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H o n o r a b l e P a u l J. K i l d a y

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Place of Interview: Washington, D.C.

Interviewer: Dr. H. W. Kamp

Terms of use: Open

Approved: P. J. Kilday

Date: July 1, 1966

This is H. W. Kamp, date August 28, 1965 in the office of Judge Paul Kilday. This is a series of recordings; the first part of the series begins at this point.

This is Paul Kilday. When I entered Congress January 3, 1939, there were ominous signs existing in Europe of the coming catastrophes. Hitler was in power as was Mussolini. Many people in our national administration, many people in the United States generally were very much concerned as to what might happen in Europe and the possibility or by that time it appeared a probability of European war. This first manifested itself in the House by a recommendation from the President that the Neutrality Act be amended. The Neutrality Act had been passed some two or three years prior to that and prior to my entrance into Congress.

It reflected an idea prevalent in the United States at the time of its passage that our involvement in World War I was somewhat occasioned by the fact that many people in the United States, businesses, financial agencies, munitions producers and things of that kind had become so heavily involved in the European War of 1914 that by 1917 when we entered the war that this was a major contributing factor. In other words that financial institutions and large manufacturers in the United States had large sums owed to them by participants in the war, and that they would probably lose their investments and their credits in the event that the Germans would prevail. And the thought existed that if we could prevent these financial involvements in European wars that the participation of the United States would thereby be lessened.

So the Neutrality Act contained several provisions intended to avoid this situation. One of them was an embargo on the shipment of arms, and another was what was known as the "cash and carry provision." In other words that any

munitions brought by a foreign country would have to be paid in cash, and that they would have to be carried from the United States in foreign ships, because before our participation in World War I great irritation had come from the sinking by the Germans of American ships which they alleged to be carrying munitions to the Allies in that war. So these provisions were in the law of 1939, and the sentiment in the United States, of course, was that we would not permit Mussolini and Hitler, primarily Hitler was our concern, to get us financially involved and thereby cause our actual participation in the war.

This proved to be a great handicap primarily to England and France, because Hitler was enormously prepared for war in 1939, whereas England and France were in a state of tremendous unpreparedness. Their industrial complex was not sufficient to produce on a short term basis the munitions which would be required to counter Hitler.

So the recommendation of the President included repeal of the Embargo Provision, repeal of the "cash and carry provision." This came to the Congress in June of 1939, and a very long, very bitter debate ensued.

In the course of the consideration of the bill Mr. John Vorys, member of Congress from the state of Ohio, offered an amendment to eliminate from the amendments to the Neutrality Act a provison repealing the arms embargo, and that amendment was carried by a vote of 214 to 173. After that provision had been adopted and the arms embargo was retained, the bill passed the House by 201 to 187. So in fact what Congress had done was to refuse to amend the Act in the important and meaningful manners in which the President had recommended, and we were still under the same handicaps which were involved prior to the attempt to amend the act.

Congress adjourned in about August that year, of course the Congressional Record will show the date. Then in September Hitler marched against Poland, and the Congress was called in special session almost immediately by the President, and then we immediately reconsidered the amendments to the Neutrality Act. The Vorys Amendment to retain the arms embargo was again offered, but this time with the change in the situation in Europe, actual hostilities having begun, instead of carrying, the Vorys Amendment was defeated by a vote of 245 to 179, evidencing the change in sentiment in the United States once it was evident to our people that war was actually underway. As a matter of fact the majority was so heavy in rejecting the Vorys Amendment that on final passage there was not even a roll call on the amendments to the Neutrality Act.

The Senate passed the act eliminating the Vorys Amendment, and it came back to us from conference, and then the House in November of 1939 approved the conference report by a vote of 243 to 172, a majority of 171, so that whereas we could not do it in June, we could amend the Neutrality Act by an overwhelming majority in November.

In the session beginning in January, 1940, there were additional actions taken to expand and strengthen our armed forces. I guess the first to be mentioned would be what became Public Law 18 of the Seventy-sixth Congress. This bill provided for an increase in the authorized strength of each of our military establishments. One of the important things which came up in that law was a provision authorizing a total of 5,000 airplanes for the Army Air Corps. These were all types of planes: trainers, fighters, bombers, so that the overall strength could have been 5,000.

During the course of the Hearings, it was developed that of these 5,000 twenty-one hundred would be in reserve. In other words there would not be flight crews for the twenty-one hundred, but they would be replacements and a provision for future expansion.

An amendment was offered to eliminate the twenty-one hundred, to reduce the total authorized strength by that number. This became a very bitter debate, and finally on the floor of the House we were able to defeat that amendment and to authorize the 5,000 planes.

A rather interesting sequel to that was that in December, 1944, the Committee on Military Affairs was in Europe to observe the conduct of the war. We were standing on the street in Namur, Belgium, and the sky was overcast, but we could hear a tremendous number of planes flying over us. This was a bomber mission with its fighter escort on the way to bomb in Germany. There were present there quite a number of the members of the House, primarily Republicans, who had voted to reduce the number of planes by twenty-one hundred, and I said to them, jokingly, "Now you fellows who voted to restrict our number of airplanes ought to understand that there are almost as many planes up there right now as we provided for the total strength of the Army Air Corps in 1939."

The permanent law provided that the reserve components, that is the reserves of the Army and the Navy and the National Guard, could be called only upon the declaration of war and in some limited extent upon the declaration of a national emergency by the President. In order to increase our armed forces it was desired to call the National Guard and some of the

reserve components, and we did pass a bill at that time which authorized the President to call to active duty the reserves and reserve components notwithstanding the fact that war had not been declared. In other words, the effect was to amend the permanent provision authorizing the call of these forces upon the declaration of war and to permit the President to call them under the authorization of this Act.

This vote was taken August 15, 1940, and it's interesting to observe that it passed by a vote of 342 to 34, so that the people had now become even more convinced that an actual hazard confronted them.

This was followed very quickly in August by a proposal for Selective Service Act. In this connection there is an interesting little matter involved. The bill was offered in the Senate by Senator Burke of Nebraska, who was a Democrat. In the House it was offered by Congressman James Wadsworth of New York, a Republican. Congressman Wadsworth was formerly a member of the United States Senate, having served there just about the end of World War I and in 1920 had been chairman of the Committee on Military Affairs. He had been chairman of the committee which wrote our National Defense Act which was then our basic military law and was one thoroughly informed on military affairs. So that notwithstanding the fact that the Democrats were in control of both the Presidency and the Congress, the Selective Service Act which came before the House was authored by a Republican member.

When we began Hearings, I was very much surprised, and I think that practically all of the other members of the committee were surprised when the War Department brought in its witnesses to testify in justification of a

selective service act and to explain the routine of the manner in which it would operate. The surprise came from the fact that a major by the name of Lewis B. Hershey who was assigned to the General Staff as a part of the War Plans Division came in with a group of reserve officers who had been working with him, and with his predecessors in this particular position on the General Staff. They had with them printed forms of everything that would be done in connection with the registration, classification, the drafting and the induction of members of the military services. They had with them the proposed regulations which would be adopted by the Department in the implementation of the Selective Service and Training Act if and when it was passed.

Of course the General Staff has always conducted "war plans." It was a name which proved to be rather unfortunate with the isolationist element of the country who seemed to object to any idea that the General Staff would be making war plans in time of peace. Of course this was one of the major functions of the General Staff...to prepare for any eventuality, and this was cogent proof to us that they had worked in many if not all areas of what might be necessary in the event of mobilization.

It's interesting to note that Major Lewis B. Hershey of those days is now a three star general, still on active duty and still Director of the Selective Service system. So far as I know, and certainly within my personal experience, this is the longest tenure that has ever existed in the Federal government.

The Selective Service and Training Act was passed September 7, 1940, by

a vote of 263 to 140, a majority of 123. So it is evident from the record that the people of the United States were now thoroughly alarmed as to the situation in Europe and to the type of blitzkrieg war that Hitler had launched, something that had never been seen before and for which no nation was prepared. There were no existing military organizations nor munitions to counter the thrust that Hitler had prepared, and people having seen what happened in Poland, particularly at Warsaw, were thoroughly of a mind that we should expand our military forces, that we should embark on a program which would eventually lead to total mobilization.

One of the provisions of this Act was that those inducted would serve for training for a period of one year. So that when we were approaching October of 1941 the first inductees were about to complete their year of training. The situation in Europe had grown steadily worse, and the threat to those persons, those nations with whom we were in sympathy was even more cogent than it had been in the past.

Those who were inducted into the military service for one year of training were not placed in separate training organizations. They were integrated into the existing regular components of our army and our navy. In other words the draftees into the army were placed in the regiments and divisions previously existing, so we faced the prospect that in October practically every military organization of the army and the complement of many ships faced the possibility of being in the process of demobilization when the threat was at its very worst up until that time.

So that in August of 1941 the proposal came before us to extend the period of service. Now this was a very distasteful thing for all of us: to represent

to young men that they had been placed under a draft system which would call them into service for a period of one year, they responded and rendered faithful service during the period of time for which they felt they were committed, then as the anticipated release date came, they were faced with a threat to extend their period of service for perhaps an indefinite period of time. This was a very destructive thing for morale among these men. A movement developed called "O.H.I.O.", but it didn't mean the state of Ohio. It meant "over the hill in October."

This bill was very bitterly debated on the floor of the House, and it was evident to all of us that the division was very close. It came to a vote in the House on August 12, 1941. The vote came sometime late in the evening, it was night, I don't remember what time, but it was probably as late as 10 o'clock. Knowing that it was going to be a very close vote, many members were keeping a private tally as to whether it was prevailing or whether it was being defeated. And it developed, although it had not yet been announced, that it had actually carried by a vote of 204 to 201. Before this result had been announced, Dr. Pfeifer, a Democratic member from New York City, arose and asked the Speaker how he was recorded. The Speaker replied that he had voted aye. Dr. Pfeifer then stated, "I change my vote from "aye" to "nay"." Of course this was a net result of a "two" difference in the majority, reducing it to 203 to 202, so that at that time the bill was prevailing by one vote. Mr. Hamilton Fish, a Republican member of Congress from New York, who had been rather isolation-minded, then requested that the vote be recomputed.

The recomputation of a vote is to a large extent in the descretion of the Speaker. There are precedents which guide him on this, and the vote must be very close before he will hold that a recomputation may be ordered. My recollection is that a majority of four or five votes is regarded a being sufficient to dispense with the recomputation. The Speaker replied that the vote was sufficiently close, that he thought a recomputation was in order. He then addressed Mr. Fish (this was Speaker Rayburn) and asked, "Does the gentleman from New York have any objection to the Chair announcing the result of the vote?" Mr. Fish replied that he had no objection, whereupon the Speaker announced that the bill was carried by 203 to 202. The significant thing here is that under the rules of the House, once the result of a vote is announced a member may not change his vote. On recomputation the names of all those who vote aye are called. At the end of that call the Speaker inquires as to whether any member is improperly recorded. At this point a member may state upon his honor as a member that "I am improperly recorded", but he may not change his vote. In other words it can only be affected by an error on the part of the tallying clerk in tallying the vote.

So the Speaker had the matter in such condition at that time that no one else could follow the action taken by Dr. Pfeifer. No one did attempt to change his vote, and no one certified that he was improperly recorded so that the extension of the period of service of thos inducted under the Selective Training Service Act was extended.

Now we must remember that Pearl Harbor came December 7, 1941, and this vote was taken August 12, 1941. So that five days less than four months before

Pearl Harbor the period of service in our military establishment was extended. Had the bill not passed, when Pearl Harbor came every military organization in the United States Army would have been in the process of demobilization, releasing from service the trainees who had come in for a year, bringing in and training through basic training and what-not those who had been inducted to take their places. So that by the majority of one vote five days and four months before Pearl Harbor, we avoided disaster.

Prior to the extension of service under the Selective Service Training Act, Congress was faced with another major program in connection with assistance rendered to those with whom we were in sympathy. Up until this time Britain primarily had been purchasing vast quantities of munitions in the United States. Bombing planes were being produced here in very large numbers and flown to England to assist in her defense. Other military items were also being produced here and sent to England.

Early in 1941 President Roosevelt informed Congress that those with whom we were in sympathy (they had not yet become our allies of course because we were not engaged in war) had reached the limit of their resources on the purchase of munitions of war, that they were no longer in a position to produce themselves and to produce in the United States or in any other country in which they may have been producing and to pay for that production. So the President proposed that the United States embark upon a program of financial assistance to the Allied Powers engaged in the European War. This carried the popular name of "Lend-Lease"; it became known as the Lend Lease Act. It provided that we could acquire munitions of war and lend them to the

the participating nations, or we could least them. Now for the details of that I'll have to refer you to the bill, and you won't have any difficulty locating it, because oddly enough the number of that bill is HR1776 of the 77th Congress. It was always represented that this was the next number in order, but the nature of the bill caused me to always suspect that through some fortuitous circumstance, the number 1776 was available for the Lend Lease Act for assistance to those with whom we later became allies.

This bill passed on February 8, 1941 by a vote of 206 to 165, a majority of 95. It's interesting to note that two years, one month and two days later that is March 10, 1942, the Lend Lease Act was extended by a vote of 407 to 6, a majority of 401. So now the people of the United States were thoroughly aroused as to the practical situation in the military necessities of Europe.

I'm not able to give the date, but some time along in this same period, that is the active preparation of our military establishment, prior to our actual involvement in war, many other actions were necessary and were taken by Congress. It would require a search of the record to find all of these because it is not possible to recall them to memory. As a member of the Committee on Military Affairs I remember primarily those things which came to our attention. One that should be mentioned is the Soldier and Sailors Civil Relief Act. We were drafting men, taking them away from their civilian pursuits, their civilian surroundings; these were young men in their starting period of life. They were buying homes, automobiles, all sorts of appliances; the great era of partial payments was on. They had insurance and had their financial programs arranged within their income. They were now being taken out of their customary position, placed in the military establishment with

very, very low pay, so they were not in a position to continue making the payments. I served on the sub-committee which wrote the Soldiers and Sailors Civil Relief Act, and I was amazed when I got into it rather deeply to find the power which exists in Congress under the power to raise and support armies and to declare war. It had never occured to me that the federal government could suspend the payment of taxes to a state or political subdivision of a state, but we found that there was precedent for it in World War I, and I understand that there was something of a similar nature, probably rather sketchy going back as far as the Revolutionary War, and that legislation of the same nature existed during the Civil War.

Of course this was the legislation which suspended payments on notes and mortgages, insurance and things of this kind, so as to maintain the status quo for the individual while he was serving in the military establishment.

Another thing of great importance was the financial condition of families and dependents of those who entered the military service. The breadwinner was gone and was working at very reduced income, so something had to be done for his dependent wife and children and for dependent parents. This resulted in the passage of the Allotment and Allowance Act which continued throughout the war and which was extended in subsequent mobilizations in connection with Korea and extensions of the Draft Act.

