

Chapter 11 – Second Session

The second session of the 80th Congress opened on January 6, 1948, and received a jolt the following day when the President delivered his State of the Union message. After the opening pabulum, Democrat Harry Truman brought up the report of the President's Committee on Civil Rights. He offered no specifics but said he would send a special message to Congress on the subject. After thus raising the alarm of Southern Democrats and a brief detour into statehood for Alaska and Hawaii, he took on Republicans. He called for the extension of unemployment, old-age, and survivors benefits. He called for a national health insurance program for all. He called for Federal aid to education, for public housing, for more reclamation, for more public power, for continuation of agricultural price supports, for a stronger crop insurance program, for the expansion of farm cooperatives, for continuation of the school lunch program, for continuation of rural electrification, for more funding of anti-trust enforcement, for raising the minimum hourly wage from 40 cents to 75 cents, for universal military training, for the admission of displaced persons, for extension of the Reciprocal Trade Agreements Act, for support of the International Trade Organization, for an initial appropriation of \$6.8 billion for an economic recovery program for Europe and a program for China. He reiterated the ten-point anti-inflation program he submitted to the special session in 1947. He opposed tax cuts without off-setting tax increases. More specifically, he asked for enactment of a \$40 per person tax credit offset by an increase of taxes on corporate profits.

Republican Sen. Robert Taft's response was that Truman "raised all the ghosts of the old New Deal." Republican Rep. Harold Knutson charged that the President was buying votes for forty dollars apiece, whereas his old patron Tom Pendergast only spent two dollars each. That 1948 was a presidential election year was obvious, and that Truman chose to draw a hard line between his own reelection and that of congressional Republicans was equally so.¹

Much less partisan and far, far less positive for Truman's reelection chances was his civil rights program when it arrived in a special message on February 2. He called for a permanent Commission on Civil Rights, a Joint Congressional Committee on Civil Rights, and a Civil Rights Division in the Department of Justice. He called for civil rights protections in law for non-citizens and against individual violators, for Federal protection against lynching, for statutory protection against the denial of the right to vote based on race, for the elimination of the poll tax in Federal elections, for a Fair Employment Practice Commission (FEPC) with powers to prohibit discrimination in employment due to race, religion, or ethnicity, and for the prohibition of racial discrimination and segregation in interstate transportation. Beyond purely racial matters, he asked for the suffrage for citizens of the District of Columbia, statehood for Alaska and Hawaii, the granting of citizenship to residents of Guam and American Samoa, increased self-government for the Virgin Islands, the option for Puerto Rico to choose its status, and for a claims procedure for interned Japanese-Americans.

Rep. Eugene Cox of Georgia was the first Southern Democrat to strike on the floor. In a brief address he said, "The whole thing sickens me," and observed that maybe Henry Wallace was not so bad after all. He was followed immediately by Mendel Rivers of South Carolina, who, in his one-minute address and extended remarks in the Record, attacked Truman, Frank Graham (the only Southerner on the President's Commission), Eleanor Roosevelt, vote stealing in Kansas City, gangsters in Chicago, and murderers in New York City, while complaining, "The only Americans who have no spokesman in this Nation are the white people." John Rankin of Mississippi was next, saying that the President's civil rights program was the

¹ Donovan (1977), 352. McCullough, 586.

platform of the Communist Party. John Bell Williams of Mississippi and the Class of '46 followed, accusing the program of an attack on constitutional government. After a detour by a member who wanted to use his minute to talk about universal military training, Ed Lee Gossett of Texas forgave Harry Truman, saying that anyone in the presidency would have to "crawl in the dirt and kiss the feet" of the minorities in Chicago and New York, thanks to the electoral college system. Jamie Whitten of Mississippi then grasped the baton, avowing that white officials in his State erred on the side of the Negro. After a parade of six members asking permission to insert matter into the Record, Bryan Dorn, Class of '46 from South Carolina, seconded reforming presidential elections and urged that we should focus on issues that matter rather than "try to out-Wallace Henry A. Wallace."²

Much attention has been given to a lengthy memorandum composed by former Franklin Roosevelt aide James Rowe Jr and revised by Truman aide Clark Clifford laying out a grand scheme for the election year. It, indeed, argued not only for Truman taking an aggressive liberal stance with respect to Congress but contended that a civil rights initiative would also help to undercut the incipient Henry Wallace campaign with more leftist Democrats and African American voters. The memo predicted as well that white Southern Democrats would remain loyal to the national Party.³

However this approach would play out in the reelection campaign, it is questionable how much it would affect congressional action. Republican members and the more conservative Southern Democratic members were unlikely to support much if any of Truman's overall program anyway. As for the civil rights component, there was little sign of it in the coming session, apart from the recurring anti-lynching and anti-poll tax bills and the scattershot attempts to ban racial discrimination by a few members. The Administration sent a civil rights bill to minority leaders Sam Rayburn in the House and Sen. Alben Barkley, which neither introduced "without any loud objection from the White House," would report historian Robert Donovan.⁴

Foreign affairs dominated the substantive activities of the second session, even as domestic concerns fueled the political agenda.

The Foreign Assistance Act of 1948 (S 2202) implemented the Marshall Plan for European recovery. Aid to the embattled Nationalists in China was also included. Truman had asked on December 19, 1947, for an authorization of \$17 billion and an appropriation of \$6.8 billion for fifteen months through fiscal 1949. The Act became law on April 3 but with an appropriation of \$5.3 billion through March 1949 rather than the original request through June.⁵

When the rule (HRes 505) for debate was brought to the floor on March 23 by Christian Herter (R MA) of the Rules Committee, he demanded a roll call. Twenty-one members, including Republicans Thomas Owens and Robert Twyman of Illinois, and Harold Youngblood of Michigan, and American Laborite Leo Isacson, voted nay.⁶ The rule easily carried 316-21, but the negative votes and Herter's desire to put the votes on record presaged a tough debate, though not a likely loss for the bill.

² *Congressional Record*, February 3, 1948, 975-7.

³ Clifford, 189-94. McCullough, 590-2.

⁴ Donovan (1977), 354. Hardeman and Bacon, 331-2.

⁵ "Record of the 80th Congress (second session)."

⁶ Laurie Battle of Alabama, Abe Goff of Idaho, Hugh Meade of Maryland, Norris Cotton of New Hampshire, Kingsland Macy, Gregory McMahon, Robert Nodar, David Potts, and Walter Riehlman of New York, Hamilton Jones and Monroe Redden of North Carolina, Franklin Lichtenwalter, Paul Dague, and Mitchell Jenkins of Pennsylvania,

Among the Class of '46, Republicans Willis Bradley and Donald Jackson of California, Wallace Chadwick and Frederick Muhlenberg of Pennsylvania, Norris Cotton of New Hampshire, Frederic Coudert, Jacob Javits, and Kenneth Keating of New York, Abe Goff of Idaho, Charles Kersten of Wisconsin, and Democrats Charles Deane of North Carolina, Harold Donohue of Massachusetts, and George Smathers of Florida spoke clearly in support of the bill on the floor. Republican John Davis Lodge of Connecticut managed the debate for the Foreign Affairs Committee on March 25. Some of these supporters, however, were not without objection to parts of the proposal. Bradley, joined by Republican Franklin Maloney of Pennsylvania and Democrats Hugh Meade of Maryland and Prince Preston of Georgia, objected to a provision providing for the charter of 200 American merchant ships to recipient nations and supported an amendment by William Colmer (D MS) to strike the requirement, which was accepted.

Keating and Kersten were concerned that the British were selling machinery to the Soviets and, while the bill prohibited using American steel to make the equipment, American steel would be replacing the British steel used in the manufacture. Republican Katherine St. George turned the issue of British steel around, complaining that the act would provide them with American steel which they would turn around and sell back to the US. The amount of trade between the would-be recipients of the Plan and eastern Europe under Soviet domination concerned many; these members feared the Soviet Union would turn Western products against the United States, some opposing American trade with the Soviets as tantamount to treason in any event. Republicans George MacKinnon of Minnesota and Twyman were two of these. On the other hand, Lodge argued for a revival and growth of East-West trade as necessary for the restoration of the economy of western Europe. Democrat Monroe Redden of North Carolina, as with St. George, also saw matters in reverse, observing that Europe must not need aid all that badly, considering that Poland was selling lots of food to the West.

That western Europe would trade with the East was one indication to some that Marshall Plan recipients could not be trusted. Democrats Dorn, Glen Johnson and Toby Morris of Oklahoma, and Republicans Donald Nicholson of Massachusetts and Owens were among the most extreme in this camp. Dorn, Johnson, and Owens argued that the aid would simply end up with the Soviets. Owens, Twyman, and fellow Republican Wint Smith of Kansas felt it was only marginally better that the aid would end up with western European socialists and, in Owens' case, with imperialists. Owens, in particular, was pithy: The "liberty loving people" of Europe migrated here. Let us let the few "who are still worthwhile into our Nation" and let the Soviet Union take the rest. "They will then have real trouble."⁷

Some members of the Class had particular concerns about specific recipient nations. Democrats John Blatnik of Minnesota, John Carroll of Colorado, Smathers, and Deane felt that the aid to the Nationalist Chinese was backing a bad horse. Jackson and Javits argued for China's inclusion in the bill. Smith and St. George could not understand why Ireland was included, given its neutrality during the War and its volume of exports to Britain. Britain itself came under attack, not only because of its trade with the Soviet Union, but also because of its policies in its Mandate in Palestine, particularly the restriction of Jewish immigration. Democrat Abraham Multer of Brooklyn and Isacson backed an attempt by Emanuel Celler (D NY) to exclude Britain. Javits argued that Britain deserved to be cut off but would rather leave that to the President. Javits took a more positive approach, introducing HR 6715 during the current debate to amend the yet to be enacted act to include Israel as a recipient, but this was never reported. Celler's amendment went down 12-145. Multer tried an end run on the Palestine issue with an amendment to deny funds to

Watkins Abbitt and Thomas Stanley of Virginia, Homer Jones of Washington, and John Brophy of Wisconsin did not vote.

⁷ *Congressional Record*, March 30, 1948, 3714-5.

any nation that supported aggressor nations, i.e. the Arab states currently fighting Israel, but it was ruled out of order.⁸ Isacson, blaming the “oil cartels” for American support of the British position in Palestine, offered an unsuccessful amendment, which Jackson opposed, to prohibit any Middle Eastern oil being purchased with Plan funds.⁹ Owens included Britain and France in his anti-imperialist ire but also singled out France for its tardiness in repatriating German prisoners of war. Keating offered an amendment requiring recipients to repatriate POWs before January 1, 1949, but it was rejected.

