissionable material and all that sort of thing all day long. I am now convinced that we have seen an example of some of this atomic energy in the last few minutes because considerable heat has been generated. I think possibly that is the result of the long day's debate. I would like to remind my distinguished colleague and neighbor across the river, however, that we have been sending power from the TVA over to Arkansas by interchange. It is entirely correct that we have been getting some power from Arkansas. But I would like to remind him also that this proposed private plant in the State of Arkansas would cost in power over a period of 25 years, according to Atomic Energy Commission figures, $92 million more than if the TVA supplies the power. The TVA has operated efficiently. Nobody seems to doubt that. By their figures and good experience, it would cost $139 million more over a period of 25 years to purchase the same amount of power. I should like to remind you that this plant in the State of Arkansas is certainly stretching the periphery of any TVA area because they are going across the river, and it will cost $9 million of TVA money to go to the middle of the river to pick this private power up and bring it over. It is going to cost this enormous amount of money more in the next 25 years. I repeat, that this is an opportunity long sought by private power to cross the river from this great city of Memphis and this Memphis area to get into this wonderful, progressive section, and to sell power at a higher rate than the TVA is supplying it. I rise in support of the amendment offered by my distinguished, senior colleague, the gentleman from Tennessee [Mr. COOPER]. I do hope that we will have some real consideration. I regret that my distinguished friend, the majority leader, a gentleman for whom I have the greatest respect, should have saved all of his power to jump on those of us who feel so deeply interested in this particular matter because we think that the integrity of the Atomic Energy Commission is being threatened when they make them a broker of power and wheel this power not to the Paducah atomic energy needs, but to supply the need for power in a great growing section of this great country of ours.

Mr. ANDREWS. Will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS. I would like to congratulate the distinguished gentleman from Tennessee [Mr. DAVIS] for the great fight he has made through the years for TVA. I have been a member of the subcommittee of the Appropriations Committee for 9 years. Our subcommittee handles appropriations for TVA and the gentleman from Tennessee [Mr. DAVIS] has appeared before our subcommittee each year and made a forceful appeal for needed funds for TVA. I know of no man who has been more interested in the yearly appropriations for TVA than has the gentleman from Tennessee [Mr. DAVIS].

Mr. PHILLIPS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, when the hour reaches 12:15 on a Saturday morning, I think the best way to answer these arguments is to bring out a few simple facts and then to suggest one of the methods my legal friends use in their arguments, and ask that we stipulate that the people from the Tennessee Valley area are in favor of the amendment; and they are in favor of continuing a subsidized program in that valley; and they wish to continue to enlarge the TVA, but that there are a great many people in the House of Representatives who would not want the TVA enlarged, but would like to see it continue as it is.

Now let me explode some of these things that have been said. It has been repeatedly said, Mr. Chairman, that the integrity of the TVA is being invaded. Of course, the integrity of the TVA is not being invaded in any sense of the word. The TVA has a limitation placed upon it in the basic law which confines it to the Tennessee River and its tributaries. The Mississippi River is not a tributary of the Tennessee River.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I shall be glad to yield to the gentleman briefly.

Mr. PRIEST. The observation I want to make is that I think the statements that have been made are that the integrity of the AEC rather than the integrity of the TVA was being threatened and challenged.

Mr. PHILLIPS. I believe that statement is equally erroneous. The integrity of the AEC is not being invaded. The AEC buys power from the TVA or from private concerns or wherever it can get it. There is no illegality in the creation of power and pouring it into a barrel from which that power is taken out wherever it is needed.

Why is the AEC making the contract instead of the TVA? For a perfectly good reason. Because the TVA does not care to make such a contract; because in dealing with the AEC you are dealing with a Government agency, while TVA is a corporation. The rates of interest are different. The legal points are different. There are technical reasons for contracting with AEC, instead of TVA.

I want to make it very clear in this matter of competitive bidding that there is no restriction, but in our theory of the production of electric current in the United States, a contract of that kind must have power back of it in order to support it. No one can build one powerplant and go into business, without the necessary background, the necessary facilities, the necessary standby facilities that are required.

All of us received a letter from a promoter in New York who says he wishes to bid. That would be a bid from a man who says that if the Government will give him $4 million cash and undertake to guarantee 32 years of service and pay all of the expenses, then he will be glad to build the plant.

Mr. HAYS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Arkansas.

Mr. HAYS of Arkansas. The gentleman gave the House some figures the other day on costs under the Dixon-Yates plan. In the interest of accuracy I would like to direct attention to the figure relating to taxes to be paid to the State of Arkansas. It was stated that the total would be about a million and a half dollars a year. I believe that the figure is closer to a million or perhaps a little less than that sum. I understand that the gentleman has been supplied some additional figures.

Mr. PHILLIPS. It is one of the inaccuracies which has been repeatedly stated on this floor and elsewhere. The tax was said to be, for the State of Arkansas, $1,400,000. The tax is actually $952,000. The Tennessee Valley Authority comes in, I might say, and gets up to $5 million a year for exactly the same things for which the State of Arkansas would get $952,000. The Tennessee Valley Authority came to my committee and asked for $100 million to build a steam plant within 30 miles of where this plant is supposed to be built. If it is to be built by TVA, it is all right. If it is to be built by private interests then my friends on that side say that is

not right. One hundred million dollars cash plus interest over the entire life of the contract.

There is no such realistic figure as a loss of $3 million a year. Actually, this contract when broken down is beneficial to the taxpayers. Figures have been cited which brought up a loss of $3 million. This was on the assumption that TVA is going to sell its power to the AEC or to anyone else at the exact cost or less than that. TVA has never done that; the TVA has no intention of doing it. TVA today is making $6 million a year profit off the AEC at the Paducah plant, and uses that amount of money to underwrite cheaper power for the people of the Tennessee Valley.

I ask for a "no" vote upon the pending amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in favor of the pending amendment.

Mr. Chairman, may I say that the figures that have been given as a total of $3,685,000 more per year was a figure that was given by the Atomic Energy Commission in testimony before our committee. Those figures were approved by the Bureau of the Budget, and by Mr. Franklin Adams of the Federal Power Commission as being the accurate figures; therefore they were not inaccurate, of course.

ANALYSIS OF DIXON-YATES PROPOSAL

Mr. Chairman, on Tuesday, July 6, 1954, I commented on some of the facts of the proposed contract which the AEC has been directed by the President to negotiate with the Dixon-Yates private utility group for electrical energy to be transferred by the AEC to the Tennessee Valley Authority grid in the Memphis area.

I gave some of the legislative background and I believe that I established clearly that the legislation which was passed in August 1953 by the Congress, H. R. 4905, which is now section 12 (d) of the Atomic Energy Act of 1946, as amended, was passed for the following purpose:

(a) It gave the AEC the power to contract for electrical utility services for a period of 25 years.

(b) It limited the exercise of this power to the Oak Ridge, Portsmouth, and Paducah installations of the AEC and also provided that new contracts could be entered into by the AEC for expansion facilities at the three specifically named locations.

Comment: These two principles are clearly defined in the legislative language and sustained by the testimony of the AEC General Manager, Mr. Boyer, before the Joint Atomic Energy Committee and by statements and questions of members of the committee during Mr. Boyer's presentation.

I described a few of the major provisions of this proposed contract yesterday in my remarks which appear on pages 9865–9869 of the July 6, 1954, CONGRESSIONAL RECORD.

It is my purpose today to go into somewhat more detail regarding this proposed contract.

The President's budget message of January 21, 1954, gave as reason for denying the TVA's budgetary request for an additional steam plant at the Fulton, Tenn., site, the following:

> In order to provide, with appropriate operating reserves, for reasonable growth in industrial, municipal, and cooperative power loads in the area through the calendar year 1957, arrangements are being made to reduce, by the fall of 1957, existing commitments of the Tennessee Valley Authority to the Atomic Energy Commission by 500,000 to 600,000 kilowatts. This would release the equivalent amount of Tennessee Valley Authority generating capacity to meet increased load requirements of other consumers in the power system at the same time eliminate the need for appropriating funds from the Treasury to finance additional generating units. In the event, however, that negotiations for furnishing these load requirements for the Atomic Energy Commission from other sources has not consummated as contemplated or new defense loads develop, the question of starting additional generating units by the Tennessee Valley Authority will be reconsidered.

I want you to note that the President made a clear statement that "arrangements are being made to reduce, by the fall of 1957, existing commitments of the TVA to the Atomic Energy Commission by 500,000 to 600,000 kilowatts."

Some time between the President's stated purpose and the testimony given by Mr. Nichols, the present General Manager of the AEC, before our committee on June 17, 1954, this purpose was lost by the wayside. Mr. Nichols testified in part as follows:

> We have proceeded on the basis that there would be no contract cancellation for a like portion of the AEC-TVA-Paducah contract.

Likewise, in a letter dated April 15, 1954, from Chairman Lewis L. Strauss to Mr. Dodge, the then Director of the Bureau of the Budget, Mr. Strauss said:

> We have proceeded on the basis that there would be no contract cancellation for a like portion of the AEC-TVA-Paducah contract.

This disposes of any argument that the Dixon-Yates electrical energy is to be used as a substitute, or exchange, or replacement for a reduction in the TVA's firm commitments to the AEC. If the President's originally stated purpose has been abandoned, it is pertinent to inquire as to what purpose the proposed contract is now supposed to fulfill.

That answer will be found by considering the terms of the contract.

In a letter dated June 16, 1954, the present Director of the Budget Bureau, Mr. Rowland Hughes, told Senator SALTONSTALL that the AEC was instructed "to proceed with the negotiation of a definitive contract" with the Dixon-Yates group.

The AEC and the TVA were also instructed to work out the necessary interagency arrangements to assure the most favorable operation under the contract.

Under this clear directive of the President, the AEC Commissioners found themselves in a very embarrassing position. In testimony before the joint committee, Commissioner Henry D. Smyth, on behalf of himself and Commissioner Eugene Zuckert, objected to the proposed contract and read into the record a copy of their joint letter to Mr. Hughes stating that it was an "awkward and unbusinesslike" procedure. The text of the letter follows:

> DEAR MR. HUGHES: On April 15, 1954, the Chairman of the Atomic Energy Commission, Mr. Strauss, sent you a letter outlining an analysis of the negotiations for certain power to be furnished by Middle South Utilities, Inc., and the Southern Co.
>
> Under this proposal the Atomic Energy Commission contracting power would be used as a vehicle for the supply of 600,000 kilowatts of power in the Memphis area.
>
> With the knowledge of the other members of the Commission, we are taking this opportunity to bring to your attention our personal view that the proposed action involves the AEC in a matter remote from its responsibilities. In an awkward and unbusinesslike way an additional Federal agency would be concerned in the power business.
>
> The proposal under discussion is an outgrowth of the responsibility to the President's budget message under your letter of December 24, 1953, requesting the AEC to explore the possibility of reducing existing commitments of the TVA to the Commission. In the course of that exploration it was determined to be unwise to disturb the AEC arrangements with TVA upon which our production schedules depend. Since that determination, the explorations have taken a different course.
>
> The present proposal would create a situation whereby the AEC would be contracting for power not one kilowatt of which would be used in connection with the Commission's production activities. The creation of such a contractual relationship would place upon the Commission a continuing responsibility during the 25-year life of the contract for stewardship in respect to matters irrelevant to the mission of the Commission.
>
> It has been our observation in Government administration that arrangements which are obviously incongruous at the outset tend to become even less clearcut because no one can foresee what contingencies may arise over a long term of years. In addition the proposed action certainly seems a reversal of the sound philosophy embodied in the community-disposal legislation recently sent forward to Congress. One motivation for that legislation was the desire to eliminate responsibilities not essentially involved in the Commission's sober and exacting principal mission.
>
> Of course, if the President or the Congress directs the Commission to accept such a responsibility we will endeavor to discharge it fully.

This letter was signed "Henry D. Smyth, member, Atomic Energy Commission; and Eugene M. Zuckert, member of the Atomic Energy Commission."

At the same hearing Commissioner Thomas Murray objected with equal vigor and emphasis to the proposed contract.

It is noteworthy that Commissioner Murray was the member of the Commission responsible for originating long-term contract arrangements with Electric Energy, Inc., a private-utility group now supplying power to the Atomic Energy Commission along with the TVA. However, Mr. Murray was frank to state that Electric Energy, Inc., was found sadly wanting in performance in comparison with the TVA.

Commissioners Lewis L. Strauss and Joseph Campbell indicated their willingness to proceed under the President's directive in negotiating the Dixon-Yates proposed contract.

Thus we see that 3 out of the 5 Commissioners vigorously opposed the scheme of using the AEC as an administrative device to achieve purposes and objectives foreign to the purposes of the Atomic Energy Act. Notwithstanding this objection of the majority of the Commission, it is my understanding that the Commission, through its general manager, General Nichols, is proceeding to negotiate a definitive contract with the Dixon-Yates group.

Now we turn to the contract itself and I will make a series of statements concerning the provisions of the contract. These statements are based on the testimony of the AEC Commissioners and their general manager, Gen. K. D. Nichols; a copy of the proposed contract addressed to the AEC, dated April 10, 1954, and signed by Mr. E. H. Dixon, president of Middle South Utilities, Inc., and Mr. M. J. Barry, chairman of the executive committee of the Southern Co.; an appendix, consisting of 5 pages which was attached to the letter; a Comparison of Annual Costs for Power Supplied From Alternate Sources, No. 10109, under date of April 14, 1954, from the AEC; and a letter dated April 15, 1954, to Mr. Dodge, then Director of the Bureau of the Budget, signed by Chairman Strauss of the Atomic Energy Commission.

First. General Nichols testified before the Joint Committee on Atomic Energy on June 17, 1954, that the Dixon-Yates proposal would cost the Government a minimum of $3,685,000 more per annum than if the same amount of power were purchased from the TVA at the present rates charged by the TVA to AEC at the Paducah plant.

Second. Mr. Wessenauer, manager of power for TVA, estimated that it would cost the Government $5,567,000 more per annum under the Dixon-Yates contract than if the TVA supplied the power.

Third. General Nichols testified that it would cost the Government more than $90 million more over the life of the contract than if the power were purchased from TVA.

Fourth. Mr. Wessenauer testified that it could cost the Government approximately $140 million in excess of TVA charges over the life of the contract.

Fifth. The Government assumes a maximum cancellation liability of $40,012,500 plus fair and reasonable expenses payable to third parties.

Sixth. Although the contract is ostensibly for a 25-year period, in the event of termination the Dixon-Yates group has the right and is obligated to recapture not less than 100,000 kilowatts of its capacity per year beginning with the fourth year of the contract and continuing to the ninth year. This provision would permit the Dixon-Yates group to recapture their complete capacity at the end of the fourth year, or any intervening year between the fourth and ninth years.

In any event, it must recapture its 600,000 kilowatts capacity by the end of the ninth year.

Seventh. The Government is also obligated to assume approximately $5 million in construction costs, if the estimated construction cost of $107,250,000 is exceeded by as much as 9 percent.

Eighth. If the 9-percent overcost in construction occurs, this will add $285,000 per annum to the original estimated base charge of $8,775,000.

Ninth. The Government is obligated to build and charge to the TVA a $9 million transmission line from the Dixon-Yates terminal in the middle of the Mississippi River to the TVA grid, and to operate and maintain same for the period of the contract.

Tenth. The Government is obligated to pay all Federal, State, and local taxes of the Dixon-Yates private utility corporation. The estimated total of these taxes by Dixon-Yates is $2,319,000 of which $1,499,000 represent Arkansas State and local taxes, including $83,000 State income taxes, and $820,000 Federal taxes on corporation income.

Eleventh. The Government is obligated to insure 9-percent net return to the Dixon-Yates group on their equity investment, which amounts to 5 percent of the estimated capital investment of $107,250,000.

Twelfth. The balance of the capital investment of the Dixon-Yates group, amounting to 95 percent of the total, will be funded by selling to private investors bonds with a guaranteed return of 3½ percent.

Dixon-Yates state in their letter that the 25-year contract with the United States Government is the basis for obtaining the 95 percent funding at this low-interest rate.

Thirteenth. The Government is obligated to take 93 percent of their power capacity at point of delivery at all times. If it does not absorb the 93-percent powerload, it is subject to penalty.

Fourteenth. The Dixon-Yates group state that they will request the Treasury Department for a favorable ruling on capacity charge for replacements. They maintain further that if this favorable ruling is granted, it will be possible to make a $313,000 reduction in the estimated taxes.

Fifteenth. The Dixon-Yates group also state that the proposal is "subject to our securing appropriate Treasury Department rulings or agreements with respect to the sinking fund depreciation upon which the computations underlying our proposal are predicated."

Sixteenth. The annual charges quoted are minimum charges and are subject to the following escalation clauses:

Increased cost of construction over estimate;

Any increase in fuel costs;

Any increase in labor costs; and

Less than 93 percent load factor absorption of capacity.

Seventeenth. Other conditions are set forth in the Dixon-Yates proposal as follows:

Other conditions: (1) This offer is subject to approval of regulatory bodies having jurisdiction and to force majeure. In the event of new laws, orders or regulations or changes in existing applicable laws, orders or regulations adversely affecting wage rates, hours of work or other conditons, or active hostilities, any of which shall result in increased costs hereunder, the effect of such changes shall be incorporated in any contract resulting from this offer to the end that the rights of the seller shall not be impaired by such changes, and the parties will enter into appropriate amendments of such contract to that end.

Comment: Note that this section makes the Dixon-Yates contract subject to new laws, orders, or regulations, or changes in existing applicable laws, orders or regulations.

If decisions of regulatory bodies or other conditions increase the costs, the effect of such increased costs would become additional Government liabilities. The term "other conditions" is all-inclusive and would cover any contingent increase in costs without known limit.

Eighteenth. If the AEC assigns any of the power to another Government agency which it is obligated to purchase from Dixon-Yates, beginning with the fourth year of its operation, it cannot assign the power at contract rates. But the receiving Government agency must pay an increased price which is to be approved by the Federal Power Commission.

Mr. COLE of New York. Mr. Chairman, I ask unanimous consent that further discussion of this amendment conclude in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ABERNETHY. Mr. Chairman, I object.

Mr. COLE of New York. Mr. Chairman, this subject has been discussed in the House and in the press rather thoroughly. I think everybody understands what is involved. Therefore, I move that further discussion of the pending amendment and all amendments to section 154 close in 30 minutes, the last 5 minutes to be reserved to myself.

Mr. COOPER. Mr. Chairman, I make a point of order against the motion. You cannot reserve any time under a motion of that kind. You could under a unanimous-consent request, but not under a motion.

The CHAIRMAN. The gentleman is correct.

Mr. COLE of New York. Mr. Chairman, I shall state my position in whatever share of the time I am allowed.

Mr. EBERHARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EBERHARTER. My parliamentary inquiry, Mr. Chairman, is: If the motion of the gentleman from New York [Mr. COLE] carries, how much time will be allotted to the gentleman from New York and to the other Members who are indicating their desire to speak?

The CHAIRMAN. It will depend on how many are asking for recognition and they will all be treated equally.

Mr. VORYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VORYS. The point of order is that if the motion carries, then the first 6 persons the Chair recognizes get 5 minutes apiece. There cannot be a division except by unanimous consent.

The CHAIRMAN. That would be so unless the Chair is given the authority to divide the time.

Mr. COLE of New York. Mr. Chairman, I will modify my motion to authorize the Chairman to allocate the time.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York [Mr. COLE].

Mr. EBERHARTER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EBERHARTER. The gentleman from New York was stating a modification of his motion and he had not completed stating the modification of his motion when the Chair attempted to put the question. I think it is proper for the gentleman from New York to be permitted to state his modification.

The CHAIRMAN. I understood the gentleman had completed his statement.

Mr. COLE of New York. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 30 minutes, the time to be allocated by the Chair among those seeking recognition at the time.

Mr. EBERHARTER. Allocated equally?

Mr. COLE of New York. Of course.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. I want to inquire now if certain gentlemen standing will be allowed to yield their time to somebody else.

The CHAIRMAN. By unanimous consent only. Unless there is unanimous consent, the first six people who are recognized would be entitled to be heard. That is the rule.

Mr. RAYBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAYBURN. Was the request of the gentleman from New York put by the Chair?

The CHAIRMAN. There is a motion pending to close debate in 30 minutes. There is no request pending.

Mr. COOPER. Mr. Chairman, in all fairness, the gentleman from New York asked unanimous consent that the time be equally divided.

The CHAIRMAN. He did at one time; yes.

Mr. COOPER. Well, if he did at one time, it is still there.

The CHAIRMAN. But that was before the gentleman made his point of order.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. If the motion were withdrawn and unanimous consent were granted for 30 minutes time on this amendment, then I take it the Chair would divide the time equally.

The CHAIRMAN. That is correct.

Mr. HALLECK. I suggest that be done.

Mr. DURHAM. Will not the gentleman make it 45 minutes? I have worked on this bill 5 months, and I have not taken much time on it, and I think it is important. I think the chairman has been fair and I think he wants to be fair.

Mr. COLE of New York. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 45 minutes and that the Chair undertake to divide the time equally among those standing.

Mr. FORAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FORAND. Has the gentleman withdrawn his motion?

The CHAIRMAN. The gentleman has presented a unanimous consent request, and that will be put.

Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. ABERNETHY].

Mr. MACHROWICZ. Mr. Chairman, I ask unanimous consent that I may yield to the gentleman from Mississippi the time that has been alloted to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. MASON. Mr. Chairman, I object.

Mr. ABERNETHY. Mr. Chairman, first, I regret very much that my friend from Illinois [Mr. MASON] objected to the request of the gentleman [Mr. MACHROWICZ] to yield me his time. Up until now I have consumed no time on this bill. I have been waiting until the pending amendment was reached. Therefore, I feel I am entitled at least to 5 minutes. But inasmuch as the gentleman from Illinois [Mr. MASON] objects, I shall try to get along with what I have.

Mr. Chairman, the issue in this particular amendment is not TVA. It is not subsidies. The issue is the legality, forthrightness, and fairness of the Dixon-Yates deal.

The gentleman from Indiana [Mr. HALLECK] made his usual critical remarks of the Tennessee Valley, the type of remarks which he has made on every occasion since his party came into power last year, when TVA was the subject of discussion. May I say to my friend from Indiana [Mr. HALLECK] that TVA is not the issue just now. Furthermore, the question of subsidies, insofar as the Tennessee Valley Authority and the people of Tennessee are concerned, is not the issue. The issue is whether or not this administration is going to follow the purpose of the law and the intent of the Congress when it established the Atomic Energy Commission.

What is all of this fuss about? Let me read to you what the law says the Atomic Energy Commission shall do. It was anticipated when the Atomic Energy Commission was established that it would require an unusual amount of power to operate its facilities and, inasmuch as an unusual amount of power would be required to operate these facilities, the Congress wrote into the law the following language——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ABERNETHY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion of the gentleman.