Of course there was major legislation reported by committees other than the Committee on Military Affairs which had to do with preparation for war or mobilization prior to involvement in war and the conduct of the war. A major example of this would be the War Powers Acts which were reported to the House

by the Committee on the Judiciary. These war powers acts covered a great many subjects. They were intended to give to the President during the time of war overriding powers such that would never be trusted to a President during a time of peace. Some people took the position that the conduct of a war seemed to require the suspension of democracy and that the President be goven overriding powers. What was contained in the various war powers acts will have to be secured from those pieces of legislation.

As far as the military was concerned a very important part of it was that the military were given the power to acquire land without specific legislative authority. It should be mentioned that always the acquisition of land by the federal government has required first an authorization by legislation of both houses for the specific piece of land to be acquired. The same thing applied to the disposition of lands owned by the government. As a matter of fact, that exists right today. But during the period of the war under the War Powers Act, the necessity for this legislation was suspended, and the officials of the military departments had the power to acquire land without specific authorization, to establish military posts, bases and stations without specific authorization. And the Appropriations Committee had the power then to appropriate money for these purposes even though it had not been specifically authorized by legislation coming from the legislative committee, that is the Committee on Military Affairs, in connection with these military bases.

This was a tremendous power and a necessary one, because it eliminated a very time-consuming portion of the legislative process, and of course it

eliminated the contest of the various areas to secure the location of these military establishments within their area because of the advantage to a community in having such a large installation located within its area.

Anyone familiar with any portion of the conduct of the Civil War is impressed by the fact that the federal conduct of the Civil War was greatly impeded by the Congress of the United States. It resulted in the creation in the Congress of the Committee on the Conduct of the War. This committee inquired into all phases of the military establishment. Of course under our Constitution Congress has the power to fix the military policy of the United States; it has the power to raise and support armies and to provide a navy; it has the power to declare war. But none of these powers includes any power resembling the right to conduct the strategy or the tactics of the war. A reading of history during the Civil War indicates that there was no inhibition on the part of Congress to concern itself with the tactics and the strategy of the war.

As a native Texan, Southerner in sentiment, I wish that the Civil War had terminated with the first Battle of Bull Run, because had it terminated then the nation, particularly the South, would have been spared four years of war, the most devastating war in history, the highest casualties I suppose on a ratio basis up until the present time, and would have saved a great portion of the impoverishment of the South which ensued after the war.

I was always conscious of this and was afraid that there would be a time when there would be interference by Congress that might result in pressure

upon the President, and that we would have something like McDowell's march to Bull Run before he was ready, or the order issued by Lincoln that McClellan was to proceed to take Richmond on February 22, notwithstanding his protestations that he wasn't ready, notwithstanding the time of year, the sentimental date of Washington's birthday is the date that he should march, and of course McDowell lost at Bull Run, and McClellan was finally defeated before Richmond, had to withdraw from the peninsula. Pope was later defeated in northern Virginia. The Capital was in great chaos feeling that it would be invaded almost momentarily.

We never reached this point in the conduct of World War II. Of course there was always lots of talk in both the House and the Senate by people who didn't agree with things that were going on or questioning whether proper actions had been taken, and this sort of thing, but there was nothing that resembled official action to interfere with the conduct of the strategic concept of the war.

In the Senate there was a committee headed by Senator Harry S. Truman of Missouri, later to become president, that did inquire into the conduct of the war, but it confined itself almost exclusively to inquiring into the nature and the provisions of contract, the honesty and the efficiency of production and things of this kind. I think that I should state at this point my own personal opinion that one of the great strengths of Harry Truman as Senator - and was later exemplified tremendously as President- was the fact that he possessed one of the finest knowledges of the history of the United States of any man that I have known of in public life. He was

thoroughly informed on American history; he was particularly well informed on the history of the Civil War, coming from the border state of Missouri where conflicting sentiments existed. His committee stayed faithfully away from interfering with the strategy of the war.

Then the situation arose after Hitler marched against Russia; they had been up to that time in cooperation. There was a great movement started in the United States to relieve some of the pressure on Russia. It will be remembered that Hitler marched a long way into Russia, and that they pulled back and let him come and lengthen his supply lines, his lines of communication, while they shortened theirs. They ruthlessly burned their own country, their own crops and buildings and things of that kind to bring him into a parched territory where he could not live off the land and to lengthen his supply lines.

There were many people in the United States of liberal persuasions who were demanding that the United States proceed immediately to open a second front in Europe. This meant of course to invade the continent of Europe, the mainland of Europe. It was reflected by many columnists, and the pressure became rather severe, and here, I thought, was the real danger of something akin to what had happened in the Civil War when the Congress finally intervened in the strategic conduct of the war.

The United States was very fortunate during the war in having General George Catlett Marshall as Chief of Staff of the army. General Marshall was a man of great capacity, tremendous ability. I've known many big men in my life, some casual associations, some rather intimate, but George Marshall

was the only great man within my definition of greatness that I have ever known personally. Because of his position of Chief of Staff of the Army we were in regular and frequent contact with him on the Committee on Military Affairs. He sat in the very difficult position of balancing the concept of war in Europe and in the Pacific with men of tremendous strength attempting to impress him with the fact that their own theater whether it be Europe or the Pacific was most important and where the primary effort would be made, and George Marshall had to make the decisions as to what proportion of our manpower and our munitions would go to each theater. And he was able to accomplish this. Of course inside I'm sure there was a great deal of pulling and hauling, but this was not made known to the public, and Marshall did handle it in a superb manner.

During the war General Marshall would come before the Military Affairs Committees of the House and the Senate, sometimes separately, sometimes in joint session, and occasionally there would be a meeting of the whole Congress in the auditorium of the Library of Congress when the military establishment, both the army and the navy (remembering that the Air Force then was a part of the army) would come with a task force and explain to the entire Congress the overall concept of what was being done, rates of production, military strengths and things of this kind. Of course they didn't go into tremendous detail on strategy; they didn't reveal any military secrets that could have alerted the enemy or any things of that kind.

I remember one meeting that was a joint session between the members of the Senate Committee on Military Affairs and the House Committee on Military

Affairs. I remember very distinctly that this meeting took place in the committee room of the House Committee on Military Affairs, and this was most unusual. Senators generally won't go to the House side of the Capitol to participate in any business; they insist on their concept that they are the upper house, and that the lower house must come to them. But on this occasion for some reason, perhaps the committee room was larger or something else had intervened, we met in the House chamber. One of the senators asked General Marshall, "General, when are you going to open the second front?" General Marshall had a sort of habit (I guess it was) of folding his arms when he was about to let you have it. So on this occasion he folded his arms and said, "Gentleman, frankly, I do not know. Equally frankly, if I didknow, I wouldn't tell you. That's a matter that must be kept secret. I'll give you one assurance: I will open the second front when I am ready; I won't open it one minute before I am ready, because I'm not leading a suicide expedition." As far as Congress was concerned, this pretty well put a stop to the agitation for the opening of the second front and left it to the military to determine.

When the House Committee on Military Affairs was considering the Selective Service and Training Act, after we considered it for several weeks, heard many, many pages of testimony, had been in executive session amending the bill and getting it in such form as we were able to agree upon and actually really perfecting the bill in a responsible and substantive manner, we were about ready to report it. At that time there was a member of Congress,

a member of the Committee on Military Affairs from the state of Connecticut by the name of Joseph Smith. He was a man very highly respected on the Committee and in Congress generally, but a very quiet man. He would sit and hear witnesses without too much participation in the questioning and things of that kind, but then when we would get in such shape that nobody seemed to understand just where we were and couldn't agree on what the situation was, Joe Smith had a way of coming through and saying, "Well now, gentlemen, isn't the situation...?" and lay it out in a scholarly manner in a few sentences, and it would be crystal clear to everybody, and he had tremendous influence on the Committee for this reason. So we had the bill in the shape that we intended to report it. I might say now that Mr. Smith later became United States District Judge in Connecticut and is now a judge of the United States Circuit Court for the Second Circuit, a large circuit, the court that is regarded as just below the Supreme Court, which sits in New York City. Anyway, he said at that time, "Gentlemen, I doubt if we can afford to go to the floor of the House with this bill in its present condition. We have here a very comprehensive bill to place a very severe burden on theyouth of the country, to take them from their civil pursuits and put them into military life and put a tremendous burden on them. But this bill doesn't have one word in it about what's going to happen to industry or finance or anything of that kind. The entire burden of this mobilization is going to be borne by the youth of the country, and we've already run into the difficulty of manufacturing concerns who are unwilling to accept defense contracts, abandon their civilian production, change their production lines, go into production of military equipment that might not last too long, then they'd have to convert back to

civilian pursuits, their competitors had not left their civilian pursuits and would have that big advantage over them, and they may be justified in it. But if we're going to draft the youth, the flesh and blood of the nation, you have to do something to take care of the other portions of mobilization. Mobilization isn't only manpower, it's munitions as well."

So he proposed a provision which became, I'm sure, Section 9 of the Selective Service and Training Act. In very rough substance it provided that an industry which was tendered a defense contract which it was capable of producing which refused or failed to accept the contract, the President was given the power to seize and operate the plant in order to produce the necessary military equipment. And this became a part of the Selective Service and Training Act.

Before our declaration of war there were many strikes in defense plants producing equipment for the Allies, and these continued into the period after our declaration of war. Of course, in Congress, committees are composed of members who are interested in a particular subject; this is almost generally true, although I may detail later that there was a little difference existing on the Committee on Military Affairs for reasons which I will attempt to exemplify. The Labor Committee of the House was headed by Mrs. Mary Norton, a long-time member from the state of New Jersey. Her sympathies were entirely with labor as were the vast majority of the members of the Committee on Labor, and that Committee would not or could not report any legislation for dealing with strikes in defense industries.

Senator Tom Connally of Texas and Congressman Howard Smith of Virginia,

both long-time members of the Congress, somehow conceived the idea of providing against strikes in war plants by amending Section 9 of the Selective Service and Training Act. Of course such an amendment would be germane to Section 9; the President had been granted the authority to seize a plant where the company had failed or refused to accept a contract. The concept of Senator Connally and Mr. Smith was that the President be given the power to seize the plant when the production of military equipment was hindered, delayed or prevented by reason of a strike within the plant, and to extend the power to the President to seize that plant and continue its operation in the production of military equipment, the employees becoming employees of the government.

The Smith-Connally Bill was passed and became law. The very interesting thing involved here was that under the rules of the House legislation must go to the committee which has jurisdiction over that legislation, but here the Labor Committee had not performed to the satisfaction of a large segment of the Congress, and a means was devised to take jurisdiction of this particular thing away from the Committee on Labor and to place it in the defense Committee as an amendment to an act that it reported and of which it had jurisdiction.

The Smith-Connally Act worked quite well. I don't remember offhand whether there were any seizures; I seem to have the impression that there were not. The existence of the Act and some of the provisions as to the powers of the President in forcing negotiations and something of that kind made it unnecessary to use it. That's only an impression after a matter of more than twenty-years.

At this point I think there's a rather interesting thing that I might mention. This is in connection with the fact that the Committee on Military Affairs took jurisdiction under the Smith-Connally Act and then held jurisdiction in that area even though it related to labor. Of course this resulted in persons favorable to labor aspiring to membership on the Committee on Military Affairs rather than the Committee on Labor, because the Labor Committee had been pretty well by-passed by this time. And we had showing up on our committee people with a minimum of interest in the internal operations of the military establishment and persons who were oriented to labor. We had a gentleman one time from Connecticut who was either state president or some high official of the labor organization of his state, and in normal times he would have aspired to membership on the Committee on Labor, but after the Committee on Military Affairs took jurisdiction of labor legislation, that was the committee to which he aspired and became a member of it. I think his name was Fitzgerald.

There had been a situation of comparable nature on the Committee on Military Affairs for a long period of time. Oddly enough, up until the Legislative Reorganization Act of 1946 which took effect in January of 1947 when the 80th Congress came in, the Committee on Military Affairs had legislative jurisdiction over the Tennessee Valley Authority. This grew out of the fact that the Tennessee Valley Authority had its nucleus in the Muscle Shoals Plant built during World War I for the production of explosives.

There has always been a great conflict in the United States between publicly generated hydroelectric power and privately generated steam power.

So that men started aspiring to the Committee on Military Affairs (this was before I became a member of the Committee) who were primarily interested in either hydroelectric power or in steam generated power. There were a number of the members of the Committee, including the chairman, Andrew Jackson May, who were from coal producing areas or were coal producers themselves who were members of the Committee on Military Affairs, who had a minimum interest in the military establishment. I don't mean by that that they were not patriotically interested in a strong military establishment and prosecution of the war, but with an interest to the extent that they would delve into the minute details of military organization and things of this kind, their primary interest being either in preventing the expansion of publicly produced hydroelectric power or promoting the expansion of publicly produced hydroelectric power.

Of course this primary interest on the part of several members, a number of members on the Committee on Military Affairs on subjects other than military, did not strengthen the Committee on Military Affairs within its proper function of providing for the military establishment of the United States. The same thing was true when labor-oriented members became members of the Committee on Military Affairs. The Legislative Reorganization Act of 1946 cured this and took jurisdiction over the Tennessee Valley Authority from the Committee on Military Affairs. I'm under the impression that it's now in the Committee on Public Works.

I might mention at this time that along about 1939 or 1940 the proposal came up for the Tennessee Valley Authority to purchase the Commonwealth Southern Company. This was Wendell Willkie's tremendous power complex in the south. This legislation was handled by the Committee on Military Affairs. It came in

a form of the authorization to the Tennessee Valley Authority to issue bonds. Now the amount of that you're going to have to get from the legislation, but it was something over nine hundred million dollars. This was a very large acquisition that the government was engaged in at this time. The proposal actually called for more than the amount of money that was to be paid to Commonwealth Southern. This was supposed to be a cushion for future expansion of the Tennessee Valley Authority. So this ran headon into the cleavage I was just talking about.

If you consult the legislation authorizing the acquisition of the Tennessee Valley Authority, you will find that there is a provision in there (I'm talking more than twenty years after the fact) limiting its expansion to the Mississippi River, because by that time it had practically reached the city of Memphis. There's something in there limiting the area in which it could operate, and the amount of money authorized in bonds was reduced to the amount actually necessary to acquire the Commonwealth Southern Company.

During the time we had jurisdiction over this legislation, we were constantly faced with proposals such as the Tennessee Valley Authority, requesting authority or proceeding under authority that it already possessed to establish steam generating plants. This was really a red flag to the coal-producing people. It resulted in the extravagant charges that T.V.A. was actually producing practically no hydroelectric power, that it was a subterfuge to engage in these vast public works and things of that kind, and that actually the power that they were producing was essentially steam-generated power being sold under the Tennessee Valley Authority rate yardstick

much lower than the utility companies' yardstick for a very substantial reason: the Tennessee Valley Authority was tax exempt whereas the utilities were not.