An interesting sidelight to the POW controversy was Kersten’s amendment to encourage “the free passage of people from one participating country to another.” It was rejected, but his follow-up amendment to state free movement as an “objective” was accepted and presaged the Schengen Convention 37 years later.¹⁰

Germany as a whole was an issue. Should the United States work to rebuild the German economy or inhibit German recovery? Keating supported an amendment to stop the dismantling of German factories, while Lodge opposed it. An amendment by Lawrence Smith (R WI) to halt the dismantling was accepted. Kersten in particular was a backer of German recovery, as was Dorn, while Blatnik opposed the rebuilding of the “war potential of Germany.”¹¹ Blatnik also opposed support for the Greek government. Wint Smith spoke up for adding Spain to the Plan, which Javits and Isacson opposed. Alvin O’Konski’s (R WI) amendment to include Spain was accepted 149-52 but would be dropped in conference. Aid would end up going to Ireland, Britain, France, Germany, Greece, and China, but not to Spain.

Along the line of whether the Europeans actually needed the aid was a focus on assets of those countries within the United States. Coudert offered an amendment to protect those assets if the owner applied for American naturalization. Javits supported that amendment and when it was defeated offered his own to protect those assets but require they be accounted for. This also was rejected. Keating offered a substitute to an amendment to require recipient nationals to securitize their US assets, which was ruled out of order. Keating also supported a Karl Mundt (R SD) amendment (which was accepted) to require foreign nationals to activate their US assets. A Keating amendment to establish guarantees that recipient nationals’ assets may be held as security against American credits was rejected. Republican Dayton Phillips of Tennessee opined in general that the western Europeans should use their own resources before calling on America for aid.

There was a concern, as with all foreign aid, but more so with such a large project, that the American economy would suffer. Johnson and Wint Smith made the argument in general, while Republican Francis Love of West Virginia concentrated on potential shortages of food, rail cars, and scrap metal, Democrat Preston Peden of Oklahoma and Phillips were concerned about the availability of farm equipment for American farmers (to which Phillips added fertilizer), and St. George and Republican Horace Seely-Brown of Connecticut were worried that the oil shortages of the previous winter would return multifold. Smith also complained the program would raise taxes.

On the other hand, Republicans Thor Tollefson of Washington offered a successful amendment with vocal support from Edward Miller of Maryland to make sure fishery products were provided in the aid.

⁸ Multer, later on June 8, introduced HR 6832 to amend the Act to include provisions aimed at Britain. The Foreign Affairs Committee did not report the bill.

⁹ *Congressional Record*, March 24, 1948, 3434.

¹⁰ *Congressional Record*, March 29, 1948, 3655-6; 31 Mar 1948, 3842-3.

¹¹ *Congressional Record*, March 25, 1948, 3562-6.

Opposition to the bill overall by some was grounded in a distrust of the Truman Administration. Such was to be expected from a Republican like Owens, but one of the most vociferous in this regard was Democrat Dorn, who had sung Truman's praises before the President's civil rights initiative. Johnson joined in this. Owens, isolationist at heart, contended that the Administration "now seeks to declare another emergency and to bring about another war for no other reason than to retain the same power and control" Morris, who consistently rejected the notion that the country was under communist threat, internally or externally, felt the Plan was just an effort to build an American empire. Similarly, Isacson opposed the Plan as a "spurious, oppressive ... scheme for [a] unilateral economic program" profiting Wall Street and the oil cartels, i.e. capitalism.¹²

Distrust of the Administration resulted in the creation of a separate agency from the State Department to run the program, a move supported by Seely-Brown. This was not enough for Goff and St. George, who wanted a joint congressional committee to ride herd, but the former's amendment was rejected. Nor did it satisfy Morris, who argued the aid should be through the United Nations or the Red Cross. Nicholson supported an amendment by Ralph Gwinn (R NY) to substitute for the Plan a nonprofit called World Relief Inc. funded by \$500 million from non-appropriated moneys, otherwise by donations, which would be prohibited from providing funds to a governmental entity. Dorn, Phillips, and Johnson wanted to use the funds instead for the Air Force, the last offering a motion to recommit.

Wint Smith also decried the supposed defense purposes for the Plan, saying, "The only way to defend ourselves is to be adequately prepared and able to fight."¹³ He agreed that Italy was threatening to put communists in power through election, but that England, Ireland, Netherlands, Denmark, Norway, Portugal, and Belgium were not; so, why should we aid them? If we were to give aid away, Smith said, we should get something back: Military bases in Algeria from France, islands in the Caribbean from Britain, minerals from Norway and the Dutch East Indies.

As an encouragement to private relief packages to western Europe, ten bills and resolutions were introduced in the first session and five more in the second session to eliminate or reduce postal rates for such packages. Nine of these came from members of the Class of '46: David Potts of New York, Youngblood, Keating (twice), Blatnik, and Kersten in the first session, and Robert Nodar of New York (twice), Edward Devitt of Minnesota, and Gregory McMahon of New York in the second. Blatnik was the only Democrat. Devitt, with Keating's vocal support, got an amendment to S 2202 accepted to accomplish this. The Foreign Affairs subcommittee which dealt with this issue opposed the postage reductions. Javits served on the subcommittee and argued against the change; since the funds to defray shipping costs would come from the Act's budget, spending for government supplied aid would be reduced in favor of less efficiently procured and provided private aid.

The reduction of the appropriation from a 15-month to a 12-month basis was supported by Republicans Coudert, Glenn Davis of Wisconsin, Kersten, and Javits, with the last drawing fine distinctions between competing amendments to avoid or ensure that the program be a multiyear effort, rejecting both positions.

A seemingly more serious effort than Gwinn's to reduce the plan was an amendment by Charles Vursell (R IL) to cut the appropriation to \$4 billion. Chadwick and Lodge spoke in opposition, while Kersten said that anyone who supported that was just isolationist. Vursell's amendment went down 61-112, which, however, was not that different from the 60-103 vote on Gwinn's. While these votes seemed to

¹² *The Index-Journal*, April 8, 1947. *Congressional Record*, March 17, 1948, 3004-5; March 24, 1948, 3433-5.

¹³ *Congressional Record*, March 25, 1948, 3567-9.

assure eventual passage of the bill, opposition by over a third of the House in the initial effort of a four-year program bade trouble down the road. But when the bill came up for a roll call on passage on March 31, it carried 329-74, with opposition from less than one-fifth of the membership. Opponents were either more active during debate, were pressured into line by party leaderships, or were wary of public identification in a roll call vote; these explanations were increasingly more likely *seriatim*.

Most opposition came from Republicans, 64 of the 78 who declared by vote or pairing, 59 of the Republican votes from Interior states. Among the Class, nays were heard from Republicans Parke Banta of Missouri, Owens, Twyman, Edward Jenison and Richard Vail of Illinois, Love of West Virginia, John Sanborn of Idaho, Wint Smith of Kansas, and Youngblood of Michigan, Laborite Isacson, and Democrats Dorn of South Carolina, Burr Harrison of Virginia, and Johnson and Morris of Oklahoma. Democrat Otto Passman of Louisiana was paired against. Watkins Abbitt of Virginia, Kingsland Macy of New York, and E.A. Mitchell of Indiana did not vote.

On April 2 the conference report carried 321-78. The only changes among the Class were that Owens paired nay, Passman did not vote or pair, Democrat Abbitt and Republican Mitchell voted aye, and Republicans Jackson and Mitchell Jenkins of Pennsylvania, and Democrats Hugh Meade and Ken Regan of Texas did not vote.

The companion of economic and relief aid to Europe and China was reinvigoration of American military power. As comments during the debate on the Foreign Assistance Act showed, there was a passion among some members for air power. The Air Force had 34 combat groups and the Administration budget requested funds for 55. But the Secretary of the Air Force and the Air Force Chief of Staff told Congress they needed 70. The House voted for an amendment to the Supplemental Defense Appropriations Act (HR 6226) to add \$822 million to "approach" a 70 group Air Force (assuming some savings within other parts of the amount budgeted to the Air Force) and voted down a substitute which would have added another \$100 million to ensure 70 groups.¹⁴ Bradley voiced reservations, and Goff spoke against the additional \$100 million. Williams contended that the bill "will mean more to our national security than forty Marshall plans" and that the Air Force was "the weapon that is eventually going to save our own necks."¹⁵ Isacson supported an amendment by Adam Powell (D NY), rejected 14-103, to withhold funds from Air Force units that were racially segregated. Isacson and Powell were two of the three votes against passage of the bill.

Infantry officer Charles Potter was less convinced about the value of air power. "I saw the Eighth Air Force come over and destroy St. Lo, France, but there were several divisions waiting at the edge of the town and we had a terrible battle to secure that city that the Air Force had destroyed."¹⁶ His reservations were made two months after passage of HR 6226 within the debate over the Selective Service Act of 1948 (S 2655). Deane made the same point, that an Air Force was all well and good, but that men on the ground were needed, and reinstitution of the draft would provide that. On the other hand, Blatnik and Bradley hung their opposition to the draft partly on the fact that a 70 group Air Force was voted.

A peacetime draft, never before instituted in the United States, was a bitter pill for many. Truman himself preferred universal military training to the draft. Under UMT all men between 18 and 20 would

¹⁴ *Congressional Record*, April 15, 1948, 4530.

¹⁵ *Congressional Record*, April 15, 1948, 4536.

¹⁶ *Congressional Record*, June 15, 1948, 8363.

receive a year of training and then move into the organized reserve without being assigned to a military unit unless they volunteered. In 1947 a UMT bill made it through committee in the House but never got out of Rules. Then on March 17, 1948, after the Soviet takeover in Czechoslovakia, Truman asked for both UMT and a draft. UMT did not make it into S 2655, which passed the Senate on June 10 and eight days later passed the House after a slew of amendments.¹⁷

In debate, Democrats Carroll, Deane, Dorn, Multer, Potter, Redden, and Olin Teague of Texas, and Republicans Goff and Jackson voiced their support, with Potter also endorsing UMT. Vocal opposition came from Democrat Blatnik and Laborite Isacson. Nevertheless, the voiced opponents in the Class were primarily Republican: Bradley, Mitchell, Nicholson, St. George, and Twyman. Mitchell and Nicholson rejected the notion that the security situation was critical enough to justify a peacetime draft, while the rest argued against militarism and regimentation. Isacson put his trust in the altruism of the Soviet Union.

