

SAFEGUARDING MILITARY INFORMATION

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 805) to insure further the military security of the United States by preventing disclosures of information secured through official sources.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 805, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill being considered, may I say for the benefit of those who were not here when we were discussing the rule resolution, is S. 805. The title of the bill is, to insure further the military security of the United States by preventing disclosures on information secured through official sources.

That title is not very clear. As a matter of fact, the purpose of the bill is to prevent those who have acquired information with regard to the contents of code messages by reason of and in connection with their employment by the Government, or who have acquired information with regard to the mechanical things which are used in decoding these messages, from imparting that information except as authorized by this bill.

The Secretary of War and the Secretary of the Navy say that this is especially important and urgent now, because many people who have been connected with decoding messages are being released from the employ of the Government, and we are advised that after their release there is no legislation and nothing else that can prevent them from giving away or selling this information which they acquired by reason of that employment.

The bill has as its final proviso that the provisions of the bill shall not operate against the committees of the House and the Senate seeking to acquire information.

If there are any questions that any Member would like to ask me in this rather informal discussion of the matter, I would be very glad to yield.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Was it necessary after the other war to pass legislation of this kind, or was such legislation passed?

Mr. SUMNERS of Texas. I cannot advise the gentleman about that. I do not know.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. This matter disturbs me very much from the standpoint of the press and the Congress trying to find out about the mistakes that are being made abroad. Is it not true that practically all the information we get about what our Government is doing with respect to Russia, England, and other countries comes in code and comes through our Government, and is found out by reporters and others from bureaucrats?

Mr. SUMNERS of Texas. I am not advised as to how they get the information. To be entirely candid, I assume that most of the important information or a great part of it acquired by the Government comes to the Government by code. The most vital secrets dealing with the security of the Government and dealing with the operations as to troops and other important problems come by code. Reports, discussions, and so forth, from our diplomatic agents I assume come by code.

Miss SUMNER of Illinois. You could pass a law that would cover that without taking this whole field. This way, it seems to me that we here in the Congress and the press will have no way to find out the terrible mistakes that are made by our bureaucrats in foreign countries.

Mr. SUMNERS of Texas. I appreciate the difficulty of the problem. It is tremendously difficult in dealing with questions of national safety to separate in legislation those things that can be given out by the people who are employed in the Government and those that may not be given out by those employed in the Government. May I call the attention of the gentlewoman to the final section of the bill which is as follows:

Nothing in this act shall prohibit the furnishing upon lawful demand of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WALTER. Does not the gentleman feel that in order to eliminate any question at all, an amendment should be inserted providing that the joint committees be included?

Mr. SUMNERS of Texas. That is perfectly satisfactory. I say to my friend, the gentleman from Pennsylvania, that in the report on the bill it is stated that it was intended by the Committee on the Judiciary that the joint committees be included. I think they are included anyhow in effect, but if anybody has any question about that we would be very glad to have that amendment. I would

1945

CONGRESSIONAL RECORD—HOUSE

10209

be very glad personally, as I have indicated to my distinguished friend, the gentleman from Indiana, when he indicated an amendment which he wanted to offer, that I would be willing in order to harmonize the two sides of the House, to accept that amendment. In other words, may I assure the gentlewoman that there is no disposition, certainly not on my part, and I do not believe there is any disposition on the part of anybody on the Democratic side, not to do this thing right.

Miss SUMNER of Illinois. I do not think there is either.

Mr. SUMNERS of Texas. I think we are trying to do the job right.

Miss SUMNER of Illinois. I think it is a difficult thing, but I want to call the attention of the gentleman to this point, that even if you have that amendment you do not have your investigations by your congressional committees, and some Member would have to find out, perhaps from some bureaucrat, of some of these egregious mistakes that are made and expose them here on the floor of the House. I look back at my speeches since I have been in Congress. Half of them have been obtained through some bureaucrat or somebody in the military. I think it is extremely important.

Mr. SUMNERS of Texas. I appreciate the importance of it.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. SCRIVNER. One thing that disturbs me is this possibility. There are many men now in the military or naval service who have personal knowledge of some things which were done that we know should not have been done.