Actually the reason for building steam plants at a large hydroelectric plant is to firm up the power. You cannot sell power from a hydroelectric plant in excess of your minimum production, because that power to the user must be constant. So you must have a standby steam plant in periods of drouth, low water and things of that kind that can steam generate enough power to bring it up to the maximum or at least that which has been sold. But this did create a great deal of difficulty and much bitter debate in Congress.

There's another thing which should be mentioned, and anyone writing history should look into, I would think. After we had authorized the purchase of the Commonwealth Southern Company, and after the company had been purchased, bills were filed to do something to relieve the financial stress of political subdivisions within the Tennessee Valley area. We held a long hearing on this in connection with tax replacement. The governor of Tennessee, Governor Cooper at that time, and the delegations of Tennessee, Mississippi and Alabama testified of the plight of the state, counties and primarily of school districts. The hearing will show, but I remember the details from the local officials of one school district in Alabama which had never had a high school until after Commonwealth Southern built a generating plant within its tax area. At the time Commonwealth Southern was bought out, they had two high schools. But when Commonwealth Southern became property of the Tennessee Valley Authority, federal government property, it went off the local tax rolls. You'll have to get the hearings to get the percentage, but I think you'll be surprised to see that Commonwealth Southern Company had something like two-thirds the

assessed valuation of that school district.

Of course there was legislation passed which provided a formula for payments in lieu of taxes. The detail of that of course is no longer in my memory. I was always apprehensive about payments in lieu of taxes. It came up in another connection: public housing, for instance. A rather considerable area within a city or relatively small community would be taken for the building of public housing and would then go off the tax rolls. This was a very irritating thing and a matter of some substantial financial difficulty for the local communities. That was also provided for; payments are now made in lieu of taxes in practically all, if not all projects on public housing.

My apprehension about it was more on the order that every community with a post office would want the taxes replaced for that post office, but in a great deal larger field, great military establishments, the government would be called upon to pay the tax replacement on tremendous areas of land taken out of a community. Of course prior to the mobilization incident of World War II, many of the military bases in the United States, I know particularly Randolph Air Force Base at San Antonio and Barksdale Air Force Base at Shreveport, Louisiana, the local communities bought the land, donated it to the government, took it off their tax rolls in order to get the pay rolls which would be incident to it. So if you're going to have tax replacements for these places, it would be an entire change of concept of what had been up until that time: that a large military establishment is of such financial value to the community. The community would purchase the land and take it off of its tax rolls and enter into very bitter competition to get it.

At this point in my narrative I might refer to the importance of the chairman of a Congressional committee. You may have very able men among the membership of the committee, and they will probably have divergent views, but I don't care how able the membership of a committee may be, unless it is chaired by an able chairman it is essentially inefficient. An able chairman is one who has had considerable experience in his subject, who probably knows it as well or better than anybody else on his committee, this is a first requisite. He must be intelligent; he must understand people; he must understand principally the members of his committee. I guess the outstanding example of a strong, able chairman of a committee was Carl Vinson of Georgia, who was chairman of the Naval Affairs Committee of the House, beginning with the Franklin Roosevelt administration in 1933 and going back to 1914 had been a member of the Committee on Naval Affairs, becoming its chairman when the Democrats took over just prior to the election of Franklin Roosevelt. He remained chairman of that committee until the Legislative Reorganization Act of 1946, which combined the Committee on Naval Affairs with the Committee on Military Affairs into the Committee on Armed Services. Of course the Legislative Reorganization Act was written by a Democratic Congress, and everyone was anticipating that in the 80th Congress in January of 1947 the Democrats would organize this greatly reduced number of committees, the Democrats would chair them, that they would be in the majority on the committees. But things didn't work out that way, because the Congress elected in the fall of 1946 was a Republican Congress, it was the 80th Congress which served during Harry Truman's administration. So those committees were chaired by Republicans.

The 80th Congress ended the Republican control of Congress at that time so Mr. Vinson became the second chairman of the Committee on Armed Services in the 81st Congress and he remained so until the 83rd Congress when the Republicans again came in with the election of President Eisenhower, but lasted for only one term. So Mr. Vinson was out for that two years and came back and remained as chairman of the Committee on Armed Services until he voluntarily retired from Congress in January, 1965.

He generally brought in his bills with a unanimous report. This led newspapers, commentators and members of the House to denominate him a dictator, that he didn't stand for any divergent views in his committee. I served under him for a very considerable period of time, actually he was chairman after I had been on the committee for two years. (After the reorganization I went on the reorganized committee, served for two years under Mr. Ham Andrews of New York as chairman and then under Mr. Vinson as Chairman). So essentially from 1949 until I resigned from Congress in 1961, during most of that time I was either second ranking or ranking member, so that I was either next to him or one below that, and I watched him operate at very close range, and he was far from a dictator. He never called up a bill that he didn't understand thoroughly, and he had an idea of the way he wanted to bring it out. He didn't always agree with the Department by a great deal; he had his own ideas on things, that had been accumulated over a period of so many more years than anybody in the Department had, had seen more situations and had more experience with it. He would start off with the idea of the way he wanted to report that bill, and when opposition developed in the committee,

he would continue attempting to accomplish his purpose until he saw that he had reached the point where he might not prevail. Then he started withdrawing a little bit at a time until he gave up just barely as much as he had to in order to get agreement. But it wasn't that he forced agreement; it was that he negotiated it by his understanding of human nature, his understanding of the members of the committee, his understanding of his subject, knowing how much he could give up and still retain the major thrust of his position. So it was a matter of diplomacy or politics, if you please, and human nature and psychology that caused Carl Vinson to bring out unanimous reports.

Of course there are many other members of committees in my time who were equally able. I don't know of any who ever exceeded Carl Vinson, but I've known many who approached him. Frankness requires me to say that I have seen chairmen of committees who were less than able. If I had not seen chairmen of committees who were less than able, I wouldn't know the confusion and chaos which exists when a weak man chairs a committee.

While this transaction was later in time, I think that it is perhaps germane here. In the very latter part of 1944 or the very early part of January 1945 a proposal was made for the complete and efficient utilization of manpower in the conduct of the war. I think that the dates here are probably very significant. In December 1944 the Battle of the Bulge occurred. The American people were stunned. Incidently I might say that I was in Bastogne some two weeks before the battle there. It was a very quiet area at the time the Committee on Military Affairs was there, or we wouldn't have

been there of course. The people were tremendously shocked, Congress was shocked when the Germans broke through in December 1944, and the seige of Bastogne took place. If there was anything necessary then to impress upon the people that we were angaged in all-out war, they had it after the break-through in the Battle of the Bulge.

No doubt the consciousness of the fact that the supreme and all-out effort was necessary resulted in the proposal of what was known as the Manpower Bill of 1945. Of course you'll have to go to the bill for its provisions. (I have a speech in the Congressional Record Appendix of January 30, 1945 at page A-361). Essentially it required men to remain on critical wartime employment unless relieved by proper permission for a good cause. It channelled people from unnecessary occupations into necessary occupations. This bill was reported by the Committee on Military Affairs. It's my recollection that it never came on the floor of the House, but that would have to be checked. I can understand why it may not have come, because it was a very drastic bill. This was really the ultimate in regimenting people and forcing them to do things against their will; it was a very distasteful proposition. Of course the war in Europe terminated in May 1945, so that along here the hysteria which came after the Battle of the Bulge in 1944 was probably subsiding, and the matter was permitted to rest. Someone should check as to what happened to that; it's my recollection now that the Rules Committee never granted a rule, and that the bill was never called up before the House. I could be totally mistaken on that. Someone will have to check the record.

I might put in here something that is I guess more amusing than of historic significance. Sometimes a member of Congress is requested to do something, or he gets an idea of doing that seems like it might be desirable or at least innocuous, and it develops that he has stirred up a hornet's next. I recall two instances of this kind that happened to me personally; there were others, but these are fresh in my mind and are easily explained. For instance someone wrote me onte time and asked me to offer a bill to change the rules on the proper display and respect to the flag. There is a code on that. So I just thought as a nice patriotic gesture that I would go ahead and offer it. I offered it, and within a matter of weeks I had a shower of mail protesting against what I was doing to the code for the proper respect and proper display of the flag. Mine had something to do with displaying it flat against the wall, and it developed that there was a gadget on the market, an eagle or spearhead on it, that you would fasten the flag to it and then drive a pin into the wall, and it hung on the wall as if it had been draped from a pole. You would have thought that I had offered major legislation if you had seen the amount of mail I got, some of it very intemperate, because this is the sort of issue on which people can be intemperate, in opposition to my bill.

In another instance, one time the Department of the Army sent over a bill to create the position of assistant chaplain at the United States Military Academy at West Point. The one in those days officially designated as chaplain of the United States Military Academy at West Point was a civilian, but devoted full time to his position as chaplain of the Military Academy. The Catholic

boys at the Military Academy were provided for by the pastor at Highland Falls, a little village in New York State at the gate of the Military Academy. The Chairman handed me the bill to offer, and I thought it was a very innocuous thing, a very nice thing; it was going to provide more spiritual guidance for the cadets at West Point by having an assistant to the chaplain. This produced more mail in opposition than the flag or many major pieces of legislation that I have offered. It developed that among the various denominations there had been brewing over a period of years opposition to the fact that the chaplain at the Military Academy had traditionally been a minister of the high Episcopal Church, and other denominations felt that it was time to have this position rotated. There was some sort of campaign on, that I was thoroughly ignorant of, to have the chaplain of the Military Academy be a regular army chaplain who would be rotated for a normal tour of duty, thus getting in the various Protestant denominations. I was thoroughly innocent of this, but I found that I was accused of many things in attempting to provide an additional chaplain for the boys at the Military Academy.

There's another incident about handling legislation that I might mention. There's a provision of the Internal Revenue Code which exempts from income tax that portion of an American citizen's income earned by him while residing abroad in the promotion of American commerce. This is an incentive for people to engage in foreign commerce. I'm given to understand that other nations, England and these great commercial nations, have some similar inducements for people to engage in foreign commerce. I think it was formerly Section 281 of the Internal Revenue Code. This was held to

apply to military men in certain areas of the world when stationed outside the continental limits of the United States. My impression is that it applied in Panama, and I know that it applied in the Philippines. So that when General Wainwright and his forces surrendered in the Philippines, they were enjoying the tax exemption provided by this particular section of the Internal Revenue Code. They were kept as prisoners of war for some time in the Philippines and then with no participation on their part, the Japanese removed them to Formosa. After they were recovered and were settling their financial accounts with the government, they found that the Internal Revenue held that Formosa was not one of the areas in which this tax exemption was enjoyed whereas the Philippines was, so they charged them with the taxes which accumulated during the time that they were prisoners of war in Formosa.

General Wainwright was stationed in San Antonio, and he had on his staff of the Fourth Army there several men who had been on his staff in the Philippines at the time of his surrender and who had been prisoners with him. Someone importuned me to offer a bill to clear this up and to permit them to enjoy the tax exemption while prisoners in Formosa which they had enjoyed while on active duty and while prisoners in the Philippines.

The Ways and Means Committee finally set it for hearing. This was during the 80th Congress; the Republicans were in control of the House at the time, and I was a minority member. Mr. Knudsen of Minnesota was chairman of the Committee on Ways and Means, the tax writing committee, and Mr. Dan Read of New York was next to him as the ranking member of the committee, so I went down and testified for my bill when it was set. When I finished, one of the

members said that he wanted to congratulate me on having offered the bill and having called their attention to this discrepancy and the injustice which had been visited upon these men who had sacrificed so much for the United States, and that I was correcting a real injustice. He said, "As a matter of fact I think so much of the proposal that you've made that on yesterday I offered the identical bill." So it turned out that the Ways and Means Committee did report the provision, but it wasn't the Kilday Bill, it was a Republican member who offered my identical bill. This happens in some committees in the House. No matter who may have initiated the proposal when the legislation comes out, it will invariably bear the name of the majority member, whether he be Democrat or Republican, but the majority in control of the House gets credit.

This was one of Carl Vinson's strengths in operating his committee. He let Republicans report bills as well as Democrats, let them get credit for those things which they had initiated and which was their own idea.

I feel that I should mention something about the plight in which conscientious objectors found themselves under the Draft Act. When the House committee was considering the Selective Service and Training Act, it adopted a provision which in effect was intended to defer from military service people who belonged to historic peace chruches. It wasn't worded that way, but when you got all finished with it, it exempted from military service these persons because of religious convictions who were conscientiously opposed to participation in the war. When that provision got before the Senate committee, somebody raised the question that this was the application of a religious test in

violation of the Constitution, and I think perhaps there is some substance to that view, that perhaps the language of the original House bill on Selective training and Service did apply a religious test as a basis for deferment of the conscientious objector. The Senate committee changed it to a provision that a person conscientiously opposed to participation in war would not be exempt or deferred but would be assigned to civilian work of importance in the national interest under civilian supervision. This was just about all that that provisions provided. So that no matter if a man was a member of one of the historic peace churches such as the Mennonites, the Dunkards, the Quakers and the various other ones, he was still going to be taken from his civilian pursuits and assigned to civilian work deemed by somebody to be important.

It developed that a good deal of this work was creating trails in national parks, leaf picking and things of this kind, things that were of no essential importance whatever. Many of the conscientious objectors went into hospitals as nursing aides and things of that kind. Some participated in experiments as human guinea pigs. But there was no provision for pay for them; they were paid nothing. They were placed in camps and fed and clothes, and they were worked. They were hired out to farmers in instances in which there was a dire need for farm labor and a shortage of labor because of the war. The farmer paid the wages which they earned. The government took it and put it in the Treasury, didn't pay them anything for their work. There was no provision made for their families, their dependents. The churches or the organizations interested in them collected funds by their own means and provided for the dependents of these men who were off as an incident of this provision.

It always seemed anomalous to me that we would treat people who were conscientiously opposed to participation in war in this manner. I couldn't disagree more with their view, but here we were engaged in a great war brought on a great deal because people were persecuted because of their religious views, beliefs and sentiments, and this nation wasn't big enough to recognize that in this handful of people who were conscientiouly opposed to participation in war. I certainly hope that sometime, somehow, a much more realistic provision wil be made for the person who is conscientiously opposed to participation in war. I grant you that it is very hard to get a uniform provision on this. We had many hearings on it; I consulted with representatives of these conscientious objectors on innumerable occasions. It becomes complicated because there is no fixed attitude on what constitutes participation in war.

Quakers, for instance, some good Quakers, some faithful Quakers will participate in combat in war. Others even object to registering for military service. It runs the whole gamut; there's no way of determining what the Quaker view is on this.

Then you take the Seventh Day Adventists. They will go right into the military service, conscientious objectors that they are, and their status is recognized, and they participate as medical corpsmen. As a matter of fact the Seventh Day Adventist Church puts them in preliminary training before they are drafted in order that they be partially trained as medical corpsmen before they are called. I've never known a combat soldier who didn't admire the medical corpsmen and the conscientious objector medical corpsmen as much

or more than he admired his fighting comrades, because they were unarmed, had a white vest with a red cross on it; they went out in advance of the front lines in order to succor the wounded.