The Clerk read as follows:

Mr. ABERNETHY moves that the Committee do now rise and report the bill back to the House with the enacting clause stricken.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ABERNETHY. Here is what the law says:

> The Atomic Energy Commission is authorized in connection with the construction or operation of Oak Ridge, Paducah, and Portsmouth to—

Contract for power for its own use.

The authority is in connection with construction and operation of AEC facilities. There is no authority there for AEC to contract for power for the use of TVA in supplying its consumers.

Let us look at it again:

> The Atomic Energy Commission is authorized in connection with the construction or operation of Oak Ridge.

This Congress did not give the Atomic Energy Commission the authority to enter into a contract with Dixon-Yates for the purpose of supplying power to the city of Memphis or west Tennessee. It did not give the Atomic Energy Commission the authority to enter into a contract to supply power to anyone. It only authorized the Atomic Energy Commission to enter into contracts to purchase power for its own use. And what construction was put upon the language of the act by the Commission from which I have just read? Two members of the Commission wrote Mr. Hughes of the Budget Bureau on April 15, and what did they say? Here is what they said:

> The creation of such a contractual relation—

This relationship which the President is trying to force upon the AEC—

> would place upon the Commission a continuing responsibility during the 25-year life of the contract for stewardship in respect to matters irrelevant to the mission of the Commission.

Another Commissioner had the following to say:

> I do not believe that it is desirable for the Atomic Energy Commission to perform a function that another agency of Government could perhaps more likely perform. Since, however, I understand here today there has been a directive from the Bureau of the Budget, approved by the executive department, we will, of course, proceed.

So three members of the Atomic Energy Commission say in effect this Dixon-Yates deal is contrary to law and not a function of the Commission, but inasmuch as the President has ordered them to do so, then there is nothing else they can do. They just can't buck the President. They have to accept his orders and bow to his will.

What is the object of all of this? Who are these Dixon-Yates people? Why are they so in the favor of this administration? Why is this one particular power concern—which incidentally has representatives in this Capitol right now, and some of them are sitting in the gallery right now—why is this administration so interested in accommodating this particular single power concern? Is

there some sort of obligation? What is the reason for handing out something special, something lucrative, to one special outfit? What is the object of closing the door to all of the others in the United States? I want somebody to tell me why it is that this particular concern is being specially favored by this administration.

We hear a lot about free enterprise and the competitive system, but does the administration open this up to competition? Has it asked for bids? Has it asked for other power concerns to come in and compete? Has it opened the door? Has it published a notice of specifications, and invited the various power interests of the United States to come in and bid on this particular job? Oh, no! Undoubtedly there must be something behind this deal other than the replacement of power at Memphis and west Tennessee.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Tennessee.

Mr. EVINS. Not only were there not any specifications offered, but the company was called in and invited to take the deal without any specifications having been presented to it. They grabbed at it without any specifications having been shown to them.

Mr. ABERNETHY. That is my understanding.

The gentleman from New York, a very distinguished Member of this House, whom we all admire and respect, made a very pertinent remark this evening, one that was referred to by a speaker just a few minutes ago, that it was not his desire to put the Atomic Energy Commission into the power business.

The adoption of the amendment offered by the gentleman from Tennessee [Mr. COOPER] will accomplish that objective. Unless his amendment is adopted the Atomic Energy Commission will be in the power business in a big way and, mind you, for the benefit of one particular power company, and one only. And for what purpose? To furnish power to AEC? No. But to furnish power to the customers of the TVA at a point 200 miles or more from any AEC installation.

The Cooper amendment ought to be adopted.

Mr. HOFFMAN of Michigan. Mr. Chairman, I rise in opposition to the motion.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. HALLECK. Mr. Chairman, I am sorry that the gentleman from Mississippi spoke of this contract as if to indicate there were something sinister about it. I just do not believe he feels that way. It is all right for the gentleman to be critical of me. He frequently is that way. He spoke as though I had been critical of the TVA. I did not say anything critical of the TVA.

Mr. ABERNETHY. The gentleman did not say anything good.

Mr. HOFFMAN of Michigan. Regular order, Mr. Chairman.

Mr. HALLECK. The gentleman spoke of continuing comments of mine critical of the TVA. Well, he would have to look a long time in the RECORD to find any such comment as that. I want to make this one other observation before I take my seat. Speaker after speaker on the other side has said this is not an issue involving the TVA, but that it is a matter involving the AEC. But the great alacrity with which all of the Members from the TVA area, and I love you all, and do not blame you for being most vehement about what you think of the TVA, have been jumping up here for the past 3 or 4 weeks, a couple of hours a day, and speaking critically about this contract that is about to be entered into, makes it seem to me that perhaps it does have some relationship to the TVA in your minds.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi [Mr. ABERNETHY].

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 54, noes 85.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I have served on the subcommittee handling the TVA appropriations for quite a number of years. The real fight in the TVA area is not about the expansion of the territory, because the TVA has not expanded its territory for quite a number of years. They do not plan to expand their territory.

The real purpose behind efforts in the Republican 80th Congress to pull out of the TVA, in cash dividends, enough money to cripple the operation of TVA was to force increased rates to consumers in the area and thereby achieve their desired effect outside the area.

Only after a hard fight were we able to provide 40 years for the TVA to return costs of power facilities, one-fourth the cost each 10 years; and I remind you that the TVA will still belong to the people of the United States when the total cost has been paid.

Both last year and this year funds were refused TVA for construction of the Fulton plant, with which to provide power for the growing needs of this 80,000-square-mile area. Remember, the TVA has not and is not seeking to enlarge its territory.

Only this year, yielding to the pleas of those whose prime purpose seems to be to make the operation of TVA more costly in anticipation of forcing an increase in power rates, the committee handling funds for TVA recommended that the cash operating funds of the agency be greatly reduced. And here is the dead giveaway—the committee provided that the bridle be taken off and distributors, municipalities, and REA systems charge retail consumers whatever they pleased for power obtained from TVA. Cities and others could have financed anything in the world out of power profits. The sky was the limit. In other words, it made no difference what happened to the money so long as retail rates to consumers were increased by those distributors to whom the TVA sold power wholesale.

Fortunately, we were able to get rid of that provision in the Congress. While the advocates of that provision did not care who got the money, under the Dixon-Yates setup the retail charges to consumers would be increased and the administration would go further and contract to pay the additional money to their favorites—even turning down other private-utility groups. I do not believe the American people will stand for it, at least, not for long.

In my judgment such contract is certainly not within the intent of the Atomic Energy Act. In fact, I do not believe it is legal under the present act. If, in spite of our efforts here, such contract should be entered into under the urging of the executive department under the present law, I feel the Congress should prohibit the use of funds to pay the claimed obligations, and we could thereby force the matter into court for a determination as to its legality.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Chairman, like my good friend from Indiana [Mr. HALLECK], I greatly admire all of my friends from the great Tennessee Valley. I admire them for making the determined kind of fight they have made and are making for a continuation of federally subsidized and tax-exempt steam powerplants. I, also agree with the majority leader that we have been extremely fair and generous to the TVA. We have pumped a billion seven hundred million dollars into the TVA. That is a considerable sum of the American taxpayers' money.

The gentleman talked about waterpower. I have no objection to waterpower in the TVA. I am concerned with the steam powerplants financed by the people of the Nation to the advantage of one particular area over other sections of the Nation. When you get along with waterpower in the TVA, that is all right, but when you come in and ask the American taxpayers to subsidize tax-exempt steam powerplants in the Tennessee Valley I say that you are no more entitled to them than we are in Pennsylvania where we have a great supply of coal. The other day a mine shut down that has been operating for many years, throwing some 4,000 miners out of work. We have coal, so we could ask the Government to come in and build steam powerplants, subsidized by the American taxpayer, tax exempt, to produce cheap power so that we could compete with the TVA in this highly competitive industrial situation that exists all over the Nation. You are no more entitled to steam powerplants in the Tennessee Valley Authority, subsidized by American taxpayers, than we are in Pennsylvania. Why should the TVA be given preferred consideration? Recently in my district there developed a need for more power—a public utility—the Penelec Co. of Pennsylvania undertook an $80 million program to meet the power needs of the area. They did not ask the Government to finance it, they did not ask for tax exemption. So why do you

come to the Congress requesting authorization of federally subsidized steam powerplants, tax exempt, that my State, the great State of Pennsylvania, will have to put up the money to build that will permit the TVA to attract industry into the valley away from the rest of the Nation. Is the Tennessee Valley a preferred area of the Nation? The attempt to continue this preferred class area just does not make sense to me. It is time the TVA stood on its own feet. The American people are rebelling against a continuation of giving one section preferred consideration over other areas of the Nation.

I am surprised that you have not recognized this fact and if the need is evident in the TVA, build your own steam powerplants to meet your needs for increased power, with your own money and not ask the American taxpayers to foot the bills.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WINSTEAD].

Mr. WINSTEAD. Mr. Chairman, I rise in support of the amendment which would prohibit the proposed contract which the President has ordered whereby the Atomic Energy Commission would serve as a power broker for the Tennessee Valley Authority. I speak not only for myself but for countless citizens of my congressional district who deplore the action of the administration in directing the Atomic Energy Commission to negotiate a contract with the Dixon-Yates Co. to supply electric power to the Tennessee Valley Authority. I cannot in any measure subscribe to the intent of the administration to place the Atomic Energy Commission in the center of a fight between public and private power. Surely, we are all agreed that in critical times, such as these, the Atomic Energy Commission, in order to perform the function for which it was created, must command the confidence and support of all the people. This, I submit, is not possible if the Atomic Energy Commission is to become a power broker for private power companies. I have no fight with the authority of the AEC to make long-term contracts for power for its own use, but the Commission should never, in my opinion, be permitted to act in the capacity of a power broker for other agencies.

It has been brought to the attention of the membership of this House that the General Accounting Office is on record as opposing this contract, along with the people of the Tennessee Valley Authority and, I understand that 3 of the 5 members of the Atomic Energy Commission are actually against the proposal but are going along under pressure from the President. Yet, in the face of such opposition, the President of the United States has, through the Bureau of the Budget, ordered the Atomic Energy Commission to contract with the Dixon-Yates Co. for power to TVA for distribution to its consumers. This 25-year contract, I understand, involves building a new steam plant at West Memphis, Ark. This arrangement would cost the Government a minimum of $90 million to $150 million in excess of other ways of securing the same block of power. I submit that this is a bad business venture. Of the $107,250,000 cost to construct this plant, Dixon-Yates will be required to invest only 5 percent—they are guaranteed a large return on their investment and the Federal Government renders them immune from any taxes whatsoever. The remaining 95 percent of this $107,250,000 is to be financed by bonds which will be guaranteed to yield 3½ percent interest. At the end of the 25-year period, the plant will become the property of the Dixon-Yates Co. Thus, we see this group acquiring a sizable fortune through the Government—without even being subjected to the fair and long-standing practice of competitive bidding.

In my opinion, this is only the beginning of a plan to impair or liquidate the services of the Tennessee Valley Authority, the end result being a money-making scheme for private power companies.

There is no yardstick by which to measure the many benefits rendered to the people by TVA during the 20 years of its existence. Today this great agency supplies electricity in an area of approximately 80,000 square miles. Records reveal that 500,000 people depend on TVA for electricity used in the homes, on the farms, and in business enterprises. To liquidate or impair this program will bring untold hardship.

The TVA not only is of great benefit to the municipalities which obtain power at reasonable rates which in return they sell to the people at reasonable rates—not only is the TVA of great value to local REA associations who buy power from the TVA and to their members for the same reason, but reasonable rates charged by TVA have the effect of helping to cause private utilities to keep their rates lower. I believe all the people in my State and surrounding States have a real interest in preventing these higher costs from being put into the TVA so as to raise the rates it must charge.

Mr. Speaker, I submit this amendment should be adopted.

Mr. WINSTEAD. Mr. Chairman, I ask unanimous consent to yield the remainder of the time allotted me to the gentleman from North Carolina [Mr. DURHAM].

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. MASON. I object, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. FRAZIER].

Mr. FRAZIER. Mr. Chairman, everyone realizes the importance of this legislation. Upon it rests the future welfare of our Nation and in all probability the welfare of the entire free world. I have read the hearings, I have followed the debate in the Senate, and I can arrive at but one conclusion and this is that some selfish interests are using this legislation for the purpose of breaking down one of the greatest agencies of our Government at the cost of the taxpayer.

Much of this legislation is good and needed, some parts of it should be eliminated or clarified, but one part in particular should be amended. It is that provision of the bill that attempts to foist on the American people the construction of a steam plant at West Memphis, Ark., for the benefit of a private utility at a cost of from $92 million to $140 million of the people's money. No one can study this proposed contract without being shocked. It is not only an effort to kill the TVA by the private power companies, it is bigger than that, it involves the principle of right and justice and fairness upon which our Government is founded. Never before in the history of our country has such a contract been crammed down the throats of the American people. Why, I ask you, should the American taxpayer be imposed upon and made to pay for the construction of a powerplant under the subterfuge of furnishing power for the Atomic Energy Commission when not 1 kilowatt will ever reach the Atomic Energy plants at Paducah, Oak Ridge, or Portsmouth?

The Atomic Energy Commission has been authorized to contract for power at such plant or plants for its purposes at these places, but is not doing so because it does not need the power there. It has been ordered to contract with a private power company for the construction of a plant 250 miles away, not for its own use but for the sale of power at a high price to TVA, who in turn is to use it to supply Memphis and west Tennessee. The AEC is being used as a power broker for the benefit of a private power company that has not even been organized, over the objection of three of the Commissioners, and at whose direction? None other than the President of the United States. If his order is carried out, it will cost the Government $140 million over a period of 25 years, at which time all that is invested in this plant will be the property of this private power company.

We who are interested in public power are greatly disturbed over this section of the present bill. We cannot arrive at any other conclusion than this section is designed to break down a yardstick established by the TVA and to eventually destroy this great agency that has been the instrument for saving millions and millions of dollars to the users of electricity through the United States.

Under this section the AEC is authorized to enter into contracts to provide for electric utility service. But the AEC has gone far beyond this authorization. They are now attempting to make a contract with Dixon and Yates to supply electric power to be furnished to the TVA for use not by the AEC but to supply the city of Memphis.

Let me call your attention to some of the provisions of this contract which I am sure will shock your conscience:

First. General Nichols testified before the Joint Committee on Atomic Energy on June 17, 1954, that the Dixon-Yates proposal would cost the Government a minimum of $3,685,000 more per annum than if the same amount of power were purchased from the TVA at the present rates charged by the TVA to AEC at the Paducah plant.

Second. Mr. Wessenauer, Manager of Power for TVA, estimated that it would cost the Government $5,567,000 more per annum under the Dixon-Yates contract than if TVA supplied the power.

Third. General Nichols testified that it would cost the Government $90 million more over the life of the contract than if the power were purchased from TVA.

Fourth. Mr. Wessenauer testified that it would cost the Government approximately $140 million in excess of TVA charges over the life of the contract.

Fifth. The Government assumes a maximum cancellation liability of $40,012,500 plus "fair and reasonable expenses payable to third parties."

Sixth. Although the contract is ostensibly for a 25-year period, in the event of termination the Dixon-Yates group has the right and is obligated to recapture not less than 100,000 kilowatts of its capacity per year beginning with the 4th year of the contract and continuing to the 9th year. This provision would permit the Dixon-Yates group to recapture their complete capacity at the end of the 4th year, or any intervening year between the 4th and 9th years.

In any event, it must recapture its 600,000-kilowatt capacity by the end of the ninth year.

Seventh. The Government is also obligated to assume approximately $5 million in construction costs, if the estimated construction cost of $107,250,000 is exceeded by as much as 9 percent.

Eighth. If the 9 percent over cost in production occurs, this will add $285,000 per annum to the original estimated base charge of $8,775,000 per annum.

Ninth. The Government is obligated to build and charge to the TVA a $9 million transmission line from the Dixon-Yates terminal in the middle of the Mississippi River to the TVA grid, and to operate and maintain same for the period of the contract.

Tenth. The Government is obligated to pay all Federal, State, and local taxes of the Dixon-Yates private utility corporation. The estimated total of these taxes by Dixon-Yates is $2,319,000, of which $1,499,000 represents Arkansas State and local taxes, including $83,000 State income taxes, and $820,000 Federal taxes on corporation income.

Eleventh. The Government is obligated to insure a 9-percent net return to the Dixon-Yates group on their equity investment, which amounts to 5 percent of the estimated capital investment of $107,250,000.

Twelfth. The balance of the capital investment of the Dixon-Yates group amounting to 95 percent of the total, will be funded by selling to private investors bonds with a guaranteed return of 3½ percent.

Dixon-Yates state in their letter that the 25-year contract with the United States Government is the basis for obtaining the 95-percent funding at this low-interest rate.

Thirteenth. The Government is obligated to take 93 percent of their power capacity at point of delivery at all times. If it does not absorb the 93-percent powerload, it is subject to penalty.

Fourteenth. The Dixon-Yates group state that they will request the Treasury Department for a favorable ruling on capacity charge for replacements. They maintain further that if this favorable ruling is granted, it will be possible to make a $313,000 reduction in the estimated taxes.

Fifteenth. The Dixon-Yates group also state that the proposal is subject to our securing appropriate Treasury Department rulings or agreements with respect to the sinking fund depreciation, upon which the computations underlying our proposal are predicated.

Sixteenth. The annual charges quoted are minimum charges and are subject to the following escalation clauses: increased cost of construction over estimate; any increase in fuel costs; any increase in labor costs; less than 93 percent load factor absorption of capacity.

Seventeenth. If the AEC assigns any of the power to another Government agency which it is obligated to purchase from Dixon-Yates, beginning with the fourth year of its operation, it cannot assign the power at contract rates. But the receiving Government agency must pay an increased price which is to be approved by the Federal Power Commission.

I urge you to vote for the amendment which has been offered by our distinguished colleague, Mr. COOPER, of Tennessee, which we believe will save to the American people a vast amount of money and preserve the integrity of our Government.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. DURHAM].

Mr. PATTEN. Mr. Chairman, I ask unanimous consent that the time allotted me be yielded to the gentleman from North Carolina [Mr. DURHAM].

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. MASON. I object, Mr. Chairman.

Mr. DURHAM. Mr. Chairman, I think this House is pretty familiar with my position on steam plants in the TVA area. I have never voted for one unless it was proven here on the floor of this House that it was absolutely necessary for national defense, and I am going to continue to do that as long as I am a Member of this body. Now, I am a little bit surprised at my good friend the gentleman from California [Mr. PHILLIPS], for whom I have great admiration, taking the position he does on this hybrid type of contract. It is a New Deal and a New Look in combination. It is a Government-guaranteed private-enterprise-sponsored contract. Now, you cannot deny that, because that is what it is, with a tax and power-cost reduction given to the people of the city of Memphis in the area of $3,685,000 a year. If we are going to adopt such a policy like this, where are you going to wind up? You will spend probably ten or fifteen or twenty billion dollars. Go at this thing direct if you want to get at it, but do not go at it in this manner. On our side of the mountain we are subject to the Tennessee Valley Authority yardstick. My people will demand that they get power at the same rate so that they can heat their water and so that they can heat their houses with cheap energy. That is exactly what you are doing in this contract for the city of Memphis. Now, it cannot be denied that that is exactly the situation. This is a bad contract for the Government to make, in my opinion. But why do we want to get into this kind of a situation by guaranteeing the individuals a profit and refunding taxes so that they can compete with some organization that we built and sponsored in the TVA area? TVA extends all the way down on the Gulf of Mexico clear back up to Ohio. Are you going to fence them in like that? If you do, you will be called on for a good many more appropriations than you are today.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The Chair recognizes the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Chairman, to me this is not so much a matter that affects the TVA. To me the important question is whether or not the President is establishing a very dangerous precedent in invading the jurisdiction of an independent commission. It seems to me that he is going into uncharted waters. Why are the Republicans in the House so anxious to hurry through and to consummate this legislation in the middle of the night? Why are they in such a hurry to satisfy the ambition of a special combination of private-power interests?

It seems to me that that is a question that is going to stick in the minds of the public. I know that the Democrats were chided for years for being too generous in dispensing relief funds, or spending money. But we did it for the benefit of all the people of the country. It cannot be denied that what is being done by this legislation is giving a special benefit to a small group of special private-power interests.

Mr. Chairman, I do not see any need to hurry this legislation through tonight. Even though it is being done in the middle of the night, there will be just as many people who will know about it, Mr. Chairman.

Another thing, if the majority party are so confident of winning the election, they will have a majority next year, and they could just as well consummate this giveaway next year as tonight. Mr. Chairman, maybe they are not confident of winning the next election and they will not have a majority, so they are in a terrific rush to push through this legislation in the closing days of the session. I do not think that is the proper attitude on the part of the majority party.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there any objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. My district, and the entire State of Wisconsin, has no direct connection with the TVA system. This does not mean that our citizens are not interested in what will happen to TVA and our atomic-energy policies.

As a matter of fact, I have received telegrams from the REA cooperatives and the State REA organization urging me to support a number of amendments to H. R. 9757 to protect the general public's interest. All of the telegrams state that unless such amendments are adopted the bill should be killed.

Even if I had not received a single telegram in opposition to H. R. 9757 in its present form, I would agree with the thoughts expressed in the telegrams as a matter of principle. I have a number of objections to H. R. 9757, but time does not permit me to comment on all of them.

First of all, I object to the haste with which the administration is attempting to slip this giveaway bill over at this late stage in the session. If all of the necessary amendments to protect the general public's stake in TVA and atomic energy are not incorporated in the bill, then I believe that the bill should be defeated.

Let us be honest about this bill and admit that Congress has not had enough time to study all of the issues involved. I believe that more time should be given to a study of the implications contained in the bill; and I also believe that extensive hearings should be held to acquaint the public with the obvious and hidden implications contained in H. R. 9757.

The fact that the administration is so anxious to rush this bill through makes me suspicious of its intentions. I cannot help but feel that this bill intends to reverse our Federal public power and resources policy. The foundation for our present Federal public power and resource policy, I wish to point out, was first laid down in a Republican administration some 50 years ago. Now, we are faced with a plan by another Republican administration to give away the people's interest in public power and resources.

The present bill completely overlooks provisions contained in all previous Federal legislation to protect the public owners of our streams, rivers, and other resources. Some of the previous legislation, which contained protective provisions, include the Federal Water Power Act, the Reclamation Act, the Flood Control Act, the Bonneville Act, legislation for setting up the TVA and even the Atomic Energy Act of 1946. Collectively, these statutes outline the Government's policy on the conservation and development of our water resources.

The present bills—H. R. 9757 and S. 3690—do not contain the necessary provisions to protect the public's interest.

First, there is no safeguard for the prior right of Federal development of the resource in any specific case where it will best serve the interest of the public.

Second, there is no provision to assure the prior right of public bodies and cooperatives as against a private applicant for a license for any specific development of a resource.

Third, no safeguard is contained in this bill for the right of public hearings in connection with any application and with specific admission of interested States, State commissions, municipalities, representatives of interested consumers or competing parties.