Many felt that the Army was not interested in or not working hard enough for volunteer recruitment (Republicans Goff, Keating, Kersten, Mitchell, St. George, and Twyman, and Democrats Blatnik and Morris), pointing out that the Navy and Air Force were not short of recruits. Along these lines there was much discussion about the role of the Army reserves and whether the existence of these large reserves necessitated a draft. On leaving active Army service, which four million did in the last four months of 1945 and nearly another three million in 1946, soldiers were to go into the Army Reserve for six months, but only 1,140,000 did and only a fourth of these were organized. By 1948 the six months requirement had long expired for the overwhelming majority of the discharged. Those who remained in the organized reserves were paid only for an annual two-week camp. Sixty thousand were training weekly or biweekly without pay. Blatnik and Republican William Crow of Pennsylvania emphasized expansion of the organized reserves and the National Guard as an alternative to the draft.¹⁸

Before the House version of the Selective Service Act (HR 6401) came to the floor on June 15, the House considered HR 3227 and passed it on March 25 in lieu of S 1174, bills providing inactive pay to the reserves with a goal of increasing their strength fifteen-fold over five years. The bill would also create some combat units within the reserve, which thus far were organized as support units. Republicans Bradley, Crow, Goff, Javits, Keating, Miller, and Democrats Joe Evins of Tennessee, Georgia Lusk of New Mexico, Preston, and Teague declared their support of the bill. Smathers pointed out that the bill would not provide any disability or retirement benefits for the reserves and was told the Armed Services Committee was considering a bill for that. He introduced such a bill (HR 4889) on January 8. On June 8 the House without debate passed S 1470 to provide medical care for reserves injured in training. Donohue introduced a similar bill (HR 6744) on May 28. Smathers' bill was not reported. On March 10 the House passed HR 2744 which provided a retirement system for men of the reserves. Republican Miller and Democrats Carl Albert of Oklahoma, Carroll, Dorn, Evins, and Lusk spoke for the bill. Muhlenberg was concerned about double dipping by retirees, while Republican Albert Reeves of Missouri thought some of the funding should come from veterans benefits. Some of the support came from its provision for performance reviews of officers, a concern of Teague's.

On June 18 the House passed HR 6401 282-131 after approving 25 amendments. Exclusions were considered:

- Bradley asked not to draft merchant seamen, and Democrat Omar Burleson of Texas was concerned about such an exclusion, but Ellsworth Buck's (R NY) amendment failed.
- Javits offered an amendment to exempt students, which was rejected.

¹⁷ Donovan (1977), 136-7, 357. "Record of the 80th Congress (second session)."

¹⁸ Sparrow, 267. "Record of the 80th Congress (second session)."

- Kersten wanted a wide range of religious leaders and students excused from the draft. His amendment expanding the ministerial exemption in the committee bill was accepted.
- Crow wanted all veterans of World War Two exempted, while Goff thought those who served short terms should be drafted. The bill required those who served less than one year to be conscripted or to go into the National Guard or organized reserves.
- Crow and Teague wanted to excuse ROTC students. Crow's amendment for total exemption was rejected, while Teague's to reduce the required service for seniors from three years to the same as others was accepted.
- Democrats Evins and Smathers and Republicans Bradley, Glenn Davis, Keating, Kersten, and Howes Meade and Thruston Morton of Kentucky would have exempted medical personnel. John Anderson's (R CA) amendment to do so, pending the president's finding of need, was accepted.
- On the other hand, Republican Antoni Sadlak wanted aliens to be able to serve, while Dorn opposed such an amendment, and Jackson was good with it as long as the aliens served their post-training period only abroad. Jackson's amendment to this point was rejected, but then so was Leon Gavin's (R PA) amendment enabling aliens to serve.

Javits moved an amendment to forbid discrimination in the draft on account of race, creed, color, or national origin, rejected 23-135. Isacson proposed an amendment to integrate the military (rejected 18-87), while Williams fought for segregation (his amendment rejected 24-88) and against a provision to exempt inductees from poll taxes (amendment by George Bender (R OH) accepted 106-35). Another Isacson amendment to prohibit discrimination by commercial bodies against members of the armed forces was ruled nongermane.

The age of inductees was an issue for some. The Bill as brought up would draft men within the ages of 19 to 25. Coudert thought the oldest should be 21. Crow moved an amendment which was accepted to include 18-year-olds, but with service for only one year followed by six years in the reserves. Redden noted that in World War One no one was drafted under the age of 20. The enacted law would keep the 19 through 25 age range.

A major issue was the length of service of draftees. Coudert moved a successful amendment to reduce the term from 24 months to 12. Crow backed 12 months, pointing out that UMT proposed only six months of training. Coudert argued that since the Senate supported 24 months, a conference would set the term at 18 months, but the conference in fact would later settle on 21 months. Morris and Republicans Bradley, St. George, and George Sarbacher of Pennsylvania spoke for the amendment. Miller opposed it. Nicholson did not exactly support the amendment, observing that he opposed the bill whole, but said he was as good a soldier in six months as he ever was. Smathers commented that after the first year the men would only be picking up cigarette butts, washing barracks, and taking long weekends. Williams noted that during the War the Army made pilots in nine or ten months and officers in three.

An amendment to delay implementation for 90 days, pending a declaration by the President, brought an accusation from Carroll that it was just an effort to shift the blame for the draft from Congress to Truman. Walter Andrews (R NY), whose amendment it was, agreed, saying the Armed Services Committee unanimously backed the amendment. Carroll observed that the Committee was afraid the bill would not pass and they offered this brace for congressional backbones. Multer offered an unsuccessful amendment to Andrews' amendment to push the presidential decision past the November election. Redden observed that if we could wait 90 days, then maybe the emergency that required the draft was not real. Keating thought the amendment irrelevant. The amendment was accepted, but Carroll drove his point home on debate over the conference report, which tied the effective date of the draft to a quota shortage of

volunteers in the month as an automatic trigger, not dependent on a presidential finding. Nevertheless, implementation would be delayed 90 days.

Mitchell proposed an unsuccessful amendment to allow Congress to terminate the draft on its own. Javits moved an amendment to create a new congressional committee to oversee the military, which was ruled non-germane. Crow fretted as to whether the military would adequately provide for the draftees and proposed an amendment to require it, which was accepted. Finally, Isacson offered HR 7046 on July 28 to repeal the Act, and Republican Robert McGarvey of Pennsylvania introduced HR 7103 on August 4 to amend it.¹⁹

There were four roll calls on the Selective Service Act: On the rule for debate (HRes 671) on June 15, 330-62; on recommittal on June 18, 125-283; on passage on June 18, 282-131; on acceptance of the conference report (S 2655 in lieu of HR 6401) on June 19, 259-136. Democratic members of the Class of '46 were more supportive than Republican members and became more so through the substantive votes while Republicans became less so. Opponents of recommittal were 78% of the Democrats and 67% of the Republicans. Supporters of the conference report were 86% of Democrats and 59% of Republicans.²⁰

Only five of the Class were opposed to the Act on all four votes: American Laborite Isacson and Republicans Glenn Davis, Twyman, Vail, and Banta, the last pairing against the conference report. Fourteen were consistently opposed on the three later votes: Democrats Blatnik and Morris, and Republicans Bradley, Love, McCullough, McGarvey, Maloney, Mitchell, Nicholson, James Scoblick and Hardie Scott of Pennsylvania, Wint Smith, Melvin Snyder of West Virginia, and Youngblood. Five Republicans voted against passage and the conference report: John Brophy of Wisconsin, Javits, Macy, Phillips, and Sanborn. Republicans Ralph Harvey of Indiana, Jenison, Keating, and Nodar voted for passage but then against the conference report. In reverse, Republicans Howard Coffin of Michigan, Jenkins, and Homer Jones of Washington voted against passage but for the conference report.

Thirty-six Republicans and 28 Democrats supported the Act on all four votes. Democrat Hugh Meade voted against recommittal and for passage and the conference report. Republicans Crow and Sarbacher, and Democrats Donohue and Thomas Stanley of Virginia voted for passage and the conference report.

The remaining members of the Class missed some of the final two votes. Republicans Caleb Boggs of Delaware and William Lewis of Kentucky voted for passage, and Democrat John Whitaker of Kentucky voted for the conference report. Republican William Dawson of Utah voted against passage. Republican Howes Meade's only vote was for the rule. Democrats Johnson, Peden, and Regan missed all four votes.

The Women's Army Corps and Air Force reserve would have expired on June 30 had not Congress passed S 1641, which Truman signed on June 12. The House passed version continued them as reserve functions, while the Senate would have made them regular units. The conference report continued them as reserves with the provision of a gradual transfer to regular units. Democrats James Davis of Georgia and Evins and Republicans Charles Fletcher of California and Seely-Brown provided some floor support for the bill, while Mitchell and Nicholson appeared to have reservations. On acceptance of the conference report 207-134 on June 2, 62% of the Democrats in the Class of '46 supported the bill, while 42% of the Republicans did. There was a significant division within the Republicans between those from Exterior states, 50% in favor, and those from Interior states, 32% for.²¹

¹⁹ "Record of the 80th Congress (second session).

²⁰ These percentages include nonvoters.

²¹ These percentages include nonvoters.

Some of the new members of Congress returned from their military service with a concern for the shortcomings of the military justice system. Two of the four bills introduced in the first session to revise the Articles of War were sponsored by Burleson (HR 2143) and Donohue (HR 4361). The three from Democrats did not get reported, but that of Charles Elston (R OH) did and passed the House in the second session by voice vote. This HR 2575 was then inserted into the Selective Service bill (S 2655) in the Senate and in the conference report approved by the House. A major objection of the military was the creation of the Judge Advocate General as an agency independent of field commands with authority to alter sentences of courts martial.²²

The debate brought out anecdotes from members about their experience with the military justice system, Burleson, Evins, Jenkins, and Keating contributing. They, as well as Republicans Crow, Mitchell, Reeves, and Snyder and Democrats Albert, Johnson, Wingate Lucas of Texas, Morris, and Williams were supportive of the bill, though feeling it did not go far enough in protecting the rights of the accused. Goff defended the Articles as they existed. MacKinnon's comments fell between the two camps. Burleson offered an amendment to strike the requirement that members of the court generally must have over two years service – rejected; another to require a warning of self-incrimination – accepted; a third to require the court to be instructed on presumption of innocence, reasonable doubt, and consideration of suspended sentence – rejected; a fourth to require three-fourths concurrence rather than a simple majority for conviction in cases other than the death penalty, which already required unanimity – rejected; a fifth to allow civilians (particularly reserve officers) in the Judge Advocate General's Corps - rejected. Keating moved an amendment to preclude a witness for the defense from sitting on the court, already the case for the prosecution – rejected; another to require the court be advised of presumption of innocence and reasonable doubt - accepted. Jenkins offered an amendment to require a defense attorney to be at least of equal military rank as the prosecuting attorney – rejected; another to require members of the Judge Advocate General's Corps be lawyers - rejected. Crow offered a clarifying amendment – rejected.