Then you had various segments of the Jehovahs Witnesses who would refuse to accept deferrment as anything but a minister of the gospel, and these things caused great difficulty.

Then we had a very considerable group who denominated themselves conscientious objectors, and while I may be totally wrong, I always regarded them as malingerers. Men who belonged to some of the well established old churches, both Catholic and Protestant, who claimed to be conscientious objectors. Many of them had never belonged to any peace organization or written anything, a tract or anything else, indicating that they were conscientiously opposed to participation in the war. These men were a very troublesome group. They were finally concentrated in a camp in Michigan. They wouldn't cooperate after they got the conscientious objector status and were assigned to civilian work supposed to be in the national interest. I was told that they would take them out to cut down a tree and hand a man a axe. (This is just an incident.) And he would stand and hold the axe. They would tell him to get started. He said "Well, what do I do?" "Why you hit the tree with the axe." So he hit the tree with the axe, and then he would stand until he was told to hit it again. Just a concerted effort of irritation and things of that kind.

I have felt (of course, I wasn't there and don't know what happend) that the local board probably made a mistake in passing on the facts. It's a fact

issue as to whether a man is a conscientious objector or not, and if he doesn't have something to show that he was a conscientious objector before he got the greetings from the President, his facts are a little bit weak. But if he has done anything to indicate, before the threat of military service arose, that he was a conscientious objector, than he should get full benefit of it. I believe that any man who belongs to one of the historic peace churches is entitled to his automatic classification as such. This area needs a great deal of thought by patriotic Americans, because the opposition becomes very bitter. There are those who are willing to accuse all conscientious objectors of cowardice, and while this may be true in some instances of those who claim to be conscientious objectors, I think that a country that has the respect for freedom of religion should be big enough to find a solution to this problem.

The original Selective Service and Training Act provided for the induction of men between 21 and 45, and the original inductions were within those ages. Very foolishly, men over forty years of age were inducted and put with the younger men in training, and it developed that they just couldn't keep up; they broke down physically. I remember that General Marshall came over personally and asked us to change the law and to permit the executive to form categories by ages of people to be inducted, and that he would adopt a policy of releasing those over twenty-eight years of age who requested to be released. He said that the higher draft age had accomplished no result except to fill the hospitals with people who had been broken down by the rigors of military training.

Then later during the conduct of the war (I can't give you the year) the proposal came over to authorize the induction of men eighteen years of age. This was something that we didn't like to do, but the pressure of the war was so great, the need for manpower so urgent that Congress did grant authority to induct men eighteen years of age. Many of them were inducted. There was an attempt to require a year's training, but this was defeated. I think that they were required to have six months' training before they were sent outside the continental United States. We on the committee secured the impression that the casualty rate among eighteen year olds was inordinately high. Of course military men like eighteen year olds, young kids in military service because they are audacious, but I'm afraid that they're also foolhardy, and I think that a check of the casualty rates in the Battle of the Bulge and through that period of time and later will indicate that the percentage of those who entered the service at age eighteen is much higher than the proportion of casualties of older men in the service. If he's a little older than eighteen then he has probably settled down and is more circumspect, is not quite as audacious, as foolhardy, as the younger boy. Of course I understand that insurance companies break this at twenty-five when it comes to extra premium for insurance for driving automobiles, but surely I think an analysis of the casualty rates will indicate that casualties of those eighteen years of age far exceeded those in an older bracket. I for one was sorry that we ever granted authority to induct men that young because I was convinced that their casualties were too high.

During the Korean War when Mrs. Anna Rosenberg was Assistant Secretary of

Defense for Manpower and General Marshall was Secretary of Defense, we had the present law; it's the Universal Military Service and Training Act of 1951 under consideration. They requested the authority to have the induction age reduced to eighteen; it had gone back up to twenty-one. They had many figures about the manpower pool and how dangerously low it was getting, how many there were in the eighteen year old group (something like 500,000 a year entered the group every year) and they requested this authority. The committee had had one experience of drafting eighteen year olds, and they didn't regard it as a happy experience. I am sure I didn't. We finally rejected the eighteen year old, but provided that they might be inducted at eighteen and a half but that they should be deferred while successfully pursuing a course of education. This of course postponed the induction automatically until about nineteen, because by the time they were processed they would be about nineteen, and if they were going to school, it extended it further. I think that this is an experience which should be remembered in the future on the induction of persons to serve in the military establishment. A very close analysis should be made of what happened to these boys at that tender age when they were taken into the military service and sent into combat.

Actually it proved out that the manpower pool of persons twenty-one years of age was not nearly as low as it was represented at the time that bill was under consideration. My recollection is that they never got below twenty-one, and it was perhaps in the majority of boards twenty-two to twenty-three, and they were inducting men who were approaching twenty-six before they avoided service. So that it would not have been necessary in 1951 to grant the Defense

request, and we did not grant it and preserved the higher age.

It developed during my service in Congress as a member of the Committee on Military Affairs and Committee on Armed Services that my principal field of action on the committee had to do with pay, promotion and retirement. The first pay bill which was adopted after the Selective Training and Service Act was in 1942. If you'll consult the Selective Training and Service Act, you'll find a provision in there increasing the lowest pay of the military establishment from about $21 to $30 a month. Then in 1942 a specific pay bill was brought in, and the pay scales were readjusted. I was a member of that sub-committee, and I continued to be a member of the sub-committee on pay, promotion and retirement throughout my service in Congress. There was a pay bill passed in this session of Congress in August 1965. Of course I was not in Congress at that time. There was a pay bill in 1958 which was the last pay bill upon which I served as chairman, but I think if you check you will find that the last six, seven or eight military pay bills bore my name as the author. I was the chairman of the sub-committee which wrote the bills, which handled them on the floor and passed them into law. Of course this is an area of great importance to the military. They jokingly say that in the time of peace what else is there but pay, promotion and retirement, so it is that area of interest which is close to the individual soldier.

Of course I am now a Judge of the United States Court of Military Appeals and was active in the revision of military justice and about this we will speak later.

The war terminated with the surrender of Japan. We then had the reverse of our mobilization problems. Demobilization became as difficult if not more

difficult than mobilization had been. I think that if I give my personal experience it will give some key as to what arose with the surrender of Japan. I was in San Antonio the morning that Japan surrendered. When I left San Antonio I had not heard that she was about to surrender. We were on our way back to Washington and had planned to spend a few days in Galveston on our return trip. When we drove into Galveston we knew that something had happened, because there was tremendous celebration going on in the streets. When we got into the hotel, we learned for the first time that Japan had surrendered. Within the next day or two I received a telegram from the chairman of the Committee on Military Affairs that the President had requested that the Committee meet in order to handle matters incident to the termination of hostilities. I drove to Washington as rapidly as I could. When I reached my Washington office not more than three or four days after Japan had agreed to surrender, I found my desk littered with hundreds of letters and telegrams requesting that some member of the armed services be released from the service as quickly as possible. As I say there were hundreds of these letters and telegrams. An informal analysis of them indicated that rarely did the parents or other relatives of an individual soldier who had been in actual combat request that he be released quickly. There were a few of these front line soldiers, but quite evidently the loved ones of those in actual combat with the enemy were so relieved that he was no longer subject to combat that they were not immediately concerned with his release. But the members of the armed services who were in rear echelons, or supporting elements were most anxious to get out of the service.

After a little while things similar to riots developed in certain places.

This was particularly true at Honolulu, Hawaii, where the troops congregated demanding that they be demobilized. Their officers and their commanding general attempted to placate them and found themselves booed with something akin to an incipient mutiny. So the release of men was accelerated at a tremendous rate. Actually we did not demobilize at the end of the fighting incident to World War II. The military services simply disintegrated. This was followed by the lapse of the Selective Training and Service Act, and the greatest military establishment ever assembled in the history of the world simply disappeared. We had no longer such a fine outstanding military force on the land, on the sea and in the air.

It seems to me as if the General Staff might have had some plans for demobilization at the termination of hostilities. I mentioned the fact that when we reached the Selective Training and Service the division of the General Staff headed by General Hershey came before the Committee with detailed plans for selective service and mobilization of our armed strength. Something akin to this should have been anticipated so that there would have been an orderly demobilization. Nothing of this kind was in readiness, and we demobilized without rhyme or reason. Of course Russia with her long range plans did not demobilize and continued, and I suppose continues, to be on something akin to wartime mobilization.

By 1948, no power existing for the induction of men under the Selective Training and Service Act, it became apparent that we could not maintain the military establishment regarded as necessary or minimal for the world situation then existing, so that in the 80th Congress (that was the Republican Congress during President Truman's administration) it became necessary to reinstitute

the draft, and that was done by legislation in 1948.

After the war General Marshall who had served as Chief of Staff of the Army during the war was appointed by President Truman as Secretary of State. During his tenure he made a speech at Harvard University in which he mentioned the fact that much of Europe was prostrate as a result of the destruction incident to the war, physical destruction of property and the financial condition of the countries which had been devastated and which had borne a major portion of the brunt of the war were no longer in a financial condition to rehabilitate themselves. This rapidly grew into the Marshall Plan legislation which provided funds and assistance for the rehabilitation, both physically and financially, of the nations engaged in World War II. This was an outstanding success; it did rehabilitate the countries which had been devastated and those whose financial condition had so vastly deteriorated during the war.

The Marshall Plan subsequently became the program for foreign aid which has continued until the present time in successive legislation by practically every session of the Congress since the beginning of the Marshall Plan. The legislation for the Marshall Plan, both the military aid and the civilian aid or economic aid, were contained in the bill authorizing that program which was considered by the Committee on Foreign Affairs of the House. They handled both the military provisions and the economic provisions, so my Committee on Military Affairs had no part in formulation of that legislation.

Inasmuch as the Committee on Foreign Affairs was not thoroughly informed on military matters, soon quite a number of irritants developed. They began to include in military aid under the Marshall Plan and under the various foreign

aid programs the transfer of military rquipemtn out of our armed forces to the foreign cooperating nations. Finally this resulted in some acts which were passed by Congress requiring that the delivery of combatant ships to a nation receiving military aid under the foreign aid programs would have to be reviewed by the Chief of Staff of the various services. And as to ships, Congressional permission would be necessary to transfer out of our naval establishment to a foreign nation any combat ship other than the smallest types which had been used during World War II.

Another very important item of legislation during the Truman administration was the aid to Greece and Turkey. Great Britain traditionally had some responsibility or particular interest in Greece and Turkey and the area surrounding them. It became evident that she could no longer bear that burden financially. President Truman recommended to the Republican 80th Congress that the United States undertake a program of military and economic aid to both Greece and Turkey because they were so closely located geographically to Russia that there was constant fear of agression against them. Also within those countries their own communist elements were causing difficulties which indicated an attempt to infiltrate or take over the governments. This was an instance of the outstanding statesmanship of Harry Truman, and of course we must agree that the Republican Congress responded wholeheartedly and gave him the identical legislation which he had requested for Greek-Turkish aid. Those two countries were maintained in our sphere of influence and responsibility and never passed under the Russian influence.

In 1948 the Russian threat continued, and we found it necessary to maintain

a very substantial military force. I no longer remember the total overall strength which was regarded as necessary to maintain, however by 1948 it became evident that the largest military establishment which the United States could maintain by voluntary enlistments and without the compulsion of drafted service was approximately one million men. So President Truman recommended that the draft be reinstituted. In 1948 (still in the Republican 80th Congress) the Congress responded, reinstituted the draft, and it was passed into the law with the extension, also, of such matters as allotments and allowances for dependents, and the Soldiers and Sailors Civil Relief Act.

During the war and immediately after the war sentiment grew in the United States for the unification of our military establishment. Through the war the maintenance of the Army and practically an independent Air Force, even though a part of the Army, and an independent Navy had caused duplications and had prevented unified action in some areas of the conduct of the war. So the agitation for the unification of the military establishment became one of the primary issues of the day. The Air Force was particularly active in promoting unification; the Navy was the most reluctant to see the forces unified. There seemed to be a feeling within the Navy that with the development of airplanes and air transportation, that the Navy might be permitted to become an ineffective force. However after great agitation and effort and many recommendations, the National Security Act of 1946 was brought before the Congress.

Here it is interesting to note that under the rules of the House as they have existed for many, many years the creation of a new Federal department of government comes specifically under the rules within the jurisdiction of the

committee then known as the Committee on Expenditures in Executive Departments. That committee is now known as the Committee on Government Operations. So the committee which wrote the basic military charter of the United States was a committee which had practically no experience in connection with our military establishment. This lack of experience was shown in some of the provisions contained in that act.

It did create what was called a unified force, that you would have the one military establishment headed by the Department of Defense, and then sub-departments under it headed by the secretary of the army, navy and air force. The concept of the Department of Defense at that time was that it would be a very small establishment. It was represented to Congress that it would probably never exceed a personnel strength of 200 people, that it would be a coordinating agency which would be able to unify the efforts and still maintain a great portion of the autonomy of the three military services.

Mr. James V. Forrestal who had served in the Navy Department as Assistant Secretary during the war and as Secretary at the termination of the war became the first Secretary of Defense. Mr. Forrestal was a very able individual, highly patriotic, motivated by patriotism to see that the unification of the armed forces work in the concept in which it was created. In other word he attempted to secure the cooperation of the three military establishments. It became evident that this was not going to be possible, and as a matter of fact it broke down Mr. Forrestal physically and directly resulted in his death a short time after he had resigned as Secretary of the Department of Defense. He

had actually resigned because of his physical condition, being no longer physically able to pursue his duties as Secretary of the Department of Defense.

Shortly thereafter legislation was passed greatly strengthening the powers of the Secretary of Defense, and the Secretary of Defense has continued since that time to exert more authority, jurisdiction and influence over the military establishment. So that today the Department of Defense is a very large organization consisting of many thousands of people, contrary to the original concept of about two hundred. I have been out of touch with it now for some four years and am not informed as to the detail of the authority exercised by the Secretary of Defense. That is available from those who have served during the past four years, but that concentration of authority has been very extensive in this intervening period of time.

I mentioned the fact that the Committee on Expenditures in the Executive Department handled the National Security Act. These members had not had extensive experience in connection with the military establishment, not being members of the Committee on Military Affairs. As an example of some of the provisions which went into that bill which probably would not have been there had the bill been handled by a committee experienced with military matters, I might cite the language creating the Air Force. The language was very brief, consisting of substantially the following: "There is an Air Force and a Secretary thereof and a Chief of Staff who shall command the same." Now this concept of giving the Chief of Staff of a military service command of that service was contrary to everything that we had ever thought to be the military

policy of the United States.