Mr. SUMNERS of Texas. If the gentleman will permit me to interrupt him, that information would not be affected by this legislation.

Mr. SCRIVNER. The reason I say it might is because some of that material or something with reference to it might have been transmitted by cryptograph and, therefore, I am fearful that under subsection 3 on page 3 it might act as a gag upon those men to prevent them from telling me or giving me some information that I think the public should have. They would be fearful of the possibility of a penitentiary offense for disclosing to me something that did not come to them through cryptograph but through the agencies of government was transmitted in another way. If that were true, they would not feel free to permit the disclosure of that information.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself five additional minutes.

That has to happen when a country is protecting the secrets of the Government.

Mr. SCRIVNER. I agree with the gentleman, in time of war that is true, but now the war is over. There are some mistakes which were made, which, if brought to light now, might not be repeated.

Mr. SUMNERS of Texas. The war is over in a sense, but the clean-up is not

over. I think the situation is just as black in the world today as it can possibly be. That is my judgment about it. I do not think this country ever faced a situation much more critical. I think we should be pretty careful right now.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. I just want to emphasize what my distinguished chairman has just said, that we ought to be pretty careful now. My objective is exactly the same as that of my chairman, as he knows.

Mr. SUMNERS of Texas. I know that.

Mr. MICHENER. Does not the chairman really think, in view of the questions that have already been asked, and considering the uncertainty of the committee itself as to what this language means, that it would be well to take this bill back to the Committee on the Judiciary, if it is an emergency, assemble the committee at once, have the people who drafted the bill come before the committee and tell us what they, at least, had in mind? Does not the gentleman think that would be good legislation? Then we could all get back of the thing that we understand, because we want to prevent leakages, which this bill attempts to prevent, without bringing in any extraneous or political matters.

Mr. SUMNERS of Texas. I think it is highly important to prevent the thing which the Army and Navy is trying to prevent. I think it is highly important to do it now. I say this to my distinguished friend from Michigan, and I make this statement publicly: If this bill is enacted, and it develops that the danger grows out of the legislation, which seems to be the apprehension on the part of some, the Judiciary Committee would immediately take cognizance of that fact and bring in remedial legislation. That is what I believe.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my friend from Kentucky.

Mr. ROBSION of Kentucky. I am in full accord with the provisions of the bill on page 1, as far as any information concerning the nature and preparation or use of any code, cipher, and so forth is concerned, the mechanics of it. That ought to be protected. But what I do object to is on page 2, where it precludes the use of any information which has been or purports to have been derived from code messages. In other words, let the mechanics be protected, but the messages should be given to the public.

Mr. SUMNERS of Texas. What is the use of protecting the machine if you do not protect the material that goes through the machine?

Mr. ROBSION of Kentucky. But the messages.

Mr. SUMNERS of Texas. The only importance of the machine is that it has to do with messages.

Mr. ROBSION of Kentucky. No. They claimed in our committee that the purpose was to prevent the disclosing of how our code was made.

Mr. SUMNERS of Texas. No. It was both.

Mr. ROBSION of Kentucky. But when a message has been translated into

English, it ought to be available to the people.

Mr. SUMNERS of Texas. If you are going to permit people to peddle around what they got from the machine, let them have the machine. What is the use having the machine?

Mr. JONKMAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. JONKMAN. The gentleman has said that, due to the fact that a great many employees had left the Government, these codes will become public property. Would it not be simpler to change the codes? When a trusted employee leaves a bank, they change the combination.

Mr. SUMNERS of Texas. No. What they are trying to do is to prevent publicity on many important codes. We are not through with this war. We are sitting on dynamite right now.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HANCOCK. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. HANCOCK. Mr. Chairman, I hope this debate will not degenerate into a party issue because there should not be any politics in it. That is what it has been thus far. This bill involves the Army, the Navy the State Department, the FBI, various other departments of the Government, and the national safety; we are all interested alike, regardless of party. It goes far beyond the Pearl Harbor controversy.

As the bill stands now I cannot go along with it. There are certain glaring defects which ought to be corrected, and I think you will agree that they should be if you will follow the debate closely and put any partisan ideas you may have out of your minds.