Fourth, there is no adequate safeguard for the right of the Federal Government to recapture any development by a private licensee at the end of the license period on payment of no more than the licensee's net investment in the project.

As I see it, in the case of the Dixon-Yates contract, the Government will not even own a burned out fuse at the end of the license period. That's why I object to this contract, and also the manner in which the administration is trying to slip it over on the people.

Fifth, I fail to find sufficient safeguards to provide for reasonable rates to consumers through a provision that would require a licensee to agree to Federal regulation where States have provided no regulation of electric rates. There is also, in connection with this same thought, no provision that the licensee can claim no more than net investment in establishing and developing rates.

Sixth, another important safeguard that is lacking in this bill is that a preferred position should be given to electric cooperatives and other public electric systems to secure power from the Federal development of a resource. This has been an integral part of our Federal power policy since 1902 or 1903. Since that time Congress has on many occasions reaffirmed this policy.

There are many other safeguards lacking in the bill. It is the lack of the safeguards that I have mentioned—and others that I have not discussed—that provide the base for the objections of REA cooperatives in my district and the Wisconsin REA organization. These are sound objections, and amendments should be adopted to make provision for these and other safeguards needed to protect the general public.

Along with the REA members in my district, and other citizens interested in continuing our long-standing Federal power policy, I cannot vote for the present bill unless amendments are adopted to protect the public's stake in our resources—regardless of whether those resources be in the form of rivers, streams, natural resources or atomic energy.

I urge my colleagues to vote for all amendments that safeguard the public's right in these resources. A number of objectionable amendments have already been adopted by the Committee of the Whole. I urge my colleagues to vote against these amendments when we meet in regular session. Some of these amendments destroy the safeguards which I mentioned. Unless the objectionable amendments are defeated and some of the strengthening amendments adopted to protect the people, I shall vote against the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. COOPER].

Mr. Chairman, if we permit this contract between the Atomic Energy Commission and the Dixon-Yates group to stand, we shall be guilty of prostituting the Atomic Energy Act.

If this contract is not voided, we should change the name of AEC to the Atomic Energy and Electric Power Brokerage Commission, for we are forcing AEC to go far beyond its statutory responsibilities.

Finally, Mr. Chairman, if we permit this contract to stand, we are setting a dangerous precedent; a precedent that could come back to haunt the enemies of TVA and public power who now chortle so smugly over what could very well be a Pyrrhic victory.

If the AEC may be used as a vehicle to promote private power and curtail public power, then it may also be used to promote public power and restrict private power.

Nowhere in the Atomic Energy Act is there any provision giving AEC jurisdiction over national power policy. AEC is given authority to purchase power for its own installations. Its relationship with its contractors—either private or public—is a simple buyer-seller relationship.

As AEC's development program progresses, commercial production of electric energy probably will be proved feasible. AEC will announce its results. Whether the discoveries of AEC shall be made available to private industry, or whether it should be restricted to public bodies is a policy matter to be decided primarily by the Congress.

The Atomic Energy Commission has no other relationship with the electric power business, either private or public, and the Congress has never charged it with responsibility for executing power policy.

In carrying out its mission, and in exercising its authority to carry out its mission, AEC has contracted for power to operate its installation at Paducah, Ky. It has two contracts. One is with TVA, the other is with Electric Energy, Inc., a combination of private electric companies. It has now a dual source of supply for Paducah.

So far as AEC was concerned, its supply of power for Paducah was being met; it had no interest in signing another contract, particularly another contract for power, not 1 kilowatt of which would be used at Paducah.

The fact that TVA must increase its source of power in order to meet the normal load growth in Memphis, 250 miles from Paducah, and where AEC has no installations, is of no concern of the Commission, its members, or its staff. If TVA were a privately owned utility, the AEC would be expected to let it solve its expansion problem in its own way—either by building its own facilities or by buying the power from another source.

In placing this proposed contract in its proper perspective, we should consider TVA as an agency whose relationship to AEC is that of seller. Then we realize that this fantastic proposal, which has been forced on AEC over the protests of ? of the 5 Commissioners, places the Commission in the middle of an operation that is far removed from its sober and exacting mission.

On April 16, Commissioners Henry D. Smyth and Eugene M. Zuckert transmitted their views by letter to Mr. Rowland Hughes of the Budget Bureau. The text of this letter is found on page 958 of the published hearings before the joint committee. I quote pertinent portions of the letter:

> The proposed action involves the AEC in a matter remote from its responsibilities. In an awkward and unbusinesslike way an additional Federal agency would be concerned in the power business * * * (the contract) would place upon the Commis-

sion a continuing responsibility during the 25-year life of the contract for stewardship in respect to matters irrelevant to the mission of the Commission.

In response to a question put by the gentleman from Illinois [Mr. PRICE] on June 17, Commissioner Thomas E. Murray responded:

Well, as I see it now, I can't see that there is the advantage. This may be some national overall advantage that I do not at the moment conceive, but, as you know, we have a job to do in the atomic-energy business, and I did not or never felt that the administration of long-term contracts for areas such as the Memphis area ever came within our jurisdiction.

The above colloquy is reported on page 1006 of the published hearings.

So we have a situation where AEC is forced to go far beyond its responsibilities in the name of free enterprise. It is ironical to note that the nature of the contract, however, is such that AEC is in fact subsidizing the venture of the Dixon-Yates group, thus taking the element of risk from its operation. That is not consistent with the facts of free enterprise as we generally know them.

We have now an administration whose power philosophy is identical with that of Purcell Smith and the National Association of Electric Companies, which he heads. This organization is the freest spending of all the lobbies, according to statements filed with the Clerk of the House. This administration shares with this lobby the view that TVA is "creeping socialism," but it fears to make a direct attack. So it chooses rather to prostitute the technical contracting power of the Atomic Energy Commission to achieve its ends.

I do not wish to permit the pro and con arguments of TVA to obscure my point. I am willing to let my personal record on TVA and other public power speak for itself. But whether TVA is "creeping socialism"—whatever that is—or whether it is a noble social adventure has no place in this discussion of the responsibilities of the Atomic Energy Commission.

The AEC was established by law. The Congress gave it a mission. The Congress did not give it a mission to halt TVA, or curtail it. The Atomic Energy Commission was given an important and a big job. It was told to operate as a technical agency, independent of political considerations, designed solely to promote our atomic program.

Let me remind those who cheer this action—including the power lobby, with which I have no personal quarrel—that if we permit these shenanigans, we are establishing a dangerous precedent. If an administration favorably inclined toward the P. L. Smith's of the power business can use the AEC as a back door for a policy it fears to introduce by the front door, then an administration favorably inclined toward public power could use the same gimmick.

Let us assume, Mr. Chairman, that the public power philosophy prevailed in the administration. Then let us assume the Atomic Energy Commission had been ordered, against its collective better judgment, to enter into a 25-year contract for electric energy it did not need, the net result of which would be to expand and subsidize TVA, or a PUD, or a rural electric cooperative, or any other public power agency, and to restrict the operation of a privately owned electric company.

Science has not designed enough decibels to measure the volume of the screams that would be going up from the power lobby and the people who defend this prostitution of the Atomic Energy Commission's contracting authority.

I am confident that if the shoe were on the other foot, the same people who now defend this fantastic contract would be leading the fight against it.

I would be just as opposed to this prostitution of the AEC contracting power whether the beneficiaries would be public power agencies as I am now that private power is the beneficiary. We should not, and normally do not, accept the Machiavellian theory that the end justifies the means.

The Atomic Energy Commission has a grave responsibility to the American people; to the entire world. We are in a race where freedom is the stake, and the outcome depends upon the speed with which we can make available the military and peaceful benefits of nuclear energy. While time hangs in the balance, the Commission and its staff had to spend days defending a contract it did not seek; it will be forced to spend time, money and energy for the next 25 years exercising stewardship over a matter that is not even remotely concerned with atomic development.

This contract should be voided. Further, if necessary, we should amend the law so that no contract of this type could ever again be forced upon the Atomic Energy Commission.

If this administration wants to hamstring TVA, let it do so openly and through the legitimate channels available to it. If some future administration wants to promote public power, let it do so through open and more legitimate channels. Let us keep the Atomic Energy Commission unburdened of extraneous activities, so that it may accomplish its sober mission as quickly and as efficiently as possible.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, if there is anyone who would like to ask me a question, or something of that sort, I would be glad to yield for that purpose.

Mr. PHILLIPS. I was going to ask my good friend from North Carolina [Mr. DURHAM] if he realized that the TVA, in writing their own contracts, put in the same provision regarding the payment of taxes.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. COLE of New York. Is it not a fact that the Commission has had authority to enter into contracts for power of this sort for the past 2 to 3 years? Is it not the further fact that the Commission has entered into contracts in two different instances for power of amounts equal to this in which consideration is given in the determination of the rate to the amount of local taxes? Is it not a further fact that there has not been a single word of protest or objection to the making of those contracts?

Mr. HINSHAW. I think that is quite true.

Mr. COLE of New York. Of course that is true.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield for a question?

Mr. HINSHAW. Yes.

Mr. PHILLIPS. Is it not also true that right now TVA buys 12 to 14 percent of its power from private utilities, just the same sort of a situation as is proposed here?

Mr. HINSHAW. It does.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Illinois.

Mr. PRICE. Is it not also a fact that the law specifies the installations for which these contracts may be written? None are within 250 miles of the West Memphis site.

Mr. HINSHAW. I cannot say about that exactly, because I was not there during that part of the hearings.

Mr. PRICE. That is a fact. It is the truth. The other contracts were for national defense purposes, not to provide commercial power for the city of Memphis.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. HAYS of Ohio. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Alabama [Mr. ELLIOTT].

Mr. MASON. Mr. Chairman, I am constrained to object, on the part of principle.

Mr. HAYS of Ohio. That shows how sleepy the gentleman is, because I do not have any time anyway.

Mr. PATTEN. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Alabama.

Mr. MASON. I object, Mr. Chairman.

Mr. ELLIOTT. Mr. Chairman, I have spent most of the last 15 hours on the floor of the House of Representatives listening to the debate on the atomic-energy bill. Now, at 1 o'clock this morning, it is crystal clear to me that this bill is not ready to be voted upon.

This bill is undoubtedly the most important piece of legislation that has come before the House this year. It may possibly be the most important legislation voted upon since World War II.

I think the Republican leadership of the House makes a mistake when it attempts to ram through, without sufficient consideration or discussion, a bill of such importance. If we had adjourned last night at 6 p. m., the individual Members of the House could have used the past night to study the bill further, and we could have returned here today refreshed and have spent another day on the bill. I think it would be well for us to spend at least 3 or 4 days on this bill. I do not see how we can possibly adjourn next weekend anyhow, so why not give this all-important measure thorough consideration? The people of America are entitled to have their representatives do an excellent job on this legislation for the atomic age.

Mr. Chairman, I represent an area that has both public and private power. I have always thought that there is a place in America for private power, and a place for public power. We have streams to be developed by private capital, in conformity with well-defined safeguards for the public interest, and other streams that could and should be developed by Government.

The Tennessee Valley Authority was established by an act of Congress a good 15 years before I was privileged to come here. And, it has withstood the glare of pitiless publicity, through a generation of debate and public consideration. It stands today as an accomplished fact.

To delve a bit deeper into its history: The cataclysmic forces operating in the Tennessee Valley reached an agreement in 1939, that define the boundaries of its service area. I submit that that should have ended the argument. Since that time, as I understand it, the TVA has not expanded or attempted to expand its service area 1 square mile outside of the boundary then agreed upon. However, within its service area, it has the responsibility, as the only operating electric utility, to furnish its customers their electrical needs now and in the future.

The TVA needs new steam plants to provide it with more power to furnish its own customers, including the atomic-energy plant at Oak Ridge. This plant alone uses more electrical power, we are told, than all of the New England States combined. About 1948 or 1949 we began a program of constructing sufficient steam plants to provide the TVA with approximately enough power to serve its customers. The use of electric power throughout America—and also throughout the world—is growing by leaps and bounds.

I recall that in 1950 the power forecasters predicted that America would soon be using three times as much electric energy as it was using then. The Tennessee Valley is sharing the same phenomenal growth in its power needs. It was thought that when President Eisenhower, then a candidate, assured the people, at Memphis, at Knoxville, and by even a firmer statement in the fall of 1952, that he wanted to see the Tennessee Valley Authority continue at maximum efficiency, this meant that he wanted to see TVA go forward and build the necessary generating facilities to supply the people in the valley with their power needs.

The President's statement, later, that he regarded the Tennessee Valley Authority as an example of "creeping socialism"; his persistent neglect or refusal to confer or advise with officials of the TVA; his failure to reappoint the Honorable Gordon Clapp, one of the foremost power executives and one of the finest public servants in America, as Chairman of the Board of Directors; and now finally his direction to the AEC to contract with Dixon-Yates for 600,000 kilowatts of power, not for itself, but for TVA; these make crystal clear the attitude of this administration toward the Tennessee Valley Authority.

I tried to make clear earlier in my speech that I feel no hostility toward private power concerns. As a matter of fact, I have many reasons to admire the efficiency they have achieved in the generation and distribution of electrical power. If it is the attitude of this administration that TVA is to be choked to the point that it loses its yardstick character; if the administration is determined that TVA's new power needs are to be supplied from private power rather than from power generated from TVA itself, then I can see no objection to purchasing the power from the Dixon-Yates group.

However, a question does arise as to the method by which this purchase is being made. Would it not be much better for the President to direct the Tennessee Valley Authority to go out into the market and purchase its own power needs? It is one of the largest electrical power distributors in the country. It has had 21 years' experience in the field of power generation and distribution. Would it not be better for an agency skilled and schooled in generating, distributing, and purchasing power to do those things for itself and its customers, rather than entrusting the job to the Atomic Energy Commission, who, though a large user of power, presumably does not have the experience in this field that TVA would have?

Three of the five members of the Atomic Energy Commission have signified their disapproval of this method of doing business. Yet the President has, in effect, ordered them to take the Dixon-Yates proposal without shopping around with an idea of getting the cheapest power available.

Just a day or two ago I received a letter from one Walter Von Tresckow, whom I have never heard from before, saying that he can furnish the Tennessee Valley Authority the power it needs, at the point in question, for about $100 million less than any alternative proposal now before the Government.

As stated, I know absoluely nothing about Mr. Tresckow, but his letter does indicate the desirability of looking most carefully into the purchase of these 600,000 kilowatts of power. In the final analysis, the American people have to pay for this power. Much evidence has been developed in this debate that might reasonably lead to the conclusion that the Federal Government could generate power in the Tennessee Valley and distribute it to the AEC at a much lower figure than can Dixon-Yates, or anyone else. Many estimate that it will cost the Federal Government $100 million more to buy this power from Dixon-Yates, over a period of 25 years, than it would to generate its own power.

The party in power has stated thousands of times its intention to strive for fiscal solvency and efficiency. That condition cannot be attained if costs are given no more consideration than they appear to have been given in this case.

Mr. Chairman, as stated previously, I do not feel that the bill before us is a good bill. I do not believe that adequate consideration has been given to its present and future economic implications. I have voted for most of the amendments that have been offered to improve the bill, and expect to vote for several more, but I have been disappointed that none of these have been adopted. It will be my intention to vote against the bill. I know of no compelling reason why it must be voted upon tonight, or, rather, this morning.

I certainly feel that the American people should be fully informed of what we are doing in this legislation. They have $12 billion invested in our atomic and hydrogen developments. They are entitled to know how we are going to use that investment. They are entitled to know what dividends they and their children will receive.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. PATTEN].

Mr. PATTEN. Mr. Chairman, a great poet once said it is the loudest voice that denotes the most vacant mind. If you have heard the votes here in the Congress, you know who is the loudest voter. And because of that and because apparently, he does not have a constructive thought, I yield my time to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I will have to object to that.

Mr. PATTEN. Mr. Chairman, since the gentleman from Illinois objects, I must have my time. I, therefore, yield to my very good colleague. Would you object, sir, to the loudest voice that denotes the most vacant mind? I yield to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Is it not your opinion that a special group of financiers and industrialists will get a good advantage by the proposed direction of the President to have the special contract made for the benefit of the Dixon-Yates combine?

Mr. PATTEN. I agree with you absolutely. I ask my colleague, the gentleman from Illinois, to answer that question. Is that true or not?

Mr. MASON. No, it is not true. It is just in your mind.

Mr. PATTEN. What is your thought on it? You have a definite opinion without stating your position. Would you state your position, sir? You have a very definite opinion, now what is it, sir? We would like to hear it.

Mr. MASON. My definite opinion, sir, and I am very glad to give it, is that I am opposed to the entire TVA, as it is constituted.

Mr. PATTEN. Are you against the REA too, sir?

Mr. MASON. I am against the entire thing.

Mr. PATTEN. Is there anything you are for, sir? I would like to know what that is. The only thing I think you are for is for adjournment, and I now refuse to yield further.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS of North Carolina. Mr. Chairman, I have asked for this time for the purpose of trying to correct what I consider to be several erroneous statements that have repeatedly been made since this debate started. I do not think this is a proper forum in which to debate the legal effect of the contract or to undertake to write a contract, and I

shall not undertake in the 2½ minutes time at my disposal to even undertake to defend the contract. But I think the RECORD ought to show the correct facts. It has been stated on this floor today repeatedly that the members of the Atomic Energy Commission by a vote of 3 to 2 turned thumbs down on this contract. Various Members in discussing the amendment read part of the testimony or part of the letter written by the members of the Commission who expressed some dissatisfaction with the contract. But not a single Member so far has read the last sentence in the letter, which was signed by 2 members of the Commission, 2 of those who are included among the 3 alleged to be against the contract. Here is the last sentence in that letter:

> Of course, if the President or the Congress directs the Commission to accept such responsibility, we will endeavor to discharge it fully.

What the two members of the Commission were saying to the President or to the Congress was that this matter is outside their understanding of what they ought to be deciding, but they would abide by whatever direction they receive from either the President or the Congress.

The other thing that I think needs correction is this contention that the contract would somehow cost the American people from $90 million to $139 million more than if TVA should furnish this power.

That is an estimate and is based entirely upon an estimate by the TVA of what it would cost to produce 600,000 kilowatts of electricity at Fulton. TVA has not made a firm offer or agreement to sell the power to the Atomic Energy Commission at such a saving. The only fair basis on which to make a comparison is the basis upon which TVA sells its power now to the AEC and the cost of power that might be sold to AEC under this proposed contract. Under such comparison, the great difference we have heard so much about practically disappears.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from North Carolina.

Mr. DURHAM. Mr. Chairman, since the gentleman from North Carolina has raised a question in regard to the position of the Commissioners, I want to read into the RECORD a letter which was written by Mr. Strauss to Mr. Dodge, who was the Director of the Budget at that time, which states:

> However, it is our position that any costs involved to AEC over and above the cost of power under our present contract at Paducah should be borne by TVA. Otherwise, the TVA would be further subsidized through an operating expense appropriation to the AEC.
>
> We feel that higher executive authority or Congress should make this determination.

That letter is signed by Lewis Strauss and it was written to the Director of the Budget. The last paragraph of the letter states:

> We believe that we have explored the subject proposal to the extent practicable at this time. Higher authority will now presumably determine what course of action is in the best interests of the Government.
>
> Sincerely yours,
>
> LEWIS STRAUSS,
> *Chairman.*

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. EVINS. Mr. Chairman, I would also advise the gentleman that not only have the three AEC Commissioners condemned the proposed contract but also the Comptroller General of the United States, has condemned it as irregular and of questioned legality.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. PRICE. Referring to the statement of the gentleman from North Carolina, I do not remember any member of the joint committee referring to a 3 to 2 vote. The joint committee members who did speak on this subject stated specifically that 3 of the 5 members of the Commission questioned the wisdom of the Atomic Energy Commission entering into this contract.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. COLE].

Mr. COLE of New York. Mr. Chairman, this matter was considered by the joint committee. The committee heard arguments on the facts and the joint committee took no action on it.

The Atomic Energy Commission is the largest consumer of electric power in the world. In one plant alone it consumes more electrical energy than is consumed in the entire New England States. In another plant it consumes more power than 11 of 14 Midwestern States. It uses a tremendous amount of power. At the present time it is consuming one-third of the total production of TVA. It is consuming over half of the TVA actual production and it is paying a rate to TVA for that stabilized tremendous amount of power higher than TVA is charging other consumers of power.

This proposed agreement has been considered by representatives of the Federal Power Commission and those representatives have said that this proposed agreement is favorable to any agreement that has been proposed by TVA.

The reason we feel that this is an advantageous proposal in the overall picture is that it is conceivable that in the very near future our scientists may devise some other way of doing the things they are doing now which require such tremendous amounts of power. The result would be that far less amounts of power will be needed.

Which is better, I ask you, in the overall picture—for the Federal Treasury to build that plant through TVA or through the Atomic Energy Commission. There is the possibility, perhaps a likelihood, the plant may stand idle for a large portion of its time. Would not it be better to encourage private enterprise to build a plant and impose upon that private enterprise the obligation of going out and getting new customers to absorb the supply of power which the Commission may no longer use?

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island [Mr. FORAND].

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, the testimony by General Nichols, General Manager of the Atomic Energy Commission, before our committee was that it would cost the Government $3,685,000 a year. His testimony went further and said that a representative of the Bureau of the Budget, and Mr. Franklin Adams, of the Federal Power Commission, sat in, and they certified those figures were right. He further said Mr. Franklin Adams, of the Federal Power Commission, took no part in the policy or the making of the decision, but he did certify the figures were right. Those are the figures that amount to $3,685,000 a year more than would be paid by TVA.

Mr. FORAND. I thank the gentleman for his contribution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. COOPER].

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 115, noes 172.

Mr. PATTEN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

"SEC. 171. The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 44, 52 (with respect to the material for which the United States is required to pay just compensation), 66, and 108. Except in case of real property or any interest therein, the Commission shall determine and pay such just compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 75 percent of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States for the district in which such claimant is a resident in the manner provided by section 1346 of title 28 of the United States Code to recover such further sum, as added to said 75 percent will constitute just compensation.

"SEC. 172. Proceedings for condemnation shall be instituted pursuant to the provisions of the act approved August 1, 1888, as amended, and section 1403 of title 28 of the United States Code. The act approved February 26, 1937, as amended, shall be applicable to any such proceedings. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this act, notwithstanding any other law.

"SEC. 173. In the event that the Commission communicates to any nation any restricted data based on any patent application not belonging to the United States, just compensation shall be paid by the United States to the owner of the patent application. The Commission shall determine such

compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 75 percent of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States for the district in which such claimant is a resident in a manner provided by section 1346 of title 28 of the United States Code to recover such further sum as added to such 75 percent will constitute just compensation.

"SEC. 174. All real property acquired under this act shall be subject to the provisions of section 355 of the Revised Statutes, as amended: *Provided, however,* That real property acquired by purchase or donation, or other means of transfer may also be occupied, used, and improved for the purposes of this act prior to approval of title by the Attorney General in those cases where the President determines that such action is required in the interest of the common defense and security.