The general staff system of the army was created about 1903 when Elihu Root was Secretary of War, and Theodore Roosevelt was President of the United States. It was an attempt to have a strong military organization and still to avoid the great power and influence possessed by the Prussian general staff system. This has been the constant effort with reference to the general staff system, to have the advantages of the great strengths which come from a general staff system and still to avoid the overriding influence possessed by the Junkers in the Prussian staff system. So that in 1903 the Chief of Staff was not given command of the United States Army. He was given what was known as "supervision and control." Of course the President of the United States under the Constitution is Commander in Chief of the Army and Navy. The concept has always been that the President commanded the entire military establishment and that by delegation from him subordinate commanders exercised a portion of his command. So that this language in the creation of the Air Force was a new departure, a frightening one to many people who dread the Prussian staff system and the idea of giving the command of the Air Force to the Chief of Staff of the Air Force.

The Committee on Naval Affairs had proceeded very promptly at the termination of the war to reorganize the Department of the Navy. The reorganization of the Department of the Navy was completed prior to the Legislative Reorganization Act of 1946 under which the Committees on Military Affairs and Naval Affairs were combined into the Committee on Armed Services. The Naval Affairs Committee had granted to the Chief of Naval Operations command of the

operating forces. In other words this granted to the Chief of Naval Operations command of the fleets, but not of the entire naval forces. After the creation of the Committee on Armed Services it became necessary to consider legislation for the reorganization of the Department of the Army and the Department of the Air Force. I served as chairman of the sub-committee for the reorganization of the Army and then subsequently as chairman of the sub-committee for the reorganization of the Air Force. When we conducted hearings on the bill for the reorganization of the Army, General Joseph Collins, then Chief of Staff of the Army, came before the committee and requested that he, as Chief of Staff of the Army, be given command of the Army. I called his attention to the fact that traditionally the concept of the general staff was that the Chief of Staff did not exercise command of the Army, that he possessed only supervision and control. His response was to the effect that the Chief of Staff of the Air Force now had command of the Air Force and that he felt that he should have the same authority and jurisdiction as that possessed by the Chief of Staff of the Air Force. I replied to him in substance that when we considered the bill for the reorganization of the Air Force I was sure it was the intention of the sub-committee and perhaps the Committee on Armed Services to repeal that provision of the National Security Act which gave the Chief of Staff of the Air Force command of the Air Force.

So we did maintain the concept that the Chief of Staff of the Army would have supervision and control of the Army.

When we came to the reorganization of the Air Force, we were not able to repeal command of all the Air Force which had been granted to the Chief of

Staff, but he was permitted to keep about the equivalent of the command possessed by the Chief of Naval Operations. That is, he was given command of the Strategic Air Command and the Tactical Air Command and perhaps some other minor commands in the Air Force. But essentially he then secured the equivalent of that command possessed by the Chief of Naval Operations.

The problems of the reorganization of the Army and the Air Force were exactly opposite. Through the years from the creation of the government under the Constitution there had been a great mass of legislation affecting the Army and the War Department. And through the years there had been special statutory authority given to various officers and departments within the Army. This was true in a large measure in connection with the Corps of Army Engineers which has jurisdiction over river and harbor improvements and even in peace time control of a great amount of appropriations because of the peacetime pursuits in the improvement of rivers and harbors.

There was special legislation giving the Judge Advocate General or the Assistant Judge Advocate General jurisdiction over military justice. The Quartermaster General had certain statutory authorities, and this was true in connection with many of the organizations within the Army.

The language which I have quoted from the Air Force indicates that there was no such minute organization. So the problem in connection with the reorganization of the Army was to repeal a good many of these specific statutory authorities to minor or relatively minor officials of the Department of the Army, concentrate the jurisdiction and responsibility in the Secretary and through the Chief of Staff, whereas the problem in connection with the Air

Force was to put in some type of legislative control over the functions of the Air Force.

There is still a matter which exists today which explains this. For instance in the Army you have the infantry, cavalry, artillery, quartermaster, judge advocate, all these various departments and corps. The officers are commissioned in their branch or service. He's commissioned as a lieutenant of infantry or colonel of artillery or colonel of quartermaster or judge advocate's department. In the Air Force they are all commissioned as officers of the United States Air Force. They are all on the same promotion list with the exception of medical officers and chaplains. All officers of the Air Force are commissioned in the Air Force whereas in the Army they are commissioned in their own branch or service. This is something that had grown up in the Army from the earliest days and had never been imported into the Air Force after it became a separate service.

Actually the name "unification of the armed forces" is a misnomer. What the legislation resulted in was an autonomous Air Force, maintained the autonomous Army, the autonomous Navy, supervised and controlled by the Secretary of Defense. So instead of unifying the two services, we actually created three services. This resulted and still results in great duplication. It would seem that logically unification could have started with certain common endeavors of the various services, procurement of common items such as socks, underwear and food and things of this kind could have been totally unified. It would seem as if chaplains and medical officers perhaps would not be so necessary in the individual services but that you could have a military or defense organization of chaplains and medical officers who would

be available for service in all of the services. But it has resulted in the opposite. This is exemplified by the number of Air Force hospitals which have been built since the unification. The Army hospitals have been continued, and Air Force hospitals have been built.

The military establishments all require popular support from the people. They are dependent upon legislation and appropriations, and of course in a democracy the people must sustain legislation in a particular manner, they must sustain the appropriations which are made for the various military establishments. Some people have expressed concern or opposition to the existence of civilian organizations which promote the welfare of the various military establishments. For instance there has existed over a period of a many years an organization known as the "Navy League." This is primarily composed of persons from all portions of the United States who have a pa rticular interest in the Navy, its welfare and its maintenance. They come from people who live in areas near great naval establishments, naval shipyards, and this gives them areas of interest throughout the United States, and they have always been very active in promoting the best interests of the Navy. This has existed for a period of many years.

About the time the Air Force was created as a service separate from the Army, the "Air Force Association" came into existence, and it is composed of people who are interested in the welfare of the Air Force and promote its interests and its welfare.

There is now an "Association of the United States Army" on the same concept, but perhaps not as large as the others nor has it as of yet been

quite as active as the other two associations. I have never agreed with the concept that these were inimical to the best interests of the ogvernment. I think that within their proper spheres of influence they render an outstanding service to our military establishments; their existence is totally justified, and they do contribute to the welfare of the various services.

Of course Congress has to establish the military policy of the United States and the members of the Committee on Armed Services know of these organizations and the manner in which they promote the welfare of their various services. Call it lobbying if you please, but not all lobbying is bad. Much of what is carried on under the name lobbying is of beneficial use to the government of the United States. Those who under the guise of lobbying resort to or seek to resort to improper influence should not overcome the value nor the right of people to petition the government.

I should mention another organization of civilians, that is the National Rivers and Harbors Congress. This is composed of those persons interested in the development of the waterways and the port facilities of the United States. It is of course very closely allied to the Corps of Army Engineers because of their overriding jurisdiction in connection with the improvement of rivers and harbors.

Of course at the termination of the war the United States possessed the atomic bomb and the knowhow to make it. Because of its outstanding success in the two instances of its use in Japan, it was visualized as the major weapon of the future military establishment. Great contest grew up in the military services as to which of the services would have the primary responsibility for the delivery of the atomic bomb. This resulted in a meeting of the Joint

Chiefs of Staff at Key West. (I'm sure that the President of the United States was present for a portion of that meeting, but that would require verification.) At that meeting in Key West roles and missions with reference to the atomic bomb were agreed upon or perhaps it would be more accurate to say were imposed upon the military departments. As a result of the Key West agreements on the assignment of roles and missions for the atomic bomb, the Air Force secured the major function in connection with the atomic bomb. This of course created considerable apprehension on the part of the Army and the Navy. There were those in the Navy who felt that this would spell perhaps the termination of the Navy because of the then existing concept that the ultiimate weapon was the atomic bomb, and that it might supercede all other types of military operation.

This of course produced friction and irritation among the services, but the irritation was most intense between the Air Force and the Navy. Of course the Army is a land-bound force; it's going to operate on the land under all circumstances, but it proceeded to the development of missles which were capable of delivering the atomic bomb from a land base. The Navy felt that it was more nearly like, in its operations, the Air Force, because the fleet puts to sea, it is not landbound, it is highly mobile as is the Air Force. The irritation between the Navy and the Air Force became evident in certain criticisms which began to appear with reference to the B36 aircraft, this was the long range intercontinental bombing plane of the Air Force. It had been produced in very considerable numbers at a cost of perhaps a billion dollars. Articles began to appear as to whether or not the B36 was an effective military

weapon. This became quite serious, because in those days our foreign policy particularly with reference to Russia was based upon the deterrent of the existence and possession of the atomic bomb by us and of our ability to deliver it by the B36 aircraft. Of course any remarks or agitation to the affect that the B36 was not effective was calculated to be most damaging to our existing foreign policy of deterrence. This resulted in an investigation of the B36 program by the Committee on Armed Services.

In my twenty-three years in the House I never knew of an issue which became as bitter and as highly controversial as the argument between the Air Force and the Navy as to the efficiency of the B36 aircraft. All of the highest ranking officials of the military establishment appeared to testify before the Committee, and it became a very bitter contest, a very bitter fight. This was exemplified in some of the meetings which would be attended by wives of the military establishment. They went so far on an occasion or two as to hiss the Secretary of the Navy.

The hearings were conducted over a long period of time and resulted in a report by the Committee designed to ameliorate some of the bitterness which had grown up during that time. It would be necessary to get the very voluminous hearings on the B36 controversy before the House Committee on Armed Services, and the report made by that Committee in order to understand all the background of it.

During the course of the hearings President Truman dismissed the Chief of Naval Operations, Admiral Louis Denfeld. The President appointed Admiral Forrest Sherman as Chief of Naval Operations. Admiral Sherman was then in

Naples in command of the NATO forces there. He was therefore removed from the area of contest and bitterness which grew up over the fight as to the B36 aircraft. Admiral Sherman was a man of great capacity. He came back from Naples to Washington, took over the position of Chief of Operations of the Navy, and proceeded to secure an adjustment of the roles and missions of the three military establishments. Due primarily to the manner in which he went about it and the fact that he had not been publicly involved in the bitter fight over the B36, he was able to adjust this controversy. The Navy did become an integral part of the atomic bomb concept of war and while I do not know the specific directives and delivery of atomic bombs to be available aboard aircraft carriers, I do know that the roles and missions were adjusted to the extent that the Navy was far better satisfied, and the bitterness which had previously existed disappeared.

The manner in which the United States embarked upon the experimentation, development and production of the atomic bomb is a matter of very particular interest. The first matter of interest is that the Congress never specifically authorized the work on an atomic bomb. It never authorized the building of the tremendous establishments, Oak Ridge and Los Alamos, and other installations which were required for the development and production of the atomic bomb. There was never any money appropriated by the Congress which could be traced to the work on the atomic bomb. The manner in which this was accomplished has been detailed on several occasions by persons who participated in it. Roughly the story is that Secretary Stimson, then the Secretary of War under

President Roosevelt, and no doubt accompanied by General Marshall, the Chief of Staff, went privately to Speaker Sam Rayburn and explained to him that the Army wanted to embark upon the creation of a weapon which it was believed would terminate the war very quickly. It is also said that representation was made that the United States possessed information that Germany was already engaged in experimentation on an atomic bomb. They impressed upon the Speaker the fact that this was a matter which would have to be surrounded by the highest of secrecy, that no one should be permitted to get even an intimation of what was to be done. And they sought the Speaker's assistance to secure the appropriation of the billions of dollars necessary for the production of the bomb. The Speaker agreed to proceed in secret, and through contact with members of the Committee on Appropriations, giving them as little information as possible but convincing them that this was a project of the highest priority and of the greatest necessity, he secured the agreement of the Committee on Appropriations to appropriate the money, but to conceal it in the bills so it could not be known publicly. And in this manner the bomb was developed; the experimental bomb was exploded, and then the bomb was dropped on Hiroshima and Nagasaki and became publicly known at that time.

I was a member of the Committee on Military Affairs during all of this time and had never heard any intimation of any work on an ultimate weapon or that the atomic bomb was being considered. Actually I had had no concept of what an atomic bomb was or what it meant or what sort of destructive power it might have, and if there was any member of our Committee who knew anything about this, I never knew of it, and I think that they were all as innocent of

what was going on and of the effect an atomic bomb as I was.

Someone asked me when the first bomb was exploded over Japan whether the Committee knew about its production; I replied that they did not, and he said that "I think that that is probably a greater accomplishment than the explosion of the bomb itself: that it could be produced in secrecy without even the members of Congress knowing about it."

Of course when the war was over we possessed the bomb, and we possessed the installations capable of producing it, but there was no legislation authorizing any government department to engage in the production of these weapons. The facilities were present, the knowhow was present, and the bomb was present. So it was essential that there be some legislation with reference to it. There was an overriding idea at the time that we could maintain the secrecy of the manner in which atomic weapons are produced, and this was to become the real concept of legislation which was passed in connection with it.

The Department of the Army brought to the Committee on Military Affairs a proposed bill for the production of atomic weapons and the utilization of atomic energy. The bill brought to us contemplated that the military would continue to control fissionable material, atomic weapons and all this sort of thing. Of course great interest was aroused immediately. You had the vast majority of people tremendously frightened by the existence of a weapon so powerful. You had the people who were interested in the generation of electric power concerned about the utilization of atomic energy in the production of electric power. There were those persons interested in its medical

uses, its agriculture uses and all of these various competing interests.

The Committee on Military Affairs of the House had extensive hearings on the proposal and passed a bill which essentially continued the military in control of the atomic bomb. By the time this bill reached the Senate, the agitation in the United States had become intense as to what the future of nuclear power would be. There was a fear that it would be regarded only as a munition of war, and there were many many people who objected to this concept. Finally in the Senate a special committee was created to consider the legislation on atomic energy. This was headed by Senator Brien McMahon of the state of Connecticut. (Here again I'd have to refer you to the records of the Senate to secure the hearings, the debate and to the actual law itself.)

Essentially it created an Atomic Energy Commission to be composed of civilians to be appointed by the President with the advice and consent of the Senate. It specifically eliminated from membership on the Atomic Energy Commission any military officer. It did provide for a military liaison committee. In other words there could be a group of military officers working in conjunction with the Atomic Energy Commission who could deliver to that commission the concept of the military as to the weapons it desired to produce.

The whole thing was of a most controversial nature. For instance those persons who had previously been interested in publicly generated hydroelectric power did not want the generation of power to fall into the hands of the utility companies. They were all conscious of what was required in the Tennessee Valley Authority in creating generation facilities there and the distribution

of electricity by the Tennessee Valley Authority: the long contest of Commonwealth Southern, the building of competing lines with existing utility companies so that they could compete with the rate established under the TVA yardstick, resulting in the final purchase of the Commonwealth Southern Company. So their concept was that the government would start off with a monopoly of nuclear power in so far as it related to the generation of electric power. So the idea of monopoly by the government of nuclear power was maintained in this bill as it became law.