Mr. BUFFETT. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. Let me finish, please.

In my judgment this bill was not sufficiently considered either in the Senate or in the House Judiciary Committee. It passed the Senate without debate. It was reported favorably to our full committee by subcommittee No. 2 after hearing only two witnesses, one from the War Department and one from the Navy Department. When it reached the full committee it was considered very briefly. Although opposition was expressed the bill was reported out. Let us see what the bill does.

It is divided into two sections. Section 1 applies to members of the armed forces of the United States and employees of concerns and corporations, performing services for the United States. Section 2 applies to members of the armed forces of a foreign nation or employees of any foreign nation. Otherwise section 1 and section 2 are practically identical.

I believe that clauses 1, 2, and 4, of both section 1 and section 2 should be passed. They are highly important in war and peace and are designed to protect and preserve the secrecy of our codes and our methods of cryptography; and it would be suicidal to do otherwise.

At the same time they are designed to protect the secrecy of our cryptanalysis, the methods we have of detecting and breaking down and interpreting the codes of foreign nations. These two things are advisable at any time; in time of war they are vital. I believe that our cryptographers in the war with Japan did as much to bring that war to a successful and early conclusion as any other group of men. Their work saved thousands of precious lives. They are entitled to glory and national gratitude which they will never receive. We broke down the Japanese code almost at the beginning of the war, and we knew it at the finish of the war. Because of that knowledge we were able to intercept and destroy practically every supply ship and convoy that tried to reach the Philippines or any Pacific island. We knew, for example, that shortly after MacArthur landed on Leyte a large convoy with 40,000 Japanese troops was dispatched to reinforce the Japanese forces there. They were met by our fleet and by our airplanes at sea and were totally destroyed. Not a Jap reached Leyte. Another small example: Our forces knew that a certain high-ranking Japanese admiral was headed for a certain spot at a certain time. When he arrived there our planes were on hand to receive him. I mention these two instances—they could be multiplied many times—to show how important it is to protect our methods and our system of sending secret messages and of intercepting and interpreting the secret messages of a foreign nation.

But when we come to clauses 3 and 5 of both sections 1 and 2, I believe the bill goes way beyond the realm of reason, far beyond anything that has been done before; and if you read them carefully, I doubt if you give your approval. Let me read these clauses to you in condensed form:

Whoever, by virtue of his employment—having obtained or having knowledge of any material which has been or purports to be prepared or disseminated in or by use of any code, cipher, or cryptographic or cryptanalytical system of the United States or any foreign government or any information which has been or purports to have been derived from cryptanalysis of messages transmitted by the United States or any foreign government, shall willfully, without authorization by the head of the department or agency by which such person was employed, communicate, furnish, or transmit to another or publish any such information or material shall be fined not more than \$10,000 or imprisoned not more than 10 years or both.

That means that anyone in the Government service who, by reason of his employment, obtains any knowledge of any kind derived from a code message of this or a foreign country cannot communicate it to anyone whatever, for any purpose, or at any time from now until doomsday, without first obtaining the express consent of his department head. Such a provision can be used to conceal inefficiency and wrong doing, to prevent a man being court-martialed from proving in his own defense the orders under which he acted, and to put the seal of complete and permanent secrecy on facts the American people ought to know.

If that provision should be taken literally a member of the intelligence branch of the Army would be committing a serious crime if he transmitted to his own superior officer the contents of an intercepted message without the consent of the Secretary of War. The story of the recent World War can never be told if that language remains in the bill. General MacArthur, General Marshall, General Eisenhower, Admiral Nimitz, and Admiral Halsey could never write their own biographies and memoirs because practically all of the communications, intra and inter the various departments, are communicated by secret messages in code. If one of our own generals or admirals or diplomats wanted to tell the story of his participation in the war he would have to get permission from the Secretary of War or Navy or State before he could divulge any information he gave or received through the codes. We do not want to do that. No complete history could ever be published by any newspaper or magazine about the records of this war unless a crime was committed by someone punishable by imprisonment for 10 years or by a fine of \$10,000 or both.