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 181. General: The provisions of the Administrative Procedure Act shall apply to 'agency action' of the Commission, as that term is defined in the Administrative Procedure Act. In determining whether an act of the Commission would be an 'agency action', the fact that the national security and the common defense require the act, or facts essential to that act to be kept secret shall not be considered. For 'agency action' which can be made public, the full regular administrative procedures shall be followed. For 'agency action' which cannot be undertaken in public, the Commission shall provide by regulation for identical procedures except that they shall not be public. Upon application, the Commission shall grant a hearing to any party materially interested in any 'agency action.'

"SEC. 182. License applications:

"a. Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the applicant, the character of the applicant, the citizenship of the applicant, or any other qualifications of the applicant as the Commission may deem appropriate for the license. In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific characteristics of the facility, and such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. Such technical specifications shall be a part of any license issued. The Commission may at any time after the filing of the original application, and before the expiration of the license, require further written statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee under oath or affirmation.

"b. The Commission shall not issue any license for a utilization or production facility for the generation of commercial power under section 103, until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, and until it has published notice of such application once each week for 4 consecutive weeks in the Federal Register, and until 4 weeks after the last notice.

"c. The Commission, in issuing any license for a utilization or production facility for the generation of commercial power under section 103, shall give preferred consideration to applications for such facilities which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such license.

"SEC. 183. Terms of licenses: Each license shall be in such form and contain such terms and conditions as the Commission may, by rule or regulation, prescribe to effectuate the provisions of this act, including the following provisions:

"a. Title to all special nuclear material utilized or produced by facilities pursuant to the license, shall at all times be in the United States.

"b. No right to the special nuclear material shall be conferred by the license except as defined by the license.

"c. Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this act.

"d. Every license issued under this act shall be subject to the right of recapture or control reserved by section 108, and to all of the other provisions of this act, now or hereafter in effect and to all valid rules and regulations of the Commission.

"SEC. 184. Inalienability of licenses: No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this act, and shall give its consent in writing. The Commission may give such consent to the creation of a mortgage, pledge, or other lien upon any facility owned or thereafter acquired by a licensee, or upon any leasehold or other interest in such property, and the rights of the creditors so secured may thereafter be enforced by any court subject to rules and regulations established by the Commission to protect public health and safety and promote the common defense and security.

"SEC. 185. Construction permits: All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of this act, the Commission shall thereupon issue a license to the applicant. For all other purposes of this act a construction permit is deemed to be a 'license.'

"SEC. 186. Revocation:

"a. Any license may be revoked for any material false statement in the application or any statement of fact required under section 182, or because of conditions revealed by such application or statement of fact or any report, record, or inspection, or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license or the technical specifications in the application, or for violation of, or failure to observe any of the terms and provisions of this act or of any regulation of the Commission.

"b. The Commission shall follow the provisions of section 9 b. of the Administrative Procedure Act in revoking any license.

"c. Upon revocation of the license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee or may enter upon and operate the facility prior to any of the procedures provided under the Administrative Procedure Act. Just compensation shall be paid for the use of the facility.

"SEC. 187. Modification of license: The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this act or by reason of rules and regulations issued in accordance with the terms of this act.

"SEC. 188. Continued operation of facilities: Whenever the Commission finds that the public convenience and necessity or the production program of the Commission requires continued operation of a production facility or utilization facility the license for which has been revoked pursuant to section 186, the Commission may, after consultation with the appropriate regulatory agency, State or Federal, having jurisdiction, order that possession be taken of and such facility be operated for such period of time as the public convenience and necessity or the production program of the Commission may, in the judgment of the Commission, require, or until a license for the operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

"SEC. 189. Judicial review: Any final order granting, denying, suspending, revoking, modifying, or rescinding any license or construction permit, or application to transfer control, or any final order issuing or modifying rules and regulations dealing with the activities of licensees entered in an 'agency action' of the Commission shall be subject to judicial review in the manner prescribed in the act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the scope of judicial review and other remedies provided by section 10 of the Administrative Procedure Act.

Mr. COLE of New York (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of chapter 15 be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FORAND. Mr. Chairman, I object.

Mr. COLE of New York. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COLE of New York: On page 84, line 22, strike out all of section 181 and insert the following:

"SEC. 181. General: The provisions of the Administrative Procedure Act (Public Law 404, 79th Cong., approved June 11, 1946) shall apply to all agency action taken under this act, and the terms 'agency' and 'agency action' shall have the meaning specified in the Administrative Procedure Act: *Provided, however,* That in the case of agency proceedings or actions which involve restricted data or defense information, the Commission shall

provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of restricted data or defense information to unauthorized persons with minimum impairment of the procedural rights which would be available if restricted data or defense information were not involved."

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from New York.

The committee amendment was agreed to.

Mr. COLE of New York. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COLE of New York: On page 91, line 4, strike out all of section 189 and insert the following:

"SEC. 189. Hearings and judicial review:

"a. In any proceeding under this act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licenses, and in any proceeding brought under the provisions of section 152, and in any proceeding for the payment of compensation, an award or royalties under sections 156, 186c, or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

"b. Any final order entered in any proceeding of the kind specified in subsection a. above entered in an 'agency action' of the Commission shall be subject to judicial review in the manner prescribed in the act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the provisions of section 10 of the Administrative Procedure Act, as amended."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

Mr. PRIEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRIEST: On page 86, line 18 insert after the comma the following: "to municipalities, public bodies, and cooperatives within transmission distance authorized to engage in the distribution of electric energy to the public."

Mr. PRIEST. Mr. Chairman, the purpose of section 182 (b) is to provide for notice to be given to the public before the issuance of any licenses for providing electric power generated by the use of fissionable material. This simply broadens it.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. COLE of New York. Mr. Chairman, the gentleman did me the courtesy of showing me the amendment. I see no objection to it whatever and I am prepared to accept the amendment.

Mr. PRIEST. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PRIEST].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 87, after section "d", insert a new paragraph reading as follows:

"In issuing any license for a utilization or production facility for the generation of commercial power under section 103, the commission shall consider as a condition to the issuance of such license the payment of a license fee based on percentage of profits or such other reasonable basis as will protect to the greatest extent possible the investment of the Government of the United States in the field of atomic energy."

Mr. YATES. Mr. Chairman, the people of the United States have invested approximately $12 billion in the development of atomic energy. This bill proposes to break up the people's exclusive ownership and to distribute proprietary interest in atomic energy to the corporations which are fortunate enough to be granted franchises by the Atomic Energy Commission. In view of the fact that the people of the United States are sharing their ownership with such licensees, is it not only fair that the licensees return a share of the profits they make toward payment of the investment of the people of the United States? That is the purpose of my amendment, to assure that as developments occur in the atomic field, some compensation will be paid from the profits made to protect the investments already made by the people.

The benefits of this act will be conferred upon the largest corporations in the country. Private utilities will benefit. Private patentees will be protected because the amendment offered by the gentleman from New York [Mr. COLE] eliminates the sharing of any new discoveries with others participating in development of the atom. Only the people of the United States who have invested $12 billion and who have been responsible for bringing the wonders of nuclear energy to its present state of perfection are given no consideration. Certainly the public should be assured of at least a minimum of participation in the sharing of the profits that will be made in the further exploitation of the atom. Remember, the licenses that are granted under this act are for a period of 40 years. This does not cover just the experimental period of 4 or 5 years or the near future. Forty years is encompassed by this. It is a pretty good bet that within that period of time such fantastic progress will be made in the use and application of nuclear energy as will dwarf the pioneering efforts made thus far. We are on the threshold of a new world—the atomic world—and it cannot be denied that many of the new discoveries will occur within the period of the initial licenses. Eloquent arguments have been made concerning the need to protect patentees in their discoveries so they may enjoy the riches which flow from exclusive ownership. Should not the same argument logically be advanced on behalf of the people? Should not the people who have already contributed so much to the development of atomic energy and who are now licensing their exclusive ownership to prospective developers, be paid compensation in the nature of royalties just as are the patentees for whose benefit the House has already adopted an amendment? Perhaps my amendment should have been mandatory. Perhaps it should have compelled the Atomic Energy Commission to require the payment of compensation in connection with the granting of these licenses. However, the amendment does not do that. All that it requires is that when the Atomic Energy Commission considers the terms and conditions under which it will grant a franchise, that it consider as well the possibility of requiring the payment of fees by the licensees out of possible profits that will accrue, or through some other method. Is not that one of the considerations that the Atomic Energy Commission should have to make? Of course, it is. It is not required that such payments be automotically made. If there are no profits, such payments should not be made. But it should be mandatory on the Commission to consider the question.

If my amendment is not adopted, there is no provision in the bill which will protect the great stake of the people of the United States in this field.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. HOLIFIELD. Mr. Chairman, as the gentleman said, these licenses will be very attractive because along with the licenses goes the obligation of the Government to buy back at a price set by the Atomic Energy Commission every gram of plutonium that is made in these reactors during the life of the license. And the life of the license could be 40 years. The price of the plutonium could be set high enough so as to retire the total capital plant investment. I think the gentleman's amendment certainly is something which is worthy of consideration if we are going to give any protection at all to the people's interest who have a $12 billion interest in this program.

Mr. YATES. There is no provision in this statute that I have been able to find which requires the Atomic Energy Commission to give any consideration at all to the possibility of compensation to the people of the United States for these valuable franchises. All the benefits that have been provided so far flow to the licensees and flow to the patentees and flow to the private interests. The people's protection is completely overlooked. Certainly, the least we can require is that the Atomic Energy Commission give consideration to this possibility.

Mr. COLE of New York. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. YATES].

Mr. Chairman, while it is true his proposal does not require the Commission to impose a licensing fee, the mere fact that this provision is in the law would be an indication to the Commission that the Congress would expect the Commission to impose a license fee.

Now, you may ask, What does the Government get in return for the big profits which some of you think they are going to make some day out of these licenses? The Government will get the

normal taxes on those profits just the same as it would in connection with any other type of enterprise.

I call attention to the fact, Mr. Chairman, that the Government today owns hundreds and hundreds of patents which it permits people to use, but never yet has the Government imposed a royalty on the use of the patents because very properly the Government has adopted a policy that through the use of these patents profits are made, taxes are levied and the Federal coffers are filled.

Mr. Chairman, I ask that the amendment be rejected.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from North Carolina.

Mr. DURHAM. Mr. Chairman, I think this amendment would be bad for everybody concerned. We get a reasonable and a fair price for plutonium which goes into the making of the kilowatts. To add any extra cost beyond that in the way of a license fee would simply go into the cost of production of the power and would have to be charged to the individual user.

Mr. COLE of New York. The gentleman is quite right. I point out further that any added costs that are required in these proposed plants tend to discourage people from going into this business. There is the risk of incurring tremendous losses. I do not hear anybody proposing to indemnify a licensee against losses. There will be many thousands of dollars conceivable that may be lost in these projects. They will not all be profitable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was rejected.

Mrs. PFOST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. PFOST: On page 87, line 3, insert: "where conflicting applications include those submitted by public or cooperative bodies, such public and cooperative applications shall receive preferred consideration over any submitted by privately owned utility systems."

Mrs. PFOST. Mr. Chairman, my amendment would grant public bodies, cooperatives, and nonprofit agencies the first right to construct atomic-power developments where their applications conflict with private agencies. This is just a continuation of the generation-old bipartisan public preference provision included in Federal power acts since 1906. It is identical to the principle embodied in section 7A of the Federal Power Act of 1920. It is part and parcel of the same problem attacked by the amendments of my colleague from Alabama [Mr. JONES] and my colleague from Montana [Mr. METCALF]. I heartily favored and voted for the amendments offered by these two gentlemen, also.

Much private utility propaganda has been spread during this controversy. I do not want anyone to misunderstand me. I favor private enterprise whenever private enterprise can do the job. In this instance we are not dealing with private enterprise, but with private monopoly. Each utility has a complete monopoly in the particular area where it operates. There is no competition.

Nor are we dealing with local partnerships. Rather, we are dealing with the largest utility combines and holding companies and integrated companies in America.

Therefore, let us face the facts. In the present development of electric power from atomic energy, we have the same situation that faced this country in the 1930's before our present Federal power yardsticks were constructed. Before that time, in the good old days, in the 1920's, the average private utility cost of electricity to ordinary residents in this country was between 7 and 7½ cents per kilowatt-hour. The utilities said these rates were reasonable because their production costs were high.

Not until the public power yardsticks were built in the thirties and later, did we really know how much it cost to generate and distribute electricity. Once the mystery was known through the public power yardstick, our rates dropped drastically.

As a result, these 7½-cent private utility rates of the good old Hoover days, had dropped to less than 3 cents a kilowatt-hour last year, or to be exact, 2 85/100.

At the same time, in the TVA area the average rates for residential electricity were a little over a cent and a quarter per kilowatt-hour. While out in the Pacific Northwest the rate was a little over a cent—1 14/100 cents—per kilowatt-hour. So the public power yardstick is mighty important. It has cut the private utility retail rates by more than half, and in public power areas it has cut them to one-fifth or one-sixth of what they were in the 1920's.

An identical situation now faces us in the problem of the rates that shall be charged for the conversion of atomic energy into electric power. There is only one way to resolve this fairly, and that is to have the public power atomic yardstick alongside of the private utility rate, so that the people will be able to obtain electricity cheaply, and use it in vast quantities, so that it really does its job.

We hear much of free competition. Yet the utilities, as monopolies, fear it violently. They want to operate in the safe vacuum of monopoly where they can charge all the traffic will bear.

In closing, I would like to cite one historic fact. All of you can recall those eleventh-hour advertisements of the private utilities in the TVA area. It was supposed to mark their hour of doom.

Yet, what are the facts? If you examine the rate of consumption of electricity by private users, obtaining their power from the private utilities in the TVA area, and examine the rate of return the private utilities are making, you will find that they are now enjoying the best profits they have ever enjoyed in history. So I express the hope that the Committee will adopt my amendment which calls for preference to public bodies in the construction of atomic powerplants to the end that we shall continue to maintain competition in this vital field of electric power.

Mr. METCALF. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Chairman, I support the amendment offered by the gentlewoman from Idaho. In the past year and a half there have been many statements emanating from administration sources that declare that the production of power should be returned to local agencies. Secretary McKay, in an interview in U. S. News & World Report, piously protested that he was neither for nor against private or public power and he pointed to Eugene, Oreg., which had been operating a municipally owned system for 35 years. Secretary McKay is quoted as saying:

If the people in my community want to have their power as a public ownership, I have no quarrel with them.

But the Republican leadership in this House tonight has a quarrel with them. The pending amendment simply says that when private utilities compete for atomic-power facilities with local public agencies or cooperatives, preference shall be given to the local public agencies and the cooperatives. What could be fairer than that? The people in Eugene, Oreg., might want to replace their present municipally owned plant with an atomic plant and be in competition in such desire with a private utility. The amendment offered by the gentlewoman from Idaho would give the citizens of Eugene preference in carrying out such a project. But our Republican leadership in this House seems determined to shout this amendment down with all the rest and deprive local public agencies of that preference.

According to recent rate schedules published by the Federal Power Commission the city of Eugene, Oreg., enjoys the following rates: 3 cents per kilowatt-hour first 20 kilowatt-hours, 1.5 cents per kilowatt-hour next 80 kilowatt-hours, 1 cent per kilowatt-hour all over 100 kilowatt-hours, except 1.6 cents per kilowatt-hour all over 1,000 kilowatt-hours where space heaters are connected and in use.

The existence of municipally owned power systems in Secretary McKay's State has helped provide a yardstick to keep rates down to the consumers in other parts of the State. For example in the Secretary's home town of Salem, which is served by the Portland-General Electric Co., the residential energy charge is: 3.5 cents per kilowatt-hour first 50 kilowatt-hours, 2.6 cents per kilowatt-hour next 70 kilowatt-hours, 1.6 cents per kilowatt-hour next 80 kilowatt-hours, 0.8 cent per kilowatt-hour next 700 kilowatt-hours, 1.1 cents per kilowatt-hour all over 900 kilowatt-hours.

The city of Tacoma has had municipally owned power for 60 years and its lowest rates in the United States have helped bring about an adjustment of rates in the entire Northwest.

Throughout this debate there have been protestations that the Atomic

Energy Commission does not want to be in the power business, but that any other Federal or State agency can be licensed and get into the business of generating, transmitting, and distributing atomic power just as soon as it becomes economically feasible. The AEC is magnificently aloof.

Then why not adopt this amendment? Let all compete for the business but, all other things being equal, let the local people in their local systems have a preference for the acquisition of the facilities. Why should not a local cooperative or public utility district have preference over a corporation largely owned by absentees?

If this is a genuine neutrality on the part of the Commission and a genuine desire on the part of the present administration in office to place the primary responsibility for supplying the power needs of an area with the people locally then this amendment will pass. If those high-sounding principles are as meaningless as other promises and declarations made by this administration, then the Republicans will vote down this amendment and deprive the local public agencies and the local cooperatives of an equal chance with private utility monopolies.

Mr. COLE of New York. Mr. Chairman, the gentlewoman from Idaho has admitted that the reason she proposes this amendment is the fact that the amendment advanced by the gentleman from Montana [Mr. METCALF] was defeated. It is one of that barrage of public-power amendments which this Committee of the Whole has considered during the deliberations on this bill, and should not be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Idaho [Mrs. PFOST].

The amendment was rejected.

Mr. MOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moss: Section 183, page 87, line 20, add new section "e," as follows:

"e. Every licensee under this act, holding a license from the Commission for a utilization or production facility for the generation of commercial power under section 103, shall be subject to the regulatory provisions of the Federal Power Act applicable to licensees under that act as established by sections 301, 302, 304, and 306 thereof and to such other provisions of the Federal Power Act as provide for the enforcement of the regulatory authority of the Federal Power Commission with respect to licensees for development of waterpower."

Mr. MOSS. Mr. Chairman, at this early hour of the morning, I am not optimistic enough to believe that I will be gifted with the persuasive powers necessary to change the trend of voting which has continued for a number of hours. Despite the fact that the chairman of the committee will undoubtedly state, as he has on previous occasions, that this is a part of a barrage—a statement which I shall now deny—I do feel that there are some very significant points which should be made in offering this amendment.

In the first place, in the statement of policy contained on page 2 of the proposed act it says that—

The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

It also says on line 17, in section (b) under "Findings":

In permitting the property of the United States to be used by others, such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

And a further statement, placing nuclear material permanently in the public domain, is made on line 21, page 3:

It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nucear material is within the United States.

That places nuclear material as clearly in the public domain as the water potential used in the production of hydroelectric energy. For that reason, I propose by this amendment to impose upon the licensee using fissionable material in the production of electric energy the same provisions of the Federal power law as are applied to those who are licensed to produce hydroelectric energy. These are neither strict nor difficult regulations to live under. They are minimal regulations of the simplest sort. They do not in any way conflict with the regulatory powers of the States. They do, in those areas where there are no State regulations, provide minimum regulations. They also provide the minimum regulations necessary for the retail seller of power across State lines. They are not onerous regulations and they are at least the minimum this country should impose upon a licensee receiving the benefit of some $12 billion of public investment.

Mr. COLE of New York. Mr. Chairman, this amendment is what I hope and I feel sure everybody hopes will be the final salvo of the public-power advocates. The trouble with the amendment that has been offered by the gentleman from California is that it covers all applicants for licenses irrespective of the extent of their activities. If the activity of a licensee is such as to bring him under the Federal Power Commission because of the fact that his transmission lines go beyond State boundaries, then he is under the Federal Power Commission by operation of other laws. However, there is no reason why an applicant whose activity is confined within a State boundary should be brought under the regulations or the supervision of the Power Commission, as the amendment would provide. I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Moss].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

"SEC. 201. There is hereby established a Joint Committee on Atomic Energy to be composed of 9 Members of the Senate to be appointed by the President of the Senate, and 9 Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

"SEC. 202. The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first 60 days of each session of the Congress, the joint committee shall conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic-energy industry. The Commission shall keep the joint committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the joint committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the joint committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the joint committee or otherwise within the jurisdiction of the joint committee.

"SEC. 203. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the chairman shall be selected by the Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members from that House.

"SEC. 204. In carrying out its duties under this act, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The joint committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no measure or recommendation shall be reported from the joint committee unless a majority of the committee assent. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him

or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof, may administer oaths to witnesses. The joint committee may use a committee seal. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended, shall apply in case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section. The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee upon vouchers approved by the chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the joint committee. Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

"SEC. 205. The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. The joint committee is authorized to permit such of its members, employees, and consultants as it deems necessary in the interest of common defense and security, to carry firearms while in the discharge of their official duties for the committee.

"SEC. 206. The joint committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying restricted data or defense information.

"SEC. 207. The joint committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee or other places as the joint committee may direct under such security safeguards as the joint committee shall determine in the interest of the common defense and security.

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 93, line 10, strike out the word "the" and insert "unless the joint committee shall otherwise determine the."

Mr. COLE of New York. Mr. Chairman, I hesitate to offer or to discuss this amendment but feel obliged to do so if for no other reason than to call the attention of the House to the fact that unless the amendment is adopted the House and the Senate lose control of determining the procedures and the activities of its own committees.

With my amendment the authority is retained in the joint committee to do whatever a majority of the committee may determine in the selection of its chairman. As the bill is now drafted, the committee has no choice but must at all times abide by the system of rotation of the chairmanship between the two Houses. To make any change in that system, it would be necessary to amend the law and obtain executive approval.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from California.

Mr. HOLIFIELD. This is not an amendment that was agreed to in the committee?

Mr. COLE of New York. No. I did not offer it as such. This is an amendment which would preserve to the joint committee the right to determine by a majority vote who should be the individual to serve as chairman. However, if it develops that a majority cannot decide, then that deadlock is resolved by requiring rotation between the two bodies of Congress.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from North Carolina.

Mr. DURHAM. This is the amendment we discussed in the committee and turned down, is it not?

Mr. COLE of New York. That is true.

Mr. DURHAM. As I recall, it was turned down by a pretty substantial vote.

Mr. COLE of New York. I am not certain of that because, as the gentleman will recall, I was not in the room at the time. I fear that it might be considered that I have a personal interest in the matter, and of course I do not. As far as I personally am concerned, the chairmanship, as far as I am able to do it, will go to the other body at the next Congress. It is with no thought, then, of personal interest that I propose this amendment. But I do feel obliged to warn the House that we are writing into the law a requirement which denies a committee of this Congress the right to function as a majority vote may determine.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at the beginning of this Congress, last year, not this year, there was a 90-day deadlock on the question of who should be chairman of the joint committee. This committee is a statutory joint committee. It is a permanent joint committee. It has a membership of 5 of the majority party and 4 of the minority party in each House, as the Members know.

We took the position on the House side that the dignity of the House was just as great as the dignity of the Senate, and we were just as much entitled to have the chairmanship of the committee for 2 years as the Senate was. We were in deadlock for 90 days, until the other body finally agreed that they would alternate this chairmanship back and forth from the other body to this body.