Burleson declared in debate that he would offer a resolution to review all courts martial in the War, and later introduced HR 5520 to do something of the kind. It was not reported. Burleson was a particular advocate for defendant rights in the debate, arguing long and hard. He would never display this much passion again on the floor in his long House career. On March 8, Bradley took him on in an address defending the Navy's justice system.

Veterans, who had not fallen afoul of the military justice system, were a larger concern of the House and of the Class of '46 in 1948. Members of the Class introduced 75 bills and one resolution focusing on veterans in the second session. Only five of these made it out of committee, all passing the House and three becoming law. Crow had two bills, HR 5680 and HR 6439, pass the House but go no farther. Keating's HR 5193 extended the time in which alien veterans could file for naturalization. Mitchell's HR 5065 exempted hospitalized veterans and servicemen from the admissions tax. Potter's HR 5758 allowed leave bonds of deceased veterans to be paid to siblings, nieces, and nephews. All four men were Republicans.

There were also four bills related to veterans introduced in the first session that received further action in the second. Carroll's HR 4722 was only reported, but the other three became law. James

²² "Record of the 80th Congress (second session)."

Patterson of Connecticut's HR 3889 provided for a presumption of a service connection for certain tropical and chronic diseases. Phillips' HR 4141 extended the time to apply for National Service Life Insurance benefits. Vail's HR 4244 provided assistance to veterans in acquiring adaptive housing for disabilities. Carroll was a Democrat, but the other three were Republicans.

Once a number of bills to increase veterans benefits made it through the Rules Committee to the floor, opposition was minimal. Noteworthy, however, was Seely-Brown's vote in opposition to S 1393 and S 1394 which addressed on-the-job training and educational benefits for veterans. He was one of five in opposition to the first and one in six opposed to the second bill. He did not speak on the floor.

Housing for veterans and for other Americans remained a concern for many members. The Senate passed the Taft-Ellender-Wagner housing bill, S 866, on April 22. It was designed to encourage construction of 15 million units over ten years through mortgage insurance, aid to housing cooperatives, slum clearance, subsidies for public low-cost housing and for manufacturers of prefabricated housing, and research. The House Banking and Currency Committee failed to move on S 866, but Chair Jesse Wolcott (R MI) introduced his own bill (HR 6888) on June 8. While Wolcott's bill addressed a lapse in the mortgage lending authority of the Federal Housing Administration at the end of April, as did the TEW bill, and liberalized the terms of FHA mortgages, it did not include subsidies for public housing or slum clearance.²³

On June 10, however, three Republicans on the Banking Committee reversed their positions and joined the eleven Democrats in adding public housing and slum clearance to HR 6888. One of the three was Hardie Scott. The Rules Committee tabled the bill on June 16, leading the rebellious Republicans to reverse themselves and support a new Wolcott bill, HR 6959, without the pesky provisions. On June 18 the new bill went to the floor under a rule forbidding amendment and passed 319-90. The session adjourned the following day without resolution.²⁴

TEW was a gold standard for some. The Joint Committee on Housing supported the public housing and slum clearance proposals. Republican Javits, in particular, repeatedly urged support and joined a discharge petition for S 866. Democrats Blatnik, Edward Garmatz of Maryland, and John Kennedy of Massachusetts made floor addresses in support of TEW. During the limited debate on Wolcott's HR 6959, entitled "National Housing Act," Republican Claude Bakewell of Missouri opined that the bill was incomplete without public housing and complained "that whenever anyone suggests the utilization of Government resources for those most in need he is branded a Socialist." On the other hand, Republican Fletcher, labeled public housing as "political housing."²⁵

Fletcher was the point man in trying to eliminate rent controls, another issue dear to Javits, but from the opposing position. Wolcott brought a bill, HR 5390, to the floor on February 24 to extend the existing Housing and Rent Act of 1947, due to expire on February 29, for a month to give time for Congress to consider a longer extension. Javits criticized the 15% "voluntary" increase legislated in 1947. Redden announced his opposition to rent controls and asked Javits when he would ever agree for them to end. Javits responded that TEW could end the housing shortage in five years, but he asked an extension of the Act until only 1950. Multer made a pitch for an extension to 1949. A motion to recommit was defeated 57-306 with Republicans Banta, Cotton, Fletcher, Goff, Jackson, Nicholson, Owens, Sanborn, Wint Smith,

²³ Patch, "Housing." Von Hoffman, 308.

²⁴ Patch, "Housing."

²⁵ *Congressional Record*, June 18, 1948, 8880-1; June 19, 1948, 9325-6.

Youngblood, and Democrats Burleson, Lucas, Peden, Redden, Teague, and Frank Wilson of Texas voting for the motion. Democrats Johnson, Lusk, Hugh Meade, Passman, Regan, Smathers, and Republicans Chadwick, Jenkins, Kersten, McGarvey, Macy, Richard Nixon of California, and Reeves did not vote. The bill was enacted, then

A new bill (S 2182) to extend the Housing and Rent Act for one year came to the House floor on March 15. The Banking and Currency Committee amended the bill with a provision to require the housing expediter to eliminate controls or raise the ceiling if the local board directed. In the debate it was noted that half the 655 local boards were short on tenant representatives. Deane asked if membership on the boards were screened. No. The deluge of amendments began.

- Multer offered an amendment to retitle the Act as the "Rent Decontrol Act of 1948."
- Javits introduced an amendment to require a license from the housing expediter for commercial construction to insure there was not a shortage of building materials for residences. Multer spoke in support but noted the expediter was inadequately funded to execute this. Javits would attempt to restore part of the \$20.5 million cut from the Administration request for the expediter on June 9 in consideration of supplemental funding for independent offices (HR 6829).
- Multer moved to extend rent control to permanent residents of apartment hotels and rooming houses. Kennedy spoke in support.
- Fletcher introduced an amendment to allow states to cancel rent control. Jackson spoke in support. MacKinnon was concerned it would also prevent a state that acted from initiating its own rent control.
- An amendment by Mike Monroney (D OK) to return to the Senate wording that made the local board's direction merely advisory was supported by Keating.
- Fletcher offered an amendment to end all control three months earlier, on December 31, 1947. Banta spoke in support.
- MacKinnon sought in his amendment a standard of judgement by the local boards in their decisions.
- Isacson moved to revert existing 15% rental increases to the maximum rent pre-existing on termination of the leases.
- Keating wanted to require a lease to state that the 15% increase was totally voluntary. MacKinnon supported.
- Democrat Porter Hardy of Virginia proposed that the local board's direction be concurred in by the governing body of the political subdivision and that the expediter be allowed to exercise his own judgement.
- Kennedy offered an amendment to remove the 15% voluntary clause totally.
- Javits moved to compensate the tenant if the landlord failed to duly maintain the property.
- MacKinnon attempted an amendment to prevent remodeling as an exception to the rent control from being a racket.
- Javits also wanted to address remodeling, allowing up to 90 days at the discretion of the court for eviction of tenants due to remodeling, seizure by the landlord for his own use, or conversion to a non-residential structure. The amendment would also impose the same requirement for eviction after decontrol on recommendation of the local board, that after the 60-day notice for imposition of decontrol.
- Multer offered an amendment to allow the expediter to sue for damages on behalf of the tenant.

All these amendments failed. Hardy's came the closest to acceptance, 81-105 on division. This presaged the inclusion in the conference report of the authority of the expediter to reject the direction for decontrol by the local board with the addition of an emergency court of appeals with final authority on the matter. Decontrol became more complicated than control.²⁶

The bill passed 251-133 with opponents of the elements of decontrol and opponents of control in the negative. The conference report passed nine days later 220-95. Democrats Albert, Burleson, Dorn, Johnson, Lucas, Morris, Passman, Peden, Redden, Stanley, Teague, Don Wheeler of Georgia, and Wilson, and Republicans Banta, Cotton, Fletcher, Goff, Harvey, Jackson, Jenison, Owens, Sanborn, Wint Smith, and Youngblood were nay votes. Democrats Blatnik, Carroll, Deane, Donohue, Frank Karsten of Missouri, Kennedy, Multer, and Williams, and Republican Coffin and Laborite Isacson opposed passage and supported the conference report. Democrat Regan and Republicans Herbert Meyer of Kansas and St. George voted for passage and opposed the conference report. Abbitt and Mitchell did not vote on either roll call.

Truman successfully vetoed income tax cut bills twice in the first session of the 80th Congress, and it was inevitable that the Republican majority would try again in the second session. It was equally inevitable that the President's proposal for a \$40 per person tax credit offset by an increase of taxes on corporate profits was a nonstarter. The new Republican income tax bill (HR 4790) differed from the 1947 versions primarily in its extension of community property provisions to all married taxpayers.

The battle having already been fought in 1947, participation by the Class of '46 in the 1948 debate was limited. Donohue and Javits essentially said they would hold their noses and vote for the bill. Tollefson opined that before revenues were cut it was necessary to know how much expenses would be, particularly for the Marshall Plan. He also preferred to reduce the national debt. Democrat Henderson Lanham of Georgia tried to defend Truman's proposal and was told by Thomas Jenkins (R OH) that it was unfair to the man who pays \$40,000 in taxes. Nicholson also thought the Truman proposal was unfair to the "middle class" in which he placed himself. Chet Holifield (D CA) pointed out that Nicholson's congressional salary alone put him in the twelve million highest earners in the country.²⁷ Owens and Phillips complained that taxes had not been lowered since the War, which ignored that the Democratic 79th Congress reduced income taxes.²⁸ Reeves spoke at length in support of the bill because of its community property provision, demonstrating with his data that it was a boon to the higher income earner. If anyone wanted to make a case that the bill advantaged richer Americans, they had but to point to the arguments of the Republicans themselves. After all, as Seely-Brown complained, a steeply graduated income tax was a communist proposition.

HR 4790 passed easily, 297-120, on February 2, though a vote to recommit was closer, 159-258. The Senate reduced the overall reduction and the House accepted the committee report 289-67. Truman, of course, vetoed the bill, but this time he was easily overridden, in the House 311-88.

In the Class of '46 the only break from Republican orthodoxy (against recommitment, for passage, for conference report, for veto override) was Morton, who voted against the conference report and to sustain the veto. Morton was one of only two Republicans to break ranks on any of the votes, the other being

²⁶ "Record of the 80th Congress (second session)."

²⁷ *Congressional Record*, January 30, 1948, 807.

²⁸ Donovan (1977), 119.

Herman Andersen of Minnesota, who voted against passage and to sustain Truman's veto, not voting on the conference report.²⁹

The Democrats in the Class were splintered. Of the five northern Democrats, four voted for recommittal, against passage and the conference report, and to sustain the veto, which we shall call Democratic orthodoxy (although Democrats as a whole were notably less orthodox than Republicans). Donohue was the exception, voting as an orthodox Republican except in his support for recommittal. The eight border Democrats were split four ways, four (Albert, Karsten, Lusk, and Peden) voting as orthodox Democrats, while Garmatz voted for the conference report and to override the veto. Hugh Meade and Morris voted like orthodox Republicans. Johnson did, too, except for voting for recommittal.