When the Committee considers this bill under the 5-minute rule I propose to offer an amendment to strike clauses 3 and 5 of sections 1 and 2 so that the objectionable language can be considered in conference and something intelligent be written. I hope we will not pass a bill with such drastic and unreasonable language in it as appears in this bill.

I was amazed to see some of the so-called liberals of this House stand up and defend the bill exactly as reported. The American people do not like to be gagged and this is the most thorough job of gagging I have ever seen attempted in the Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I want to commend the gentleman who just preceded me for his statement on this proposal. The thing that troubles me about the whole matter is the fact, as the gentleman pointed out, that this bill passed the Senate without debate and that there were only two witnesses before the subcommittee in the House.

The fact is that the letter from the Secretary of War to the distinguished Speaker in the report is dated March 10, 1945, and the letter addressed to the distinguished chairman of the Judiciary Committee by the Secretary of War and the Secretary of the Navy, is dated September 14, 1945. Apparently most of the consideration of this bill itself was given prior to the end of the war and prior to the creation of the so-called Pearl Harbor Committee.

I have never in my short experience in the House seen more confusion about a bill than has been expressed with reference to this one and while I have the greatest respect and admiration for the Committee on the Judiciary I think the members of that committee are capable of doing a more thorough and convincing

job than this bill displays on the floor at this time.

I want to correct some misapprehensions arising from what occurred in the debate on the floor today.

As a member of the Pearl Harbor Committee I want to say that I hope no Member on this floor on either side will attempt to inject politics into this debate on the Pearl Harbor issue. I hope no Member of this House will besmirch the investigation by speaking politically himself, and then commending others for not having politics in it. I do not propose to do that. The fact is that the Army has made available to our committee, insofar as we have heard, everything requested, including secret documents. The fact is that the Navy has made available to our committee every available document and source of information, including secret documents. The fact is that the Secretary of State has designated several persons in his Department to cooperate to make everything in that Department available to our committee. The fact is that the White House has told our committee that everything in the files of the White House, in Hyde Park or elsewhere, will be made available to our committee. I see no reason for any intimation or innuendo or suggestion on the floor of this House or elsewhere that there has been any withholding of information by anyone whatsoever. Insofar as the facts that I am acquainted with, and I have attended every meeting of the committee, there has been absolutely no withholding. I do not propose to take the Pearl Harbor Committee executive sessions and discuss them on the floor of this House, but I do not want anything that occurred in those committee meetings to be the subject of any misunderstandings or misquotations or any innuendos or any intimation that everything has not been going along the line of a complete, thorough, honest disclosure to the American people.

There is apparently an amendment to be offered to section 5 saying that joint committees are to be included. There is also a proposed amendment by the gentleman from Indiana about the bill not precluding the Pearl Harbor Committee from working, notwithstanding the fact that section 5 seems to be rather all-inclusive. But it is a fact that section 5 was written in June of this year, long before the Pearl Harbor Committee was created. Then there is the suggested amendment by the distinguished gentleman from New York as to section 1 (3), which pertains to the material, and as to section 1 (5), which pertains to the information being made available.

I voted for the rule because I wanted the bill to be discussed on the floor and I wanted to have an opportunity to discuss it. But for fear that any citizen of the United States would have the slightest suspicion of any politics in this Pearl Harbor inquiry or in this controversy, I believe that the proper procedure is not to write a bill on the floor of the House but to have it recommitted to the committee and report back a good bill in which there could be no suspicion of politics in this body.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, I am extremely hopeful that this bill will be recommitted to the committee whence it came for further study. I am sure that if we are as careful as we ought to be in legislating on this day that that will be the result of our deliberations.

I wonder if there is any one here who does not realize that if the measure which is now under consideration had been on the law books of France following World War I, that Clemenceau would not have been able to write his now celebrated memoirs; that if similar legislation had been on the statute books of England that Lloyd George would not have been permitted to write his informative memoirs; and if it had been on the statute books of the United States at that time Secretary of State Lansing would not have been able to write his memoirs, all three of which, with hundreds of others from the pens of ranking Government officials of that day have contributed so much to the writing of the true history of World War I.

We have been told, also, that there is some sort of an emergency which requires the immediate placing of this bill upon the statute books, even though, as the record discloses, the measure has been permitted to rest serenely in a committee-room pigeonhole, gathering dust, so it would seem, since away last June.