I think the Members of the House in attending and doing the work of this committee have established a far superior record of attendance and hours put in and hard work done to that of the Members from the other body. I say that not in criticism because I recognize that the Members of the other body have many more committees on which they must serve. In the House under the Reorganization Act we have fewer committees on which to serve and we have been able to give the time and attention required. I can say, and I think I can say without contradiction, that 75 percent of the work of this joint committee has been done by the Members of the House.

I think it is incumbent upon the dignity of the House to have it written into the law so that there will be no further arguments and no deadlocks over this matter in the future, for the chairmanship to rotate back and forth and not be decided by a majority vote of the committee.

This is one case where I think the dignity of each body should be preserved on an equal basis. I believe the amendment the chairman has offered, which was turned down by a very decisive vote in the committee, should not be accepted by the House at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was rejected.

The Clerk read as follows:

"CHAPTER 18. ENFORCEMENT

"SEC. 221. General provisions:

"a. To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"b. The Federal Bureau of Investigation of the Department of Justice shall investigate all alleged or suspected criminal violations of this act.

"c. No action shall be brought against any individual or person for any violation under this act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225, or 226 except by the express direction of the Attorney General.

"SEC. 222. Whoever willfully violates, attempts to violate, or conspires to violate, any provision of section 57, 92, or 101, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere with any recapture or entry under section 108, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

"SEC. 223. Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this act for which no penalty is specifically provided or for any regulation or order prescribed or issued under section 65 of subsection 161 b., i., or p. shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

"SEC. 224. Whoever, lawfully or unlawfully, having possession of, access to, control

over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating restricted data—

"a. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both;

"b. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

"SEC. 225. Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts to conspire or to acquire, any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating restricted data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both.

"SEC. 226. Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both.

"SEC. 227. Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency of the United States, or being or having been a licensee of the Commission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any restricted data, knowing or having reason to believe that such data is restricted data, to any person not authorized to receive restricted data pursuant to the provisions of this act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive restricted data shall, upon conviction thereof, be punishable by a fine of not more than $2,500.

"SEC. 228. Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in sections 224 to 226, inclusive, of this act unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.

"SEC. 229. Sections 224 to 228 shall not exclude the applicable provisions of any other laws.

"SEC. 230. Injunction proceedings: Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

"SEC. 231. Contempt proceedings: In case of failure or refusal to obey a subpena served upon any person pursuant to subsection 161 c., the district court for any district in which such person is found or resides or transacts business, upon application by the Attorney General on behalf of the United States, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Mr. COLE of New York. Mr. Chairman, my attention has been directed to the fact that a typographical error has been overlooked, which appears on page 97, line 9. I ask unanimous consent that the word "or" after the word "fine" be changed to "of."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

"CHAPTER 19. MISCELLANEOUS

"SEC. 251. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable to submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

"SEC. 261. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act except such as may be necessary for acquisition or condemnation of real property or for plant construction or expansion. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated.

"SEC. 271. Nothing in this act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power.

"SEC. 281. If any provision of this act or the application of such provision to any person or circumstances is held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"SEC. 291. This act may be cited as the 'Atomic Energy Act of 1954.'"

SEC. 2. Section 2 of the act of December 29, 1950 (ch. 1189, 65 Stat. 1129), is amended by adding at the end thereof "and (d) of the Atomic Energy Commission entered pursuant to section 189 of the Atomic Energy Act of 1954."

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York. Page 103, line 1, strike all of section 2 and insert:

"a. Section 1 (d) of the act of December 29, 1950 (64 Stat. 1129), is amended by striking out the period at the end thereof and inserting the following: '; when such order was entered by the Atomic Energy Commission, "agency" means that Commission.'

"b. Section 2 of the act of December 29, 1950 (64 Stat. 1129), is amended by striking out the period at the end of the first paragraph thereof and inserting the following: ', and (d) of the Atomic Energy Commission made reviewable by section 189 of the Atomic Energy Act of 1954, as amended'."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

Mr. FEIGHAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is one of the most important and critical issues to appear before Congress. Anyone who has taken any opportunity to study this problem knows that at this point in history no one, including the top scientists, who have made possible the infusion of hydrogen power, know the full potential of hydrogen power, both in the peaceful service of mankind, as well as the most potent defender of the basic freedoms which are important as life itself to all those who believe in the dignity of the individual as against the supremacy of the state.

In my considered judgment there are two principal issues involved in the legislation before us. One deals with the manner and extent to which we shall share with our proven allies in the common struggle against Communist aggression—those elements of atom and hydrogen power which relate directly to, and with prudence exercise, the preservation of the civilization of which we as Americans are an essential part.

The second element deals with what in my judgment are the unlimited possibilities for the peaceful utilization of atomic and hydrogen power. No one, including our most eminent scientists, are prepared at this time to tell us the extent to which the tremendous power of atomic and hydrogen implosion may be used for the betterment of mankind. Similarly, those of our greatest scientists are unprepared to tell us at this time whether or not this tremendous potential should be turned over to unlimited private exploitation or, on the other hand, to the judicial and wise utilization of public power.

Because of this uncertainty and because of the urgent need to share with our proven allies the tremendous strength and potential for good of atomic and hydrogen power, I believe we shall best serve the interests of the people of the United States of America, as well as the cause of the free world as a whole, by declaring a sharp and distinguishable difference in these issues which now are before us. I therefore urge that we vote only on those measures which deal

with the manner and extent to which we share the tremendous protective power of atom and hydrogen implosion.

This is the essence of the issue before us this evening. I, therefore, urge that we separate these fundamental questions in our voting procedure.

The Clerk read as follows:

SEC. 3. There is hereby retroceded to the State of New Mexico the exclusive jurisdiction heretofore acquired from the State of New Mexico by the United States of America over the following land of the United States Atomic Energy Commission in Bernalillo County and within the boundaries of the Sandia base, Albuquerque, N. Mex.

Beginning at a point south no degrees thirty-nine minutes no seconds west one thousand three hundred thirty-five and one-tenth feet distant from the quarter corner common to sections 29 and 30, township 10 north, range 4 east, New Mexico principal meridian, Bernalillo County, N. Mex., thence north no degrees thirty-nine minutes no seconds east one thousand three hundred thirty-five and one-tenth feet, thence south eighty-nine degrees twenty-seven minutes forty-five seconds west two thousand six hundred fifty-three and forty one-hundredths feet, thence south no degrees twenty-three minutes thirty seconds west one thousand nine hundred forty-seven and twenty one-hundredths feet, thence north eighty-nine degrees thirty-six minutes forty-five seconds east two thousand sixty-eight and forty one-hundredths feet, thence north eighty-nine degrees three minutes fifteen seconds east five hundred seventy-six feet, thence north no degrees thirty-nine minutes no seconds east two hundred thirty-two and seventy one-hundredths feet, thence north eighty-nine degrees twenty-one minutes no seconds west eight hundred eighty-two and twenty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east five hundred and sixty one-hundredths feet, thence along the back of the south curb of West Sandia Drive, Sandia base, Bernalillo County, N. Mex., eight hundred ninety-five and sixty one-hundredths feet to the point of beginning.

This retrocession of jurisdiction shall take effect upon acceptance by the State of New Mexico.

Mr. COLE of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: Page 103, line 12, strike balance of section 3 and substitute therefor:

"Beginning at the center quarter corner of section 30, township 10 north, range 4 east, New Mexico principal meridian, Bernalillo County, New Mexico, thence south no degrees twenty-three minutes thirty seconds west one thousand nine hundred forty-seven and twenty one-hundredths feet, thence north eighty-nine degrees thirty-six minutes forty-five seconds east two thousand sixty-eight and forty one-hundredths feet, thence north eighty-nine degrees three minutes fifteen seconds east five hundred forty-six feet, thence north no degrees thirty-nine minutes no seconds east two hundred thirty-two and seventy one-hundredths feet, thence north eighty-nine degrees twenty-one minutes no seconds west eight hundred fifty-two and twenty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east five hundred and sixty one-hundredths feet, thence along the back of the south curb of West Sandia Drive, Sandia Base, Bernalillo County, New Mexico, eight hundred sixty-five and sixty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east one thousand three hundred thirty-five and three-tenths feet to a point south eighty-nine degrees twenty-seven minutes forty-five seconds west a distance of thirty feet from the quarter corner common to sections 30 and 29, township 10 north, range 4 east, thence south eighty-nine degrees twenty-seven minutes forty-five seconds west two thousand six hundred twenty-three and forty one-hundredths feet to the point of beginning.

"This retrocession of jurisdiction shall take effect upon acceptance by the State of New Mexico."

Mr. COLE of New York. Mr. Chairman, this amendment is substantially the same as the section which the Clerk has just read but it is modified to correct an oversight as an error that was made in the description of the property.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

Mr. COLE of New York. Mr. Chairman, in the haste of handling the last few sections my attention was diverted—at any rate, I did not offer an amendment which I had intended to offer in respect to section 261 in which for the first time we require the Commission to obtain authorization for the appropriation of funds. I ask unanimous consent to return to 261 in order that I may offer an amendment to line 7 after the word "property", insert a comma, and the words "facility or interest therein."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 102, line 7, after the word "property", insert "facility or interest therein."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think I would be remiss if I did not say for myself, and I am sure for all of us, that we certainly have appreciated the splendid manner and the fair manner in which the great gentleman from New York [Mr. TABER] has conducted himself as Chairman of the Committee of the Whole. All I can say is that he is about the youngest among us and my only wish is that I will go as strong as he has when I get to the point where he is.

Mr. COLE of New York. Mr. Chairman, I offer an amendment in the form of a table of contents by way of an index, or whatever it may be, to be inserted at the beginning of this bill.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 1, between lines 4 and 5, insert the following:

"ATOMIC ENERGY ACT OF 1954

"CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

"Sec. 1. Declaration
"Sec. 2. Findings
"Sec. 3. Purpose

"CHAPTER 2. DEFINITIONS

"Sec. 11. Definitions

"CHAPTER 3. ORGANIZATION

"Sec. 21. Atomic Energy Commission
"Sec. 22. Members
"Sec. 23. Office
"Sec. 24. General Manager
"Sec. 25. Divisions and offices
"Sec. 26. General Advisory Committee
"Sec. 27. Military Liaison Committee
"Sec. 28. Appointment of Army, Navy, or Air Force Officers

"CHAPTER 4. RESEARCH

"Sec. 31. Research Assistance
"Sec. 32. Research by the Commission
"Sec. 33. Research for others

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

"Sec. 41. Ownership and operation of production facilities
"Sec. 42. Irradiation of materials
"Sec. 43. Acquisition of production facilities
"Sec. 44. Byproduct energy

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

"Sec. 51. Special nuclear material
"Sec. 52. Government ownership of all special nuclear material
"Sec. 53. Domestic distribution of special nuclear material
"Sec. 54. Foreign distribution of special nuclear material
"Sec. 55. Acquisition
"Sec. 56. Fair price
"Sec. 57. Prohibition

"CHAPTER 7. SOURCE MATERIAL

"Sec. 61. Source material
"Sec. 62. License for transfers required
"Sec. 63. Domestic distribution of source material
"Sec. 64. Foreign distribution of source material
"Sec. 65. Reporting
"Sec. 66. Acquisition
"Sec. 67. Operations on lands belonging to the United States
"Sec. 68. Public lands
"Sec. 69. Prohibition

"CHAPTER 8. BYPRODUCT MATERIAL

"Sec. 81. Domestic distribution
"Sec. 82. Foreign distribution of byproduct material

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

"Sec. 91. Authority
"Sec. 92. Prohibition

"CHAPTER 10. ATOMIC ENERGY LICENSES

"Sec. 101. License required
"Sec. 102. Finding of practical value
"Sec. 103. Commercial licenses
"Sec. 104. Medical therapy and research and development
"Sec. 105. Antitrust provisions
"Sec. 106. Classes of facilities
"Sec. 107. Operators' licenses
"Sec. 108. War or national emergency
"Sec. 109. Component parts of facilities
"Sec. 110. Exclusions

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"Sec. 121. Effect of international arrangements
"Sec. 122. Policies contained in international arrangements
"Sec. 123. Cooperation with other nations
"Sec. 124. International atomic pool

"CHAPTER 12. CONTROL OF INFORMATION

"Sec. 141. Policy
"Sec. 142. Classification and declassification of restricted data
"Sec. 143. Department of Defense participation
"Sec. 144. International cooperation
"Sec. 145. Restrictions
"Sec. 146. General provisions

"CHAPTER 13. PATENTS AND INVENTIONS

"Sec. 151. Military utilization
"Sec. 152. Nonmilitary utilization
"Sec. 153. Prior art
"Sec. 154. Commission patent licenses
"Sec. 155. Compensation and awards
"Sec. 156. Federal research
"Sec. 157. Saving clause

"CHAPTER 14. GENERAL AUTHORITY

"Sec. 161. General provisions
"Sec. 162. Contracts
"Sec. 163. Advisory committees
"Sec. 164. Electric utility contracts
"Sec. 165. Contract practices
"Sec. 166. Comptroller General audit
"Sec. 167. Claim settlements
"Sec. 168. Payments in lieu of taxes
"Sec. 169. No subsidy

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

"Sec. 171. Just compensation
"Sec. 172. Condemnation of real property
"Sec. 173. Patent application disclosures
"Sec. 174. Attorney General—approval of title

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURES

"Sec. 181. General
"Sec. 182. License applications
"Sec. 183. Terms of licenses
"Sec. 184. Inalienability of licenses
"Sec. 185. Construction permits
"Sec. 186. Revocation
"Sec. 187. Modification of license
"Sec. 188. Continued operation of facilities
"Sec. 189. Judicial review

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

"Sec. 201. Membership
"Sec. 202. Authority and duty
"Sec. 203. Chairman
"Sec. 204. Powers
"Sec. 205. Staff and assistance
"Sec. 206. Classification of information
"Sec. 207. Records

"CHAPTER 18. ENFORCEMENT

"Sec. 221. General provisions
"Sec. 222. Violation of specific sections
"Sec. 223. Violation of sections generally
"Sec. 224. Communication of restricted data
"Sec. 225. Receipts of restricted data
"Sec. 226. Tampering with restricted data
"Sec. 227. Disclosure of restricted data
"Sec. 228. Statute of limitations
"Sec. 229. Other laws
"Sec. 230. Injunction proceedings
"Sec. 231. Contempt proceedings

"CHAPTER 19. MISCELLANEOUS

"Sec. 251. Report to Congress
"Sec. 261. Appropriations
"Sec. 271. Agency jurisdiction
"Sec. 281. Separability
"Sec. 291. Short title"

Page 70, line 16, after "SEC. 157.", insert "Federal research."

Page 71, line 8, after "SEC. 161.", insert "General provisions."

Page 79, line 17, after "SEC. 164.", insert "Electric utility contracts."

Page 80, line 10, after "SEC. 165.", insert "Contract practices."

Page 80, line 13, after "SEC. 166.", insert "Comptroller General audit."

Page 81, line 5, after "SEC. 167.", insert "Claim Settlements."

Page 81, line 22, after "SEC. 168.", insert "Payments in lieu of taxes."

Page 82, line 16, after "SEC. 169.", insert "No subsidy."

Page 82, line 22, after "SEC. 171.", insert "Just compensation."

Page 83, line 12, after "SEC. 172.", insert "Condemnation of real property."

Page 83, line 21, after "SEC. 173.", insert "Patent application discussions."

Page 84, line 11, after "SEC. 174.", insert "Attorney General—approval of title."

Page 91, line 16, after "SEC. 201.", insert "Membership."

Page 91, line 23, after "SEC. 202.", insert "Authority and duty."

Page 93, line 2, after "SEC. 203.", insert "Chairman."

Page 93, line 16, after "SEC. 204.", insert "Powers."

Page 95, line 5, after "SEC. 205.", insert "Staff and assistance."

Page 95, line 15, after "SEC. 206.", insert "Classification of information."

Page 95, line 19, after "SEC 207.", insert "Records."

Page 96, line 22, after "SEC. 222.", insert "Violation of specific sections."

Page 97, line 11, after "SEC. 223.", insert "Violation of sections generally."

Page 97, line 23, after "SEC. 224.", insert "Communication of restricted data."

Page 98, line 21, after "SEC. 225.", insert "Receipt of restricted data."

Page 99, line 7, after "SEC. 226.", insert "Tampering with restricted data."

Page 99, line 22, after "SEC. 227.", insert "Disclosure of restricted data."

Page 100, line 15, after "SEC. 228.", insert "Statute of limitations."

Page 100, line 21, after "SEC. 229.", insert "Other laws."

Page 101, line 21, after "SEC. 251.", insert "Report to Congress."

Page 102, line 3, after "SEC. 261.", insert "Appropriations."

Page 102, line 15, after "SEC. 271.", insert "Agency jurisdiction."

Page 102, line 19, after "SEC. 281.", insert "Separability."

Page 102, line 24, after "SEC. 291.", insert "Short title."

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. COLE].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TABER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9757) to amend the Atomic Energy Act of 1946, as amended, and for other purposes, pursuant to House Resolution 630, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PRICE. Mr. Speaker, I demand a separate vote on the Cole amendment in section 152 and related amendments.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 63, line 5, strike section 152 in its entirety and substitute therefor the following:

"SEC. 152. Inventions conceived during Commission contracts or other relationship: Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived by any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission, shall be deemed to have been made or conceived by the Commission, except that the Commission may waive its claim to any such invention or discovery if made or conceived by any person at or in connection with any laboratory under the jurisdiction of the Commission as provided in section 33, or under such other circumstances as the Commission may deem appropriate. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within 30 days after request therefor by the Commissioner of Patents, a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall forthwith forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement or other relationship with the Commission entitling the Commission to take title to the application or the patent, the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements no notification by the Commission that it has no objections to the issuance of a patent to the applicant shall be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section."

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

Mr. PRICE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 161, not voting 69, as follows:

[Roll No. 115]

YEAS—203

Adair	Auchincloss	Bentley
Alexander	Ayres	Betts
Allen, Calif.	Baker	Bishop
Allen, Ill.	Bates	Bolton, Frances P.
Andersen, H. Carl	Beamer	Bolton, Oliver P.
Andresen, August H.	Becker	Bonin
Arends	Belcher	Bosch
	Bender	
	Bennett, Mich.	

Bow
Boykin
Bramblett
Bray
Brown, Ohio
Brownson
Broyhill
Budge
Busbey
Bush
Byrnes, Wis.
Campbell
Canfield
Carrigg
Cederberg
Chenoweth
Chiperfield
Church
Clardy
Clevenger
Cole, Mo.
Cole, N. Y.
Coon
Corbett
Cretella
Crumpacker
Cunningham
Curtis, Mass.
Curtis, Mo.
Davis, Wis.
Derounian
Devereux
D'Ewart
Dies
Dolliver
Dondero
Dorn, N. Y.
Ellsworth
Fenton
Ford
Frelinghuysen
Fulton
Gamble
Gathings
Gavin
Gentry
George
Golden
Goodwin
Graham
Gross
Gubser
Gwinn
Hale
Halleck
Hand
Harden
Harrison, Nebr.
Harrison, Va.
Harvey
Hébert
Heselton
Hess
Hiestand
Hill
Hillelson
Hillings
Hinshaw
Hoeven
Hoffman, Ill.
Hoffman, Mich.
Holmes
Holt
Hope
Horan
Hosmer
Hruska
Hunter
Hyde
Jackson
James
Jenkins
Jensen
Johnson, Calif.
Jonas, Ill.
Jonas, N. C.
Jones, N. C.
Judd
Kean
Kearns
Keating
King, Pa.
Knox
Krueger
Laird
Latham
LeCompte
Lipscomb
McConnell
McCulloch
McDonough
McGregor
McIntire
McVey
Mack, Wash.
Mason
Meader
Merrill
Merrow
Miller, Nebr.
Miller, N. Y.
Mumma
Neal
Nicholson
Norblad
Norrell
Oakman
O'Brien, N. Y.
O'Hara, Minn.
O'Konski
Osmers
Ostertag
Patterson
Pelly
Phillips
Pillion
Poff
Prouty
Radwan
Ray
Reece, Tenn.
Reed, Ill.
Reed, N. Y.
Rees, Kans.
Rhodes, Ariz.
Riehlman
Rivers
Robsion, Ky.
Rogers, Mass.
Sadlak
St. George
Schenck
Scherer
Scrivner
Scudder
Seely-Brown
Sheehan
Simpson, Ill.
Simpson, Pa.
Smith, Kans.
Smith, Wis.
Stauffer
Stringfellow
Taber
Talle
Taylor
Thompson, Mich.
Tollefson
Utt
Van Pelt
Van Zandt
Velde
Vorys
Vursell
Wainwright
Walter
Wampler
Warburton
Westland
Wharton
Widnall
Wigglesworth
Williams, N. Y.
Wilson, Calif.
Wilson, Ind.
Withrow
Wolcott
Wolverton
Young
Younger

NAYS—161

Abbitt
Abernethy
Addonizio
Albert
Andrews
Ashmore
Aspinall
Barden
Barrett
Bennett, Fla.
Blatnik
Bolling
Bonner
Bowler
Brooks, Tex.
Brown, Ga.
Buchanan
Burleson
Byrd
Byrne, Pa.
Cannon
Carlyle
Carnahan
Chudoff
Colmer
Condon
Cooley
Cooper
Crosser
Davis, Ga.
Davis, Tenn.
Dawson, Utah
Deane
Delaney
Dempsey
Dodd
Donohue
Donovan
Dorn, S. C.
Doyle
Durham
Eberharter
Edmondson
Elliott
Engle
Evins
Fallon
Feighan
Fernandez
Fogarty
Forand
Forrester
Fountain
Frazier
Friedel
Garmatz
Gary
Gordon
Granahan
Grant
Green
Gregory
Hagen, Calif.
Hagen, Minn.
Haley
Hardy
Hays, Ark.
Hays, Ohio
Herlong
Holifield
Holtzman
Howell
Ikard
Jarman
Javits
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten, Mo.
Kee
Kelley, Pa.
Kilday
King, Calif.
Kirwan
Kluczynski
Landrum
Lane
Lanham
Lantaff
Lesinski
Lyle
McCormack
McMillan
Machrowicz
Mack, Ill.
Madden
Magnuson
Mahon
Marshall
Matthews
Metcalf
Miller, Calif.
Miller, Kans.
Mills
Mollohan
Morano
Morgan
Moss
Moulder
Multer
Murray
Natcher
O'Brien, Ill.
O'Brien, Mich.
O'Hara, Ill.
O'Neill
Passman
Pfost
Philbin
Pilcher
Polk
Preston
Price
Priest
Rabaut
Rains
Rayburn
Reams
Rhodes, Pa.
Roberts
Robeson, Va.
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Saylor
Selden
Shelley
Sheppard
Shuford
Sieminski
Smith, Miss.
Spence
Springer
Staggers
Steed
Sullivan
Thomas
Thornberry
Trimble
Tuck
Watts
Whitten
Wickersham
Wier
Williams, Miss.
Williams, N. J.
Winstead
Yates
Yorty
Zablocki

NOT VOTING—69

Angell
Bailey
Battle
Bentsen
Berry
Boggs
Boland
Brooks, La.
Buckley
Burdick
Camp
Celler
Chatham
Chelf
Cotton
Coudert
Curtis, Nebr.
Dague
Dawson, Ill.
Dingell
Dollinger
Dowdy
Fine
Fino
Fisher
Harris
Harrison, Wyo.
Hart
Kearney
Kelly, N. Y.
Keogh
Kersten, Wis.
Kilburn
Klein
Long
Lovre
Lucas
McCarthy
Mailliard
Martin, Iowa
Miller, Md.
Morrison
Nelson
Patman
Patten
Perkins
Poage
Powell
Regan
Richards
Riley
Rogers, Tex.
Roosevelt
Scott
Secrest
Shafer
Short
Sikes
Small
Smith, Va.
Sutton
Teague
Thompson, La.
Thompson, Tex.
Vinson
Weichel
Wheeler
Willis
Wilson, Tex.