The bill also created a joint Congressional Committee on Atomic Energy to be composed of nine members of the Senate and nine members of the House. This was created as a legislative committee of the Congress. I know of no instance prior to that in which a joint committee had been created with power to report legislation. True, there had been some joint committees prior to that time, but they did not have the power to report to the Congress recommended legislation. There have been and are now joint committees other than the Atomic Energy Committee, but they have no power to report legislation. In other words, any recommendation they have to make was formulated into legislation submitted to one of the standing committees of the House for hearings and perfection and reported by that committee to the Congress. But the Joint Committee on Atomic Energy has the power to report legislation to the two houses of Congress, and then that legislation is considered on the floor as is legislation coming from any standing committee of the respective bodies.

I served on the Joint Committee on Atomic Energy for about ten years. There can be no question but that the Joint Committee on Atomic Energy throughout

its existence has done an outstanding job. However, I have never thoroughly endorsed the idea of a joint legislative committee. The Congress is organized under the Constitution as a bicameral legislative body consisting of the two houses, the House of Representatives and the Senate. All other important legislative matters are handled separately by the two houses. I know of no overriding reason why in this particular area we should suddenly revert to something akin to unicameral legislative system, and in my service I saw what I thought were very considerable weaknesses in the idea of a joint legislative committee. There are a number of practical things involved such as where the committee might meet, and there was great difficulty on this in the early days of the Joint Committee on Atomic Energy. By necessity it had to sit frequently while one or both of the houses of Congress were in session. There was no location in which they could meet which was equally accessible to the two houses in the event of roll calls or the necessity for the presence of a member of the House or the Senate on the floor at any particular time, so it met in many places in the Capitol Building and in the office buildings of the Congress. Then very restricted quarters which had formerly been the library of the Supreme Court when it met in the Capitol Building served as the committee room for the Joint Committee on Atomic Energy. It was about equidistant between the two chambers. When the front of the Capitol was extended thirty-one feet, very fine quarters equidistant between the Senate and the House were provided for the Committee. This was a small practical difficulty which was first encountered.

Another very difficult situation was who would be chairman of the

Committee. The Senate uniformly took the position that a senator would chair the Committee. And this went on for several years. When the Republican 83rd Congress came in with President Eisenhower, the House members of the Committee had come to the conclusion that the position of chairman of the Joint Committee on Atomic Energy was not to be the exclusive property of the Senate, that the House members were of equal status and importance to the Senate members. So that when it came time to elect the chairman, a Republican senator, Senator Hickenlooper of Iowa, was nominated for chairman; a House member, Congressman Sterling Cole of New York, was nominated. On the first ballot it stood nine to nine. On many subsequent ballots it stood nine to nine, and it reached the point where the committee was stagnated; it could not agree on a chairman. We knew that we were appearing ridiculous to the entire country, but still nothing could be done about it. Mr. Cole finally stated privately that he was embarrassed at being a party to such stagnation, and that he was of a mind to withdraw. I then went to Speaker Rayburn and told him the situation, of course he already knew the situation, but I told him of Mr. Cole's suggestion that perhaps he should retire and let the Senate continue. He told me that I was to see Mr. Cole immediately and to tell him that he was not to withdraw from the contest for chairman of the Committee because it was not a matter involving Mr. Cole individually; it was a matter involving the status and the prerogatives of the House of Representatives, and that he was to remain as a candidate.

This resulted in a meeting between Mr. Joe Martin, the Republican Speaker of the House, Mr. Sam Rayburn, Mr. Sterling Cole and myself. After that meeting Senator Lyndon Johnson, then minority leader of the Senate, was contacted, and

by arrangement between the leadership of the two houses it was agreed that the chairmanship of the Joint Committee on Atomic Energy would rotate by Congresses, that in one Congress it would be a senator, in the ensuing Congress it would be a congressman. This is the situation which now exists, but this isn't entirely satisfactory. Being a chairman is a very important position; it requires a great deal of attention, time and effort. Experience in the position is essential, and it should have continuity. But this is inherent in the creation of joint committees.

There is another very substantial thing involved. All other legislation comes before the committee of the House or committee of the Senate; hearings are held, and the bill is read for amendment and is perfected and then reported to its body. And the other house will go through the identical situation. If there should be differences, and there generally are differences between the language of a bill in one house from the language of a bill in another, a conference committee composed of members of the two bodies meets to adjust the differences.

In the joint committee there is but one committee action on it. It is held before the joint committee composed of members of the House and the Senate. So that it is reported in identical form to the two houses. Experience shows that this deprives atomic energy legislation of the independent view of the two houses. There is much to be gained by a "second look" at the same legislation. We all know of legislation passed by either the Senate or the House when it is considered by the other body is much improved over the legislation which was reported by the first committee. That very

important step in legislation is lost on the joint committee. There is one whole step of legislation abrogated by the joint committee, that's the conference committee. When you have a bill passed in varying forms by the two houses, representatives of each house meet and adjust the differences. If there should be an amendment adopted on the floor of one of the houses and a conference committee is created, it is the identical committee which wrote the bill in the first place. Whereas when each house acts, the conference committee is composed of the two opposing views, and very frequently a bill which comes out of conference is in better condition than that passed by either of the two houses.

Reiterating that the Joint Committee on Atomic Energy has done an outstanding job, I am of the considered opinion that it has done no better job than could have been done by two separate committees on atomic energy, one in each house of the Congress.

I had mentioned that an overriding consideration was secrecy. Of course it was a fallacy for us ever to believe that we could keep the scientific development of nuclear energy a secret. Scientists oppose secrecy in connection with all scientific matters. They take the position, correctly, I imagine, that all scientific development comes from free and open exchange of ideas and accomplishments, and they were violently opposed to the imposition of secrecy with reference to nuclear energy. Of course we did have some spy incidents, and perhaps this did accelerate the acquisition of knowledge by the Russians. However it is perfectly clear that perhaps with the consumption of more time the Russians would have learned all that there was to know about nuclear

energy and atomic weapons. But even with the secrecy we had attempted to impose, Russia exploded its first atomic bomb, or device, whatever it was, in 1949, so that it wasn't too far behind; and I doubt that it could have received all the information necessary to produce it by reason of defections or spying incidents.

It seems as if any nation determined to do so and having the resources is now capable of developing atomic energy. The situation is arising in the United States, if it is not already the time, the time will soon come when a reconsideration of the existence of the Atomic Energy Commission and the Joint Committee on Atomic Energy should be considered. It appears as if the time has arrived or will soon arrive when the Atomic Energy Committee should be dissolved and its functions distributed among the existing executive departments of the government. The generation of power should probably go to the same agency which supervises the generation of hydroelectric power in the Department of the Interior; military applications should probably go to the Department of Defense; Health Education and Welfare on the development of medical uses, and things of this kind. It appears as if the time is rapidly approaching when the atomic energy should be distributed among the general functions of government.

During my service in the House and on the Committee on Military Affairs and subsequently as a member of the Committee on Armed Services, several efforts were made to institute a program of universal military training in the United States. Hearings were held on several occasions on this legislation, but it never finally became law. In 1951 during Mr. Truman's administration while General Marshall was Secretary of Defense and Mrs. Anna Rosenberg was Assistant

Secretary of Defense for Personnel, a new proposal for universal military service and training came before the Congress. The Senate originally wrote a bill by a committee chairmaned by Senator Lyndon Johnson. That bill came to the House; it resulted in very protracted hearings and a major overhaul of the bill. But it did become law as the Universal Service and Training Act, and it is the existing permanent legislation providing for the draft. The successive authorizations for the draft which we have known in recent years are not to readopt the Universal Military Service and Training Act, but to extend the power of induction. Congress has always held a terminal date on the power for inductions under that permanent law.

After the two houses had written their concepts of this revision of the draft act, the bill was pending before a conference committee between the House and the Senate, and the Korean emergency came on. The North Koreans moved into South Korea, and an American plane was shot down somewhere in the neighborhood of Seoul. A day or two later the conference committee met. We had been in total disagreement up until that time and had not been able to resolve the differences between the House and the Senate. But with the aggression by North Korea on South Korea and the shooting down of an American plane, we came to agreement in one morning's meeting in 1951 and adopted the Universal Service and Training Act. It does not contain the universal military training features, but when the pressure resulted from the invasion of South Korea, the two houses of Congress were able to agree in a one morning session, whereas in several morning sessions they had not been able to agree on anything substantial.

Active combat in Korea required an expansion of the military establishment.

This was done by the acceleration of inductions and by the calling of certain National Guard organizations. Notwithstanding these augmentations there existed a critical shortage of medical personnel. Many doctors who had served in the services during the war retained their reserve commissions at the end of the war, and they had reestablished themselves in private practice, and of course there has always been a shortage of medical personnel for the civilian population. When these reserve doctors were called to active duty in Korea great opposition arose. Many of the doctors took the position with some justification that they should not be called to serve a second time when there were in the United States a considerable number of people who had not served at all. This was particularly true of those persons who had begun medical practice or were soon to begin medical practice after having been deferred from the draft as medical students or as pre-medical students. It was also true of those young men who were in the military establishment but were in the various student training programs, who, though in uniform, at government expense had attended medical school without participation in actual combat. So it was proposed that a doctors' draft act be passed by Congress. The bill came before our committee; it was reported and passed by the House, subsequently reported and passed by the Senate.

I should say that we all realized that this was highly discriminatory legislation. It subjected to compulsive military service men not on the basis of their classification as citizens, age groups and things of that kind, but subjected them to military service solely on the basis of the profession in which they were engaged. We realized that this was unfair distribution of the

responsibilities of war. On the other hand this bill provided for the induction first of those persons who had received training at government expense and had not rendered military service. Then there were categories thereafter of the man who was deferred for medical training and had no military service, and the categories continued on so that the call to active duty of the ones who had already served a tour was delayed to such time as those who had served not at all had been exhausted. Finally, it reached the point of practically all members physically qualified who had completed their internship and in some instances their residencies entering the military service.

This was regarded over quite a long period of time as being a rather heavy discrimination against these young men who were subject to induction not on the basis of their age and their classification within the general draft system, but on a special list for induction because of profession. Congress did pass legislation authorizing very substantial additional compensation for doctors, dentists and veterinarians. These are the persons subject to draft under the Doctors Draft Act. Originally this was $100 a month more than the pay of the comparable rank in other branches of the military service. That has been revised since to where it is on a graduated scale depending on years, rank and length of experience, but it is substantial.

These young men have continued to enter the military service for years of cold war, and the complaints have practically ceased. I have been told, and I believe it to be correct, that the young men coming out of medical school have found that they have profited professionally to a very large degree by having an immediate opportunity to serve in areas of responsibility higher than

they could hope for as newly graduated medical students or interns or even in their specialty after residency. They have been able to practice on a larger scale than the young doctor who is just establishing a practice. They have been able to practice with the most advanced medical equipment in the military hospitals which exists in the world, because our military hospitals have been organized and equipped without any thought of cost. So they have available to them laboratory facilities and all the most modern medical techniques, and the compensation is sufficient to in part at least replace that lost by engaging in private practice. I believe that it is now accepted that the limited tour of military service has been of some considerable advantage to the young doctor.

Just a short reference of particular application to the area in San Antonio, but of some general interest in the state of Texas: Shortly after the termination of the war and when the Army had deactivated a number of its bases, among those deactivated was the old San Antonio Arsenal which had existed in the center of the city of San Antonio since prior to the Civil War, a tract of about twenty-four acres with many permanent fireproof buildings on it. There was a program in connection with the disposal of surplus property of the Federal government former military installations to states and political subdivisions for educational purposes. The Arsenal did not exactly qualify for donation under this, so I offered a bill to permit the transfer of it to the University of Texas for the establishment of a branch of the medical school at San Antonio. Of course there were many places in Texas which would like to have a medical school if one was to be created, and the Legislature found itself in the position, and Congress frequently find itself in the position when it can not legislate.

The Texas Legislature was in that position, so they authorized a branch of the medical school to be created in a location to be determined by the House of Delegates of the Texas Medical Association. It developed that the president or chairman (whatever he is) of the House of Delegates is from Dallas, and the House of Delegates of the Texas Medical Association established a branch at Dallas. The House of Representatives of the United States had passed my bill to authorize the donation of the property to the University of Texas; it had not passed the Senate, but this action of the State Legislature and the final action of the House of Delegates of the Texas Medical Association termined that legislation. It is interesting to know that now in 1965 the state of Texas is in the process of constructing at San Antonio a branch of the Medical School of the University of Texas. We suffered a delay and lost a very valuable property within the central part of the city of San Antonio.

In 1956 Speaker Sam Rayburn appointed me as legislative advisor to Henry Cabot Lodge, our ambassador at the United Nations, to serve with him on the statute creating the International Atomic Energy Agency. This was a proposed treaty by many nations on the peaceful uses of atomic energy. The conference met at the United Nations for some eight weeks. Mr. Sterling Cole of New York was also legislative advisor from the House; Senator John Pastore of Rhode Island was there for the Senate, and while Senator Bricker of Ohio had been designated, he did not attend. This conference was composed of something more than eighty nations all interested in the peaceful applications of atomic energy, and it did write a treaty which was subsequently ratified by the

varying processes of nations for the ratifications of treaties, came into existence and established its national headquarters at Vienna, Austria, and Mr. Sterling Cole who served with me as legislative advisor became the first international secretary of it and spent four years in Vienna in the administration of the International Atomic Energy Agency. It contemplated in rough that the "have nations", that is, the nations having fissionable material and nuclear products, would interchange or donate to nations not having so that they might engage in experimentation and application of nuclear power to anything within the peaceful ranges of it. I doubt if it has achieved the great success that we thought it would have at the time that we were writing the treaty at the United Nations.

It was interesting while there to notice how some of the smaller nations could just envisage an idea that the possession of this new source of power could make them a major nation or would greatly accelerate the economy of their nations. This was true of Arab nations, sitting on top of the greatest source of power that had been discovered or developed up until that time in the oil and gas that existed in their area and out of which they had utilized practically nothing, had certainly not promoted their economic position or anything of that kind, but even those nations which had that source of power totally unused by them thought that they saw in the peaceful applications of atomic energy a great boon to their nations.

I believe that I should mention something with reference to the status-of-forces treaties and international agreements, or executive agreements, which exist

between the United States and certain foreign nations. Some time around 1953, 1954, or 1955, the proposal came up that a treaty should be made between the NATO nations, North Atlantic Treaty Organization nations, establishing the status of military forces of "sending nations" and "receiving nations" of military forces. In other words, to whom members of the United States forces stationed in France be accountable for criminal violations. This resulted in the formulation of a treaty which was presented to the Senate for ratification under the two-thirds rule of the Constitution. It was debated there at very considerable length, and a number of reservations were offered there which failed of adoption so that the treaty as proposed was ratified by the Senate. True, the Senate formulated an "expression of view"; now, I don't know where this stands in the process of legislation, but it was an expression of the views of the Senate. The House did not participate; of course, the House does not participate in the ratification of treaties. Treaties are submitted to the Senate for ratification, and the two-thirds vote required of the Senate is regarded as sufficient to dispense with the action by the House; this is a Constitutional provision.