Suddenly, something has happened, what, I do not know, to rekindle the dying embers of this aging emergency into a raging flame requiring our instant attention. Could it be the returning Tyler Kent or the investigation of the catastrophe of Pearl Harbor that has created the need for emergency action by the Congress. That question I will not attempt to answer.

Let me point out to my colleagues that we have been fighting wars for almost 170 years. We have been in about 10 major and minor conflicts worthy of the name of war. They have all been concluded, and the historians then have taken up their pens to write down the true story of their causes and effects. We have never in all that 170 years felt the necessity for any such tongue-tying, gagging legislation as this which is proposed to us today.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. GEARHART. I yield to the distinguished gentleman from Pennsylvania.

Mr. WALTER. I should like to correct the gentleman's statement, because the language of this bill follows exactly the language of the bill that relates to the State Department enacted by the Congress in 1933.

Mr. GEARHART. Since the legislation to which the gentleman refers was enacted long before I became a Member of this legislative body, I need offer no apologies for it. However, it cannot be said that the attention of that Congress was then called to the evils which are contained in the bill that is before us today, and that they took the action they did in the light of the conditions of this day. That would be attributing to them

oracular powers which, I am quite sure, they would not themselves lay claim to.

I say to you, I want a truthful, fearless, and uninfluenced history written of this war just so recently brought to a victorious conclusion. It is because I feel the necessity so sincerely that I accepted membership on the Pearl Harbor Investigating Committee, this in the hope that I might contribute something to that end so devoutly to be desired. I could not have pursued my committee responsibilities with such enthusiasm up to this date if I had thought that any fetters such as are contained in this bill were to be placed upon us.

If this bill had been enacted earlier, we would not have received to date all the reports which have been referred to by my distinguished colleague from Pennsylvania, the top secret reports which have come to us from the War Department, because the officials of that governmental agency would have had to run and get permission from all sorts of high officials before they could have released the information to us. If you put this bill on the statute books tomorrow and there are still further reports to come to us, still further reports that we are seeking, they will not be released to us with such facility and so freely as the ones that have already been placed in our hands, because there will be a procedure to be followed, there will be regulations that will have to be complied with, authorizations which will have to be secured from the White House. There would be no end to the red tape that would have to be unfangled before all the regulations to be promulgated by the Secretary of State, the Secretary of War, and the Secretary of the Navy under this legislation could be complied with.

I ask you to defeat this legislation, or, better than that, send it back to the committee on a motion to recommit for further consideration.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, it is unfortunate that there is any misunderstanding about this legislation. I say frankly that I think it would have been better if we could have had a hearing and brought out these points that have been raised here and had them settled in the committee. Full hearings would probably have prevented this uncertainty and misunderstanding on the floor.

I did not think at the time the bill left the committee there was much question about it or opposition to it. I am sure everybody is speaking with the best of motives, because, in the first place, I am certain that everyone wants to protect the codes on which we have spent so much money, on which we have worked so hard and which are needed for our protection. I am also certain that no one here wants an official of the Government who in a secret capacity or in a confidential capacity, got information which still might prejudice or endanger the lives of our soldiers in the far-flung spaces of the world, to divulge that information he secured in a confidential capacity. On the other hand, I fully appreciate the concern that some Members may have about one section of this

bill. No one is more eager than I to protect our freedom of speech and of the press. Whichever course the matter takes, I think it is only fair to call this to the attention of the Members of the House.

On June 10, 1933, the so-called diplomatic code bill, which is 48 Statutes 122, was passed after a full hearing and a great deal of debate both in the Senate and the House of Representatives. If you will look at the bill under consideration while I read the section of that bill which pertained to diplomatic codes, you will see that there is not very much difference. I read:

Whoever by virtue of his employment by the United States shall obtain from another or shall have custody of or access to or shall have had custody of access to any official diplomatic code or any matter prepared in any such code or which purports to have been prepared in any such code and shall willfully and without authorization of competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

I think you will find that is about the substance of this bill. The only difference is that this bill applies to confidential code messages in connection with the armed services.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman.