Southern Democratic orthodoxy was to vote for recommittal but for passage, the conference report, and to override the veto – near the Republican standard. Ten followed this pattern. Three followed the orthodox Republican standard: Hamilton Jones of North Carolina, Redden, and Stanley.³⁰ Robert Jones of Alabama and Teague voted for recommittal and against passage, but for the conference report and the override. Dorn voted for recommittal, passage, and the conference report but voted to sustain the veto. Lanham, in the oddest combination of all, voted for recommittal and to override the veto, but against passage and the conference report. Harrison of Virginia voted against everything – recommittal, passage, conference report, override. Five voted as orthodox Democrats – Burleson, Deane, Evins, Hardy, and Smathers.

The second session of the 80th Congress overrode six of Truman's vetoes and sustained one. Democrats as a whole barely voted to sustain his veto of the income tax reduction, 91-87, but Democrats of the Class of '46 voted to override 21-15. This was driven by Southern Democrats, returning Southerners voting to override 51-20; Southern Class members voted 16-7 to override. Northern Democrats voted 48-10 to sustain. Sustainment of the President's vetoes of income tax bills by all Southern Democrats dropped from 66 of 88 (75%) on HR 1 to 47 of 99 (47%) on HR 3950 in the first session, possibly because of Truman's civil rights actions then. Now on HR 4790, support for Truman dropped to 27 of 95 (28%) in the wake of his full-blown civil rights initiative. Despite the Rowe-Clifford memorandum's *sang froid*, shifts among Southern members of the House augured badly for Truman's reelection chances.

While Federal individual income tax collections totaled \$21 billion in fiscal 1948, another tax that produced \$10 million that year produced greater congressional fireworks.³¹ This was the tax on colored oleomargarine, which had been collected since 1886. Cotton's description of the battle says much about the job of a congressman and the many conflicting pressures that bear:

I had hardly been on the Committee on Agriculture long enough to get my seat warm when the famous "Oleo Bill" descended upon me like a bolt from the blue. ...

I had some vague knowledge that the farmers disliked the sale of butter substitutes.... But little did I realize how strong and venomous were the feelings on this issue or the political dynamite it contained. The Federal government had long collected a margarine tax which, in the case of margarine colored to resemble butter, was so heavy as to be prohibitive. The proposed new bill would have removed the special Federal tax

²⁹ Goff, Cotton, Dague and Homer Jones did not vote on the conference report. Coudert and Tollefson did not vote on passage. Jackson did not vote on the veto.

³⁰ Battle did not vote on the conference report. Abbitt, who took his seat in the middle of this, could only vote on the conference report and the override, both of which he supported. Redden did not vote on the conference report.

³¹ *Historical Statistics*, vol 2, 1091. Patch, "Taxes."

on colored oleo. Frankly, my first impression was the tax was unsound and unjust. If oleomargarine ... were not harmful, people should be allowed to have it if they wanted it. ...

... Almost every man who sat on the Republican side of the Committee on Agriculture represented a northern dairy district. There were only two or three of us, all freshmen, who came from consumer districts that had as many factories as cows. Most of the men on the Democratic side of the committee came from southern agricultural districts that had few dairy herds, but were large producers of cotton and peanuts. Cottonseed oil and peanut oil go into margarine. ... From the moment the hearings on the bill began, the senior members on our side of the committee were working on the two or three new and doubtful members, of which I was one. We were told that if we took away the defenses that protected the dairy farmer from the competition of butter substitutes, the dairy industry would be ruined. It was pointed out to us that the northern agricultural states and districts were the bulwarks of the Republican party and that if the first Republican Congress in many years took away this tax, ... the farmers would never forgive us....

It was impressed upon us that a vote for the bill was a vote to reverse the outcome of the Civil War and to put the heel of the rich southern cotton planters upon the neck of the poor Yankee dairymen. Senior members who earlier had seemed scarcely aware of our existence paid us much attention, invited us youngsters to lunch and showered kindnesses upon us. One or two of them, very tactfully and in an indirect manner, reminded us that we were, of course, expected to play on the team and stand by our colleagues on the committee if we were to have their support, if and when we needed something badly for our own districts. Moreover, the farm organizations in my home state began to show interest in this matter, and I was the recipient of showers of telegrams and letters.... One executive actually made a trip to Washington to urge me to stand firm for the farmers. When I still showed signs of doubt and mentioned the problems of the housewife, the most telling argument ... was brought forth. My own state of New Hampshire had a law that barred the manufacture, importation, or sale of colored margarine. Accordingly, if the bill passed, the New Hampshire housewife still could not get her yellow spread....

... I yielded completely ... as did two or three of my fellow freshmen.... I joined my colleagues on the Republican side of the committee in voting to postpone all action upon it until another session of Congress. In other words, we buried it in committee, so the House would not have a chance to vote on it. ...

... I was wrong in the course I pursued and, deep in my heart, I knew it.

... When the action of seventeen members of our committee in pigeonholing the Oleo Bill became known, a wave of indignation swept over the entire country. ... Housewives everywhere were struggling with their budgets, and butter was one of the high-priced commodities. They wanted oleo, and they wanted *yellow* oleo. ... The margarine companies had run a national campaign of advertising to whet consumer appetites for the commodity.... Now, finding that a bunch of congressmen had coolly sidetracked this measure, they rose up in fury.

... Housewives flooded me with letters. Newspapers blistered me in editorials. Worse yet, I had little support from such dairy farmers as there were in my district, because few of them produced butter....

Public pressure was so great that more than the necessary 218 congressmen ... signed ... a "discharge petition," forcing the committee to report the bill, which the House promptly passed. This did not relieve my situation, however. The grocers, consumers, and housewives in my district were out for my scalp. ... Fortunately for me, a year had to elapse before my campaign for reelection, and in the meantime the bill had died in the Senate, so popular indignation had been turned, more or less, toward that body. Nevertheless, when I campaigned for my second term, I was coated with oleo whenever I appeared. My votes on such far-reaching measures as foreign aid, tax reduction, and the Taft-Hartley labor law were rarely mentioned, while in almost every public meeting some housewife or retail merchant would sail into me about oleomargarine.

... When I returned for my next term in Congress, I served notice ... to my colleagues on the committee ... that my constituents wanted the oleo tax repealed, and more important, I really believed the tax should be repealed.... Of course, my position with my colleagues on the committee was now much worse than if I had opposed them in the first place. ...I succeeded ... in antagonizing both sides of the controversy.³²

³² Cotton, 19-23.

Democrats James Davis, Dorn, Garmatz, and Republicans Cotton (of course), Glenn Davis, Fletcher, Ellsworth Foote of Connecticut, Goff, Harvey, Jenkins, Keating, Lodge, MacKinnon, McGarvey, Mitchell, Nicholson, Owens, Potts, St. George, Twyman, and Youngblood all took to the floor on the oleo issue. Mitchell made it a particular cause, arguing forcefully for repeal. A Republican food manufacturer and distributor, he was not on the Agriculture Committee. Fletcher, Foote, Javits, Howes Meade, Mitchell, Potts, Twyman, Vail, Youngblood and Democrat Laurie Battle of Alabama introduced repeal bills. Keating introduced a bill to transfer committee jurisdiction from Agriculture to Ways and Means.

As for Cotton, his presentation on the floor was to declare the tax “fundamentally wrong” but to oppose repeal because it would not distinguish butter from margarine, an understandable effort to straddle the fence.³³

The tax was repealed, but not until 1950, in an act introduced by Walter Granger (D-UT).

New Deal agricultural programs were continued, with some changes, by the first post-New Deal Republican Congress. These included commodity price supports, soil conservation, school lunches, and rural electrification. Except for price supports, the battles over these programs were largely fought in the first session.³⁴

The House price support bill (HR 6248) brought new member Abbitt to the floor for the first time in opposition to an unsuccessful amendment to remove peanuts from price supports. Hardy and Albert spoke for peanuts, too, and the latter as well for an unsuccessful amendment to add price supports for fruits and vegetables. Bradley also liked the fruits and vegetables amendment, at least for citrus. Goff spoke to the parity level for potatoes; Snyder opined that high potato price supports encouraged overproduction. Morris weighed in generally on the value of price supports. Javits, Keating, and Potts complained that price supports kept consumer prices high. Nicholson’s opposition was rather an ideological one, saying, “It is another manifestation of the old effort to have the Government take care of you and me.”³⁵

While Truman’s civil rights program prompted much floor vituperation from Southern Democrats and a variety of bills and amendments were introduced to address racial issues, the only legislation which passed the Congress was an amendment to the Selective Service Act outlawing poll taxes as a requirement for voting for people in the armed services.³⁶

A resolution, HJRes 334, that would have a direct impact on African American rights did pass the House but foundered in the Senate. This would have enabled a regional compact of Southern states to support or open a medical school or other graduate institutions for blacks. The precipitating incident was the Supreme Court decision in *Sipuel v. Oklahoma State Board of Regents*, which ordered the State to provide a legal education for African American Ada Sipuel as soon as it did for any other applicant.³⁷ Evins spoke in support of the resolution. Carroll and Isacson opposed it as approving racial segregation. Devitt tried to amend the resolution to ensure its conformance with the Constitution, whatever that would mean.

³³ *Congressional Record*, April 28, 1948, 4984.

³⁴ “Record of the 80th Congress (second session).”

³⁵ *Congressional Record*, June 12, 1948, 7993.

³⁶ “Record of the 80th Congress (second session).”

³⁷ Kluger, vol. I, 324-5.

Keating moved an amendment to declare that support of the resolution was not an endorsement of racial segregation. His amendment carried over Southern opposition and gave cover for support from members who might be concerned about the implicit racism of the resolution.

Northern Democrats did not tend to introduce equal rights legislation. That was left to Republicans, who not only had a traditional role in that regard dating to the founding of the Party, but also had more reason not to coddle Southern Democrats. The most active in bringing such issues before the House were, however, its two American Laborite members, Vito Marcantonio and Isacson, and Democrat Adam Powell, an African American, all of New York City. Isacson's two and Javits' unsuccessful amendments to the Selective Service bill have already been mentioned. Multer, a New York City Democrat, did not introduce civil rights bills or amendments but did engage in a continuous colloquy with John Rankin (D MS) over the FEPC as well as Rankin's anti-Semitism.

An interesting discussion concerning the FEPC was that of Republican Nicholson and Democrat Colmer, both opposing the Commission. Nicholson punched holes in Colmer's states rights rationale, noting that the Mississippian was eager for his State to have Federal aid for education, which Nicholson also opposed.