The Status of Forces Treaty was then followed by certain executive agreements between the United States and other nations, one of them being Japan; except that the Status of Forces Executive Agreement with Japan was in existence at the time that the treaty with Japan terminating the war was ratified by the Senate, was laid before the Senate, and the Senate knew of its existence and of its terms. It was referred to constantly in the debate.

Then in 1957, although it could have been late in 1956, an incident occurred

in Japan that caused tremendous interest in the United States. An American soldier by the name of Girard was accused of having placed a shell case on the end of his rifle, of having exploded a blank cartridge in his rifle propelling the case that struck a Japanese woman and killed her. Japan demanded that Girard be delivered to Japan for trial. Well, the prospect of the trial of an American soldier by a foreign government was very repulsive to a very great many people in the United States. It found expression on the floor of the House: Congressman Bow of the state of Ohio offered an amendment to an appropriation bill which provided in substance that "none of the funds herein appropriated shall be used or expended in any nation participating in a status-of-forces treaty or international agreement." It did not pass, by a deficiency of nine votes. It was offered many times to appropriation bills, and on each occasion I opposed it on the floor of the House.

Then when the Girard case came up, the atmosphere had been well prepared by these previous efforts to repeal in effect a formal treaty ratified by the Senate of the United States in accordance with our Constitution by a rider on an appropriation bill passed by the Congress. This was a rather anomalous situation. But the matter became so bitter during the Girard case, and in an attempt to preserve the status-of-forces treaties and agreements, I offered a bill which was widely misconstrued. I was attempting to counter the agitation for repeal or termination in some manner of the status-of-forces treaties. I then felt and I still feel that the deficiency was in the fact that after the treaty had been ratified by the Senate, the Congress had failed to pass enabling legislation. This is a very common procedure. The treaty for the

peaceful uses of atomic energy which I mentioned was followed in the House and the Senate by an enabling act which provided for those things which were to be done in the United States to carry that treaty into execution. This should have been done as to the status-of-forces treaty, but was never done by the United States. It is customarily done by nations, and I know specifically it was done by England in connection with the status-of-forces treaties. The great deficiency in the Girard case was that no one in the government of the United States had specific legislative responsibility for determining whether Girard was to be delivered to the Japanese authorities or whether we were to assert primary jurisdiction on the ground that he was upon the United States enclave and in the discharge of his military duties.

Had that treaty been properly implemented it would have placed on someone, either the Secretary of Defense, the Secretaries of the various military establishments as to members of their establishments, or the Secretary of State, or some Assistant Secretary, the legislative authority and responsibility of making that determination. Such implementation was never provided, and there were many rumors some very junior officer had decided that Girard be delivered to the Japanese for trial, notwithstanding his status as an American soldier, and this was also supplemented by some of the archaic laws existing in countries where it was represented that a thief had his right hand cut off and for a second offense his left hand cut off, and the agitation was very bitter.

My bill to relieve some of this pressure was reported out of the committee, but Girard was placed on trial; he was given a very minimum sentence and then placed on probation almost the same time he was sentenced. The trial was public,

and an American representative sat at the trial table with the Japanese counsel for the accused, and a better idea and higher respect for Japanese administration of justice developed, and the matter has not been heard from further on the legislative level. Attorneys for Girard did file suit in the District of Columbia courts seeking his release on the ground that as an American soldier he could not be delivered to the Japanese for trial. It got to the Supreme Court, and the Supreme Court sustained the Status-of-Forces Agreement with Japan, pointed out that it had been negotiated and was in existence at the time of the negotiation of the Japanese peace treaty; it was in existence and known to the Senate and laid before it at the time that it ratified the Japanese peace treaty, and that it was effective as an international agreement or treaty or both, and that the status-of-forces agreements were valid.

In 1958 President Eisenhower sent to the Congress a bill for the reorganization of the Department of Defense. This was a sweeping bill, very broad in its provisions; it changed the concept of the previously existing Department of Defense in very material matters. I was of the opinion and Chairman Vinson was of the opinion, and, as it subsequently developed, all the other members both Democratic and Republican on the Committee on Armed Services were of the opinion that the bill created a monolithic organization within the Department of Defense. Some of us believed that it approached very closely to the Prussian general staff system, and we were strongly opposed to many of its provisions. Very extensive hearings were held on the bill. The President called in certain private citizens to serve as advisors and to carry

the load of the representation for his organization before the Committee on Armed Services.

The hearings became quite bitter, and many people were concerned about it. A member of the President's staff who had formerly been a member of the committee staff came to the chairman of the committee, and a few of the senior members of the Committee on Armed Services sat down with the member of the President's staff, and we re-worked the bill on a basis that we felt could accomplish all that needed to be done in connection with the reorganization of the Department of Defense and still not do those things which we feared would be extravagant or too radical in the change of concept of the Defense Department.

I will not take the time here to detail some of what happened, because it appears in the Congressional Record. In the Congressional Record of the date of June 5, 1958 beginning at page 9206 will be found a long extemporaneous speech which I made on the floor of the House under a special order which permitted me to proceed for one hour which was subsequently supplemented by fifteen additional minutes. In that speech I stated in detail the contentions made by both sides and some of the very bitter transactions which took place in connection with that debate. A reading of that speech will leave the reader with an understanding that I have my own concepts as to military power in the United States and the manner in which it functions. My views on this are carried in very considerable detail in the Congressional Record of February 24, 1955, beginning at page A-1195, in other words it appears in the appendix of the Record.

The National War College is situated here in Washington. High ranking

military officers are assigned to school there. They are generally in the rank of colonel, some few perhaps as lieutenant colonels, maybe an occasional general and perhaps some outstanding major, but it is the highest of the military schools of the armed forces. It is the national military academy. You have the Army War College, Carlisle, Pennsylvania; the Navy has one in the area of Norfolk, etc., but this is the national war college composed of all of the services and certain civilians from the Department of State and certain other of the military establishments. The Commanding General there requested that I appear February 24, 1955 to address the student body on a portion of the curriculum, my subject to be "The Office of the Legislative Branch and the Formulation of National Security Policy", and I have placed my speech on that occasion in the Congressional Record and from it my philosophy of the military establishment will be available.

This particular field has become part of the curriculum of the National War College, and something akin to it has been imported into other schools, I lectured on the same subject on one occasion at the Army War College at Carlisle, Pennsylvania, and each year I spoke to the medical graduates at the Brooke Army Medical Center in San Antonio on the same subject.

Further with reference to my ideas on military organization, specifically in connection with the Department of Defense Reorganization Act of 1958, I would refer you to the Congressional Record of June 11, 1958, beginning at page 9797 in which I stated in more detail in some instances my opposition to President Eisenhower's proposal of 1958.

An interesting matter took place in connection with President Eisenhower's proposal in 1958 to reorganize the Department of Defense. It was due to come before the House in June, and I have referred to a speech which I made under special order prior to the actual consideration of the bill on the floor of the House on June 5, 1958. A day or two before the bill was to come on the floor on June 11th, Speaker Rayburn expressed to me his feeling at the moment with reference to Chairman Vinson. They had become involved in what periodically occurs between two strong members of the House: a divergence of views. Chairman Vinson had voted against one, two, or several proposals coming from other committees, and Speaker Rayburn was somewhat concerned about it. He mentioned to me that Mr. Vinson had been voting against other chairmen, and he didn't understand how he as a chairman expected to be supported. And the Speaker gave me to understand that he did not intend to support the committee provision actively or all-out, but anyway indicating to me that I could not expect much assistance from the formal leadership of the House. Of course this concerned me very much, because we were engaged in a very bitter contest and one that I felt, for the welfare of the nation, the committee view should be sustained.

So we came to the floor of the House ready to take up the bill, and I was still concerned that I did not have the active participation and support of the Speaker. But it so happened that on the night before the bill was to come on the floor of the House, the Republican members of the House met in conference, and at that conference the Republican members agreed upon what action they would take with reference to President Eisenhower's reorganization

bill. Specifically that they would support three amendments to the bill as reported by the committee. Of course someone here made a great tactical blunder, because when the political party met to consider its action on the bill they made it a political issue. It became an open political issue.

On the morning the bill was to come up, Speaker Rayburn was sitting in the lobby of the House where he very frequently sat when he was not presiding, and I made myself particularly available, standing in front of him, and he called me over. He said, "The question has now become a political issue on this bill. I've already told the Whip to get the fellows in here; we will support the committee." And with that support we were able to pass the committee bill exactly as we had reported it. I should say that several members of the Republican party, notwithstanding their conference the evening before, stayed with us, and several of the members of our committee, and while we did not have an overriding majority, we did have a substantial majority and passed the version that was reported by the House committee.

When it went to the Senate, we were sustained in practically every particular. There was some minor change in language and things of that kind, but otherwise the bill was accepted by the Senate, and it became law and went to the President and was signed by him.

And as occasionally happens in the political life of the United States, the President and his staff were able to convert the defeat which he had suffered on the floor of the House, which was sustained by the Senate, into a political victory. This was accomplished by something in the nature of a statement that the bill as passed by the Congress carried out substantially

all that the President had desired. Though he did avoid the public appearance of defeat, the exact position taken by the committee from the beginning was sustained.

In connection with the President's proposal to reorganize the Department of Defense, we received a great flood of mail. Anyone who reads my remarks in the Congressional Record of June 11, 1958 will find there that I made reference to the fact that I knew the members were receiving many letters on beautiful linen stationery, beautifully embossed, urging that the President's proposed reorganization of the Department of Defense be enacted exactly as the President had submitted. I received many of these letters from my own Congressional district. I was able to recognize the vast majority of them as coming from individuals who had supported Mr. Eisenhower financially in his campaign for president, and I am now convinced that the President had available to him the contribution list to the Republican National Committee in his election.

A member of the President's staff told me subsequently after the issue was all over and done with that he had been amazed and considerably frightened when he learned the power of the President, because he had done everything he could and as he should have done to solicit support for the President's position, and it had frightened him to see the tremendous response which came from the letter sent out urging their support of this legislation. And while he felt the legislation was meritorious, it frightened him to see what some President, if he should be of a mind to force through the Congress something which was not to the best interest of the United States, could solicit and receive such

overwhelming support.

I saw a number of the letters which were sent out requesting that individuals write their Congressmen. It was on the President's personal White House stationery and was signed with the two initials "D. E." I am convinced that so many of them went out that it would have been physically impossible for the President to have signed all of them, and of course it would be very easy to authorize a person to sign initials who could not imitate his signature, and there would be nothing wrong in delegating the power to authenticate a letter from the President.

This brings to mind another thing that happened in 1958. There was a pay readjustment proposed for members of the military establishment, and President Eisenhower appointed a commission to study what the compensation of the military establishment should be. There has always been an effort to get government compensation into a comparative scale with business and industry. Now what comparability may be is a very difficult thing to understand, and I doubt whether it can ever be accomplished, because there are different things affecting employment in industry and employment in the government. There are certain advantages which come to a government employee that are not enjoyed in industry, and there are certain advantages which come in industry which are not enjoyed in government. For instance, a government employee as a career Civil Service man has security of tenure which is not possessed by many others. The same is true of the military man: he has security of tenure as long as physically qualified, retirement benefits which are quite ample, very attractive and things of that kind, so it is difficult to get to the

question of comparability.

But this commission was created by Mr. Eisenhower, and its chairman was Mr. Ralph Cordiner, president of the General Electric Company. The other members of his commission came from business and industry and some segments of government, it is true. They had made certain recommendations which were violent departures from the traditional military pay system. For instance, they violently attacked the pay scales based upon years of service. This was attacked as being "Methusala pay", that a man got more money simply for being older and things of that kind, and it advocated a proficiency pay for enlisted men who were particularly qualified in some skills. We finally adopted the proficiency pay after having revised it materially because as these industry representatives had it worded, it would have given a pay advantage to the technician in the rear preparing combat instruments to be used by the fighting man on the front, most destructive of military morale should it ever have taken place.

As Chairman of the subcommittee handling the bill, I was opposed to the abolition of longevity pay, because I knew that it was to the ultimate disadvantage of the military establishment. Promotions come slowly, and a man ought not to be stagnated on his income on the basis of lack of promotion; there should be something to take the place of it while he is waiting to qualify for promotion. Mr. Cordiner appeared as a witness and very violently attacked longevity. I said, "Mr. Cordiner, don't you pay in the General Electric Company on the base of length of service?" He said, "We do, but we ought not

to, but we have to because it's in the bargaining agreement; union labor insists on it, but no man should be paid for anything other than what he produces, length of time or anything else." But we were able to sustain the longevity pay which exists in practically every well-organized industry that I know of and is enjoyed by the military establishment.

What I started to point out was that this commission was composed of industrialists and headed by the president of General Electric Company, one of the greatest advertisers in the United States. Editorials from little weekly newspapers at the forks of the creek came to me as well as from many of the largest newspapers in the United States containing editorials endorsing the Cordiner pay commission's report. Military pay is one of the most complicated and technical subjects that can be imagined. I know of few editors, actually I know of none (there may be an editor or two) who understand the military pay system of the United States, but I doubt that even one exists. But it became evident that these small newspapers, these weekly newspapers, had received a proposed editorial from the same advertising agency from whom they had received their advertising contracts, and they came through. I hope this is not too severe an indictment of some portions of the press, but those of us who were engaged in that struggle became convinced that it had at least a part to do with it, and I am still so convinced.

Shortly after the Unification Act of the Armed Services was passed, it occurred to me that the Air Force would want an academy just as the Military Academy at West Point, the Naval Academy at Anapolis. At San Antonio, Randolph

Field exists; it was built there in 1928. It was built as a cadet center. The physical facilities were built on a scale different to that provided ordinarily for enlisted men. The barracks consisted of individual rooms to accomodate two or perhaps more men in case of emergency. Instead of a mess hall it contained a beautiful dining hall. In those days, graduates of West Point entering the Army Air Corps came to Randolph for their basic training as aviators. Also trained there were cadets who had been drawn from civilian life with at least two years of college and men who had received their degrees upon graduation from civilian colleges. It was then designated on its stationery and generally referred to as the "West Point of the Air", and it was built at the echelon for cadets and had operated since 1928. So I wrote out a very simple bill authorizing the establishment by the Air Force of the United States Air Force Academy at Randolph Air Force Base, Texas, that it should be subject to all of the statutes applying to the United States Military Academy at West Point.