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Coudert for, with Mr. Bailey against.

Mr. Scott for, with Mr. Keogh against.

Mr. Martin of Iowa for, with Mr. Klein against.

Mr. Kilburn for, with Mrs. Kelley of New York against.

Mr. Dague for, with Mr. Boland against.

Mr. Short for, with Mr. Roosevelt against.

Mr. Weichel for, with Mr. Fine against.

Mr. Miller of Maryland for, with Mr. Celler against.

Mr. Small for, with Mr. Dollinger against.

Mr. Kearney for, with Mr. Sikes against.

Mr. Kersten of Wisconsin for, with Mr. Chatham against.

Until further notice:

Mr. Angell with Mr. Powell.

Mr. Shafer with Mr. Dawson of Illinois.

Mr. Lovre with Mr. Morrison.

Mr. Burdick with Mr. Perkins.

Mr. Berry with Mr. Regan.

Mr. Mailliard with Mr. Hart.

Mr. Nelson with Mr. Brooks of Louisiana.

Mr. Fino with Mr. Willis.

Mr. Curtis of Nebraska with Mr. Thompson of Louisiana.

Mr. Harrison of Wyoming with Mr. Smith of Virginia.

Mr. Cotton with Mr. Boggs.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MURRAY. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER Further consideration of the bill will be postponed.

THE LATE ALBERT SIDNEY CAMP

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Speaker, it is with much sorrow that I announce to the House the passing of our beloved colleague, Congressman SIDNEY CAMP. Eulogies will be had when the House convenes on Monday next.

THE DROUGHT SITUATION IN MISSOURI

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, the drought situation in Missouri is approaching the proportions of a Statewide calamity. Governor Donnelly in his appeal to President Eisenhower for relief characterizes it as critical in the extreme.

The extremity of the situation and the urgent need for prompt action is set out in the following letters and telegrams:

MEXICO, Mo., *July 14, 1954.*

Hon. CLARENCE CANNON,
House Office Building,
Washington, D. C.:

At an emergency meeting of the board of directors of the Mexico Chamber of Commerce, held this morning, I was instructed to inform you as follows:

Within the past week soil and crop conditions have become such that drastic and prompt relief measures must be initiated to prevent an indicated economic disaster to our people.

Investigation shows that as of this date in Audrian County, there is more crop damage than at any time during the 1953 drought.

Pastures are burnt brown. There is no grass for livestock. Their water supply is being depleted. Most corn appears to be damaged beyond the state of grain production. Soybeans are stunted and "fired." Local agricultural officials and experts call the condition "critical."

A personal survey of the movement of cattle to the major stockyards shows that great numbers of animals are being sent to slaughter in gaunt flesh. Especially is this true of cows and their calves. Consequently, prices are being depressed to such an extent as to be ruinous to our farmers.

It is recommended that action be initiated to immediately provide at reasonable costs to local farmers such surplus feeds in Federal control as will enable the maintenance on the farms of our production livestock, and the orderly marketing of cattle in sufficient flesh for slaughter. We believe this to be in the national interest.

It is our considered opinion that unless rain in abundant quantities is immediately forthcoming, this county at least will suffer damage as greatly as in the agricultural disasters of 1934. The weather bureau offers no encouragement for relief.

It is hoped that action will be prompt.

Hungry livestock will not be tolerant of delay.

(This joint wire sent Mr. CANNON, Mr. HENNINGS, and Mr. SYMINGTON.)

Sincerely,

MEXICO CHAMBER OF COMMERCE,
JACK BAKER, *President.*

JEFFERSON CITY, Mo., *July 20, 1954.*

Hon. CLARENCE CANNON,
House Office Building,
Washington, D. C.:

For your information I have today sent the following telegram to President Dwight D. Eisenhower relative to drought conditions in Missouri:

"The drought situation in the entire State of Missouri is more severe and critical today than ever before in our history. The unprecedented lack of moisture, exceedingly high temperatures reaching 116°, desiccating and blistering winds, destructive grass-

hopper infestation, and intensely depleted water supplies for human consumption as well as for livestock, have created a deplorable and disastrous drought condition in every county and the city of St. Louis in Missouri. This catastrophe is of such magnitude that it is beyond the ability and resources of the State to speedily and effectively cope. Therefore, upon recommendation of the Missouri State drought committee, which met at my request July 19, 1954, to consider emergency measures to aid in alleviating this distressing situation, I am today designating every county and the city of St. Louis in the State of Missouri as a drought disaster area. I strongly urge that every county and the city of St. Louis in Missouri be accordingly designated by you as a drought disaster area and made eligible for immediate Federal drought aid and assistance.

"Also, upon recommendation of the Missouri State drought committee, I strongly urge that the Federal Government reinstate immediately the beef-purchasing program. This program was in operation last year and had a definite stabilizing effect on the price of commercial grade cattle. This type of livestock is being marketed in record numbers at the present time in Missouri, depressing prices to a new low.

"I further strongly urge, also upon recommendation of the Missouri State drought committee, that grain feeds held by the Commodity Credit Corporation be made available immediately for livestock feed in Missouri.

"Due to the seriousness of this situation, which is not only disastrous to the farmers of our State but to the stability of our entire economy, we urge immediate action upon the above recommendations as time is of the utmost importance."

PHIL M. DONNELLY,
Governor of Missouri.

LADDONIA, MO., *July 21, 1954.*

Hon. CLARENCE CANNON,
House of Representatives:

Request early action for providing State and Federal assistance in drought relief. We are needing a temporary program for stabilization of livestock market and provision for grain and forage for maintenance of foundation herds.

AUDRAIN COUNTY FARM BUREAU, LIVESTOCK AND WOOL MARKETING COMMITTEE, CLYDE BROWN, *Chairman.*

[Copy of telegram to President Eisenhower from Fred V. Heinkel, president, Missouri Farmers Association, Columbia, Mo., July 22, 1954]

The board of directors of the Missouri Farmers Association, representing more than 152,000 farm families in Missouri, in a meeting here today, directed me to apprise you of the awful drought conditions in our State and to make recommendations which we believe would alleviate the situation.

This is the third year of drought in Missouri. Rainfall has not only been much less than last year, at which time we experienced the worst drought in history, but temperatures this year have been the highest on record. Missouri has had 41 days with temperatures higher than normal, with 17 of them above 100 degrees. Corn and soybean crops are practically ruined. Pastures have been wiped out. Water supplies for people and livestock are exhausted in some areas and are nearing exhaustion in many other areas. Livestock herds are being liquidated in wholesale numbers at ruinously low prices. Local bankers advise that thousands of farmers have totally exhausted their borrowing power and are faced with bankruptcy.

After 3 years of continuous drought of unprecedented severity, coupled with the constant decline in farm prices, the disaster is of such magnitude that the State of Missouri cannot possibly deal with it alone. Only immediate and aggressive action by the Federal Government can save thousands of farm families from financial ruin and prevent future damage to agriculture which will take years to repair.

The catastrophe which has descended upon us has crippled agriculture beyond estimation, and the adverse results are certain to be felt by all the American people. There is no way for us to ever recoup the losses, but the Federal Government can do much to rekindle hope in farm people and help them to keep their farms and their herds and remain on the land instead of migrating to our cities to swell the ranks of the unemployed.

In view of the grave situation confronting us, the Missouri Farmers Association recommends and strongly urges that the Federal Government take action as follows:

1. That the Federal Government immediately start a beef-purchasing program for school lunches, hospitals, and the Armed Forces; and that, in addition, a cattle-buying program be inaugurated at once which will insure that farmers receive not less than $10 per hundred for utility grades of cattle. If these two steps are taken without delay, livestock prices will be stabilized and the harmful effects of the disaster will be mitigated.

2. That surplus grains held by the Commodity Credit Corporation be immediately made available through regular trade channels for livestock feed in disaster areas. That the feed-relief program of last year, which was terminated in March, should be reinstated; while, in addition, CCC grains should be made available at very low cost to farmers whose corn crops have been destroyed, in order that they can use them for feeding purposes.

3. That grants of surplus seeds held by the Commodity Credit Corporation be made available through regular trade channels, with farmers paying only transportation costs and the handling charges of seed dealers. This would enable large numbers of farmers who have lost all their crops to hang on for another year.

4. That the Farm Credit Administration be directed to defer loan and interest payments 1 year.

5. That in order to forestall the liquidation of irreplaceable dairy herds, which have taken many years to establish, as well as to prevent enormous loss to the dairy industry (in which the people of Missouri have an investment of more than $2 billion in processing plants and other facilities alone) we urge that a subsidy be paid to dairy farmers in drought areas at the rate of $1 per hundredweight on whole milk, and that this be started at the earliest possible time and continued until May 31 next year.

6. That 30-year loans be made to farmers for drilling wells in areas where the water supply is exhausted.

7. That the Congress appropriate $1 billion for relief purposes in drought disaster areas of the several States, this fund to be used for grants, subsidies, and other aids incident to the emergency, as such may become necessary.

The Missouri Farmers Association respectfully calls attention to the fact that the situation grows worse each day—crops suffer further damage, more wells go dry, more livestock is sacrificed on a glutted market, more dairy herds are dispersed, and more people are forced out of farming. Every American will in some measure feel the effects of this disaster. It is our earnest hope that action will be taken by the Federal Government before the Congress adjourns.

FRED V. HEINKEL,
President, Missouri Farmers Association, Columbia, Mo.

JULY 20, 1954.

The Honorable EZRA TAFT BENSON,
Secretary of Agriculture,
United States Department of Agriculture, Washington, D. C.

DEAR SIR: Disaster is again striking the State of Missouri and most of the States around us. The following is a part of a story in last evening's Columbia Missourian:

"The mercury at 1 p. m. today read 104 as Columbia's heat wave pressed toward new records. It was the 11th day this month that temperatures exceeded 100.

"All of 1953 had only 10 days that topped 100.

"Yesterday's high of 111.4 at 3:45 p. m. broke Columbia's old record here for that date, which was 109 in 1934. The high of 111 last Saturday also broke the record here for that date, 103 in 1936.

"This morning's low here was 77 at 5 a. m. Yesterday morning's low here was 82. Today's humidity was 25 percent."

This heat wave has ruined most of the corn, and pastures that have not recovered from the drought of the last 2 years are dried up. Springs and wells that have been furnishing water for several generations are now dry and farmers are having to move cattle to market as fast as they can secure transportation to take them. Many counties report that truckers are from a week to 10 days behind in their movement. The price on these commercial grades are off from 2 to 3 dollars per hundredweight in the past 2 weeks.

Many farmers who have exhausted their resources to hold their herds together the past 2 years are now being forced to liquidate at prices about half of what they were just a little over 1 year ago.

Most of the things a farmer buys are costing more than they did last year, and when he has to liquidate his livestock at about half price, he feels that other groups are being protected at his expense.

Most farmers feel that the Government will have to buy a considerable amount of beef and other livestock for school lunch and other relief programs, and in their opinion this program should be started now.

The meeting held here in Jefferson City yesterday in which the Missouri Farm Bureau Federation participated strengthened the Kansas City market some 50 cents to $1 per hundredweight, according to this morning's radio. We feel sure that an announcement that the Government is going to resume its cattle buying program will strengthen the market materially. An actual resumption of cattle buying will maintain a higher level of prices and develop a different attitude, as well as actually saving from ruin many of our most substantial livestock producers.

This cattle buying program was in effect in the 1930's, when things were no worse than they are now. It was also in effect last year when things were better than they are now.

You know that it is much easier to hold a market than it is to rebuild it, and if something is not done soon the price on these lower grade cows will be demoralized beyond redemption, ruining many of our good livestock men.

Very truly yours,

H. E. SLUSHER, *President.*

P. S.—This year the drought disaster is statewide, caused by heat more than lack of rainfall, and the drought disaster area should be the State of Missouri.

The situation is well summarized by an editorial in the St. Louis Post-Dispatch reaching Washington this morning:

DROUGHT RIDES AGAIN

Governor Donnelly's appeal to the Federal Government for drought relief reflects an

increasingly disturbing situation. Senator SYMINGTON had earlier called on Secretary of Agriculture Benson for help. The Governor's plea, following a conference of his Emergency Drought Relief Committee, asserts that the existing drought situation is "the most critical in the history of Missouri."

Somewhat rainier weather the last several months may have led some urban dwellers to suppose the drought emergency had passed. While the water supply has improved in some areas, elsewhere it remains acute or has worsened.

Exceptionally hot weather, with temperatures well over 100, has burned pastures and feed crops as well as dried up springs and wells. In addition, crops have been damaged by a plague of grasshoppers.

In consequence of these combined disasters, cows are being forced onto the market in Missouri at distress prices as low as $4 a hundredweight. State Agriculture Commissioner Carpenter found heavy marketing of cattle on the Kansas City and St. Louis markets and the same situation in prospect in the Springfield and St. Joseph stockyards unless something is done.

Under Governor Donnelly's leadership the same group of farm leaders that drew up last year's relief program has mapped measures to deal with the present emergency. A basic element of that program is a request for resumed purchases by the Department of Agriculture of commercial grades of beef for the school lunch program and public institutions. The Department has already started negotiations looking toward a new hay program.

The Governor is also asking the Federal Government to designate Missouri a drought disaster area, as he has already done, and to make grain feeds of the Commodity Credit Corporation available for livestock in this State. Missouri spent $9,250,000 in its hay program to bring its beef and dairy herds through last winter. That considerable effort would be lost if the present emergency were allowed to liquidate the herds that thus far have been saved.

This State has given the most concrete evidence that it will do what it can to help itself. As Senator SYMINGTON and Governor Donnelly are pointing out, the cooperation of the Federal Government is needed also, for the burden is heavy, and drouth is running in its third severe year with the end not yet in sight.

It is gratifying to note the promptness with which the President is taking steps to meet the situation. Already Federal agencies are conducting an emergency inventory and a study of conditions in Missouri and other drought-stricken States is under way. At the same time the civil defense administration is engaged in an investigation in response to Governor Donnelly's request that Missouri be classified as a major disaster region.

The President has at his command certain emergency disaster funds but it is doubtful whether they are sufficient to adequately supply the widespread need in the States affected.

If additional appropriations are required, and the President requests supplementary funds, I have no doubt the Congress will be ready to entertain any recommendation he may make.

RESIGNATION AS A MEMBER OF THE 83D CONGRESS

The SPEAKER laid before the House the following communication, which was read:

BROOKLYN, N. Y., *July 21, 1954.*

Hon. JOSEPH W. MARTIN, Jr.,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I herewith submit my resignation as a Representative of the 83d Congress from the Eighth Congressional District of New York to take effect on the 21st day of July 1954.

I have the honor to enclose a copy of a letter addressed to the Hon. Thomas E. Dewey, Governor of New York, notifying him of said resignation.

I have the honor to be, respectfully,

LOUIS B. HELLER,
Member of Congress, Eighth District, New York.

AMENDING THE SECURITIES ACT

Mr. WOLVERTON. Mr. Speaker, I call up the conference report on the bill (S. 2846) to amend certain provisions of the Securities Act of 1933, as amended, the Securities and Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2433)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to all the amendments of the House and agree to the same.

CHAS. A. WOLVERTON,
JAMES I. DOLLIVER,
JOHN W. HESELTON,
JOHN B. BENNETT,
J. PERCY PRIEST,
DWIGHT L. ROGERS,
HOMER THORNBERRY,
Managers on the Part of the House.

HOMER E. CAPEHART,
PRESCOTT BUSH,
JOHN W. BRICKER,
I. M. IVES,
J. ALLEN FREAR, Jr.,
A. WILLIS ROBERTSON,
JOHN SPARKMAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940 submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House made 18 amendments to the bill, many of which merely made minor drafting or clerical changes.

The Senate conferees have receded on all the House amendments.

CHAS. A. WOLVERTON,
JAMES I. DOLLIVER,
JOHN W. HESELTON,
JOHN B. BENNETT,
J. PERCY PRIEST,
DWIGHT L. ROGERS,
HOMER THORNBERRY,
Managers on the Part of the House.

Mr. WOLVERTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to, and a motion to reconsider was laid on the table.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, the bill, as it passed both Houses, amends the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, and the Investment Company Act of 1940. The 20 sections of the bill may be grouped under the following 7 headings as to their general subject matter:

First. Permitting the making of now prohibited written offers to buy or sell securities before the registration statement is effective, and the further dissemination of information between the filing and effective dates of the registration statement.

Second. Reduction of the present 1-year period to 40 days during which the delivery of a prospectus is required in trading transactions as distinguished from initial distribution of the new securities.

Third. Changing the requirements as to prospectuses used more than 13 months after the effective date of the registration statement so that 2 certified financial audits may not be required within a year's time, but limiting the information contained in the prospectuses as of a date within 16 months of use.

Fourth. Reduction in the present prohibition against extending credit to purchasers of a new issue by dealers, from 6 months after the offering period to 30 days.

Fifth. Permission of "when issued" trading on an exchange in connection with rights offerings and other securities of a company having securities listed.

Sixth. Simplification of the statutory requirements for carrying in prospectuses full summaries of indenture provisions, in accordance with Commission rule.

Seventh. Permission for amending old registration statements rather than filing repeated new registrations as now, by investment companies making continuous offerings.

The item which had been in disagreement between the two Houses was the House action in amending the bill to strike the provision contained in the bill as it passed the Senate that would have increased the amount of the offering of a securities issue from $300,000 to $500,000 which, under section 3 (b) of the Securities Act, might be exempted from the registration requirements of the act.

The proposed increase in this amount had been urged on the ground that it would facilitate the enlistment by small business of capital with a minimum of expense. On the other hand, the offering of securities to the public without registration obviously is attended without the full protection and the substantial remedies to the investor which the act was designed to afford. The setting of the figure below which securities may be offered without registration, necessarily therefore, involves the reconciliation as far as possible of the conflicting objectives of protecting investors and of assisting the ready flow of capital into small industries. The House has been of the opinion that a sufficient case was not made for the need for the increase in the amount of the exemption to offset the decrease in the protection to investors which would flow therefrom.

The Senate conferees have receded from their position in this regard and accepted the House action in retaining the present limitation of $300,000. The Senate conferees have also accepted the other amendments to the bill which are entirely of a typographical or technical nature.

REREFERENCE OF BILL

Mr. ARENDS. Mr. Speaker, H. R. 9913 was referred to the Committee on Armed Services. I ask unanimous consent that this bill be referred to the Committee on Public Works.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LONG-TERM TIME CHARTER OF TANKERS BY THE NAVY

Mr. ARENDS submitted a conference report and statement on the bill (S. 3458) to authorize the long-term time charter of tankers by the Secretary of the Navy, and for other purposes.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I want to inquire what the program is. It is now Saturday. Every State in the Union that I know anything about that has a primary, when there were contests in it, we transacted no business on that day. So, I want to ask the gentleman from Indiana, or the Speaker, what we are going to do about Texas primary day. There are six members on the Texas delegation that think their opposition is serious enough that they be in the State of Texas. They can be here Monday, that is, the majority can. Now, I just want to know if our State is going to be treated like the other States. We on this side have always agreed that when there was a primary in any State we would have no business transacted important enough on which a roll would be called.

Mr. HALLECK. Mr. Speaker, if the gentleman will yield, I have tried as best I could to protect the Members when their primaries were held, and likewise conventions. Unfortunately, on an occasion or two it has not been possible to do that. I recall that I was in difficulty with the Connecticut Members and also with the Members from Wisconsin and also California. I must also say to the gentleman that as we discussed the program for the week, and as we progressed up to date and through today, when there were conversations about whether we would vote today or whether we would go over until tomorrow, the first time any Member of the Texas delegation or the gentleman from Texas spoke to me about the necessity of keeping tomorrow clear for the Texas primaries was an hour or so ago when the gentleman spoke to me.

Mr. RAYBURN. I spoke to the gentleman previously. He must have forgotten. I am sure that I spoke to him about it earlier in the day, and I certainly spoke to the Speaker about it earlier in the day.

Mr. HALLECK. My memory might fail me, but I must say that I have no such recollection of the gentleman so stating to me. Now, not having had any such request from anybody from the Texas delegation——

Mr. RAYBURN. Well, I am a member of the Texas delegation, you know.

Mr. HALLECK. That is right. The gentleman spoke to me about it about an hour ago in the Speaker's lobby.

Mr. RAYBURN. That was the second time, as I remember it.

Mr. HALLECK. A great many Members have asked me as to what the situation would be if there was a demand for the reading of the engrossed copy of the bill. Of course, I must say that I am very sorry that there has been such a demand, because I am quite sure we all know very much what is in the bill and could have gone on ahead tonight and concluded action on the bill and had the matter back of us, and we would not have been in this difficulty. The gentleman has said that these absent members of the Texas delegation will be here Monday?

Mr. RAYBURN. I do not say all of them will. I think 3 or 4 of the 6 will be here Monday. I know 3 of them will be here Monday.

Mr. HALLECK. As I say, it embarrasses me, I might say to the gentleman, because I have said to so many of our Members that if there were a demand for the engrossed copy, the vote on the bill would be had tomorrow.

Of course, in view of the situation that we have in respect to the primaries if, under the circumstances, the gentleman from Texas [Mr. RAYBURN] insists on it, I have no alternative but to put this vote over to Monday.

Mr. RAYBURN. Mr. Speaker, I must insist. I have never made an unreasonable request of anybody in my life. I have thought that we ought to do for the State of Texas what we do for every other State in the matter of the primaries. Mr. Speaker, I have had my say.

ADJOURNMENT OVER TO MONDAY

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DROUGHT IN MISSOURI

Mr. MOULDER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOULDER. Mr. Speaker, again the grim destroyer of farms and crops has stricken the entire State of Missouri. This is the third consecutive year of drought in Missouri. The farmers' plight and the critical lack of water supply over the entire State of Missouri and adjoining States creates an emergency disaster affecting not only the drought area. It has and will have an adverse effect upon the economy of all the United States.