Burleson contraposed his push for a fairer military judicial system with the President's advocacy of FEPC and lynching and poll-tax legislation, complaining that his issue was not getting the support of what he contended were the anti-states rights proposals.

Dorn repeated his immediate vituperation of Truman's civil rights program on the floor and introduced a bill for the investigation of Federal Judge Waties Waring. Charlestonian Waring had ruled that the Democratic primary in South Carolina had to allow African Americans to participate, and when the Party tried an end run around his decision, the Judge made his opinion stick. There were only a few black voters, given the State's other disfranchising restrictions, but with the Voting Rights Act of 1965 the numbers would increase substantially, and Dorn's attitude about equal rights would then change as well.³⁸

Williams was easily the most active of the Class of '46 in equal rights measures. His recurring addresses to the floor decried "mongrelization" and communist backing of the measures.³⁹ His amendment to the Selective Service bill to require racial segregation has already been mentioned. He fought the poll tax amendment that succeeded.

Communism, or rather the fear of it, raised its head in another debate on the House floor over the admission of displaced persons to the United States. A second potent force was anti-Semitism as 23% of the DPs were Jews, but some level of xenophobia was present and specific to any ethnic group in the DP mix. Roman Catholics were 62%, Poles 31%.⁴⁰

The committee bill, HR 6396, would admit 100,000 annually over two years against quotas. It gave preference to relatives of Americans and to farmers. There was a provision intended to prohibit communist and Nazi immigrants. DPs had to have been registered in Italy, Germany, or Austria before April 21, 1947. Those admitted would be proportional to those in DP camps by ethnicity, with Jew being an ethnicity on the par with Pole or Hungarian. No Germans would be admitted unless Jewish. Anti-Semitism or other xenophobias were less pronounced in House debate, other than by Rankin, than fear that communists would be among the admitted. A visit to DP camps by a congressional delegation in fall

³⁸ Kluger, vol. I, 376-8.

³⁹ See in particular *Congressional Record*, February 12, 1948, 1294-7.

⁴⁰ *Congressional Record*, June 10, 1948, 7744-5.

1947 resulted in a report that few communists were to be found therein and lessened but did not eliminate that concern.⁴¹

Carroll, Chadwick, Coudert, Devitt, Foote, Jackson, Javits, Jenkins, Keating, Kersten, Multer, and Youngblood spoke for the bill. Burleson, Dorn, and Williams, three Southern Democrats, opposed the bill, in fact any immigration, but with especial venom for the DPs, or some of them. Burleson implicitly disparaged Jews and Catholics as people with “mythical ideas” and “devious rituals.” Dorn declared that most DPs were unfit to be American citizens. Williams said the bill was “a surrender to certain selfish minority pressure groups in this country,” and that the United States did not owe these people anything; rather, they owed us for saving them.⁴²

What ethnic groups to favor among the DPs was the meat of the amendments offered. Karl Stefan (R NE) moved an amendment to add 2,000 Czechs, who fled from the communist takeover, in addition to its 200,000. Kersten spoke for the amendment. It was accepted.

MacKinnon introduced an amendment to add the 100,000 or so members of the Polish Army in exile in Britain into eligibility with those in camps in Germany, Austria, and Italy and still retain the 200,000 limit. This would have impacted the chances of those in other ethnic groups, and the amendment was rejected.

Charles Clason (R MA) offered an amendment on June 10, 1948, that would change the registration in camps in the three countries to those who applied for immigration to the United States before April 29. He said this would give 20,000 Polish soldiers in Britain a chance. MacKinnon spoke supportively, asking why we should allow Polish soldiers in camps in Italy to be eligible and not those in Britain. Frank Fellows (R ME), who was managing the bill, replied that the United States was paying to support the camps in Italy. Lodge then offered a complex substitute that attempted to zero in on Polish soldiers in Britain who met a variety of criteria, but the substitute was judged not germane to Clason’s amendment, which then failed.

Lodge then proposed his substitute as a stand-alone amendment whose net effect would be to favor 18,000 members of the Polish Army in Britain and increase the immigration numbers by that amount. Kennedy thought that British support of them reduced their need to emigrate to the United States. Opposition to the amendment led to a complaint by John Lesinski (D MI) that Polish Jews were taking Polish quotas and Celler, who was Jewish, then spoke in opposition to the amendment. Kersten, MacKinnon, and Seely-Brown spoke for the amendment, but it failed.

Republican Robert Tripp Ross moved an amendment to permit Italian immigration under its unused quota from 1938 to 1948, but it was ruled not germane to the bill.

A particularly explosive amendment was Kersten’s to define Germans who fled the east as DPs and to set an immigration limit of 100,000 under the bill. Javits opposed, simply contending they were not in DP camps, but Jenkins complained it would include Sudeten Germans who were Nazis. Kersten noted that the bill disqualified Nazis for immigration and aggressively charged that the exclusion of Germans was racism. Celler pulled no punches, claiming that some of the “Volkdeutsche outdid the Germans in persecuting the conquered people.” “Most of them ... are guilty of crimes against humanity.” Dorn and Youngblood supported the amendment, but it was rejected.⁴³

⁴¹ “Record of the 80th Congress (second session).”

⁴² *Congressional Record*, June 10, 1948, 7756-7; June 11, 1948, 7876-7.

⁴³ *Congressional Record*, June 11, 1948, 7873.

Javits opposed as a poison pill an amendment from John Vorys (R OH) to allow DP immigration only on certification by the International Refugee Organization that other nations took their fair share. Williams' support confirmed Javits' assessment. The amendment failed.

Finally, and without regard to ethnicity, Jenkins offered an amendment to change from March 15, 1948, to April 1 the cutoff for DP registration in the camps for eligibility for the bill, simply because immigration quotas were set quarterly. His amendment was agreed to.

The bill passed the House 289-91 on June 11, and the conference committee brought in its report on June 18 with S 2242 in lieu of the House bill. Ethnic proportionality was eliminated, and the registration date was moved back to December 22, 1945, eliminating large numbers of DPs from eligibility. On the other hand, Kersten got his wish in part, and German expellees were included. There was also a provision that 40% of the immigrants had to have originated in areas annexed by the Soviet Union.

Chadwick, Jenkins, and Ross spoke in support of the report. Javits complained that it combined the worst features of the Senate and House bills. Nicholson accused Celler of "preaching the doctrine of hate" in his opposition to including the Germans. But Multer echoed Celler's objections to granting "priorities to prospective immigrants who were part and parcel, if not the backbone, of the Hitler regime during its worst days."⁴⁴

The conference report was accepted by voice vote, and a motion to recommit by Celler failed 133-286 by roll call.

Most Republican members of the Class of '46 voted for passage of HR 6396 and against recommitment of S 2242. Only two voted against passage and for recommitment: William McCulloch of Ohio and Sarbacher. Nine voted for passage and for recommitment: Bakewell, Boggs, Devitt, Javits, Keating, Lodge, MacKinnon, Potts, and Reeves. Four opposed passage and then opposed recommitment: Banta, Meyer, Phillips, and Wint Smith. Coudert paired for passage and did not vote on recommitment. Seven did not vote on passage, five against recommitment (Coffin, Harvey, Macy, Mitchell, and St. George) and two for recommitment (McMahon and Twyman).

While two-thirds of the Republican Class voted one way, only 30% of the Democratic Class was the largest single component; eleven voted for passage and for recommitment: Albert, Battle, Karsten, Lucas, Morris, Smathers, and all five northerners. Three voted polar opposite – against passage and against recommitment: Burleson, Dorn, and Redden. Eight voted for passage and against recommitment: Abbitt, Deane, Garmatz, Hardy, Hamilton Jones, Robert Jones, Hugh Meade, and Wilson. Ten voted the other way – against passage and for recommitment: James Davis, Evins, Harrison, Lanham, Passman, Preston, Stanley, Teague, Wheeler, and Williams, all Southerners. Regan and Whittaker voted for passage and did not vote on recommitment. Peden paired against passage and did not vote on recommitment. Lusk did not vote on passage and voted against recommitment. Johnson did not vote on either question.

Members of the Class introduced 23 bills and resolutions concerning immigration in the second session. None were reported by the Judiciary Committee. Four of these bills were to increase the quota for Greece. Six were to increase the quota for Italy and another dealt with Italians. Three addressed the Polish Army in Exile.

The year 1948 was what Walter Goodman, historian of the House Un-American Activities Committee, called its "Vintage Year:"

⁴⁴ *Congressional Record*, June 18, 1948, 8860, 8862.

a year of threat and counterthreat to which the Committee responded with enormous gusto, grasping and sometimes throttling opportunities. ... It held hearings out of which, for the first time in its ten years of existence, a law would actually emerge. ...it did what it could to destroy the reputation of a government official of unimpeachable loyalty. ...it forced a test of the legislature's power to probe the activities of the executive branch. It tended the spy fears of the day, producing a record number of sensational headlines as its contribution to the Republican Presidential campaign. And with its presentation of the Hiss-Chambers drama, it touched a generation of liberals to their very souls.⁴⁵

The star of its drama was not the Committee Chair, J. Parnell Thomas of New Jersey, in his sixth house term, but rather freshman Nixon. By the end of the year Thomas was indicted for payroll fraud, and Nixon was launched on a trajectory to the Senate, the vice-presidency, and the presidency, his own denouement decades away. Thomas, though brutally active, in the words of Goodman, in his pursuit of communists, was dogged somewhat by bleeding ulcers in 1948. Still, Nixon was "smart, energetic, and a very fast learner of what he needed to know. He could be dogged yet agile; he had a nice instinct for when to bet high and when to cut his losses." These "qualities" "would have carried him forward in any event," Goodman concluded, but HUAC presented his golden opportunity.⁴⁶

A subcommittee chaired by Nixon and including Vail brought forth in April a bill (HR 5852) originated by Mundt requiring the registration of organizations seeking to "establish in the United States a totalitarian dictatorship under the domination or control of a foreign government or organization." The attorney general would identify such groups, which could appeal such listing in the courts. Members of such organizations could not be employed by the Federal government or receive passports. Nor could such organizations receive Federal income tax exemptions. The Subversive Activities Control Bill, nicknamed the Mundt-Nixon bill, the California freshman would shepherd through the House with a tight focus.⁴⁷

On the floor, Lucas and Redden spoke in favor of the bill. So did Passman, contending it would outlaw communism in America, an opinion that the sponsors worked hard to avoid. Chadwick complained on the floor that he was "being inundated with communications about this Mundt bill," particularly from the kind of people who "constitute one of the principal reasons such legislation is necessary."⁴⁸ Similarly, Mitchell said he had questions about the bill until he received a telegram protesting the bill from a "pinko" who headed the United Electrical local in Muncie. Registration of communists, he felt, was no more questionable than registration for the draft.⁴⁹ Kersten spoke for the bill, using Taft-Hartley's requirement of affidavits of non-communism from union officials as proving the worth of the registration provisions of the Mundt-Nixon bill. He noted that many decertifications of unions resulted from the lack of affidavits. MacKinnon defended the bill's provisions for appeal and denied that it would necessarily result in disfranchisement or loss of employment. McMahon's contribution to debate was slight, but he had already introduced two bills this session to ban the Communist Party. Seely-Brown offered Nixon an opportunity to rebut specific accusations against the bill.