I continued to advocate this bill through several congresses, and at one time I was given to understand that in the Air Force they had agreed that they would utilize the facilities built as the "West Point of the Air" as the Air Force Academy. Of course this was the nicest establishment to be proposed for quite a considerable period of time, and after my informal offering of the proposition, the Department processed a bill and came over formally requesting the creation of an Air Force Academy. Then, of course, many other people started offering bills, but I thought that I had it informally approved throughout the Department. Persons at Fort Worth became interested in having the Air Force Academy located in that area. Mr. Amon Carter, quite a leading citizen of

north Texas, was an advocate of this program. Speaker Rayburn decided that he thought it would be very nice to have it at Sherman. So Texas became divided on the question very materially.

Anyway, we did not get the Air Force Academy at Randolph Air Force Base where I had thought for quite a period of time we would finally get it established. During Eisenhower's administration they secured the passage of a bill establishing it at Colorado Springs, Colorado, where it is now an accomplished fact and is built. This was an instance in which I devoted a great deal of time and tremendous amount of energy only to be disappointed in not receiving it.

I became a candidate for Congress from the 20th District of Texas, which then consisted of Bexar County, in the Democratic primary of 1938. I had never been a candidate for elective office before. At that time I was serving as first assistant Criminal District Attorney of Bexar County. In that position I tried the major felony cases in the county, and in this manner my name had become known through the county because of the newspaper stories relating to major trials over a period of something more than three years. At that time Mr. Maury Maverick was the member of Congress from the 20th District. He was then completing his second term in office. In the prior Democratic primary he had been nominated by something a little less than the majority of the vote. There were three candidates: Maury Maverick and Lamar Seligson were the principal candidates, and there was a third minor candidate. Mr. Maverick received a plurality, but he did not have a majority. Mr. Seligson withdrew from the runoff so that Mr. Maverick was nominated without a runoff campaign, but with a

primary vote of a little less than a majority. In the general election that same year, this was for reelection after completion of his first term, he had a Republican opponent who polled a surprisingly high vote. So by the time the next two years had rolled around there was a very considerable element in San Antonio who were determined to defeat Mr. Maverick for reelection to a third term. Through conversations of their own they finally settled on backing me as a candidate in the primary, and no one else filed as a candidate.

We conducted a very bitter campaign. It attracted a great deal of interest throughout the state, and I was finally nominated over Mr. Maverick by something a little over five hundred votes out of a total vote of approximately 48,000. In the general election a woman who ran on the Communist ticket opposed me. In those days the Communist Party was still listed on the general election ballot of a political party. Subsequently, that was prevented by law. She received very few votes. In January 1939, I took my seat as a member of the Seventy-Sixth Congress.

I should mention at this time that for some years prior to 1939 the county officers of Bexar County and the city elective officers of the city of San Antonio generally cooperated in the election of each other. Of course as is customarily the case, it was denominated by those participating in the agreement as a little organization. The two sets of officers had been consistently successful in backing candidates for election, so that as anomalous as it may seem to some in Texas, there would be tickets formulated in the Democratic Primary of persons running for all of the offices in the county cooperating with each other, the city officers were not elected the same year,

but they with their organizations assisted those who were candidates for county offices.

In 1938 I did not participate on the platform with the candidates for nomination by the Democratic Party who were candidates of the organization. True I enjoyed the support of most of them, but I campaigned on a platform of my own; I was the only one to speak at those meetings other than the person who might have introduced me to the gathering.

Nineteen hundred and thirty-eight was the year that President Roosevelt attempted his great purge of the Congress of the United States. It was the year that he attempted to defeat Senator Walter George of Georgia and Senator Millard Tydings of Maryland and several others. In connection with that campaign he made a swing through the South and out to the West, coming into the state of Texas. He had the sitting members of Congress join him at Fort Worth, this was particularly true of the members of the Texas delegation who were seeking renomination and who had substantial opposition. During his campaign stops through north Texas and out into the Panhandle he introduced each of these incumbents and endorsed them for reelection. Notwithstanding this substantial support from the President I was successful by a very limited majority in securing the nomination in the subsequent election.

When I first became a member of Congress, it had been traditionally true that members of the Texas delegation in Congress took little or no part in statewide politics. This was only natural; Texas then was thoroughly a one-party state. Persons who succeeded to state and local office were almost

invariably Democrats. So that the necessity for party fighting party did not exist in Texas; the Democratic nominees for state office were practically elected when they secured the nomination. So there was no point from a party loyalty standpoint of members of the delegation participating in political controversy at the state level, and they pretty thoroughly remained out of the state political campaigns and controversies.

Of course the two Texas senators running at large would generally attend state conventions and address the meeting there because the delegates came from all over the state in proportion to population, and it was a good point of contact for a senator running in a statewide election even though not strictly state officer.

This continued during my Congressional service in practically this condition until the cleavages developed between the national ticket and some of the Southern states. When this developed, Mr. Rayburn as Speaker and Mr. Lyndon Johnson as Senator and one or two other Democratic members of Congress made it a point to be present at state conventions in an attempt to hold the Democratic party in line for the nominees of the national ticket. Of course this became particularly evident in 1952 when Mr. Adlai Stevenson was nominated as the Democratic nominee for president. In those days the tidelands was a great issue in which Texans were concerned. Alan Shivers was governor of Texas and Price Daniel was attorney general of Texas. Texans generally were very concerned about the menacing of the title of Texas to its tidelands, and the very definite situation arose in which candidates for state office were not supporting the candidates of the Democratic Party for the national election.

It was in this year and in immediately succeeding years that Mr. Rayburn, Senator Johnson, and a few others took a very active part in state conventions and the state Democratic organization, because the solidity of Texas behind the Democratic nominees was directly involved. So that the situation had changed very materially. I personally never had much of any connection with statewide elections in Texas.

In 1952 Adlai Stevenson made a swing through Texas and spoke at San Antonio. While I was still in Washington preparing to return to Texas to participate during the campaign, the leaders of the Democratic campaign in San Antonio contacted me in Washington to learn whether I would be willing to introduce Mr. Stevenson when he spoke before the Alamo. I informed them that of course I would do it, that I was honored by the tender of the position, that I would be home in a very few days and would participate in the campaign and would be very glad to introduce Mr. Stevenson when he spoke there.

Mr. Maverick and I after some considerable time became fairly good friends; we had no animosity against each other, and I was a little surprised when I was asked after I arrived in San Antonio if I would be willing to ride in the same automobile with Mr. Maverick. I replied that of course I would be glad to ride in the same automobile with Mr. Maverick. When we were at the Southern Pacific Railroad Station waiting for the train to come in upon which Mr. Stevenson was riding from Uvalde where he had visited with former Vice President John Garner, Mr. Homer Thornberry, the Congressman from Austin, came to me in the driveway of the station and asked me in which car I was going to ride. I pointed to the car I was going to ride in, and he said he was going to ride in that car, too.

I said, "Did they tell you to get in that car" He said, "No, they told me to get in the same car with you and Maury Maverick." I said, "Well, we'll be glad to have you." So Mr. Thornberry during the parade sat in the open convertible car with Mr. Maverick on his right, and I sat on his left as we paraded through town. Someone felt that if the opposing factions locally would be seen riding together that it would add strength to the ticket. Mr. Maverick and I had a tremendously good time joshing each other throughout the parade, and Mr. Thornberry enjoyed it perfectly.

However, this did not prove to be sufficient to carry Bexar County, because Mr. Eisenhower carried Bexar County against Mr. Stevenson in 1952. In 1956 Mr. Eisenhower again carried San Antonio over Mr. Stevenson. I did not participate in the campaign of 1956 because very shortly after the Chicago national convention, which I attended as a delegate, Speaker Rayburn sent me to the United Nations to serve as legislative advisor to Ambassador Henry Cabot Lodge and Ambassador James Wadsworth, Jr., in the drafting of an international treaty on the peaceful uses of atomic energy.

Then in 1960 I was active in the activities prior to the national convention in behalf of Senator Lyndon Johnson for the Democratic nomination. I attended the Los Angeles convention as a delegate from Texas and was assigned by Mr. Johnson as the Texas representative on the Platform Committee. Of course, Mr. Johnson was particularly anxious that there be no cleavage in the Texas delegation, particularly on the Platform Committee as to certain very crucial issues which it was anticipated would come before the Platform Committee. So it was my job to sit stern and clear and avoid the cleavages which might have

damaged his chance for the nomination. Of course, Mr. Kennedy was nominated on the first ballot at the Los Angeles convention, and I returned to San Antonio and campaigned very vigorously for Mr. Kennedy and Senator Johnson for the election.

It developed that Kennedy-Johnson carried Texas by something in the neighborhood of 48,000 votes. Unlike the two proceeding elections when the Republicans had carried Bexar County, Kennedy-Johnson ticket carried Bexar County by about 12,000 majority. About one-fourth of the total majority of the state of Texas came from Bexar County.

During World War II many of the citizens who entered military service for the period of the war did not like what they saw in the service as to the quality of military justice administered by the military. Very shortly after the demobilization after these men had returned home, there was a great agitation in the United States for a revision of military justice. This of course is not surprising, because the identical thing happened after the first World War, and, actually, the Articles of War were amended in 1921 after the experiences that were gained in World War I. However, the mobilization instant to World War II was from three to four times as great, or called into military service perhaps four times as many persons as had been called into military service in World War I, and the agitation was much stronger and coming from a more important source. Many of those persons who as lawyers had served in the Judge Advocates Department were highly alarmed at what they had seen about the manner in which military justice was administered in the military establishment.

There were many educators, law educators, who were aroused. Some of them had even participated in the minor amendments adopted in 1921. Others had remained interested in military justice over a long period of time and served in the military establishment. And it is true that a number of men who have been active in American Law Institutes' committees on the revision of laws were also interested in the revision of military law. Professor Morgan, at that time professor of law at Harvard University, now or in the recent past he was Dean of the Vanderbilt Law School (I think that he is still Dean there), was very much interested and was designated by the Secretary of Defense to draw up some revisions to military justice.

In the 80th Congress, the Republican Congress, the Committee on Armed Services undertook the revision of the Articles of War and court martial procedures as they applied to the Army, which then still contained the Air Force. The bill was referred to the legal subcommittee of the Committee on Armed Services. Being a Republican Congress, Mr. Ellston, Republican member from the state of Ohio, was chairman of the subcommittee, while I was the ranking Democrat on that committee. We proceeded to a revision of the Articles of War. We made many changes which were then regarded as revolutionary. We put in the requirement for lawyers to defend a man charged with a crime before a court martial if the prosecuting officer was a lawyer, and we required lawyers to be present on General Courts. We made it possible for enlisted men on the request of an enlisted man charged with violation of a law to serve on the court.

One of the outstanding provisions of that act which resulted from the

consideration by the Armed Services Committee in the 80th Congress was something which today would appear as just elementary, a matter of basic right. It made it a court martial offense for a commanding officer who convened a court martial to direct the verdict which that court was to render. It was not unusual in prior times for the convening authority to instruct the court that they were to convict a certain defendant. It was not unusual for the convening authority to instruct what penalty was to be imposed after the finding of guilty. These were outlawed by the Ellston Act, the first revision of military justice after World War II.

Of course this applied to the Army, and there were some question as to the status of military justice in the Air Force when it separated from the Army under the Unification Act, but that hiatus was provided for.

The 80th Congress sat during 1947 and 1948. In 1949 it was recognized that the Ellston Act needed further attention, and the committee which was headed by Professor Morgan of Harvard was appointed by the Secretary of Defense. They then used the Ellston Act as a basis and formulated what is now known as the Uniform Code of Military Justice. It retained the very material departures from the old Articles of War made by the Ellston committee and adopted many others. Basically it was an attempt to liken the military law procedures to a civilian court. In other words, on General Courts there was to be a law officer, to all intents and purposes a judge, who ruled on all questions of law. The members of the court martial were to sit and discharge primarily the function of jurors in passing upon issues of fact. The law officer was not permitted to participate in the deliberations of the court

when determining whether to convict or acquit, nor in determining what sentence should be imposed, again placing him in the position of a court.

Finally the Uniform Code of Military Justice created a Court of Military Appeals to be composed of three judges appointed by the President from civil life and confirmed by the Senate. It gave the court jurisdiction to review all cases involving a general or flag officer or extending to the death penalty as mandatory jurisdiction. It authorized the Judge Advocate General of each of the services to certify legal questions to the Court for answer. Then its general jurisdiction was limited to those cases in which a member of the military establishment had been convicted, sentenced to a year or more imprisonment and/or a bad conduct or dishonorable discharge. These categories of cases come before the Court of Military Appeals.

We average about a thousand petitions for review a year and grant about ten per cent of them. This is rather comparable to the work load of the Supreme Court of the United States where they generally grant from seven and a half to ten per cent of the petitions for certiorari.

The quality of justice in the military establishment has been immeasurably improved. The very existence of this court if it never passed upon a case would go a long way toward establishing this situation, because our existence and the possibility of civilian review creates a careful attitude among the military which is required. We are surprised at times to read some rather laudatory statements with reference to the quality of military justice. Recently I was reading a law journal article from the Law School of the University of Michigan, surely not one of the lesser law schools of the United States, in

which the statement was made to the effect that the Uniform Code of Military Justice is paternalistic in its approach, and it would up with the statement that the average defendant before a court martial now is assured of a fairer trial than the average defendant before a civilian court. This is the lengths to which military justice has extended since the termination of World War II.

When I first took my seat in Congress in 1939, one of the major problems in the United States resulted from the continuing unemployment of the people. One of the first bills that I ever voted on, and it was in the first week after I took my seat, was for supplemental appropriations for the Works Progress Administration, the relief "make work" program. This was probably one of the most difficult times that I ever faced in Congress. There were millions of people out of work in the United States, and in my own district there were thousands of men out of work, men thoroughly capable of working, thoroughly capable of making a living and providing for their families. But there was no work available. They beseeched me by letters, and when I was home by the dozens they congregated in front of my door seeking some assistance to secure them employment or to contact the directors of the Works Progress Administration to call attention to their plight so that they might be assigned to relief work.

Those of us who served in the Congress during this time have ever since been alert to approaching depressions. There have been many acts of Congress since that time and in normally prosperous times in an effort to counteract what might become a depression or produce something akin to the severe

unemployment that existed during that time, such as Security Exchange Commission, insurance of bank deposits, and many other things of that nature.

I think that I can warn the historian that he is going to have a very difficult time in securing first hand information from those who participated under this program. I have talked to many young people, and while I was a member of the House, at least one teacher of civics promoted her class to come to see me at my office and to talk over matters of government and our form of government. These young boys and girls came from an area of the city which would be median or lower income bracket. They knew nothing about the existence of the depression or the unemployment, and I was convinced in my own mind that their parents had probably been beneficiaries. I find generally that people who were too young to remember it themselves know nothing about it; those old enough to have participated in it regard it as such a bitter experience they have never mentioned it to their children, and they never want to call it to mind, and they never discuss it with others at this time. So the historian who attempts to learn some of the plight of those people will have a difficult time securing personal recollections. It is something they dearly wanted to forget, and most of them have achieved that end.