I received the following telegram from Governor Donnelly, of Missouri:

JEFFERSON CITY, MO., *July 20, 1954.*

Hon. MORGAN M. MOULDER,
House Office Building,
Washington, D. C.:

For your information I have today sent the following telegram to President Dwight D. Eisenhower relative to drought conditions in Missouri:

"The drought situation in the entire State of Missouri is more severe and critical today than ever before in our history. The unprecedented lack of moisture, exceedingly high temperatures reaching 116°, desiccating and blistering winds, destructive grasshopper infestation, and intensely depleted water supplies for human consumption as well as for livestock, have created a deplorable and disastrous drought condition in every county and the city of St. Louis in Missouri. This catastrophe is of such magnitude that it is beyond the ability and resources of the State to speedily and effectively cope. Therefore, upon recommendation of the Missouri State Drought Committee, which met at my request July 19, 1954, to consider emergency

measures to aid in alleviating this distressing situation, I am today designating every county and the city of St. Louis in the State of Missouri as a drought disaster area. I strongly urge that every county and the city of St. Louis in Missouri be accordingly designated by you as a drought disaster area and made eligible for immediate Federal drought aid and assistance.

"Also, upon recommendation of the Missouri State Drought Committee, I strongly urge that the Federal Government reinstate immediately the beef-purchasing program. This program was in operation last year and had a definite stabilizing effect on the price of commercial grade cattle. This type of livestock is being marketed in record numbers at the present time in Missouri, depressing prices to a new low.

"I further strongly urge, also upon recommendation of the Missouri State Drought Committee, that grain feeds held by the Commodity Credit Corporation be made available immediately for livestock feed in Missouri.

"Due to the seriousness of this situation, which is not only disastrous to the farmers of our State but to the stability of our entire economy, we urge immediate action upon the above recommendations as time is of the utmost importance."

PHIL M. DONNELLY,
Governor of Missouri.

The great central and southwestern States are suffering a disastrous calamity from droughts. Today I received a copy of a telegram sent to President Eisenhower from Fred V. Heinkel, president of Missouri Farmers Association, as follows:

The Board of Directors of the Missouri Farmers Association, representing more than 152,000 farm families in Missouri, in a meeting here today, directed me to apprise you of the awful drought conditions in our State and to make recommendations which we believe would alleviate the situation.

This is the third year of drought in Missouri. Rainfall has not only been much less than last year, at which time we experienced the worst drought in history, but temperatures this year have been the highest on record. Missouri has had 41 days with temperatures higher than normal, with 17 of them above 100°. Corn and soybean crops are practically ruined. Pastures have been wiped out. Water supplies for people and livestock are exhausted in some areas and are nearing exhaustion in many other areas. Livestock herds are being liquidated in wholesale numbers at ruinously low prices. Local bankers advise that thousands of farmers have totally exhausted their borrowing power and are faced with bankruptcy.

After 3 years of continuous drought of unprecedented severity, coupled with the constant decline in farm prices, the disaster is of such magnitude that the State of Missouri cannot possibly deal with it alone. Only immediate and aggressive action by the Federal Government can save thousands of farm families from financial ruin and prevent future damage to agriculture which will take years to repair.

The catastrophe which has descended upon us has crippled agriculture beyond estimation, and the adverse results are certain to be felt by all the American people. There is no way for us to ever recoup the losses, but the Federal Government can do much to rekindle hope in farm people and help them to keep their farms and their herds and remain on the land instead of migrating to our cities to swell the ranks of the unemployed.

In view of the grave situation confronting us, the Missouri Farmers Association recommends and strongly urges that the Federal Government take action as follows:

1. That the Federal Government immediately start a beef purchasing program for school lunches, hospitals, and the Armed Forces; and that, in addition, a cattle-buying program be inaugurated at once which will insure that farmers receive not less than $10 per hundred for utility grades of cattle. If these two steps are taken without delay, livestock prices will be stabilized and the harmful effects of the disaster will be mitigated.

2. That surplus grains held by the Commodity Credit Corporation be immediately made available through regular trade channels for livestock feed in disaster areas. That the feed relief program of last year, which was terminated in March, should be reinstated; while, in addition, CCC grains should be made available at very low cost to farmers whose corn crops have been destroyed, in order that they can use them for feeding purposes.

3. That grants of surplus seeds held by the Commodity Credit Corporation be made available through regular trade channels, with farmers paying only transportation costs and the handling charges of seed dealers. This would enable large numbers of farmers who have lost all their crops to hang on for another year.

4. That the Farm Credit Administration be directed to defer loan and interest payments 1 year.

5. That in order to forestall the liquidation of irreplaceable dairy herds, which have taken many years to establish, as well as to prevent enormous loss to the dairy industry (in which the people of Missouri have an investment of more than $2 billion in processing plants and other facilities alone) we urge that a subsidy be paid to dairy farmers in drought areas at the rate of $1 per hundredweight on whole milk, and that this be started at the earliest possible time and continued until May 31 next year.

6. That 30-year loans be made to farmers for drilling wells in areas where the water supply is exhausted.

7. That the Congress appropriate $1 billion for relief purposes in drought disaster areas of the several States, this fund to be used for grants, subsidies, and other aids incident to the emergency, as such may become necessary.

The Missouri Farmers Association respectfully calls attention to the fact that the situation grows worse each day—crops suffer further damage, more wells go dry, more livestock is sacrificed on a glutted market, more dairy herds are dispersed, and more people are forced out of farming. Every American will in some measure feel the effects of this disaster. It is our earnest hope that action will be taken by the Federal Government before the Congress adjourns.

FRED V. HEINKEL,
President, Missouri Farmers Association, Columbia, Mo.

Mr. Speaker, this catastrophe to the people of the Central and Southwestern States demands immediate attention by the President and the Congress before adjournment. Politics is not an issure in this problem. The President and leadership of the Republicans in control of Congress and all Democratic Members should and must join together in providing the funds necessary to relieve the suffering and damages in the drought areas and to provide grants, subsidies and other aids incident to the emergency. Every year during past 9 years of postwar period the Congress has appropriated billions of dollars for foreign aid. This year Congress has appropriated more than $3 billion for foreign aid, which I am proud to say I opposed and voted against. If we have money to give away then surely we can and must appropriate money to aid and protect our own people from disasters such as now exists in the drought-stricken areas of the United States. The time for such action is now. I am preparing, drafting, and will immediately introduce a bill in accordance with the telegram from Mr. Heinkel and frevently hope it will receive immediate consideration and passage by Congress.

POSTPONEMENT OF SPECIAL ORDER

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that the special order I have for today be vacated, and that I may address the House instead on Monday.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

TERMINATION OF GOVERNMENT OPERATIONS WHICH ARE IN COMPETITION WITH PRIVATE ENTERPRISE

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9835) to provide for the termination of Government operations which are in competition with private enterprise.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Termination of Federal Commercial Activities Act."

SEC. 2. The Congress hereby declares that the policy of the Federal Government should be at all times the encouragement of private enterprise. Certain activities of the Federal Government have developed which tend to discourage private enterprise, in that the Federal Government is engaging in commercial and industrial activities in direct competition with activities engaged in by private persons for profit. These commercial activities engaged in by the Federal Government deprive governments at all levels of tax revenues, and by competing with private enterprise, weaken the strength of our national economic system. It is therefore the purpose of this act to provide for the termination, to the maximum feasible extent, of all commercial activities engaged in by the Federal Government in the United States which compete with private enterprise.

SEC. 3. As used in this act—

(1) the term "commercial activity" means any commercial or industrial activity performed by the Federal Government which is directly in competition with activities engaged in by private persons for profit; and

(2) the term "United States" means the several States, Alaska, Hawaii, and Puerto Rico.

SEC. 4. The President shall examine and from time to time reexamine each commercial activity engaged in by each department, agency, and independent establishment in the executive branch of the Government and shall determine what the effect, if any, on

essential activities of the Federal Government would be of terminating such commercial activity.

SEC. 5. Whenever the President, after investigation, finds that any commercial activity engaged in by the Federal Government in the United States can be carried on by private enterprise without substantially impairing essential activities of the Federal Government, he is authorized to terminate such activity. In the course of terminating commercial activities under this act, the President may—

(1) modify or abolish functions and activities,

(2) transfer functions and activities among departments, agencies, and independent establishments in the executive branch of the Government; and

(3) provide for the transfer or other disposition of records, property, personnel, and unexpended balances of appropriations, to the extent necessary to effectuate such termination.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That this act may be cited as the 'Termination of Federal Commercial Activities Act'.

"SEC. 2. The Congress hereby declares that the policy of the Federal Government should be at all times the encouragement of private enterprise. Certain activities of the Federal Government have developed which tend to discourage private enterprise, in that the Federal Government is engaging in commercial and industrial activities in direct competition with activities engaged in by private persons for profit. These commercial activities engaged in by the Federal Government deprive governments at all levels of tax revenues, and by competing with private enterprise, weaken the strength of our national economic system. It is therefore the purpose of this act to provide for the termination, to the maximum feasible extent, of all commercial activities engaged in by the Federal Government in the United States which compete with private enterprise.

"It is declared to be the policy of the Congress that the Federal Government shall not engage in business-type operations competitive with private enterprise except where it can be demonstrated that it is necessary for the Government itself to perform such operations in furtherance of national programs and objectives legally established.

"SEC. 3. It shall be the duty of the Secretary of Commerce, acting under the instructions, rules, and regulations issued by the President, to receive from the public and examine specific complaints of Government competition with private enterprise and, where the facts warrant, consult and cooperate with officers of the Government supervising the Government business-type operations complained about in order to suggest, where appropriate, the termination or limitation of Government competition through the utilization of private facilities, products, or services in lieu thereof.

"SEC. 4. As used in this act—

"(1) the term 'commercial activity' means any commercial or industrial activity performed by the Federal Government which is directly in competition with activities engaged in by private persons for profit; and

"(2) the term 'United States' means the several States, Alaska, Hawaii, and Puerto Rico.

"SEC. 5. The President shall examine and from time to time reexamine each commercial activity engaged in by each department, agency, and independent establishment in the executive branch of the Government and shall determine what the effect, if any, on essential activities of the Federal Government would be of terminating such commercial activity.

"SEC. 6. Whenever the President, after investigation finds that any commercial activity engaged in by the Federal Government in the United States can be carried on by private enterprise without substantially impairing essential activities of the Federal Government, he is authorized to terminate such activity: *Provided, however,* That nothing herein contained shall apply to any Government business-type operations being carried on on the effective date of this act or to any Government business-type operations heretofore or hereafter specifically authorized by the Congress.

"SEC. 7. The President shall make an annual report to the Congress concerning operations under this act, together with such information, comments, and recommendations as he may deem appropriate for furthering the policy declared in section 2 of this act.

"SEC. 8. Such sums as may be required to carry out the purposes of this act are hereby authorized to be appropriated."

The committee admendment was agreed to.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SPRINGER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I am supporting H. R. 9835 because it seeks to eliminate Government competition with private enterprise.

A recent report of the Committee on Government Operations of the House shows that since 1932 the Government has gradually taken over the business of manufacturing in some 28 industries. In addition, it has engaged in 10 separate forms of transportation, 6 construction and building lines of activity, 7 forms of maintenance and repairs, some 30 service activities, and a remaining group of miscellaneous businesses. These all add up to a total of some 91 businesses into which the Federal Government has been engaged on an extensive scale. All of this business activity has run into billions of dollars. Eighty percent of these businesses have been in direct competition with free enterprise in the same field.

I believe that there are important reasons for supporting this legislation to get the Government out of the free-enterprise field. For the next few minutes I would like to dwell on those reasons with my colleagues of the House.

First. All these businesses have been tax exempt from general property taxes at the State level, as well as Federal income taxes at the national level. As a result billions have been lost in taxes both to local communities as well as the Federal Government. Action to get the Government out of businesses that use taxes but pay none have a double action in helping to balance the budget.

Second. This Government competition tends to destroy initiative on the part of the people, and particularly the small-business man. This same competition restricts the normal growth and expansion of private enterprise, privately financed. The other effect is to deprive the small-business man from starting a new business, in which his possibilities of survival might in part be assured by Government contracts on which in turn he would pay Federal taxes and make jobs for people who would pay taxes to the Federal Government.

Third. Government in business tends toward socialism the longer the situation exists. The Government is not only in competition with business, but when the businessman shows any desire and interest in requesting his chances to do business with Uncle Sam, the bureaucratic attitude and redtape is such that the small-business man gives up in frustration and despair and returns to his knitting. This is all the more emphasized when the Government official he has been dealing with, and those whose salary he contributes to, can stymie, forestall, and perhaps put him into bankruptcy due to the lack of everyday explanation and help. From my own experience here in Washington, I realize how difficult it is to get the Government out of business. I believe that by this bill Congress will have taken the steps necessary to get the Government out of business so that this socialistic tendency is evaded. This will produce an incentive for the private citizen to do the job for his Government efficiently and profitably.

Fourth. When the Government is in the competitive market it is able to avoid the rigors of cost control and places upon the taxpayers of the Nation the responsibility to replace and expand its capital structure. In the field of private enterprise it is the responsibility of management to produce byproducts that are acceptable to the public; to keep the cost of production under control; to pay local, State, and Federal taxes; to conserve capital investment and to replace and expand it as necessary; and to give stockholders a reasonable rate upon their investment. These are challenges which call for the best efforts that man can give. Through prosperity resulting from this system the Nation prospers. When the Government usurps the role of industrial manager, that same Government reduces the volume of private business, while competing unfairly with its own citizens.

Fifth. I was much surprised to know the difference in public and private wealth between 1929 and 1951. In 1929 the public wealth was $43.6 billion and private wealth was $375.5 billion. In 1951, public wealth was $126 billion; private wealth was $671 billion.

To me the significant figures are the ratios. The 1929 figure will show private wealth as to public wealth being 9 to 1. This ratio declined until in 1951 there is an indication that the ratio would be less than 5 to 1. In other words in a period of some 25 years the ratio of private wealth to public wealth has declined from 9 to 1 to less than 5 to 1.

Our tax base essentially is the private capital investment because when public capital investment is made there are no taxes on that investment. Essentially our country is always going to be a private capital investment as far as the tax base is concerned.

From these figures it is my conclusion that we have to move Government out of these fields and get these businesses

back into the private enterprise field and back into the tax base.

Sixth. Mr. Speaker, another reason I think it is very necessary to get the Government out of private enterprise is simply on the basis of personnel practices.

If private enterprise is doing the job, it is doing it under the personnel practices of private enterprise. If Government is doing it under its present personnel system, we find from research that the operation is done at a considerably greater cost than private enterprise could do the same job. In many instances I have found it difficult under accounting systems used, to determine what the actual costs of many Government projects are—especially the cost of personnel.

From experience I have found that when Government engages in enterprise, the complexity of its task makes necessary the adoption of multitudinous rules and regulations. The inevitable result is that operations become entangled in a web of redtape. The typical individual at this level is not inclined to be concerned greatly about losses accruing to Government as long as they do not affect his own pocketbook or endanger his hold on his job. It is this inefficiency of Government as a producer that is most startling to the new initiate here in Washington.

The most hopeful sign I have seen is that the people of the Nation, through tax pressure, are becoming increasingly conscious of the unreasonableness and unfairness of tax-exempt, publicly financed competition. Above all I think they are becoming more aware of the inefficiency and high costs—all things considered—of Government operation of business-type facilities and services. They are gradually seeing that losses of such Government operations are often charged off to the taxpayers as both operating losses and capital losses.

The Committee on Government Operations has come up with some excellent recommendations to increase the public awakening and to reverse this trend. Two of the more pertinent recommendations are as follows:

It is recommended that a permanent vigorous preventive and corrective program be inaugurated. This should start from the executive office of the President with criteria set for general guidance of all agencies. There must also be a program of systematic review of those in operation so they will not outlive their justification. The Department of Defense has taken some good steps in this direction. Other agencies should do likewise. It is further recommended—

(a) The Federal Government should as a general policy keep out and get out of competitive business operations.

(b) A thorough annual review should be given those in existence by the operating agency, the Budget Bureau, and by congressional committees.

The committee's report is a good beginning. Congressional action should be taken on the committee's recommendations to get the Government out of the free enterprise business field. H. R. 9835 puts into legislative form these recommendations. One of its most important recommendations is to increase the knowledge of the taxpayer on this vital subject through published studies and periodic reports. The people need and are entitled to a comprehensive and penetrating analysis of the facts as they are developed.

The need for such a study, on a continuing basis, is very great. The facts would then be available as a basis for policy decisions and specific action.

For these reasons, Mr. Speaker, I am glad to lend my support to H. R. 9835 and intend to do all I can to bring it to the floor and see that it is passed at this session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9786) to give effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, May 9, 1952, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "North Pacific Fisheries Act of 1954."

SEC. 2. As used in this act, the term—

(a) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a Protocol relating thereto signed at Tokyo, May 9, 1952;

(b) "Commission" means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) "United States Section" means the United States Commissioners to the Commission;

(d) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this act shall include the adjacent seas; and

(e) "fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

SEC. 3. The United States shall be represented on the Commission by not more than four Commissioners to be appointed by the President, to serve as such during his pleasure, and to receive no compensation for their services as Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) each of the others shall be a person residing in a State or Territory, the residents of which maintain a substantial fishery in the Convention area.

SEC. 4. (a) The United States Section shall appoint an advisory committee composed of not less than 5 or more than 20 members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the committee, may be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section.

SEC. 5. Service of any individual as a United States Commissioner appointed pursuant to section 3 (a), or as a member of the advisory committee appointed pursuant to section 4 (a), shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, and 434 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except insofar as such provisions of law may prohibit any such individual from acting or receiving compensation in respect to matters directly relating to the Convention, this act, or regulations issued pursuant to this act.

SEC. 6. The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission to amend the Annex in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention.

SEC. 7. Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish, on a reimbursable basis, facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

SEC. 8. (a) The provisions of the Convention and this act relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs.

(b) For such purposes any Coast Guard officer, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this act referred to in subsection (a) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(c) Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (a) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as prac-

ticable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(d) Any officer of the Coast Guard, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this act referred to in subsection (a) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively.

SEC. 9. The Secretary of the Interior may designate officers of the States and Territories of the United States to enforce the provisions of the Convention and this act insofar as they pertain to fishing vessels of the United States and the persons on board such vessels.

SEC. 10. (a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties.

SEC. 11. (a) Any person violating subsection (a), (b), or (c) of section 10 of this act shall upon conviction be fined not more than $10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 10 of this act shall upon conviction be fined not more than $10,000.

(c) Any person violating subsection (e) of section 10 of this act shall upon conviction be fined not more than $10,000 and be imprisoned for not more than 1 year or both, and for such offense the court may order forfeited, in whole or in part the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

(d) Section 10 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 989) shall not apply to violations for which penalties are provided in this section.

SEC. 12. For the effective execution of this act, sections 7 (a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 986, 988, 989, 990) shall be deemed to be incorporated herein in haec verba provided that regulations authorized by section 7 (a) shall be adopted by the Secretary of the Interior on consultation with the United States section and shall apply only to stocks of fish in the Convention area contiguous to the Territorial waters of Alaska.

SEC. 13. (a) There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this act, including—

(1) necessary travel expenses of the United States Commissioners without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, or section 10 of the act of March 3, 1933 (U. S. C., title 5, sec. 73b); and

(2) the United States share of the joint expenses of the Commission; provided that the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to the provisions of section 262 (b) of title 22 of the United States Code insofar as they limit the authority of United States representatives to international organizations with respect to such commitments.

(b) Such funds as shall be made available to the Secretary of the Interior for research and related activities shall be expended to carry out the program of the Commission in accordance with recommendations of the United States Section.

SEC. 14. If any provision of this act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

With the following committee amendments:

Page 2, line 22, take out "or" and insert "nor."

Page 3, line 19, after "individual", insert "appointed from private life."

Page 4, line 8, strike out "to amend the Annex."

Page 9, line 11, after "(a)", insert "of the Northwest Atlantic Fisheries Act."

The committee amendments were agreed to.

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.

RIGHTS OF VESSELS OF THE UNITED STATES ON THE HIGH SEAS AND IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9584) to protect the rights of vessels of the United States on the high seas and in territorial waters of foreign countries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of this act the term "vessel of the United States" shall mean any private vessel documented under the laws of the United States and any fishing vessel owned by a citizen of the United States.

SEC. 2. In any case where—

(a) a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States; and

(b) there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure,

the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew, and shall pay any fines or post any bonds that may be required by such country for such release.

SEC. 3. The provisions of this act shall not apply with respect to a seizure made by a country at war with the United States or a seizure made in accordance with the provisions of any fishery convention or treaty to which the United States is a party.

SEC. 4. The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this act because of the seizure of a United States vessel by such country.

SEC. 5. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this act.

With the following committee amendments:

Page 1, line 5, insert "or certificated."

Page 1, line 5, strike out "and any fishing vessel owned by a citizen of the United States."

Page 2, line 7, strike out "and shall pay any fines or post any bonds that may be required by such country for such release."

Page 2, line 10, insert:

"SEC. 3. In any case where a vessel of the United States is seized by a foreign country under the conditions of section 2 and a fine must be paid in order to secure the prompt release of the vessel and crew, the owners of the vessel shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine actually paid."

Page 2, line 17, strike out "3" and insert "4."

Page 2, line 22, strike out "4" and insert "5."

Page 3, line 3, strike out "5" and insert "6."

The committee amendments were agreed to.

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.

SPECIAL ORDER GRANTED

Mr. JAVITS asked and was given permission to address the House for 20 minutes on Thursday, July 29, following the legislative program and any special orders heretofore entered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. POFF, for July 24, 1954, on account of official business.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. 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 Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, in announcing the legislative program for next week, may I say at the outset that I understand that Tuesday is primary day in Louisiana. However, no member of the Louisiana delegation has said anything to me about holding a vote over if one should occur on that day.

Monday will be District Day. We hope to follow the consideration of bills from the Committee on the District of Columbia with the bill H. R. 9859, the omnibus rivers and harbors bill. That will be followed by the consideration of the following bills:

H. R. 236, the Fryingpan, Ark., project.

S. 3137, conservation of water resources.

H. R. 9413, the Capitol Police force.

H. R. 9924, military housing.

On Tuesday, and for the balance of the week, we expect to take up the MSA appropriation bill, together with the following bills:

H. R. 9390, prisoner-of-war benefits.

H. R. 3534, having to do with patents.

H. R. 9666, tariff on hardboard.

H. R. 9756, borrowing power of the Commodity Credit Corporation.

The Texas City claims bill.

S. 3589, Export-Import Bank.

H. R. 8384, Rogue River Basin.

H. R. 8498, Palo Verde.

H. R. 7840, railroad retirement.

Conference reports may be called up at any time.

I also wish to remind the Members that the President of South Korea, Syngman Rhee, will be here on Wednesday.

I also want to state that the bills I have enumerated will not necessarily be called in the order in which I have announced them.

Mr. Speaker, may I also say that we hope to call the Private Calendar and the Consent Calendar on a day to be arranged for next week.