Mr. WALTER. When was that statute enacted?

Mr. KEFAUVER. This statute was enacted on June 10, 1933. It is 48 Statutes 122. It was enacted after full debate and after an argument was made that it might stifle the press or interfere with the freedom of the press and that one might not be able to publish information which should in the public interest be published. Yet, I have heard no one complain during these 12 years that this act of June 10, 1933, has done anything of that sort.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman.

Mr. SMITH of Ohio. What would prevent the Army or Navy from putting any of its contracts in code?

Mr. KEFAUVER. I must confess I am not enough of an expert on code or how the Army and Navy handles its matters to say.

Mr. SUMNERS of Texas. May I suggest to my friend that common sense would prevent it, probably.

Mr. KEFAUVER. I would think so.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HALE. Would the gentleman enlighten me as to the meaning of section 2? Could he cite an example or a case to which section 2 would be applicable? I just do not understand what it means.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield four additional minutes to the gentleman from Tennessee.

Mr. KEFAUVER. I will say to the gentleman I was not on the subcommittee which worked on the bill, but I suppose if someone who is employed or working on the code system of a foreign government gave out information concerning the nature of the preparation of the code or the cryptographic system as provided in section 2, or the apparatus or transmitter or any information which he received as a result of working with the code, he would be subject to this section.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. SPRINGER. Is it not a fact that section 2 relates to those who are employed by or perform services for foreign governments, while section 1 relates to those who are employed by and perform services for the United States of America?

Mr. KEFAUVER. Yes; that is correct.

Mr. HALE. I think I understand that. My point is that, of course, we would not have any jurisdiction to punish anybody who is not within the jurisdiction of the United States. It would not do any good for us to legislate with reference to a person in the employ of a foreign government unless we could have some jurisdiction over him. This simply relates to citizens of the United States. I do not see why section 2 is necessary if it relates to aliens. I would not expect an alien would be able to divulge the code of the United States, or that if he did we could catch him.

Mr. KEFAUVER. I assume, in answer to the question of the gentleman, that we have a lot of citizens who are working with foreign nations in Washington, in their decoding section.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HANCOCK. We also have many Americans who are serving in foreign armies.

Mr. KEFAUVER. That is correct.

I do not see anything to be terribly concerned about in connection with this legislation, but I do think it is most important that the country understand it and that the Congress understand it. It is most important that we get something passed very quickly. In view of the fact that some Members seem to have many doubts about the matter, and that we have not had hearings, it seems to me it might be wise to give us a few days and have hearings on this legislation and then bring it back and submit it to the Congress again when the committee can have more unanimity. I think it would be disastrous if this measure were defeated, because we cannot allow all of these employees, who in the confidence of the United States Government or the armed services received this information, to go out and endanger the lives of our people and our relations with foreign countries.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HINSHAW. In reading the bill, it seems to me, of course, we must protect our method of handling the codes, but does not the gentleman think it is rather naive to think if a man wanted to disclose some knowledge he had to some foreign government that he could not do it, without regard to the law? All he has to do is to go to Mexico and stay there, or to some other foreign country.

Mr. KEFAUVER. Well, of course, we cannot prevent that. All we can do is to take care of the situation the best we can. Something has to be done to protect the code we have and the apparatus we have spent so much money on, and the lives of our soldiers all over the country. It is difficult to believe many people would be willful traitors to their country.

Mr. HINSHAW. But a malicious person could do it anyway.

Mr. KEFAUVER. Well, we can only do the best we can.

In view of the confusion about the matter, I hope the chairman will agree to let the bill go back to the committee and let us have a hearing and have the hearings printed and bring it back for further consideration.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. KEFAUVER] has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 805) to insure further the military security of the United States by preventing disclosures of information secured through official sources, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. HANCOCK asked and was given permission to extend the remarks he made in Committee of the Whole.

Mr. MURPHY asked and was given permission to revise and extend his remarks made in the Committee of the Whole today.

Mr. RANDOLPH asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. ROWAN asked and was given permission to extend his remarks and include a letter from the University of Chicago.

Mr. HINSHAW asked and was given permission to revise and extend the remarks he made today in the Committee of the Whole.