Three members of the Class supported the bill with reservations requiring amendment. Owens began his comments on the floor with the statement that the bill must be amended. He moved an amendment

⁴⁵ Goodman, 226.

⁴⁶ Goodman, 271, 492, 231.

⁴⁷ Nixon also gave credit to Kersten, Chadwick, MacKinnon, Keating, and Clifford Case (R NJ) for the provisions of the bill. *Congressional Record*, May 19, 1948, 6146. "Record of the 80th Congress (second session)." Goodman, 229.

⁴⁸ *Congressional Record*, May 14, 1948, 5842.

⁴⁹ *Congressional Record*, May 18, 1948, 6034.

to make a number of picky word changes which were readily agreed to. Then he moved an unsuccessful amendment to remove from the definition of a subversive political organization the section that relied on “the extent and nature of its activities, including the expression of views and policies” without connecting those with a foreign state or organization. He also wanted to strike the subversive definition that relied on “the basic principles and tactics of communism as expounded by Marx and Lenin,” contending that this would encourage people to read Marx and Lenin. Kersten opposed this amendment as striking “the most notable characteristic of Communist activity.”⁵⁰

Coudert was “heartily in favor” of the bill but thought any prohibited advocacy should be linked to specific laws. He worried that the lack of such a provision might outlaw advocacy for a world government; his amendment was rejected.⁵¹

Keating was for the bill; after all, Ku Klux Klansmen had to register in some states. But he thought an amendment was needed to remove “believing or having reasonable grounds for knowing or believing” that one belonged to a subversive organization in order to protect the naive and render the bill’s protection of the Nation from the “clear and present danger” of communist subversion wise, though he did not offer it.⁵²

Clifford Case (R NJ) moved to strike a list of activities in the bill that were held to indicate subversion: disruption of trade and commerce, inciting of economic, social, and racial strife, dissemination of propaganda to undermine government and institutions, corrupting government officials. Case felt this list would criminalize innocent actions. Blatnick made a particularly strong argument against these definitions as criminalizing labor unions and associations of minority racial and religious groups. Kersten did not buy the argument, but Nixon on behalf of HUAC accepted the amendment. Chadwick was unhappy with the rescission.

Nixon offered a series of Committee amendments, all accepted, to tie the language more closely to foreign control, to give a 120-day grace period for individuals to leave a proscribed organization, to require subpoenas and public hearings, to replace a substantial evidentiary rule by the preponderance of the evidence (which prompted impassioned support by Kersten), and to declare that the Administrative Procedures Act would not be overridden. Vail, another member of HUAC, got a moment to offer two amendments that addressed Keating’s concern, which were accepted.

Nixon opposed an amendment proposed by Rankin that would require the attorney general to list the names and addresses of members of subversive front organizations. Nixon said the Committee worried that some of those listed might be innocent. The amendment was rejected.

Opponents of the bill offered amendments as well. When Holifield wanted to define the danger addressed by the bill as “potential” rather than “clear and present,” Morris responded that if there was “any danger at all, it is not clear and present.” He branded Mundt-Nixon a “witch-hunt” bill, “a bill of attainder.” Described as “a scrappy little fellow with a voice like a bull moose,” Morris argued that the FBI check on the loyalties of one million Federal employees found less than one-one hundredth of one percent worth investigating, that communists were taking a beating in Italy, Germany, and France, that liberalism was on the march, not communism. Holifield’s amendment was rejected.⁵³

Multer proposed to strike out references to communist-front organizations. The Committee had moved an amendment previously to strike out political organizations as fronts to avoid classifying the

⁵⁰ *Congressional Record*, May 19, 1948, 6119.

⁵¹ *Congressional Record*, May 19, 1948, 6123.

⁵² *Congressional Record*, May 18, 1948, 6034-6.

⁵³ *Congressional Record*, May 18, 1948, 6044. *The Daily Mail*, August 11, 1948.

Henry Wallace movement as subversive. Multer held that, nevertheless, unions aligned with Wallace would fall afoul of the Act as they were not political organizations. MacKinnon opposed the amendment, saying it was claimed there were ten fellow travelers for every communist, and the bill required a member of a front organization to know it was aligned with the communists. Owens opposed the amendment, nothing that people were free to resign from an organization if the attorney general listed it. Nixon defended the reference due to the bill's standards of classification of them. For example, their view must be advanced to support the Communist Party, not that they are similar to it. Multer's amendment was rejected.

Holifield introduced another amendment, this to require the attorney general to report to Congress on his experience with present subversive activities laws, to recommend necessary amendments to those laws, and to submit a draft of such legislation. The objective was to produce an administration law in lieu of Mundt-Nixon. Blatnik spoke in favor of the amendment, claiming there were already 27 statutes on the books addressing subversion. Multer also spoke for it. Owens asked why we should trust the current Attorney General, who did nothing with the existing laws for the last eight years. The amendment failed.⁵⁴

Javits, usually a profligate though thoughtful amender, offered only one attempt at revision of the bill. As was common in his full addresses, he enumerated his opposition to the bill. (1) It effectively outlaws the Communist Party. (2) It condemns individuals without proof of individual guilt. (3) If identified as a member of a condemned organization, the individual is subject to trial for felony and if convicted loses his citizenship. Carroll strongly supported Javits' presentation. Javits' amendment addressed the last issue, by moving to eliminate the penalty of loss of nationality. MacKinnon disagreed that would be a necessary penalty, as it varied by state. The discussion seemed to identify loss of citizenship with disenfranchisement. The amendment was rejected.

Samuel Hobbs (D AL) offered an amendment to allow judicial review of the attorney general's finding of a subversive organization. He contended that the judicial review defined by the bill allowed only a consideration of whether a person was required to register, an argument Multer had earlier made. MacKinnon contended that a person charged with violating the act could have a jury trial. Nixon spoke in opposition, and the amendment was rejected.

Ultimately, what public positions on the bill came down to was whether there was a danger that needed to be addressed, whether existing laws were adequate, whether subversion was correctly defined, whether the bill's registration provision was effective in preventing subversion, and whether the cure was worse than the disease.

Danger: Owens contended that the world communist movement sought to establish a totalitarian dictatorship in the United States. Morris has already been heard from. He also argued, as did Carroll, that what America needed was not registration of communists but social programs. As Owens said, "It appears to me that those who have been opposing the measure, when they are asked the question, 'Are you for the bill?' have said: 'Well, we want public housing; we want social medicine; we want price control,' and so forth. If they get all those things we will have communism right here in America and our present efforts will be useless."⁵⁵

Laws: Multer and Javits made the argument that there were already laws. Isacson noted that the Smith Act outlaws the overthrow of the government by force. The McCormack Act requires registration of foreign agents. The Voorhis Act requires registration of organizations which are foreign agents.

⁵⁴ Tom Clark had been attorney general only since 1945.

⁵⁵ *Congressional Record*, May 19, 1948, 6115-6.

Definition: Nixon said, "By passing this bill the Congress of the United States will go on record as to just what is subversive about communism in the United States; not that the economic and social theories of communism are in themselves subversive ... but that the Communist movement in the United States is under the control of a foreign Communist dictatorship which seeks to destroy our Government by any means possible."⁵⁶

Registration: Blatnik and Carroll argued that the bill would drive communists underground rather than expose them. Carroll said communists should be met in public debate. Isacson and Javits contended the bill effectively would outlaw the Communist Party and thus its members. Nixon contended the Act will "spotlight the Communists and drive them into the open," that the Communist Party is "already underground."⁵⁷

Cure: Isacson declared, "This is legislation, not against communism but rather against ... the prospect of full and free democracy in America." It "seeks to identify loyalty to our Government with a passive acquiescence in the status quo and to stamp as subversive any criticism of administrative policies." Under the bill an organization which supports partition of Palestine is expressing "views and policies" [his quotes] the same as those of a foreign government. It prohibits the study of Marx and Lenin. A union striking or a tenants' council in a rent protest are identified as Communist-front because their views are those of a Communist organization. "If our democracy is to flourish it must have criticism."⁵⁸ Or, in Javits' words: "it is made unlawful to advocate any such as according to the findings of fact this Communist political organization is said to advocate."⁵⁹ Kersten contended it would only ban labor unions or other organizations that advocated a totalitarian dictatorship under foreign control. Nixon said that the bill strikes at the actions of communists and not at communism as an idea, that the only purpose of the bill was to prevent establishment in the United State of a dictatorship.

There was another issue, as Nixon stated:

All of the Members of the House will realize that there was considerable pressure upon the committee to bring to the floor of the House an unreasonable measure, a measure which would go so far as to without doubt infringe upon the rights of others than those against whom it should be directed, and that such a measure could have passed this House without any question due to the fact this happens to be an election year and that communism happens to be an issue. ... I believe ... that no member of this House, who honestly wants to do something about the Communist menace in the US, can with conscience vote against this bill.⁶⁰

Truman, prior to the House vote, refused comment on the bill but declared himself against any legislation which would outlaw a political party. The President was facing a left-wing Democratic revolt in the person of Wallace, whose supporters he accused of being Communists.⁶¹ While he saw little secular reason for chasing after fellow travelers in particular, there was a political rationale. And there was a political rationale for Democrats to support the bill, which passed the House 319-58 with three pairs on May 19. Fifty-one of the opponents were Democrats, including one Southerner, John Folger of North Carolina who paired. From the Class were Carroll, Donohue, Blatnik, Karsten, Morris, and Multer. Two were the American Labor members, including Isacson. Eight were Republicans, including Foote and Javits.⁶²

⁵⁶ *Congressional Record*, May 14, 1948, 5888-9.

⁵⁷ *Congressional Record*, May 18, 1948, 6025-6.

⁵⁸ *Congressional Record*, May 14, 1948, 5876-8.

⁵⁹ *Congressional Record*, May 19, 1948, 6122.

⁶⁰ *Congressional Record*, May 19, 1948, 6146.

⁶¹ Donovan (1977), 360.

⁶² Not voting were Allen, Bramblett, Whitaker, Morton, Passman, Kennedy, Macy, Hamilton Jones, Redden, Johnson, Scoblick, Jenkins, and Dorn.