RESTORATION OF FREEDOM AND INDEPENDENCE OF POLAND AND OTHER NATIONS NOW UNDER COMMUNIST DOMINATION

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. MACHROWICZ] is recognized for 10 minutes.

Mr. MACHROWICZ. Mr. Speaker, I have asked for this time to bring to the attention of my colleagues in the House that yesterday I introduced House Resolution 663, which would reaffirm the sense of Congress to be that the restoration of freedom and independence of Poland and other nations now under Communist domination is and will be a permanent goal of our national policy whenever problems connected with Europe's future are considered.

This resolution has bipartisan support, as evidenced by the statement of a number of Members of this House, both Republicans and Democrats, who have a particular interest in the future of the enslaved nations behind the Iron Curtain insofar as it affects the security of our own Nation.

The statement follows:

We Members of the Congress of the United States, both Democrats and Republicans, declare our support for House Resolution 663, and state the following:

American opposition to Communist expansion and our national policy aiming at freedom and independence for Poland and all central-eastern European nations is and should be united. It is the American people who condemn the Communist enslavement of those nations, and it is the American people who see in their freedom an indispensable condition and keystone to the peace and security of the world.

We Americans found ourselves in a position unprecedented in the last decade. The uniqueness of our position is that so much depends on us and on our strength. If we fail when faced by the present Communist drive for world domination, if we are confused, if we have no vision and no determination, the whole of humanity will fall to the Kremlin's rule. Let the world have no illusions; it is the United States which the Communist leadership in Moscow is still afraid of, it is American strength which deters the masters in the Kremlin from further aggression on western Europe. It is the United States to which the enslaved world looks for hope and it is the Kremlin's fear of an all-out war with us that holds back their tanks and planes and bombs. Without the United States there would be no nation, no empire, nor any combination of nations which would be strong enough to defend themselves successfully against the Soviet bloc.

On the other hand, we cannot defend the whole world against Communist aggression everywhere all the time—alone. To do this we must have allies. Not only allies who have at their disposal, and for their self defense, tanks and planes and bombs, but allies who have ardent hearts, who have faith in us, who understand us and our responsibility, who see that in our world endeavors we do not seek advantages for ourselves. We need friends who understand that whenever and wherever we cannot assure or bring back to them peace, security, freedom, and prosperity, it is only because evil Communist forces or the apathy and shortsightedness of others make it impossible, at least for the time being.

Indeed we need such allies, we want them, it is such friends that we are looking for.

The great tragedy of today is that Poland and those other nations enslaved behind the Iron Curtain in central-eastern Europe were traditionally the most persistent enemies of communism and the most faithful friends of the United States. Americans of central European extraction, Americans of Polish extraction, know this better than others.

It is painful for us to see how these nations, at the hands of revengeful oppressors, pay for their traditional opposition to godless communism and for their friendship toward the United States. However, the knowledge of their sufferings strengthens our determination to see them free; it deepens our feeling of responsibility and comradeship. We shall never abandon them to their fate. We shall never forget them. One day they will be free and they will be free with our help and with the help of all people of good will.

They are our natural and true allies. There is really no Communist satellite Poland and there are no Communist satellite nations. There are Communist satellite governments, imposed by force on the captive nations. Those nations are victims; their governments are oppressors. We realize this fact and it is our duty to say it openly. We must state it particularly now that we have learned that the Polish puppet regime in Warsaw will form a part of the Indochinese truce commission. We know that the so-called Polish truce delegates will be no more than the Kremlin's agents.

Poles, both in Poland and in exile, as well as all Communist captive nations in Central-Eastern Europe, do not believe, and they never did believe, Communist promises. They know that Communist diplomatic commitments, contained in nicely worded treaties, are not worth the paper they are written on. They themselves have experienced how Communists abused the nations who fell under their iron fists. They have no illusions about a Soviet paradise—they suffer its horrors every day. They do not engage in sophisticated blunders of neutralism; they have contempt for it, opposing communism whenever they can. In this respect they could teach the still free nations quite a lot. We had better listen to their voices; we should have listened before.

In view of the recent most tragic events which we are witnessing in Asia where aggressive communism has successfully swallowed up large territories and new millions of victims; in view of the fact that the withdrawal of our French allies after 7 years of valiant but desperate resistance will be exploited to the full by Communist propaganda throughout the captive countries as a sign of weakness of western democracies, it seems most appropriate at the present juncture to formulate our aims with regard to the captive countries of Central-Eastern Europe in a clear and definite way. Those aims are not only an affirmation of principles which will guide our foreign policy toward those countries but also a message of hope and friendship.

The countries of Central-Eastern Europe today in the Communist bondage should be aware that their freedom is a permanent goal of our national policy and that whenever problems of Europe's future are being dealt with, this policy of ours will find its full expression.

It is with these facts in mind that we urge full support of H. R. 663.

JOHN D. DINGELL, Democrat, Michigan; ANTONI N. SADLAK, Republican, Connecticut; THOMAS S. GORDON, Democrat, Illinois; ALVIN E. O'KONSKI, Republican, Wisconsin; CLEMENT J. ZABLOCKI, Democrat, Wisconsin; E. P. RADWAN, Republican, New York; A. D. SIEMINSKI, Democrat, New Jersey; JOHN C. KLUCZYNSKI, Democrat, Illinois; JOHN LESINSKI, Democrat, Michigan; EDWARD J. BONIN, Republican, Pennsylvania; THADDEUS M. MACHROWICZ, Democrat, Michigan.

Mr. Speaker, this statement gives clearly the reasons for the necessity of the adoption of the resolution which I am sponsoring. This Congress has on many occasions expressed its sympathy for the fate of the people suffering under the cruel Communist domination and

has declared its hope for their eventual freedom.

Never more than now has it been so important that we do more than that—that we reaffirm positively one of the goals of our foreign policy to be the restoration of the freedom and independence of those nations.

The House Committee on Communist Aggression, of which I am privileged to be a member, has just concluded very important hearings held in Europe. It has heard over a hundred witnesses, people who know first-hand of the conditions behind the Iron Curtain. Some of them had just recently escaped from there to be able to breathe the air of freedom and to tell the truth about the so-called Soviet paradise. They were unanimous in their statements that in all of these countries the resistance to communism is continuing, but that the people need reassurance from the free world that we have not forgotten them, that their eventual freedom and independence is still a goal of our national policy and will always remain to be, until it is fully attained.

Now especially, in view of the tragic events in Indochina, which will undoubtedly depress the people of these nations immensely, it is particularly appropriate for this Congress to reaffirm its policy in a clear and definite way.

I sincerely hope and trust that this Congress will see fit to adopt this resolution before its final adjournment.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, it is my conviction that no one of these enslaved nations will ever regain its freedom and independence unless each and every one, unless all of these nations regain their freedom.

The gentleman would agree, would he not, that the following enslaved nations in addition to Poland should be included in his resolution, House Resolution 663, when it comes before the House Foreign Affairs Committee, namely, Estonia, Latvia, Lithuania, Byelorussia, Ukraine, Georgia, Armenia, Azerbaidzahn, North Caucasia, Idel-Ural, Cossackia, Slovakia, Czechia, Hungary, Rumania, Bulgaria, Albania, China, Manchuria, Inner Mongolia, Outer Mongolia, Tibet, Kassakstan, Turkestan, Usbeck, Tirgish, Kirgish?

Mr. MACHROWICZ. May I say to the gentleman, I would have no objection to inclusion of these other countries in the resolution.

Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Indiana [Mr. MADDEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MADDEN. Mr. Speaker, I join with my colleague, the gentleman from Michigan, Congressman MACHROWICZ, and other Members of Congress who are sponsoring House Resolution 663. This resolution emphatically sets out a policy which all patriotic Americans should endorse. The countries of central and eastern Europe who are today under the Communist yoke should be advised that their freedom is the permanent goal of our national policy, and until the iron heel of communistic slavery is lifted from the shoulders of these liberty-loving nations our full cooperation as Americans should be working with them toward that end.

On Wednesday of this week I addressed the House and in my remarks inserted a letter which I had written to Secretary of State John Foster Dulles asking that our American delegates to the United Nations investigate the persecution and torture of Cardinal Wyszynski, of Poland, and the barbaric campaign of extermination rendered against all leaders of religion behind the Iron Curtain. When the United Nations General Assembly meets on September 17, 1954, this should be the first official business under consideration. Through Communist propaganda, millions of people in the free countries have been led to believe that the Kremlin tolerates the free worship of religion behind the Iron Curtain. This is merely another example of the insidious, false propaganda and lies which has enabled the Soviets to extend their domination over approximately 800 million people.

I give my hearty support to the provisions and aims set out in H. R. 663.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. YOUNGER.

Mr. YORTY (at the request of Mr. HAYS of Ohio) in three instances.

Mr. BRAY.

Mr. PATTERSON to revise and extend the remarks he may make in the Committee of the Whole and include extraneous matter.

Mr. O'HARA of Illinois.

Mr. BLATNIK.

Mr. THOMPSON of Louisiana (at the request of Mr. HÉBERT) and include extraneous matter.

Mr. HOLIFIELD to revise and extend the speeches he may make in the Committee of the Whole today and include extraneous matter.

Mr. MILLER of California and to include extraneous matter.

Mr. BERRY (at the request of Mr. YOUNG).

Mr. WOLVERTON and to include extraneous matter.

Mr. GWINN.

Mr. BENDER in three instances.

Mr. GATHINGS the remarks he made in Committee of the Whole, and to include extraneous matter.

Mr. SIEMINISKI to revise and extend his remarks made earlier today and include extraneous matter.

Mr. HAGEN of Minnesota and to include extraneous matter.

ENROLLED BILL SIGNED

Mr. LECOMPTE, from the Committee on House Administration, 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. 5173. An act to provide that the excess of collections from the Federal unemployment tax over employment security administrative expenses shall be used to establish and maintain a $200 million reserve in the Federal unemployment account which will be available for advances to the States, to provide that the remainder of such excess shall be returned to the States, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 4854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the irrigation works comprising the Foster Creek division of the Chief Joseph Dam project, Washington;

H. R. 6725. An act to reenact the authority for the appointment of certain officers of the Regular Navy and Marine Corps;

H. R. 6788. An act to authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes;

H. R. 7434. An act to establish a National Advisory Committee on Education;

H. R. 7601. An act to provide for a White House Conference on Education;

H. R. 8571. An act to authorize the construction of naval vessels, and for other purposes;

H. R. 9040. An act to authorize cooperative research in education; and

H. J. Res. 534. Joint resolution to authorize the Secretary of Commerce to sell certain war-built passenger-cargo vessels, and for other purposes.

THE LATE HONORABLE ALBERT SIDNEY CAMP, REPRESENTATIVE FROM THE STATE OF GEORGIA

Mr. BROWN of Georgia. Mr. Speaker, I offer a resolution (H. Res. 685).

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ALBERT SIDNEY CAMP, a Representative from the State of Georgia.

Resolved, That a committee of 14 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members on the part of the House to

attend the funeral: Mr. VINSON, of Georgia; Mr. REED of New York; Mr. COOPER, of Tennessee; Mr. BROWN of Georgia; Mr. GREGORY, of Kentucky; Mr. SIMPSON of Pennsylvania; Mr. MURRAY, of Tennessee; Mr. DAVIS of Georgia; Mr. LANHAM, of Georgia; Mr. PRESTON, of Georgia; Mr. WHEELER, of Georgia; Mr. FORRESTER, of Georgia; Mr. LANDRUM, of Georgia; and Mr. PILCHER, of Georgia.

The SPEAKER. The Clerk will report the balance of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 3 o'clock and 13 minutes a. m., Saturday, July 24, 1954), under its previous order, the House adjourned until Monday, July 26, 1954, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1765. A letter from the Assistant Secretary of the Navy, relative to transferring to the city of Gulfport, Miss., one 36-foot LCP (L), hull No. C-74280 (with engine) for use by the municipal government as a firefighting boat, pursuant to section 1 of the act of August 7, 1946 (60 Stat. 897, as amended; 34 U. S. C. 546f); to the Committee on Armed Services.

1766. A letter from the Acting Secretary of the Army, transmitting a draft of legislation entitled "A bill to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes"; to the Committee on Armed Services.

1767. A letter from the Secretary of the Air Force, transmitting a draft of legislation entitled "A bill to provide for the relief of certain members of the Army, Navy, and Air Force, and for other purposes"; to the Committee on the Judiciary.

1768. A letter from the Acting Secretary of the Army, transmitting a draft of legislation entitled "A bill to modify the Flood Control Act of 1946 to provide for the reservation of 12,000 acre-feet of conservation storage to be used as a permanent source of water supply for Fort Hood, Tex., and adjacent military installations"; to the Committee on Public Works.

1769. A letter from the Assistant Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to amend section 6 of the act of August 30, 1890, as amended, and section 2 of the act of February 2, 1903, as amended"; to the Committee on Agriculture.

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. VELDE: Committee on Un-American Activities. Report on proceedings against Bolza Baxter (Rept. No. 2455). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Horace Chandler Davis (Rept. No. 2456). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Lloyd Barenblatt (Rept. No. 2457). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Richard E. Adams (Rept. No. 2458). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against George Tony Starkovich (Rept. No. 2459). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Thomas G. Moore (Rept. No. 2460). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against John Rogers MacKenzie (Rept. 2461). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Donald M. Wollam (Rept. No. 2462). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Herbert Simpson (Rept. No. 2463). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Mrs. M. Markison (Rept. No. 2464). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Benjamin F. Kocel (Rept. No. 2465). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Paul Ross Baker (Rept. No. 2466). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Curtis Davis (Rept. No. 2467). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Evelyn Gladstone (Rept. No. 2468). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Marvin Engel (Rept. No. 2469). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Martin Trachtenberg (Rept. No. 2470). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report on proceedings against Carl Harvey Jackins (Rept. No. 2471). Ordered to be printed.

Mr. VELDE: Committee on Un-American Activities. Report concerning the matter of Francis X. T. Crowley (Rept. No. 2472). Ordered to be printed.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 8666. A bill to authorize the Territory of Alaska to incur indebtedness, and for other purposes; with amendment (Rept. No. 2473). Referred to the House Calendar.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 7569. A bill to authorize the removal of a restrictive covenant on land patent No. 9628, issued to the board of the Hawaiian Evangelical Association on January 18, 1929, and covering lots 5 and 6 of Waimea town lots, situated in the county of Kauai, T. H.; without amendment (Rept. No. 2475). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 7290. A bill to authorize an appropriation for the construction of certain public-school facilities on the Klamath Indian Reservation at Chiloquin, Oreg.; without amendment (Rept. No. 2476). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 4770. A bill to provide for taxation by the State of Wyoming of certain property located within the confines of Grand Teton National Park, and for other purposes; with amendment (Rept. No. 2477). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 9981. A bill to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies; with amendment (Rept. No. 2478). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCULLOCH: Committee on the Judiciary. House Joint Resolution 340. Joint resolution designating the month of September 1955 as John Marshall Bicentennial Month, and creating a commission to supervise and direct the observance of such month; without amendment (Rept. No. 2479). Referred to the Committee of the Whole House on the State of the Union.

Mr. HESELTON: Committee on Interstate and Foreign Commerce. H. R. 7304. A bill providing relief against certain forms of discrimination in interstate transportation; with amendment (Rept. No. 2480). Referred to the House Calendar.

Mr. TOLLEFSON: Committee on Merchant Marine and Fisheries. S. 3546. An act to provide an immediate program for the modernization and improvement of such merchant-type vessels in the reserve fleet as are necessary for national defense; with amendment (Rept. No. 2481). Referred to the Committee of the Whole House on the State of the Union.

Mr. VAN PELT: Committee on Merchant Marine and Fisheries. S. 2389. An act to amend the act of December 3, 1942; without amendment (Rept. No. 2482). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. S. 2745. An act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes; with amendment (Rept. No. 2483). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 2233. A bill to provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Cheyenne River Sioux Reservation, S. Dak., and for other purposes; with amendment (Rept. No. 2484). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. House Joint Resolution 330. Joint resolution authorizing the appropriation of money to be available for use in assisting the construction of

the Tri-Dam project on the Stanislaus River in California, and providing for the repayment of any of such money so used, after the amortization of the bonds locally used for such project; with amendment (Rept. No. 2485). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. S. 3239. An act to authorize conveyance of land to the State of California for an inspection station; with amendment (Rept. No. 2486). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebaska: Committee on Interior and Insular Affairs. H. R. 5499. A bill to provide for the construction, maintenance, and operation of the Michaud Flats project for irrigation in the State of Idaho; with amendment (Rept. No. 2487). Referred to the Committee of the Whole House on the State of the Union.

Mr. CRETELLA: Committee on Post Office and Civil Service. H. R. 9909. A bill to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes; with amendment (Rept. No. 2488). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHAFER: Committee of Conference. S. 3458. A bill to authorize the long-term charter of tankers by the Secretary of the Navy, and for other purposes (Rept. No. 2439). Ordered to be printed.

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. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 8736. A bill to authorize the issuance of a land patent to certain public lands, situate in the county of Kauai, T. H., for school purposes; with amendment (Rept. No. 2474). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H. R. 10028. A bill to provide for the construction of a Federal office building in Jacksonville, Fla.; to the Committee on Public Works.

By Mr. KEARNEY:

H. R. 10029. A bill to amend the Internal Revenue Code to encourage the establishment of voluntary pension plans by individuals, to promote thrift, and to stimulate expansion of employment through investment; to the Committee on Ways and Means.

By Mr. REED of New York:

H. R. 10030. A bill to authorize certain administrative expenses in the Department of the Treasury, and for other purposes; to the Committee on Ways and Means.

By Mr. REES of Kansas:

H. R. 10031. A bill relating to the payment of money orders; to the Committee on Post Office and Civil Service.

By Mr. YOUNGER:

H. R. 10032. A bill to create a Department of Urbiculture, and to prescribe its functions; to the Committee on Government Operations.

By Mr. CURTIS of Massachusetts:

H. R. 10033. A bill to exempt from stamp taxes under the Internal Revenue Code shares and certificates of stock issued by investment corporations wholly owned by religious organizations; to the Committee on Ways and Means.

By Mr. GWINN:

H. R. 10034. A bill to amend the Internal Revenue Code to encourage the establishment of voluntary pension plans by individuals, to promote thrift, and to stimulate expansion of employment through investment; to the Committee on Ways and Means.

By Mr. HOLT:

H. R. 10035. A bill to authorize the Secretary of the Army to receive funds in connection with the disposal of the Birmingham General Hospital at Van Nuys, Calif., and to apply such funds to the construction of certain facilities, and for other purposes; to the Committee on Armed Services.

By Mr. JENKINS:

H. R. 10036. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income in certain cases of indebtedness discharged 20 years or more after the date on which it was incurred; to the Committee on Ways and Means.

By Mr. MAHON (by request):

H. R. 10037. A bill to amend section 31 of the act of Congress approved July 5, 1946 (ch. 540, 60 Stat. 427; 15 U. S. C. 1113); to the Committee on the Judiciary.

By Mr. O'NEILL:

H. R. 10038. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide that the surviving widows or widowers of retiring employees shall automatically be entitled to an annuity equal to 50 percent of the annuity earned by the retiring employee without requiring the retiring employees to elect to take reduced annuities; to the Committee on Post Office and Civil Service.

By Mr. REES of Kansas:

H. R. 10039. A bill to fix the salary of the Commissioner of Patents, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIEHLMAN:

H. R. 10040. A bill to amend the Internal Revenue Code to encourage the establishment of voluntary pension plans by individuals, to promote thrift, and to stimulate expansion of employment through investment; to the Committee on Ways and Means.

By Mr. YOUNGER:

H. R. 10041. A bill to create a Czechoslovakian claims fund and to provide for the settlement of certain claims of United States nationals who have suffered severe losses and damage by reason of the nationalization or other taking of their business or commercial property by the Government of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. ALLEN of Illinois:

H. Res. 682. Resolution to provide necessary expenses for the Committee on Rules; to the Committee on House Administration.

By Mr. RADWAN:

H. Res. 683. Resolution to affirm the American people's opposition to the Communist enslavement of Poland and other captive nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 10042. A bill for the relief of Philip Mongiovi; to the Committee on the Judiciary.

By Mr. GRANAHAN:

H. R. 10043. A bill for the relief of Mary Ann Dalgaard; to the Committee on the Judiciary.

By Mr. GUBSER:

H. R. 10044. A bill for the relief of Inako Yokoo; to the Committee on the Judiciary.

H. R. 10045. A bill for the relief of James Wilson; to the Committee on the Judiciary.

By Mr. HAGEN of Minnesota:

H. R. 10046. A bill for the relief of Gottfried Baumann; to the Committee on the Judiciary.

By Mr. HYDE:

H. R. 10047. A bill for the relief of Spiros Tzaferis and Erini Averino Tzaferis; to the Committee on the Judiciary.

By Mr. MATTHEWS:

H. R. 10048. A bill for the relief of Mrs. Saint Claire Livingston Dodd; to the Committee on the Judiciary.

By Mr. PATTERSON:

H. R. 10049. A bill for the relief of Carlos Tiramani and Pietro Tiramani; to the Committee on the Judiciary.

By Mr. RODINO:

H. R. 10050. A bill for the relief of Luigi Tomasella; to the Committee on the Judiciary.

By Mr. JONAS of Illinois:

H. Res. 684. Resolution providing for sending to the United States Court of Claims the bill (H. R. 10017) for the relief of William T. Dorminy; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1114. By Mr. PHILBIN: Petition of James Smart of Fitchburg, Mass., and others in favor of legislation to prohibit alcoholic beverage advertising over the radio and television and in magazines and newspapers; to the Committee on Interstate and Foreign Commerce.

1115. Also, petition of Mabel R. Stoddard of Fitchburg, Mass., and others in favor of legislation to prohibit alcoholic beverage advertising over the radio and television and in magazines and newspapers; to the Committee on Interstate and Foreign Commerce.

1116. Also, petition of Irene E. Ward of Leominster, Mass., and others in favor of legislation to prohibit alcoholic beverages advertising over the radio and television and in magazines and newspapers; to the Committee on Interstate and Foreign Commerce.

1117. Also, petition of Mrs. Helen Johnson of Clinton, Mass., and others in favor of legislation to prohibit alcoholic beverage advertising over the radio and television and in magazines and newspapers; to the Committee on Interstate and Foreign Commerce.

1118. Also, petition of Mrs. Richard Gage of South Lancaster, Mass., and others in favor of legislation to prohibit alcoholic beverage advertising over the radio and television and in magazines and newspapers; to the Committee on Interstate and Foreign Commerce.

1119. Also, petition of Linwood Hardy of Lancaster, Mass., and others in favor of the Bryson bill (H. R. 1227); to the Committee on Interstate and Foreign Commerce.

1120. By Mr. WILLIAMS of New York: Petition to outlaw the Communist Party, containing 78 names, and submitted by William F. Huschle, Jr., commander, Veterans of Foreign Wars, Rome Post 2246, Rome, N. Y.; to the Committee on the Judiciary.