Foote, incidentally had a plan to settle the Cold War. He issued a press release saying he had invited Joseph Stalin to come to DC and meet with Pres. Truman with Speaker Joseph Martin as the mediator. Martin at first accepted the offer, but then neither he nor the press were not sure that Foote was not pulling their legs.⁶³

Mundt-Nixon did not make it to the Senate floor.

While the debate in the House brought Nixon to the fore, with even opponents of the bill admitting “that Nixon handled the debate with tact, courtesy, and fairness,” according to biographer Conrad Black, it was not the usually tedious consideration of Mundt-Nixon that brought the California freshman to the frontal lobe of the public consciousness. Rather, it was the much more visual drama of Alger Hiss.⁶⁴

The name of Hiss first appeared before HUAC on August 3, 1948, when Whittaker Chambers, a senior editor for *Time* magazine and a repentant former communist, testified that Alger and his brother Donald were two of eight Federal officials who were active communists in the 1930s. Alger Hiss had had a distinguished career in the State Department and in 1948 was president of the Carnegie Endowment for International Peace. Hiss denied knowing Chambers and the characterization of himself and was given his day before HUAC on August 5. The Committee among themselves were inclined to believe Hiss’s denials and forget about him, but Nixon said his testimony was equivocal with respect to Hiss’s acquaintanceship with Chambers.⁶⁵ A subcommittee under Nixon quizzed Chambers privately and received personal information about Hiss that they felt indicated that the two were acquainted, even if Hiss had not been the communist Chambers portrayed him to be. Nixon followed up with three visits to Chambers’ home. Hiss was recalled by the subcommittee and in private confirmed some of Chambers’ information. On August 17 the subcommittee faced off the two men, and Hiss admitted to knowing Chambers but under a different name.⁶⁶

Throughout, Nixon briefed the press on his work, and television and reporters were in attendance for the August 25 public hearing of HUAC with both men as witnesses. Chambers’ three-hour testimony of direct answers contrasted with Hiss’ six hours of qualifications. After Chambers repeated his characterizations of Hiss on *Meet the Press*, Hiss sued him for libel, creating further publicity. As defense in the suit, Chambers produced State Department documents from the 1930’s and memos in Hiss’ handwriting. Nixon signed a subpoena for the documents and any others in his possession. Chambers then produced microfilm he said he had hidden in a pumpkin on his farm. Nixon did a well-publicized flight via a Coast Guard seaplane from a ship bound on a junket for the Panama Canal to examine the microfilm. The Justice Department then fought with Congress to place the documents before a grand jury, with Nixon finally agreeing to share the material. The grand jury indicted Hiss for perjury on December 15.⁶⁷

⁶³ *Valley Morning Star*, April 28, 1948.

⁶⁴ Conrad Black, 104.

⁶⁵ Conrad Black contends that Nixon already knew about Hiss’ communist past through his connections with Catholic priest John Cronin, who was a back channel to the FBI; that Kersten had introduced Nixon to Cronin; that the FBI knew about Hiss because Chambers had been shopping his story since he left the Party in 1938. Conrad Black, 95, 109. Also see Nixon, *Memoirs*, 58, on informal contacts with the FBI.

⁶⁶ Conrad Black, 115. Nixon, *Memoirs*, 55. Nixon interview.

⁶⁷ Goodman, 248-66. For a colorful description of the August 25 hearing, see Goulden, 329-30. Nixon, 68. House Doorman Fishbait Miller later wrote that Nixon told him before he took ship that they would send for him. Miller as told to Leighton, 45-7.

Nixon brought down a prominent New Dealer, revealed him to be less than truthful about a possibly past communist affiliation. The publicity was great. But despite the documents there was no charge of espionage, the statute of limitations having expired. In the context of the times, having been a communist may have been bad enough, but despite the denouement before the November election, the final reveal was later. Nixon's star was ascending, but the Administration's was apparently not.

The second session of the 80th Congress adjourned on June 20, 1948, at 6:56 a.m. after an all-night session, but not *sine die*. The Congress was to meet again on December 31 or at some other time as the presiding officers may call. But it was Harry Truman who called the 80th Congress back in another special session on July 26.

The calling of a special session surprised no one, nor did Republican vilification of the move as purely political. The fact that Truman announced the call in his acceptance speech for the presidential nomination at the Democratic National Convention emphasized that the act was political rather than programmatic. Truman, least of all, expected Congress to enact his demand to address inflation, housing, education, and equal rights.⁶⁸

While the campaign of Republican presidential nominee Gov. Thomas Dewey of New York publicly urged Congress to consider the President's proposals for the special session, Sen. Taft declared privately, "We're not going to give that fellow anything." Southern Democrats were no more amenable. Two days after Truman's call, breakaway "Dixiecrats" nominated South Carolina Gov. Strom Thurmond for president on a States' Rights ticket, bringing an endorsement on the floor of the House from Williams. Truman did not back down on equal rights. As Congress convened on July 26, he issued two executive orders requiring nondiscrimination by race in the armed forces and the civil service.⁶⁹

The accomplishments of the special session in controlling inflation and advancing housing were limited. The inflation resolution (SJRes 167) resulted in a law authorizing installment selling controls, which the Senate passed in the first session, now amended to require increased reserves in Federal Reserve member banks. HR 6959, Wolcott's housing bill, was reinvigorated by the Senate renewing FHA mortgage guarantees and encouraging private construction of cheaper housing, which the House accepted.

The special session adjourned on August 7. Five days later a reporter asked Truman, "Would you say it was a do-nothing session, Mr. President?" A campaign slogan was born.⁷⁰

The 109 members of the Class of '46 made their mark on the national legislative process. For 37 of them, it would be their only mark as voting members of the Congress. But what was that mark?

On that most basic function of a legislator, the enactment of a bill or resolution with their name on it, 52 were successful, and 39 of them sponsored public laws. In addition, two other members sponsored victorious House resolutions. The most successful member at public laws was, somewhat surprisingly, Republican Mitchell, who had three to his name. He was not shy about introductions, having put 17 public bills in the hopper, but that number just tied him in eighth place. Republican Ross sponsored 27 and had one enactment to show for it. Mitchell's success was not due to his legislative experience – he had none

⁶⁸ McCullough, 643-4.

⁶⁹ Donovan (1977), 411.

⁷⁰ Donovan (1977), 415. McCullough, 1038n.

before the House. He tended to over-excitement on discussing issues, sputtering loudly and aggressively, but maybe that paid off.⁷¹ One of his laws was a veterans bill and Mitchell served on Veterans' Affairs, but the other two were Judiciary and Ways and Means bills. The Judiciary bill (HR 2000) was a private bill by House standards, but here considered a public bill because it served a public entity, a flood control district. The Ways and Means bill (HR 5065) was actually a veterans bill in that it exempted hospitalized servicemen and veterans from the admissions tax. The Veterans' Affairs bill (HR 3546) allowed retired military to represent veterans organization before the Veterans' Administration.

One presumes the exemption of hospitalized individuals from an admissions tax would have minimal impact. How many hospitalized people are able to attend paid entertainments?⁷² Clearly, a number of the 53 public laws enacted by the Class may fall short of substantial importance. Keating's lapel button comes to mind. But these are significant to some. If none of the 53 public laws, 45 private laws, and 8 enacted resolutions sponsored by members of the Class were as significant as the income tax cut, the Marshall Act, or the failed Mundt-Nixon law, each was important to some affected party.

Members contributed to legislation they did not sponsor. Laws bearing the names of other sponsors incorporated the substance of bills introduced by members. Members contributed to content in committee and on the floor. Thirty of the Class successfully amended bills on the floor, though the matter of the amendments may not have been included in an enacted bill.

Which of the Class were apparently legislatively inactive? Democrat Whitaker and Republicans Paul Dague and Franklin Lichtenwalter of Pennsylvania, Jenison, Lewis, and McCulloch introduced no bills or resolutions and moved no amendments on the floor. Nor were they recorded as engaging in substantive discussion on the floor. But those other than Dague and Jenison had not served full terms in the 80th House.

Against these were the apparently super-active. Seventeen introduced at least 20 bills and joint resolutions, four introduced at least 30, and Keating sponsored 41. The other three were Republicans Bradley, Homer Jones, and Ross. Republicans Keating and Javits of New York moved eleven amendments each on the floor. Republicans Keating, Bradley, Javits, Kersten, and Owens were highly active in floor debate. If this listing seems skewed to Republicans, it was a Republican Congress, and there were more of them in the Class. The inactive list above is also five to one Republican.

A basic gauge of legislative activity is participation in roll call votes. Such votes were far fewer before the Legislative Reorganization Act of 1970. A roll call was a matter of clerks reading the names of 435 members and hand tallying their responses. The exercise was lengthy, and members who did not respond on the initial reading would be called again. Most legislative activity occurred in the Committee of the Whole, and roll calls were not allowed; voting there was by voice, by division, or by teller, none of which recorded the votes of individual members. There were 163 roll call votes in the 80th House.

None of the members of the Class of '46 were recorded as voting all 163 times. Some, however, may have achieved a sort of perfection by pairing on their missed votes. Of the 109 members, 59 voted on at least 90% of eligible roll calls in both sessions of the Congress. Another 15 voted on at least 90% in one session. The worst participation rates in the second session were as follows, those not eligible for all votes are starred:⁷³

⁷¹ *The Indianapolis Star*, December 24, 1947. *The Vidette-Messenger*, February 21, 1948.

⁷² Lent.

⁷³ Participation rates are from *CQ Almanac 1948*, except for Owens' 2nd session percentage, which the author calculated.

- Whitaker 50%*
- Scoblick 57%
- Abbitt 59%*
- Johnson 60%
- Owens 60%*
- Jenkins 63%
- Macy 66%
- Coudert 67%
- Regan 67%
- Howes Meade 69%
- Lusk 70%
- Lewis 71%*
- Mitchell 72%
- Kennedy 75%
- Dorn 77%
- Jackson 78%
- Lichtenwalter 78%
- McGarvey 78%
- Scott 78%
- Multer 79%

Not all roll calls are equally important; nevertheless, it is clear that some members were less than dedicated to this basic function of representation.

Some joined the House as a result of special elections part way through the second session. This applies to Abbitt (sworn February 26), Isacson (March 1), Whitaker (April 26), and Lewis (May 3). Congressional Quarterly did not report a participation rate for Isacson. His joining the House caused some members concern. Kersten opined that Isacson, being a communist, would commit perjury if he took an oath to support the Constitution and threatened opposition, which Speaker Martin dismissed.⁷⁴

Owens died before the end of the 2nd session. Jenkins and Lewis would be the only members to withdraw totally from Congress after the 80th. Johnson and Dorn were busy running for the Senate during the second session, but everyone else was also running for election.

⁷⁴ *Brooklyn Eagle*, February 20 & 22, 1948.